

Thomas Sommerer, Hans Agné,
Fariborz Zelli, and Bart Bes

GLOBAL LEGITIMACY CRISES

DECLINE AND REVIVAL IN
MULTILATERAL GOVERNANCE



OXFORD

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*Decline and Revival in Multilateral
Governance*

THOMAS SOMMERER

HANS AGNÉ

FARIBORZ ZELLI

BART BES

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Book Series Preface

Legitimacy appears crucial if global governance is to deliver on the many challenges confronting contemporary society: climate change, economic development, health pandemics, and more. Yet current trends suggest that the legitimacy of global governance may be increasingly contested. Britain's decision to leave the European Union, disillusion with United Nations climate negotiations, pushback against the World Health Organization's handling of COVID-19, and the general rise of anti-globalist populism all signal substantial discontent with global governance institutions. An important research agenda therefore arises concerning legitimacy, legitimation, and contestation in global governance.

This book series seeks to advance that agenda. The three volumes explore to what degree, why, how, and with what consequences global governance institutions are regarded as legitimate. The books address this question through three complementary themes: (1) sources of legitimacy for global governance institutions; (2) processes of legitimation and delegitimation around global governance institutions; and (3) consequences of legitimacy for the operations of global governance institutions.

The series presents the combined theoretical, methodological, empirical, and policy takeaways of the Legitimacy in Global Governance (LegGov) program. LegGov is a six-year endeavor (2016–21) involving 16 researchers at Stockholm, Lund, and Gothenburg Universities. The program is funded by Riksbankens Jubileumsfond and is coordinated by Jonas Tallberg at Stockholm University. LegGov has previously published the volume *Legitimacy in Global Governance: Sources, Processes, and Consequences* with Oxford University Press in 2018. Whereas that work set out LegGov's agenda and strategy, this series presents the program's extensive findings in three integrated books.

The first book, *Citizens, Elites, and the Legitimacy of Global Governance*, is co-authored by Lisa Dellmuth, Jan Aart Scholte, Jonas Tallberg, and Soetkin Verhaegen. This volume addresses patterns and sources of legitimacy in global governance: how far, and why, do citizens and elites around the world regard global governance to be legitimate? The book offers the first full comparative study of citizen and elite legitimacy beliefs toward global governance, covering multiple international organizations, countries, and sectors of society. The analysis builds on two parallel surveys of citizen and elite opinion, which enables a unique comparison between levels and drivers of legitimacy beliefs in the two groups. The book identifies a consistent gap between elite and citizen assessments

of global governance, and attributes this divide to systematic differences between elites and citizens in terms of socioeconomic status, political values, identity, and institutional trust.

The second book, *Legitimation and Delegitimation in Global Governance: Practices, Justifications, and Audiences*, is co-edited by Magdalena Bexell, Kristina Jönsson, and Anders Uhlin, with additional chapter contributions from Karin Bäckstrand, Farsan Ghassim, Catia Gregoratti, Nora Stappert, Fredrik Söderbaum, and Soetkin Verhaegen. This book addresses processes of legitimation and delegitimation in global governance: through what dynamics do global governance institutions obtain or lose legitimacy? The volume offers a uniquely comprehensive analysis of such processes through its coverage of three features: the practices that actors use to boost or challenge the legitimacy of global governance institutions; the normative justifications they draw on when engaging in such practices; and the audiences that are influenced by and react to these practices and justifications.

The third book, *Global Legitimacy Crises: Decline and Revival in Multilateral Governance*, is co-authored by Thomas Sommerer, Hans Agné, Fariborz Zelli, and Bart Bes. This volume addresses the consequences of legitimacy in global governance, in particular asking: when and how do legitimacy crises affect the operation of international organizations? The book offers a novel theoretical framework and a comparative focus on legitimacy's effects for a large number of international organizations. Specifically, the analysis combines a statistical examination of more than 30 international organizations with in-depth case studies of the United Nations Framework Convention on Climate Change and the World Trade Organization. The book demonstrates that legitimacy crises develop in trajectories that are unique for each international organization, and that such crises can yield positive as well as negative effects.

Taken together, the volumes make three major contributions. First, the series offers the most comprehensive treatment so far of legitimacy in global governance, covering sources, processes, and consequences in one collective endeavor. Second, the collection is theoretically innovative, further developing a sociological approach to legitimacy through new conceptualizations and explanations. Third, the books pursue an ambitious comparative approach, examining legitimacy in global governance across countries, organizations, issue areas, and the elite–citizen divide. In addition to their own rich content, the three books are accompanied by supplementary data and analyses, available online at <https://dataverse.harvard.edu/dataverse/leggov>.

As detailed in acknowledgments in each of the three volumes, the LegGov program has benefited tremendously from stimulating internal discussions among the participants, as well as generous input from a large group of external colleagues. We thank you all. For indispensable assistance with the program and the book series, we are indebted to Karin Sundström at Stockholm University.

We are also most grateful to senior editor Dominic Byatt and the publishing team at Oxford University Press for their continuous support and professional handling of the book series. Three anonymous reviewers for Oxford University Press challenged us to further clarify theoretical standpoints, coherence in designs, and the volumes' contributions to debates on legitimacy in global governance.

Finally, we extend great gratitude to Riksbankens Jubileumsfond for the generous funding that made LegGov and this book series possible.

Jonas Tallberg, Karin Bäckstrand, and Jan Aart Scholte
Book Series Editors

Preface and Acknowledgments

The journey of this book started in January 2016 on the snowy island of Lidingö nearby Stockholm, at the kick-off workshop for the “Legitimacy in Global Governance” (LegGov) research program. At that point, we did not know exactly what direction this project would take, but we were convinced that we had found a worthwhile theme of study for the next six years: the prominent and widely used yet rather vague and poorly tested claim that legitimacy matters even at the international level where a supreme authority or a consistent system of political institutions is missing.

In the following months, we began to discuss theoretical ideas and empirical strategies. Early on, the concept of “legitimacy crisis” became a focal point of our thinking about legitimacy and its consequences, as we hoped to get a clearer indication of causal effects at these extreme points. We recalled images of the Battle of Seattle, mass mobilization of protestors at the Climate summit in Copenhagen, and cases like the failed referendum for a European constitution.

Soon, however, we realized that we did not have to dig deep in such historical memories to see what legitimacy crises at the international level look like. We only had to follow the latest headlines. On a sunny morning in June 2016, we woke up to the victory of the Leave campaign in the United Kingdom. Later that year, we witnessed Donald Trump with his anti-globalist agenda winning the US presidential election. What followed was, according to some observers, a step towards the end of liberal multilateralism as we had known it for almost three decades.

As we will show in this book, these events helped us to gear our research and to eventually understand global legitimacy crisis as a diverse and more complex phenomenon than expected. With the growing scholarly interest in this development came greater focus on the consequences of such crises, mainly the negative scenario of the death and dismantling of international organizations.

In this book, we do not provide a simple answer to the question of the consequences of the ongoing challenges of multilateralism; it is too early for such an assessment. However, we provide the historical context of more than three decades of legitimacy crises in global governance—and this context allows us to make one broader contribution to the ongoing debates, based on both our theory and empirical analyses. With any kind of crisis, from politics to our personal lives, negative consequences are a plausible outcome: war, environmental degradation, social unrest, divorce, and unemployment. But they are not the only possible outcome.

As we will show in this book, it has happened more often than not that a multilateral institution became stronger in the wake of a legitimacy crisis.

On that journey, we have collected many debts from scholars, institutions, and informants. We are grateful to fantastic colleagues from the LegGov research group in Lund, Gothenburg, and Stockholm. Our thanks go to the program coordinator, Jonas Tallberg, and his colleagues in the steering committee, Karin Bäckstrand and Jan Aart Scholte, for their challenges, encouragement, and support to our work. We are further indebted to the entire LegGov team for comments and advice at our regular program workshops: Magdalena Bexell, Lisa Dellmuth, Farsan Ghassim, Catia Gregoratti, Kristina Jönsson, Fred Söderbaum, Nora Stappert, Anders Uhlin, and Soetkin Verhaegen.

We would also like to extend thanks to participants and commentators at several workshops and conferences at which we presented parts of our work, to name a few, the panel on “The Legitimacy of International Organizations: Sources and Consequences” at the APSA 2017, the panel on “The Quest for Legitimacy in Global Governance” at the ISA 2018, the ECPR Joint Session of Workshops on “Legitimacy in Global Governance” in 2019, and the 2020 Barcelona Workshop on Global Governance (BCNWGG). Likewise, our gratitude goes to our interview partners who provided us with important insights that we would have not gathered otherwise. We are lucky and grateful to count among our interviewees leading scholars, senior officials of international organizations, former ministers, and conference chairpersons. We anonymized these sources in this book. You know who you are.

We are deeply grateful to our dedicated research assistants that have provided invaluable support over the years, from the early stages of data collection and coding to the final stages of this manuscript: Emily Elderfield, Cornelia Fast, Teresa Fehrenbach, Lovisa Hellsten, Sooahn Kim Meier, Larisa Saveljeva, Karin Sundström, and Amaranta Thompson. Finally, we want to express our gratitude for the generous funding of Riksbanken Jubileumsfond.

Aarhus, Catania, Lund, and Potsdam
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Contents

| | |
|---|------|
| <i>List of Figures</i> | xii |
| <i>List of Tables</i> | xiii |
| <i>List of Abbreviations</i> | xiv |
| 1. Introduction: Global Legitimacy Crises Revisited | 1 |
| I. LEGITIMACY CRISES IN MULTILATERAL GOVERNANCE | |
| 2. Conceptualizing Legitimacy Crises in Multilateral Governance | 25 |
| 3. Patterns of Legitimacy Crises in 32 International Organizations | 45 |
| 4. The Legitimacy Crises of the WTO and the UNFCCC | 79 |
| II. THE CONSEQUENCES OF LEGITIMACY CRISES IN MULTILATERAL GOVERNANCE | |
| 5. Explaining the Consequences of Legitimacy Crises in Multilateral Governance: A Theoretical Framework | 105 |
| 6. The Consequences of IO Legitimacy Crises: A Multivariate Approach | 128 |
| 7. The Consequences of Legitimacy Crises in Global Governance: A Qualitative Assessment | 155 |
| 8. Conclusion: The Scope and Effects of Global Legitimacy Crises | 180 |
| Appendix | 191 |
| <i>References</i> | 193 |
| <i>Index</i> | 217 |

List of Figures

| | |
|---|-----|
| 1.1. IO resources over time, four examples | 9 |
| 3.1. Measurement of legitimacy crises, inclusiveness of audience type (EU in 2004) | 56 |
| 3.2. Legitimacy challenges against 32 IOs, 1985–2020 | 59 |
| 3.3. Legitimacy challenges by IO, 1985–2020 | 61 |
| 3.4. IO legitimacy challenges and mass protest | 65 |
| 3.5. IO legitimacy challenges by state actors, nonstate actors, and IO representatives | 67 |
| 3.6. State and non-state audiences of legitimacy challenges, by IO | 68 |
| 3.7. Legitimacy challenges over time, constituent and nonconstituent audiences | 69 |
| 3.8. Legitimacy challenges across IOs, constituent and nonconstituent audiences | 70 |
| 3.9. IO legitimacy crises | 72 |
| 3.10. IO legitimacy crises, audience dominated by state actors vs. nonstate actors | 73 |
| 3.11. IO legitimacy crises, audience dominated by constituent vs. nonconstituent actors | 74 |
| 3.12. IO legitimacy crises, audience dominated by constituent state actors | 75 |
| 3.13. IO legitimacy crises, heterogenous audiences | 76 |
| 5.1. Theoretical framework | 107 |
| 6.1. Quantitative research design | 130 |
| 6.2. IO material capacity, four examples | 134 |
| 6.3. IO material capacity and legitimacy crises | 136 |
| 6.4. IO institutional capacity (pooling, delegation, and policy scope), four examples | 141 |
| 6.5. IO institutional capacity and legitimacy crises | 143 |
| 6.6. IO decision-making capacity, four examples | 147 |
| 6.7. IO decision-making capacity and legitimacy crises | 148 |
| 7.1. WTO budget and staff | 158 |
| 7.2. Development of Regional Trade Agreements (RTAs) | 160 |
| 7.3. UNFCCC budget and staff | 162 |

List of Tables

| | |
|--|-----|
| 3.1. Sample of 32 IOs | 49 |
| 3.2. Examples of legitimacy challenges by type of legitimacy audiences, illustrated for the European Union | 53 |
| 3.3. Measure of legitimacy crisis years, example of OAU/AU | 58 |
| 3.4. Audiences of IO legitimacy challenges, elite critique, and mass protests | 65 |
| 3.5. Audiences of IO legitimacy challenges, state, and nonstate actors | 66 |
| 3.6. Legitimacy challenges by constituent and nonconstituent audiences | 69 |
| 6.1. Summary of results: Effects of IO legitimacy crises on change in material capacity | 138 |
| 6.2. Summary of results: Effects of IO legitimacy crises on change in institutional capacity | 145 |
| 6.3. Summary of results: Effects of IO legitimacy crises on change in decision-making capacity | 150 |

List of Abbreviations

| | |
|---------|--|
| ADB | Asian Development Bank |
| AFP | Agence France Presse |
| AIIB | Asian Infrastructure Investment Bank |
| AMU | Arab Maghreb Union |
| AOSIS | Association of Small Island States |
| AP | The Associated Press |
| APP | Asia-Pacific Partnership on Clean Development and Climate |
| APEC | Asia-Pacific Economic Cooperation |
| ASEAN | Association of Southeast Asian Nations |
| AU | African Union |
| CAN | Andean Community |
| CARICOM | Caribbean Community |
| CBFA | Committee on Budget, Finance and Administration |
| CHF | Swiss franc |
| CoE | Council of Europe |
| CETA | Comprehensive Economic and Trade Agreement |
| CIA | Central Intelligence Agency |
| CJA | Climate Justice Action |
| CJN | Climate Justice Now! |
| COP | Conference of the Parties |
| COW-IGO | Correlates of War Intergovernmental Organizations database |
| CSLF | Carbon Sequestration Leadership Forum |
| DAN | Direct Action Network |
| DPA | Deutsche Presse-Agentur |
| DSB | Dispute Settlement Body |
| EIF | European Investment Fund |
| ENB | Earth News Bulletin |
| EU | European Union |
| FAO | Food and Agriculture Organization |
| FSC | Forum for Security Co-operation |
| FTA | Free Trade Agreement |
| G7 | Group of 7 |
| G8 | Group of 8 |
| G10 | Group of 10 |
| G20 | Group of 20 |
| G77 | Group of 77 |
| GATS | General Agreement on Trade in Services |
| GATT | General Agreement on Tariffs and Trade |

| | |
|----------|--|
| GMI | Global Methane Initiative |
| GPA | Agreement on Government Procurement |
| ICC | International Criminal Court |
| IFES | International Foundation for Electoral Systems |
| IGO | Intergovernmental Organization |
| ILO | International Labour Organization |
| IMF | International Monetary Fund |
| INC | Intergovernmental Negotiating Committee |
| INDCs | Intended Nationally Determined Contributions |
| IO | international organization |
| IP | intellectual property |
| IPCC | Intergovernmental Panel on Climate Change |
| IPHE | International Partnership for Hydrogen and Fuel Cells in the Economy |
| IPR | intellectual property rights |
| IR | international relations |
| ISDS | Investor State Dispute Settlement |
| ITA | Information Technology Agreement |
| IWC | International Whaling Commission |
| LDC | Least Developed Country |
| MC | Ministerial Conference |
| MERCOSUR | Southern Common Market |
| MIA | Measure of International Authority |
| MIO | Million |
| NAFO | Northwest Atlantic Fishery Organization |
| NAFTA | North American Free Trade Agreement |
| NATO | North Atlantic Treaty Organization |
| NAZCA | Non-State Actor Zone for Climate Action |
| NC | Nordic Council |
| NDCs | Nationally Determined Contributions |
| NGO | nongovernmental organization |
| OAS | Organization of American States |
| OAU | Organization of African Unity |
| OECD | Organisation for Economic Co-operation and Development |
| OIC | Organization of Islamic Cooperation |
| OSCE | Organization for Security Cooperation Europe |
| PC | Permanent Council |
| PIF | Pacific Islands Forum |
| PTA | Preferential Trade Agreement |
| RTA | Regional Trade Agreement |
| SADC | South African Development Community |
| SBI | Subsidiary Body for Implementation |
| SCO | Shanghai Cooperation Organization |
| TASS | Russian News Agency, formerly Telegraph Agency of the Soviet Union |
| TFA | Trade Facilitation Agreement |
| TNA | transnational actors |

xvi LIST OF ABBREVIATIONS

| | |
|--------|--|
| TPP | Trans-Pacific Partnership |
| TRIMs | Agreement on Trade-Related Investment Measures |
| TRIPS | Trade-Related Aspects of Intellectual Property Rights |
| TPRB | Trade Policy Review Body |
| TTIP | Transatlantic Trade and Investment Partnership |
| UN | United Nations |
| UNESCO | United Nations Education, Scientific and Cultural Organization |
| UNFCCC | United Nations Framework Convention on Climate Change |
| UK | United Kingdom |
| US | United States |
| USD | US Dollar |
| WHO | World Health Organization |
| WIPO | World Intellectual Property Organization |
| WTO | World Trade Organization |
| WVS | World Values Survey |

1

Introduction

Global Legitimacy Crises Revisited

Legitimacy is a common theme in political and social research. It is conventionally seen to play a fundamental role in any political system. Discussions of what it does to social and political life have occupied deep minds in sociology, philosophy, and political science.¹ Yet the most commonly stated reason to care about legitimacy in political analysis comes down to a belief about its effects. Legitimacy as the right to rule, perceived by a relevant audience, is thought to affect the capacity to rule, and it enables political institutions to effectively address real world problems, at the domestic as well as the international level (e.g., [Ruggie, 1982](#); [Franck, 1990](#); [Beetham, 1991](#); [Buchanan and Keohane, 2006](#); [Hurd, 2007](#); [Dellmuth and Tallberg, 2015](#); [Lenz and Viola, 2017](#)). The same idea applies even more naturally to explain the opposite, less fortunate situation, namely, that an institution is attempting to rule without having any publicly discernible right to do so. Such a crisis in the legitimacy of an institution is key to explaining, in the words of a landmark contribution in the field: “the erosion of power relations, and those dramatic breaches of social and political order that occur as riots, revolts, and revolutions.” For as the same author explains a moment later: “it is only when legitimacy is absent that we can fully appreciate its significance when it is present, and where it is so often taken for granted” ([Beetham, 1991](#), p. 6).

With the prominence of this claim in mind and all thinking subsumed by it, we could embark on a large-scale empirical research project on legitimacy in multilateral governance only with a significant amount of humility. Our rationale was simply to cover an empirical field that had been neglected in previous research. Since the end of the Cold War, international organizations (IOs) have been increasingly empowered to overcome the limits of nation-states when it comes to solving transboundary problems such as climate change, monitoring and sanctioning human rights violations, fostering development in the Global South, and promoting democracy. This empowerment has been matched by a growing

¹ Notable contributors include, in sociology: [Weber, \[1922\] 1978](#); [Habermas, \[1992\] 1996](#); [Johnson et al., 2006](#), in philosophy: [Arendt, 1958](#); [Rawls, 1971](#); [Williams, 2005](#), in political science: [Lipset, 1959](#); [Beetham, 1991](#); [Levi, 1997](#), in international relations: [Claude, 1966](#); [Barnett and Finnemore, 2004](#); [Hurd, 2008](#).

interest in legitimacy among scholars of multilateral governance in recent years. While advancing the understanding of the sources and dynamics of legitimacy at the international level, this scholarship, however, has not provided any sufficiently large-scale empirical study to effectively test the effects of legitimacy.

Aiming to analyze the effects of legitimacy empirically, we decided to look specifically at the crises that disrupt daily life and news cycles. The location of legitimacy crises at the lower end of an imagined variable that ranges from little to much legitimacy should allow our analyses to detect whatever causal powers really exist. From the outset, our ambition was also to study legitimacy crises for multiple institutions and time frames, to avoid conclusions based on the potentially unrepresentative study of a few well-researched and spectacular cases and periods. For the same reasons, we also aim to assess more than just a single and isolated aspect of the consequences of those crises.

At the initial stages of our research, however, we soon noted that our preliminary observations were not in line with the broadly accepted argument that we had found in previous research. We started to look at IOs such as the Association of Southeast Asian Nations (ASEAN), the International Criminal Court (ICC), and the World Trade Organization (WTO), for which there is general consensus that they have undergone a legitimacy crisis in the past, understood here in the sociological meaning as a rule without right, as perceived by political agents engaged in protests and public criticisms. When we turned to trends in, for example, the resourcing and formal powers of these organizations, we were confronted by the absences of a clearly discernible pattern. These IOs did not generally see their capacity to rule diminish, and in some cases, crises of legitimacy even appeared to strengthen them.

Our research problem then was to understand: why did the capacity to rule not diminish, while sometimes it even increased, in the course of or right after a legitimacy crisis—despite all thinking and research suggesting that a legitimacy crisis should significantly weaken the capacity to rule? The broad field that we had covered in our empirical analyses that led up to that question gave us few other options than to start by rethinking what a legitimacy crisis really is and does to international political life, and then also to engage in further data collection to double-check the anomalies and to test the usefulness of the new ideas that would have to emerge.

One possible explanation for the mismatch between expectations and observations, we thought, might have been our initial limited understanding of legitimacy crises. Within only a few years' time, the dominant narrative in international politics had changed. Many observers no longer associated legitimacy crises of IOs with hordes of grass-roots activists raising their voices in the streets while world leaders were negotiating behind closed doors. Instead, legitimacy crises were increasingly associated with nationalist or populist leaders attacking and

discrediting multilateral institutions in Europe, North America, and the rest of the world.

Thus, a first set of research questions had to be conceptual and descriptive: What did it mean for a multilateral organization to face a crisis of legitimacy during the time frame of our study? Who were the audiences and political agents that created the crises? Were legitimacy crises more common in some organizations than others? Did their shape, frequency, and intensity vary over time and policy areas such as security or economy? How did legitimacy crises feel and what did they look like among the people most directly affected by them? A deepened and conceptually nuanced description of legitimacy crises, we thought, was essential to thinking fruitfully of how they affect other matters.

Another possible explanation for the mismatch between expectation and observation, we thought, might have been an overgeneralization of normative assumptions that readily accompany research on legitimacy. A descriptive claim that an institution has legitimacy surely always entails some normative assumption that the institution is justified to do what it does in the eyes of the observer or the research subjects being studied. Overgeneralization may then occur if such normativity extends to also thinking about the effects of legitimacy. For the fact that any legitimate institution has normative justification in someone's eyes does not imply that its effects are justified, or that the effects of a legitimacy crisis lack normative justification.

Thus, a second set of questions had to be theoretical and explanatory. What are the logically possible ways for legitimacy crises to affect an IO's capacity to rule beyond wishful thinking? Are the possible relationships all negative and linear, so that legitimacy crises will likely lower an IO's capacity to rule? Or may the effects of legitimacy crises also be conditioned and positive, so that in some situations the crises will strengthen an IO's capacity to rule? If so, under what conditions do legitimacy crises have one effect or the other? What are the causal processes, or mechanisms, leading towards either higher or lower capacity to rule?

In this book, we address the first set of questions in the first part, and the second set of questions in the second part. We use this twofold structure to clearly delimit ourselves from conceptions of legitimacy crises, which, as we will later show, blur the line between crisis and organizational adaptation and thus hamper, or even preclude, the study of the effects of crises. Our main contribution is also twofold. In a nutshell, we argue that IO legitimacy crises are empirically relevant, though multifaceted and capricious phenomena. They are double-edged swords that sometimes strike the capacity of much-needed multilateral organizations while sometimes strengthening it. We revise existing theories of legitimacy and their crises to reveal these new predictions and test them against observations in a mixed-methods study that combines in-depth case studies with statistical analyses of 32 IOs over the last 35 years. We gain new leverage in explanations of an

IO's capacity to rule—observable in material resources, in decision-making, and in the institutional capacity to also create collective action in times of disagreement.

The remainder of this chapter introduces the conventional theory of legitimacy in greater detail, namely, that legitimacy helps an organization to rule while crises of legitimacy undermine that capacity, and how we came to complement and revise this idea. Furthermore, we will motivate and clarify the questions that guide this book, point to relevant connections with existing work, outline our empirical research strategy, and present the structure and key findings of the book.

Crisis and Conventional Wisdom in Multilateral Governance

Multilateral governance is currently a fairly visible political space, and one that is open for contestation regarding the values and interests of a large and varied set of actors. Almost 20 years ago, [Nanz and Steffek \(2004, p. 319\)](#) could describe what remains conventional wisdom, that a “permissive consensus for secretive forms of rulemaking among experts is vanishing.” The end of the Cold War is often portrayed as a critical juncture for this shift towards greater public contestation in multilateral governance (e.g., [Squarrito et al., 2016](#)). Civil society actors increasingly engaged with IOs, and the ratification of the Maastricht Treaty of the European Union (EU) was stopped in the first round by a referendum in Denmark in 1992 and approved in France by a very close margin. Less than a decade later, protestors marched in the streets against a WTO summit in 1999, popularly labeled the “Battle of Seattle.” Today, public contestation of multilateral governance also includes elite disagreements, as in the decision by the United States (US) to leave the Paris Accord on Climate Change in 2018 and the World Health Organization (WHO) in 2020, and the campaign by British Conservative Party members against the EU, culminating in the United Kingdom (UK) leaving the Union in 2020 (e.g., [Curtice, 2017](#); [Pickering et al., 2018](#); [Gostin et al., 2020](#)). The development need not end there (e.g., [Walter, 2021a](#)). The threat by the Brazilian president Jair Bolsonaro to leave the Southern Common Market (MERCOSUR) confirms the possibility of a spillover of the challenges into other areas or regions of global governance.²

Different explanations have been proposed for the current public challenges of multilateral governance, including the amount of authority exercised beyond individual states ([Zürn et al., 2012](#)), the opportunities to mobilize civil society across borders ([O'Brien et al., 2000](#); [Della Porta et al., 2001](#)), and the education and developments of skills and technology associated with modernization ([McCright and Dunlap, 2011](#)). Regardless of why multilateral governance faces public challenges,

² “A Latin American Brexit? Analyzing Brazil’s Threat on Mercosur.” *Bloomberg News*, September 14, 2019.

however, it is widely expected to impact global politics in significant ways. The conventional theory of legitimacy explains why.

A useful concept that we introduce to capture the consequences of legitimacy is the capacity to rule of political institutions. It is a useful concept because it draws attention to a dimension in politics that is also found in the concept of legitimacy, namely, the dimension of ruling, which appears in the conventional definition of legitimacy as the right to rule (e.g., [Beetham, 1991](#); [Gilley, 2008](#); [Booth and Seligson, 2009](#)). The concept of the capacity to rule is also interesting for political science more broadly. Scholars of comparative politics and economics have used the concept of state capacity for similar purposes, that is, to capture the core functions in the political institutions, such as the law-making, tax-levying, and administrative capacities of the domestic state ([Besley and Persson, 2009](#); [Hendrix, 2010](#); [Hanson and Sigman, 2021](#)). By looking at the capacity to rule that exists beyond individual states, we can then extend research on the core features of political institutions to the global and international domain. Global and international political institutions do not make laws or levy taxes but, contrary to other institutions in social or economic life, they still *rule*. They do so, for example, by setting the aims for other actors and by coordinating states as well as material resources so as to pursue those aims and to regulate their behaviors in practice. Hence, the capacity to rule is a useful concept to capture the potential effects of legitimacy in political analyses that cover both international and domestic levels.

How, then, does the conventional theory of legitimacy apply to explain the capacity to rule in political institutions? Legitimacy is both an evaluative and a descriptive concept (e.g., [Weber, \[1922\] 1978](#); [Easton, 1965](#); [Beetham, 1991](#); [Levi, 1997](#); [Gilley, 2008](#); [Booth and Seligson, 2009](#)). In our application, it refers to social beliefs that an institution is normatively justified to rule in the way it does. That notion of being normatively justified posits a slightly weaker criterion for legitimacy than the right to rule, which is the more conventional definition ([Beetham, 1991](#); [Gilley, 2008](#); both authors also apply a more permissive conception of legitimacy). Politics beyond the state is reducible to rights and duties only on rare occasions, while normative structures are ever-present. A fruitful engagement with legitimacy at the international level is then helped by relaxing the domestic definition on that point.

Legitimacy in that sense is conventionally expected to help or benefit the political organizations that possess it: “order, stability, and effectiveness—these are the typical advantages that accrue to a legitimate system of power” ([Beetham, 1991](#), p. 33). Those effects of legitimacy are expected across diverse contexts, “from state failure and revolutions to democratization and multilateral cooperation” ([Gilley, 2009](#), p. 206). The argument is also applied to explain why international institutions “are more likely to operate smoothly if they enjoy legitimacy.... Without legitimacy, authority is likely undermined or must depend on coercion, secrecy, and trickery to obtain sway—and governance is often less effective as a result”

(Tallberg et al., 2018, p. 3). Particularly in democratic settings, international institutions “will only thrive if they are viewed as legitimate” (Buchanan and Keohane, 2006, p. 407). These are the core formulations of the conventional theory of legitimacy that is widely applied across sociology, political science, and international relations (IR).³

When these arguments are applied to the opposite situation of legitimacy crises, the outcome is also expected to be the opposite. The concept of legitimacy crisis entails public challenges of the right to rule in an organization that reaches an extreme point compared to average levels. An organization is either doomed, must transform itself so as to comply with the normative beliefs expressed in a legitimacy crisis, or begin to rule by force and bribery alone (if it possesses such resources) but then also incur a significant reduction in its effectiveness and capacity to rule.

Some scholars read this implication of legitimacy crises into the very definition of the concept: “a crisis of legitimacy, therefore, can be defined as that critical turning point when decline in an actor’s or institution’s legitimacy forces adaptation (through re-legitimation or material inducement) or disempowerment” (Reus-Smit, 2007, p. 167; also see Habermas, [1973] 1976; Hurd, 2007). But even scholars who do not define legitimacy crises as situations that impose a choice between adaptation or losing power will conventionally agree that a legitimacy crisis is damaging for political effectiveness (e.g., Beetham, 1991, p. 6). Not only are bribery and policing costly procedures for controlling human behavior, but they are also a waste of resources compared to inducing compliance voluntarily through legitimacy. Force and bribery might also be wholly ineffective in extracting vital resources for political action such as ideas, creativity, knowledge, and willingness among individuals to sacrifice their self-interest for others. Such goods can be voluntarily shared among humans, but not bought or stolen by others. Hence, there are several reasons generated by the conventional theory of legitimacy to expect that crises of legitimacy will reduce the capacity to rule.

To illustrate the broad relevance of the conventional legitimacy theory, a spectacular application has seen the light of day in the debate on the future of the liberal world order. For many years IR scholars have debated the future implications of an ongoing power transition from the US to rising powers such as Brazil, Russia, India, China, and South Africa, and simultaneously from state structures to private companies and civil society (for a review, see Layne, 2009). Whether any of these processes would ultimately lead to a systemic change of international politics—or something like a new world order—was never clarified before an unforeseen event took observers by surprise. The 2016 presidential elections in the US turned the leader of the free world into the main critic of the liberal order, most visibly

³ For example, Lipset, 1959; Claude, 1966; Ruggie, 1982; Franck, 1990; Levi, 1997; Hurd, 1999; 2008; Barnett and Finnemore, 2004; Johnson et al., 2006; Booth and Seligson, 2009; Abdelal and Ruggie, 2009; Rothstein, 2009; Dellmuth and Tallberg, 2015; Lenz and Viola, 2017.

by the US decision to exit from key IOs and agreements. Within days of the election of Donald Trump as US president, media pundits were declaring “the end of the world as we know it” (*Washington Post*, November 15, 2016) while IR scholars called for a new research agenda on the crises of the liberal order (Börzel and Zürn, 2021; Lake et al., 2021).

The plausibility of the argument that the liberalism of the world order would change or disappear because of challenges by its most powerful agent rested firmly on the conventional theory of legitimacy: with a crisis of legitimacy, as indicated by public disapproval and condemnation of political aims and decisions in multilateral governance, we could only expect the familiar world order to disappear and the emergence of something different not yet planned, let alone seen. If scholars and pundits had been moved by an alternative international theory, for example, that world orders are constituted in the main by the distribution of material capabilities among states, or that legitimacy crises are first of all a wake-up call in routinized politics, the campaigns of leaders like Putin, Bolsonaro, Trump, Erdoğan, and Johnson would have created less worry, even among liberals. They would have emerged as surface phenomena instead of real factors with independent effects on world politics. As noted, however, that was not the only impression. The liberal world order is really portrayed as living through one of its worst crises as a consequence of the support for nationalist and populist leaders. Hence, the conventional theory of legitimacy, if nothing else, effectively describes what scholars, pundits, and political actors expect in such situations. So, it is relevant to ask: do systematic empirical observations also support the theory? As noted in the preview of our own findings, the real consequences of legitimacy crises appear to be more complex than in the end-of-the-world-as-we-know-it conjecture generated by the conventional legitimacy theory. We take a brief look at the discrepancy in the next section and note how it speaks to existing research across different fields.

Preliminary Observations Challenging the Conventional Wisdom

Legitimacy crises are real phenomena in the most recent decades of multilateral governance. Defined empirically as periods of unusually intense public criticism and protests against an IO, familiar examples of legitimacy crises include the sustained public challenges against the North Atlantic Treaty Organization (NATO) after it decided to intervene in Libya in 2011, or protests by the global justice movement against the World Bank and the International Monetary Fund (IMF) in 2000. However, our study initially also confirmed less well-known cases of legitimacy crises, including the WHO in 1995, the North American Free Trade Area (NAFTA) in 2004, and the United Nations Educational, Scientific and Cultural Organization

(UNESCO) in 2010. Thus, the findings obviously confirmed the contested nature of multilateral governance (O'Brien et al., 2000; Nanz and Steffek, 2004; Zürn et al., 2012). However, as we studied organizations from 1985 to 2020, we had also expected to see an increase in the frequency of legitimacy crises. However, we were *not* able to observe such a trend. There was some form of rhythm in the crises (Agné et al., 2020), intensifying in some periods for particular organizations, but no trend over the whole period.

The observed absence of a trend was only a first wake-up call to not make too broad claims about the development of legitimacy crises in global governance. However, a second and greater difficulty with existing theories appeared when testing the hypothesized effects of legitimacy crises. We provide here a simple example. The capacity to rule in multilateral organizations will benefit from being in control of the relevant material resources. For example, the WHO needs money to buy medicines for emergency care. The implementation and monitoring of development projects under the World Bank benefit from having operational budgets. Such material capacities are thus a central dimension in the capacity to rule addressed in this book. Thus, one of the first issues we wanted to test empirically was the effects of legitimacy crises on the flow of resources towards or away from IOs. The conventional theory predicted that legitimacy helps organizations attract resources (Meyer and Rowan, 1977, p. 352; DiMaggio and Powell, 1983, p. 150). Only legitimate organizations will have the capacity and effectiveness that makes it reasonable for governments to allocate resources to them in the first place. Organizations that confront a legitimacy crisis will, for the same reason, face a cut in their resources.

However, as we plot the trend lines of the core budgets of two IOs for which there is a strong scholarly consensus that they have experienced legitimacy crises, we find only minimal support for the expectations grounded in the conventional theory (Figure 1.1). In the aftermath of the Dutch and French referenda against the European constitutional treaty, the EU is said to have undergone a legitimacy crisis (e.g., van Apeldoorn, 2009, p. 21), just as did the World Bank and the WTO during civil society protests at the turn of the millennium (e.g., Esty, 2002; van Rooy, 2004; Elsig, 2007). The WHO suffered a legitimacy crisis during the 1990s (Godlee, 1994; Chorev, 2013).

Among these prominent cases, only the WHO shows some sign of a stagnation of budgetary expansion in the aftermath of its legitimacy crisis and has not really recovered since this time. The more common pattern was that IOs saw growing budgets over time, regardless of the legitimacy crises they encountered. Take the World Bank as an example, displaying an almost linear annual growth in resources over the last 30 years. Data study of other organizations appeared to confirm the finding illustrated here. If anything, in some time frames, these organizations appeared to be allocated more resources by their governments and funders after having confronted a legitimacy crisis.

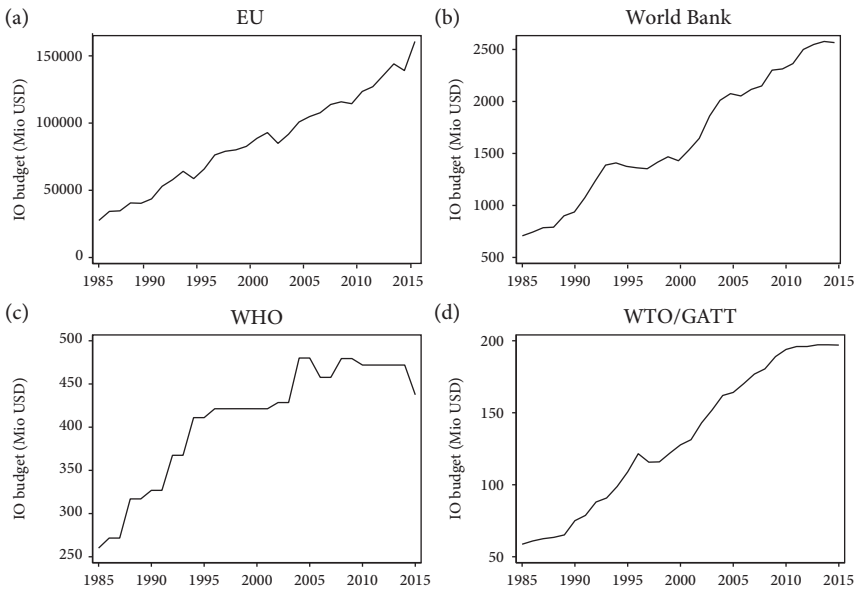


Fig. 1.1 IO resources over time, four examples

These anomalies remained when experimenting with different dimensions in the capacity to rule in multilateral governance, pertaining to decision-making or institutionalized powers. The simplest and yet most important argument in the conventional theory, that legitimacy helps the capacity of organizations to rule, and that legitimacy crises hinder it, received nothing like the straightforward support we had expected after consulting existing research and designing our own more large-scale inquiry. But just as our observations from preliminary data did not constitute any strong support in favor of the conventional hypotheses, they also did not generate support for any equally simple opposing idea, for example, that legitimacy crises generally strengthen organizations or help them to achieve their aims. The possibility of illustrating the conventional theory in some but not all instances suggested that it should be neither falsified nor confirmed, but subsumed under a broader story of what crises of legitimacy really do to politics.

Other scholars have rejected the explanatory value of legitimacy altogether or neglected it even when they research issues that theories of legitimacy also claim to explain, such as compliance with decisions or the stability of domestic regimes. Such denial or rejection of legitimacy as an explanatory factor prevails in rationalist studies of compliance with international treaties (Downs et al., 1996), in materialist explanations of democratization and regime stability (Przeworski, 1986), and most obviously in realist IR theories that privilege different explanatory factors to the point of excluding considerations of legitimacy (Waltz, 1979; Mearsheimer, 1994/1995). Again, even our preliminary results gave new reasons

for clarifying the scope conditions for each of these different positions. A single example is enough to question general claims or assumptions about the causal unimportance of legitimacy.

More broadly, these tentative conclusions motivate the pursuit of large-scale research on the effects of legitimacy in multilateral governance. Similar approaches are common in comparative and domestic political studies. [Booth and Seligson \(2009\)](#) as well as [Schnaudt \(2019\)](#) also report findings that partially oppose conventional theory, although they blame this finding on insufficient data or methodology rather than on theory. Here, we illustrate the possibility of extending the framework for empirical testing of the theories in this literature on domestic politics to also include multilateral governance.

Theoretical Revision Motivated by Empirical Anomalies

The empirical anomalies initially noted, illustrated by the example in the foregoing section, motivates a revision of the definition of legitimacy crises as well as the assumptions invoked to explain its effects. Here, we summarize a few key points and then engage in more complete discussions in [Chapters 2 and 5](#).

The confirmed reason for analyzing as yet unforeseen effects of legitimacy crises is a reason for scholars to define the concept as minimally as possible, so as to avoid foreclosing the unexpected effects in theory. One definition of legitimacy crises in the conventional theory, cited earlier, is useful for illustrating the importance of this point. To recall, [Reus-Smith \(2007\)](#) defines legitimacy crisis as a moment in which an organization must either adapt to external pressures or lose power. Unfortunately, this definition of legitimacy crises forecloses an exciting possibility for causal theorizing and empirical testing, namely, that the external pressure of a legitimacy crises on an organization may also empower and further its ability to rule and attain its original aims.

To avoid falling into this trap, we propose conceiving of legitimacy crises purely at the level of social perceptions, without any reference to what they entail for the targeted organizations. The purpose of our definition should be to clarify the nature of legitimacy crises but, without sacrificing that aim in any definition, also make it an entirely contingent issue with regard to how legitimacy crises impact the capacity to rule. The possibility to satisfy these desiderata at the same time is illustrated by some scattered formulations that we have used already when referring to legitimacy crises. However, more comprehensively and absolutely, we define legitimacy crises as situations in which a relevant group of people believe that an institution rules in a way that diverges from what is normatively appropriate, to a point where they react critically to the political status quo with an intensity that can be seen as extreme in comparison to other moments in time. The beliefs at the core of a legitimacy crisis will have to unify a relevant group of people at a moment

of extreme political contestation compared to average levels, thus constituting the crisis as an intersubjectively discernible social reality in its own right. This definition of legitimacy crises is sufficiently strong to discriminate against protests and criticisms in the everyday life of democratic politics. Yet it makes no assumptions at all about the host organization. Hence, it demonstrates the possibility of imagining the effects of legitimacy crises for organizational features more broadly than would be possible on the basis of some received definitions of the same concept.

The received explanations of legitimacy's effects also need to be reconsidered. To recapitulate, the received theory of legitimacy conceives of legitimacy crises as a cost, or a liability, for any organization that confronts them. Legitimacy crises force political institutions to waste resources on policing and monitoring operations and undermine their own access to resources that emerge only by means of an individual's voluntary cooperation. However, in contrast to this view, the empirical findings noted in the previous section also motivate a completely opposite possibility, that a legitimacy crisis constitutes a benefit, or a resource, for the organizations that face them. To make sense of this initially perhaps counterintuitive idea, we build on prospect theory and research in psychology suggesting that legitimacy crises involve an activation of the individuals whose beliefs are constitutive of the crises which, in turn, create the impetus for an activation of the political institution and enhanced effectiveness, in some cases (Agné and Söderbaum, 2022).

More precisely, a legitimacy crisis implies a mental or emotional activation of the individuals whose beliefs are constitutive of that crisis. That precise category of activation is part and parcel of the normatively informed critical reaction to the organization under attack, which is equivalent to the crisis itself. We also expect that this mental or emotional activation of individuals that we see as inherent in any crises of legitimacy will create more and different activation. This further activation may come in different forms, making it either an effect of or a part of an extended version of the original legitimacy crisis. Some of the individuals whose beliefs are constitutive of a legitimacy crisis will, as a consequence of having reacted critically to an organization, also take further political and social initiatives. But we also expect that the initial round of mental and emotional activation among individuals in all crises of legitimacy will spread to other people and thus broaden the activation in social terms. New people may sympathize with the cause of the individuals who initially reacted and then join the social basis of the same legitimacy crises defined by its target. That is an endogenous process of legitimacy crises. Still other people will be activated in their critical reaction to a legitimacy crisis and their defense of the political institution under attack. Policymakers may be more common in the last category, but they may also be part of the social basis for the legitimacy crises. Thus, policymakers may be activated as a consequence of legitimacy crises while their activation is not constitutive of the crisis itself.

If this is what generally happens in and around legitimacy crises, their effects can be described as a wake-up call among policymakers and broader publics. This wake-up call can, according to conventional theory, lead to the abandoning, substitution, or weakening of an institution. What we add to this logic is that it can equally motivate political actors to rediscover what is essential in politics and why their organizations will need to realize their goals better or identify in sharper language the deeper purpose of what they do. More concretely and depending on contingent circumstances, policymakers and other political agents will account for the new information needed to rectify corruption or political misconduct, or just add some extra incentives or moral relevance for themselves and others to be attentive and vigilant in relation to social and political developments. Such expected effects of legitimacy crises are all natural ingredients in the capacity to rule in an institution. Hence, there are grounds for expecting a positive relationship between the two variables. This expectation contributes to an age-old conversation about how and why legitimacy matters in politics. It provides a different causal mechanism, and thus a different expected effect, of legitimacy in comparisons with widely held views in research on international relations (from Clark, 2005 to Hurd, 2008) in domestic and comparative politics (from Beetham, 1991 to Booth and Seligson, 2009), as well as in public administration (Rothstein, 2003).

Ecumenically, it should also be noted that the different causal mechanisms of conventional and activation theories, respectively, do not exclude each other on conceptual grounds. The two processes may go hand in hand, that legitimacy crises weaken voluntary compliance and cause a loss of resources when institutions must resort to control outcomes by policing and monitoring *and* that legitimacy crises activate social and political agents to enlarge their capacity to rule. The net effect may be zero, depending on circumstances yet to be specified, but equally possible: the capacity-enhancing consequences of legitimacy crises may dominate the effectiveness-reducing consequences in some cases.

Painting with broad brushstrokes, our approach enables us to picture legitimacy crises as a double-edged sword that sometimes cuts at the functioning and resources of much-needed organizations, while it sometimes also cuts at organizational slack, uninformed decisions, inattentive leadership, thereby strengthening their capacity to rule. Such duality of thought may inspire the consideration of the alternative effects of legitimacy and perhaps also overcome anomalies in domestic political research (Booth and Seligson, 2009), as well as factors subsumed by near-synonymous concepts such as social capital (Putnam, 1993), political support (Easton, 1965), and trust in democratic institutions (e.g., Dahl and Lindblom, 1992; Fukuyama, 1995). Our argument that an IO can benefit from a legitimacy crisis resonates well with similar arguments in scholarship on the consequences of political, social, financial, and ecological crises, namely, that crises may also open a window of opportunity for successful adaptive governance (e.g., Keeler, 1993;

Boin et al., 2009; Omelicheva, 2011; Loorbach and Huffenreuter, 2013; Powell, 2014; Mrinska, 2015; Brundiers and Eakin, 2018; Walch, 2019).

What's more, the activation of political agents that results from all legitimacy crises may itself generate diverse effects. We clarify these possibilities for three dimensions of the capacity to rule: material capacities, institutional capacities, and decision-making capacities, all of them representing core properties of the IO that contributes to the organization's problem-solving effectiveness, but which are still under the control of the organization itself. First, *material capacity* such as the size of budgets and staff is decisive for the initiation of policies as well as their implementation and monitoring. Second, *institutional capacity* refers to the set of procedural rules and the scope of the policy mandate that are essential formal prerequisites for the decision-making machinery to work, despite some levels of political disagreement. Third, we include *decision-making capacity* as the ability of an organization to issue binding or non-binding decisions within its policy mandate.

As discussed further in Chapter 5, the direction of the effect of a crisis is dependent on the position that relevant audiences have towards the IO in question. We account for this connection between crisis features and directedness by emphasizing the role of different types of audience. For example, the political activation inherent in a legitimacy crisis will stimulate an IO's capacity to rule when the crisis is dominated by a constituent audience with a genuine interest in supporting an institution, be it because the IO serves their strategic interests or because it conforms with major values and norms that they hold; it may therefore lead to a growth in resources, strengthen legal opportunities to proceed with decision-making and implementation without consensus among the member states, and intensify IO decision-making.

Notwithstanding the main causal weight that we give to the characteristics of a legitimacy crisis as the independent variable, we will argue that a revision of the conventional theory also has to account for the characteristics of the affected IO. In this vein, we propose to look more closely at how institutional properties, such as the strength of national vetoes, the degree of politicization, and the openness toward nonstate actors that often feature prominently among IO critics, moderate the effect of an IO legitimacy crisis regarding its capacity to rule.

The explanation that we test regarding an IO's capacity to rule is also relevant to explaining some related concepts that have been applied to describe multilateral governance, such as the performance of IOs (Gutner and Thompson, 2010) and their problem-solving effectiveness (Sommerer and Agné, 2018). Capacity to rule covers the concepts of process and output-based performance (Gutner and Thompson, 2010; Sommerer et al., 2021) while excluding issues for which the IO is not mainly accountable, such as state compliance and effectiveness. Nevertheless, for a decision to be complied with, or to be effective at achieving a given aim, it must first be made. Capacity to rule thus covers the necessary prerequisites

for both effectiveness and compliance. Also, our analyses do not explicitly cover efforts at re-legitimation by intergovernmental organizations that may be triggered by legitimacy crises (Bexell et al., 2022). In some cases, however, such efforts might overlap with activities on the institutional and decision-making dimensions we address in the capacity to rule.

Our study is not alone in attempting to explain these dimensions in the IO's capacity to rule, that is, the material, the institutional, and the decision-making dimensions. Eichenauer and Reinsberg (2017) and Bayram and Graham (2017) explain the material dimension by referring to earmarking funds and state preferences, respectively. Agné (2016) and Sommerer et al. (2021) explain the decision-making dimension by referring to accountability and institutional design, respectively. Hooghe and Marks (2015) and Zürn et al. (2012) explain the institutional dimension by referring to policy orientation and economic interdependence among member states, respectively. Our research on the effects of legitimacy thus highlights a new factor of potential interest, legitimacy crises, which, in the literature, aims to explain the multilateral capacity to rule.

Empirical Research Design

As should be clear by now, the multilateral governance that we study in this book takes place within formal IOs. The organizations can be characterized as formal because their mandates and decision-making procedures are constituted by public declarations, for example, treaties, protocols, and court verdicts, and recognized by other actors who also operate in the public sphere, most notably governments. Informal institutions, diplomatic dialogues, and private interactions also play an essential role in multilateral governance, but in contrast to formal organizations, they are more flexible and can be initiated or interrupted on an ad-hoc basis (Hall and Biersteker, 2004; Büthe and Mattli, 2011; Hale and Held, 2012; Vabulas and Snidal, 2013; Raymond and DeNardis, 2015).⁴ Thus, the formal nature of the political objects selected for this study makes them more persistent and interesting to observe from the perspective of legitimacy crises.⁵ Legitimacy crises are temporal phenomena that do not last forever but either fade away or terminate the life of their host organizations after a while. Studying their shape and effects is therefore facilitated by examining organizations with a greater persistence over time.

IOs are also fascinating objects of study because all states use them, and because they span large territories and numbers of people (Pevehouse et al., 2020). Whether their aim is to solve problems, settle disagreements, or fight and exploit

⁴ In our large-N sample, we make one exception and include the G20 as an informal IO because of its political significance.

⁵ Although they are more persistent, the death and disappearance of IOs has recently become a more prominent subject of research. See, e.g., Debre and Dijkstra, 2021; Eilstrup-Sangiovanni, 2020, 2021.

people outside their realms of protection, IOs are the territorially and socially most inclusive organizations in the world. Despite their wide scope and relevance, however, for most of their history, IOs have played a relatively small part in the political awareness of most people. The average age of the IOs that exist in today's world is 50 years, according to the Correlates of War Intergovernmental Organizations (COW-IGO) database, with no more than 20 organizations older than 100 years,⁶ and for most of this time, multilateral politics has operated under a “permissive consensus” that allows policymaking to proceed uninterrupted by public scrutiny and debate beyond narrow elite circles, while this characteristic has changed drastically towards a contested political institution at some points.⁷ Against this background, our choice to study the effects of legitimacy crises by researching IOs is not a reflection of the pragmatic need in research to select just some materials, let alone a desire to research global politics from the formal and bureaucratic perspectives which IOs foster themselves (Louis and Maertens, 2021). Instead, our decision to study IOs was made to capture the real-world relevance of these structures, and to exploit their endurance over time, yet changing levels of public attention to analyze the effects of global legitimacy crises.

In order to specifically answer the two sets of research questions described at the outset, we opt for a comparative and longitudinal mixed-methods research design. For the observation period from 1985 to 2020, we supplement statistical analysis of 32 IOs with two in-depth studies of the United Nations Framework Convention on Climate Change (UNFCCC) and the WTO. This lengthy time series provides unique opportunities to test causal inferences as well as address issues of endogeneity, i.e., the fact that ruling capacity is not only a possible consequence of legitimacy, but also a possible cause of it. The observation period captures critical junctures in global governance, from the end of the Cold War, the rise of the global justice movement, the global financial crisis beginning in 2008, to more recent challenges of the global liberal order by authoritarian and nationalist governments.

The broad comparative perspective allows us to systematically map legitimacy crises for a wide range of IOs, and to assess patterns of correlation between the occurrence and nature of such crises and different outcomes. The large-N sample was selected to provide an efficient match between representativeness and generalizability. It includes 16 IOs with a global orientation and 16 regional IOs from all world regions, task-specific as well as general purpose-oriented IOs. When reviewing the existing literature, we noted an overrepresentation of a few very prominent cases, such as the WTO, the EU, and the World Bank. To avoid a potential bias in the relevance of legitimacy crises and their impact on the capacity to rule, our sample also includes a set of organizations that often fly under the radar of

⁶ See COW-IGO V 3.0 Pevehouse et al., 2020. Own calculation based on 336 IOs that existed in 2014.

⁷ Lindberg and Scheingold (1970) coined this term to describe the forerunners of the EU while the description is also accurate for multilateral politics in general.

a broader public and scholarly interest, like the Food and Agriculture Organization (FAO), the International Whaling Commission (IWC), or the South African Development Community (SADC).

This approach should be helpful for IO research more broadly, where the few studies which directly analyze the effects of legitimacy are limited to individual cases, e.g., the ASEAN (Ba, 2014) the ICC (Fehl, 2004) or the United Nations (UN) (Hurd, 2008), or specific and narrow consequences, e.g., the establishment of parliamentary assemblies (Rocabert et al., 2019; Lenz et al., 2019) and participatory arrangements for nonstate actors (O'Brien et al., 2000; Tallberg et al., 2013). Other studies have focused on the communicative responses of IOs under pressure (Ecker-Ehrhardt, 2018a; Schmidtke, 2019; Dingwerth et al., 2019). An earlier generation of scholars, from Claude (1966) to Bull (1977) to Cox (1983) to Ruggie (1982) to Ikenberry and Kupchan (1990) to Hurd (1999) and Clark (2005), also used individual cases to form important insights on legitimacy, hegemony, and congruence between power and social purpose. The added value in our data and research design is that it allows empirical testing of conjectures as systematically as possible and in a way that is perhaps expected in political science today.

We apply our revised conceptualization of a legitimacy crisis to the large-N sample and develop a measure based on public statements about IOs in leading global newswires. Using this type of data from international news agencies with their large networks of correspondents offers global coverage of political events with only limited editorial bias. When critique and protest events attract the attention of global newswires, we expect them to have a greater impact on international institutions than local media coverage. Our quantitative measure also allows an aggregation across different critical audiences and enables us to identify historical peaks of public challenges—which is of critical importance to reflect the general characteristic of legitimacy crises being extreme events in comparison with average protests. At the same time, we can disaggregate public challenges to reveal how analytical interest in a particular understanding of legitimacy crises affects estimates of the frequency and intensity of legitimacy crises.

We expect that changes in the legitimacy of an IO may affect various properties of that organization. Our aim in this book is to go beyond testing isolated IO features and include a broader selection of relevant consequences under the umbrella concept of an IO's capacity to rule. We operationalize the capacity to rule using three different measures that are comparable across multiple organizations and for a longer observation period. First, we measure material capacity based on the size of core budgets and administrative staff (Sommerer et al., 2021). Second, we operationalize the institutional capacity using the level of formal authority of an IO in terms of delegation and pooling measures from the Measure of International Authority (MIA) database (Hooghe et al., 2017) as well as data on an IO's policy scope (Hooghe et al., 2019). Third, we operationalize the decision-making

capacity based on the annual output of binding or non-binding decisions of an IO's main decision-making body (Sommerer et al., 2021).

To complement the aggregate perspective of the quantitative approach, and to gain a deeper understanding of both crises and the causal mechanisms that link them to changes in the capacity to rule, we add in-depth case studies of two IOs purposefully selected from the larger sample. The WTO and the UNFCCC are central institutions in their respective policy field in global governance, with a dense set of treaties, procedures, and bodies under their auspices—and with near-universal membership. With the broad empirical pattern from the quantitative analysis as a point of reference, we assess crises and their effects for both cases individually.

The WTO is a highly formalized organization at the core of the global trade regime. It replaced the General Agreement on Tariffs and Trade (GATT) system in 1995 and today includes 164 member states. Its core principles are “the pursuit of open borders, the opening of national borders with adequate flexibilities, the guarantee of non-discriminatory treatment by and among members, and a commitment to transparency in the conduct of its activities” (WTO, 2021). Decisions are typically made by consensus amongst its entire membership in the Ministerial Conference (MC) held every two years in a city of a member state, or in the General Council, which meets at the WTO headquarters in Geneva.

The UNFCCC represents the institutional hub of the global climate regime. In 1990, the UN General Assembly created the Intergovernmental Negotiating Committee (INC) whose work culminated in the adoption of the UNFCCC two years later on the occasion of the so-called “Earth Summit” in Rio de Janeiro. Its main objective is to “prevent dangerous anthropogenic interference with the climate system” (UNFCCC, 1992, Article 2). The convention currently has near-universal membership as 197 countries have ratified it at the time of writing. While less formalized than the WTO, the UNFCCC still meets the standard criteria of the definition of IOs with state membership, the existence of a formal entity, as well as a permanent headquarters and staff (Pevehouse et al., 2020). The most important decisions are made during the annual “Conference of the Parties” (COP), at which all members of the UNFCCC are represented. The adoption of the convention included the establishment of the UNFCCC secretariat, tasked with supporting the global response to the threat of climate change (UNFCCC, 2019a). The secretariat was first located in Geneva but relocated to Bonn in 1996.

The quantitative analysis reveals that both IOs have undergone legitimacy crises, though interestingly, different ones. The WTO belonged to the group of IOs that have faced the greatest challenges, while the UNFCCC belonged to the lowest category, as criticism in this field often targets laggard states or polluting industries, and not institutional arrangements, per se. Moreover, the challenges of the UNFCCC captured by the quantitative measure were exclusively derived from nonstate actors, while more than one third of the challenges of the WTO were

derived from governments. The case studies explore the individual crisis perceptions based on document analysis and interviews “from within the regime,” as well as causal mechanisms through which legitimacy crises affect the organizations and their institutional environments.

The data that we collect for this book will also provide a resource for the prolific quantitative literature on legitimacy in multilateral governance concerned with questions beyond its effects (Agné et al., 2015; Binder and Heupel, 2015; Gronau and Schmidtke, 2016; Anderson et al., 2019; Hooghe et al., 2019; Lenz et al., 2019; Dingwerth et al., 2020; Kentikelenis and Voeten, 2021; Rauh and Zürn, 2020; Dellmuth et al., 2022; Bexell et al., 2022). This literature, defined by its quantitative orientation to issues of legitimacy in multilateral governance, has addressed questions of the extent to which legitimacy exists in particular instances of global governance, why it varies across institutions, and how it comes into being or disappears, while neglecting the effects of legitimacy. Nevertheless the descriptions of legitimacy crises that we provide, with a unique timespan and breadth of organizations, offers a valuable resource in research aimed at exploring those questions as well.

Plan and Findings of the Book

As noted earlier, this book is divided into two parts and eight chapters. Part I (Chapter 2–4) offers a conceptualization and broad description of IO legitimacy crises that will later allow us to assess their consequences. It answers the first of our two sets of research questions. Part II (Chapters 5–7) turns to the explanatory analysis of the effects of legitimacy crises and the capacity to rule in IOs. It answers the second of our two sets of research questions.

Chapter 2 develops and defends the concept of legitimacy crisis that lies at the heart of this book. Based on the argument introduced above, that the explanation of legitimacy’s effects necessitates a revision of existing concepts, it defines a legitimacy crisis as distinct from the effects and directs the attention to the content of social beliefs and the people and actors whose beliefs count in legitimacy research. It overviews alternative conceptions of the political audiences whose beliefs are constitutive for legitimacy crises and argues for the opportunity to subsume them all in empirical research. It clarifies the normative basis in all conceptions of legitimacy crises. The chapter argues for the fruitfulness of its proposed definition of legitimacy crises for a broad range of research purposes beyond this particular study, while applying it to guide and motivate the construction of empirical measurements and research strategies employed in the following chapters.

Chapter 3 develops the quantitative approach described, based on the new conceptualization of legitimacy crises. The analysis of 32 global and regional IOs

between 1985 to 2020 reveals that many, but not all, IOs in our sample have undergone some form of legitimacy crisis. One third of the IOs in our sample have not experienced anything that comes close to a legitimacy crisis, and many others only face relatively weak or unique challenges. As noted, there is no clear trend for legitimacy crises in global governance over time, and they rarely occur for multiple IOs at the same point in time. We noted a concentration of legitimacy crises between 1995 and 2005, although some IOs experienced the worst crisis after 2015, such as the EU in the aftermath of the Brexit referendum, the Group of 20 (G20) with clashes in Hamburg in 2017, and the WHO during the COVID-19 pandemic. While these cases are prominent, the overwhelming majority of IOs in the sample show no increase and do not support the idea of a wider crisis of multilateral governance. The chapter also reveals a large variation in legitimacy crises at the level of their constitutive audiences, from state to nonstate actors, from geographical or organizational insiders to outsiders, from social elite members to protesters at street level.

Chapter 4 proceeds with a complementary in-depth descriptive analysis to show more precisely how legitimacy crises unfold in two particular cases: the international trade regime, with the WTO at its core, and the international climate regime, built upon the UNFCCC. While a wave of public criticism—which is the basis for our quantitative measure—might fade away relatively quickly, the chapter demonstrates that some crises may last longer within an organization. A key methodological point developed and confirmed in the chapter is that the intensity of legitimacy crises—and their potential to affect an IO's capacity to rule—is best assessed by a combination of public pressure and an insider perception of the duration of these challenges. These means of observation are able to disclose how an ongoing, mostly internal, but also public debate of a North–South divide is responsible for the types of audiences that self-create and challenge the two organizations. In terms of the intensity and time structure of the crises, the chapter also reveals a pattern of short-lived and recurring crises for the UNFCCC vs. a long-term gradually emerging and fading structure of crisis for the WTO.

Chapter 5 presents our theoretical framework to explain the effects of legitimacy crises. It posits that legitimacy crises imply the activation of specific audiences of an IO and that this activation entails behaviors by these and other audiences that will eventually have various consequences, either supportive or detrimental to the IO experiencing a crisis. This activation primarily depends on the type of protesting audience (for example, public or private actor, formal member or non-member of the organization) but also on some features of the IO that is targeted by the protests, such as its institutional power or the domestic regimes of its members. We argue in this chapter that these arguments for expecting either positive or negative effects of legitimacy crises on the capacity to rule apply to each and every dependent variable that we have presented earlier in the chapter: the quantity of resources, the volume of decisions, and the range of authority held by the

organizations. Significantly, we argue that the consequences will not only materialize in measurable properties of the IO itself, but also externally, i.e., through the establishment, support, or obstruction of other institutions that operate in the same global governance field.

Chapter 6 provides a systematic test of the explanatory framework introduced in the previous chapter for the sample of 32 IOs. The analysis reveals both the negative and positive effects of legitimacy crises on three dimensions of an IO's capacity to rule: material capacity, institutional capacity, and decision-making capacity. We also find that crises, under some conditions, have no effect at all. The size and direction of effects depend on the features of the targeted organizations, on the type of legitimacy crises as distinguished by different audience conceptions, and on the precise type of consequence under study. Specifically, the chapter confirms the negative effect on the material and decision-making capacity of IOs when legitimacy crises are constituted by state *and* nonstate actors, constituent *and* external actors. In addition, we observed that resource cuts are more likely to be made when members of both elites and masses join forces to challenge an IO, and that a downturn in decision-making is related to crises years in which member state representatives dominated public critique. However, the chapter also confirms the positive effects related to particular types of legitimacy crises. Again, the heterogeneity of audiences matters, as we note a higher likelihood of a growing institutional capacity and decision-making in the long term after an IO has been targeted by a legitimacy crisis. Our data also support the expectation that several IO characteristics, like pooling, transnational access, and the scope of the mandate, positively affect the likelihood of growth in its institutional capacity in the wake of a legitimacy crisis.

Chapter 7 deepens the quantitative analysis of the previous chapter. We can show that, in the case of the WTO, the legitimacy crises concerned the organizational rules. This included enhancing collaboration with nonstate actors, e.g., through the Public Forum, and gearing up statistical capacities and media outreach. For the UNFCCC, by contrast, legitimacy crises had a crucial impact on essential milestones of the organization's decision-making, e.g., with the *de facto* failure of the 2009 summit in Copenhagen, and with essential power shifts towards member states that paved the way for the 2015 Paris Agreement. We can also show that the WTO and the UNFCCC witnessed a proliferation of a multitude of new plurilateral initiatives in their respective fields. For the UNFCCC, this change can partly be attributed to the legitimacy crises. For the WTO, however, the rise of mega-regional trade agreements in recent years is an outcome of deadlocking country preferences. Hence, the effects of legitimacy crises are sometimes visible only beyond the organizational borders and affect the interaction with other institutions, or they refer to power shifts as a preliminary stage of a formal change of the capacity to rule. Accounting for the effects in that extended social domain, this

chapter broadly confirms the results of the quantitative analysis, that legitimacy crises do not automatically entail disadvantages for the IO in question.

Chapter 8, which concludes the book, draws from both parts of the book. It synthesizes the main contributions across chapters and highlights how they address existing gaps in research on legitimacy in global governance. We revisit the theoretical contribution that allows us to study how crises affect the strength of multilateral institutions in both positive and negative ways. The chapter then moves on to some broader implications of our results beyond the empirical confines of this study, pertaining to the problems in both politics and political science that the study was designed to address.

PART I

LEGITIMACY CRISES IN
MULTILATERAL GOVERNANCE

2

Conceptualizing Legitimacy Crises in Multilateral Governance

A key message conveyed by this book, as outlined in the introductory chapter, is that categories for observing legitimacy and explaining its effects need to be significantly reconstructed. This chapter develops this argument in relation to the concept of legitimacy crises. We define the essential meaning of this term in light of our ultimate aim to analyze the effects of legitimacy crises on the capacity to rule in multilateral governance.

Research with different aims may define legitimacy crises differently than we do. For example, legitimacy crises have been observed in government breakdowns that accompany large-scale violence (Rothstein, 2009) and in sudden reductions in power of political institutions (Reus-Smith, 2007). By contrast, this study does not equate legitimacy crises with any changes in capacity to rule, whether specified as government breakdowns, losses in power, or in other ways. Our question of how legitimacy crises affect the capacity to rule is interesting because the two concepts are distinct in the first place, while it would turn into a tautological non-issue insofar as legitimacy crises are defined in any terms reminiscent of capacity to rule. Hence, this chapter will present a more limited yet precise and generally applicable definition of legitimacy crises in comparison with some uses of the term in the existing literature.

The wider purpose of the conceptual analysis is to enable a sophisticated discussion of legitimacy crises without digressing into distinct matters, such as war, institutional breakdown, and the diminishing capacity to rule more generally. Technical aspects in our operationalization of legitimacy crises are postponed until Chapters 3 and 4, but significant parts of the empirical research design for the whole of this book will be deduced from the concept elaborated in this chapter, such as the choice of a longitudinal study, the study of legitimacy crises through public mass media sources, the different types of legitimacy crises that we describe empirically, and the different dimensions along which legitimacy crises vary in their intensity.

In summary, we suggest that *an international organization (IO) undergoes a legitimacy crisis if, and only if, a relevant group of people perceive that it rules in ways*

that diverge from what is right, to a point where they react critically to the political status quo with an intensity that is extreme compared to other moments in time. More specifically, we clarify and distinguish between five necessary conditions for something to be a legitimacy crisis. The resulting concept is theoretical and thus indicates what our empirical measurement should come as close as possible to describe. A theoretical concept is not limited by the many pragmatic considerations that an empirical study will encounter because data and concrete opportunities for research, in practice, are always limited. Its purpose is to guide the choices between non-ideal alternatives in the real world of empirical social science in order for research to provide results that are as relevant as possible to the original question. To that end, we will argue that legitimacy crises are best conceived of as:

1. A social perception—a real case of injustice that is not perceived by anyone is not a legitimacy crisis according to our definition;
2. A perception of rule without right—perceived violations of one’s own narrowly defined self-interest are not enough to speak of a legitimacy crisis;¹
3. A perception by a relevant group of people—the perceptions of an arbitrarily constructed group may be irrelevant to conclude a legitimacy crisis for an institution;
4. A perception of unusual intensity that involves a critical reaction to the status quo—the mere absence of legitimacy is insufficient for a legitimacy crisis;
5. A perception limited to a particular time frame—permanent perceptions about structures are not enough for a crisis.

In addition to guiding descriptions of legitimacy crises, ultimately for the purpose of explaining their effects, this definition is constructed to make sense in research on global governance. For any concept to be fruitful in empirical research on any matter, it must first reflect the political and social structures in its field of application. For this reason, a study of legitimacy crises in global governance motivates some critical deviations from received conceptual habits in comparative politics (Gilley, 2009; Booth and Seligson, 2009; Berggren et al., 2015), in public administration (Levi, 1997; Sunshine and Tyler, 2003; Rothstein, 2009, 2012), in philosophy (Rawls, 1971; Simmons, 1999; Buchanan and Keohane, 2006) and in sociology (Habermas, [1973] 1976; Jost and Major, 2001). We therefore begin by introducing the concept of global governance, before motivating each of the five definitional criteria for legitimacy crises in light of what issues should be considered in this context, as well as analyze the effect of legitimacy crises.

¹ Perceptions motivated by self-interests may still coexist with the perceptions grounded in norms that are constitutive of legitimacy. However, on their own, self-interested perceptions are insufficient for, and do not contribute to, the existence of crises in *legitimacy*.

The Research Context of Global Governance

Global governance can be defined, expansively, as encompassing all coexisting forms of the collective steering of social affairs, by public and private actors, that directly or in their repercussions transcend national territorial borders (Rose-[nau and Czempiel, 1992](#); [Zelli, 2018](#)). The global level of analysis aggregates interactions and processes observable at lower territorial levels, and we therefore also include governance within world regions such as Africa and Europe. As the definition suggests, these multilevel systems are inclusive of governments, IOs, private companies, civil society actors, resistance movements, and private individuals. While the minimal criterion for something to be global in our definition is simply that it transcends national borders (see also, for example, [Zürn, 2018](#)), the definition is only a minimal expression of a more encompassing ontology in which most or even all things that transcend individual states have implications for the global political system.

Institutions are a major instrument for providing the collective steering that is constitutive of global governance, be they intergovernmental or transnational. We define institutions as “persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations” ([Keohane, 1989](#), p. 3). This definition includes *organizations*, i.e., institutions with “purposive entities [...] capable of monitoring activity and of reacting to it” ([Keohane, 1989](#), p. 3) as well as *regimes*, i.e., “institutions with explicit rules [...] that pertain to particular sets of issues in international relations” ([Keohane, 1993](#), p. 28). In addition to these traditional types of international institutions, global governance also includes *initiatives*, i.e., connected rule systems with a relatively low degree of persistence (meaning that they may be short-lived or very malleable), and *networks*, i.e., institutions with very low degrees of persistency and connectedness ([Zelli et al., 2020](#)).

Institutions of global governance are not obviously or necessarily equivalent to the institutions found and studied within sovereign states. In the absence of a global authority with a monopoly on legitimate violence, global governance implies “governing without government” ([Rosenau and Czempiel, 1992](#)). This absence of a unified agency in global governance raises the question of what the sources of initiative and agency are in this context. There are potentially different answers. One approach assumes that agency in global governance arise from contestation and deliberation over global public goods by a variety of self-creating actors ([Zürn, 2018](#)). Other authors emphasize the uneven playing field and construction of global public bads, ranging from gas emissions to forced and unsafe migration ([Beck, 2002](#)). Either way, the steering process of global governance can result in both formally binding and informal non-binding outcomes depending on what kind of actor is successful in shaping global governance. For example, some private-led transnational initiatives on climate change provide legally non-binding

standards for disclosing carbon footprints and for trading voluntary greenhouse gas emission reductions. Similar to rule making, other stages in the policy process, particularly implementation and evaluation procedures, can have either a formal or an informal nature. For example, relying on private certifiers to evaluate how shoes or timber are manufactured does not prevent the statutes of a steering process from being a constitutive part of global governance.

There are three reasons why this conventional understanding of global governance has implications for the concept of legitimacy crises. First, the value pluralism characteristic of politics beyond the state (Bull, 1977) limits the conceptual possibilities for both legitimacy and legitimacy crises as researched in domestic politics. For a legitimacy crisis to sufficiently emerge to allow it to be empirically studied, there must be some community of value among people (Reus-Smit, 2007), and some of that community of value is precisely what global and international politics may be lacking. The implication for our research is to make as few and as thin stipulations of normative principles as possible in the construction of our descriptive concept of legitimacy crises.

Second, political actors and processes in global governance often self-create and follow their own directions towards a perceived notion of the global public good. In democratic theory and practice, domestic politics is constituted by the people of a single and particular state. In contrast, the question of what people have the right to judge and steer global affairs is more complicated with many rivaling answers (Näsström, 2003; Agné, 2010). The implications for research are that descriptions of legitimacy crises in global governance should reflect different and alternative assumptions about whose perceptions should be observed.

Third, institutions and decision-making procedures are more decentralized and less powerful and authoritative in global governance compared to domestic government (Rosenau and Czempiel, 1992; Hurd, 1999). In order for politics to show traits of legitimacy or crises of legitimacy, political actors, as distinct from their institutions, will themselves play a greater role in global politics than they do domestically (Agné, 2018). The implication for our research is to remain open for shifting the balance of attention from institutions to the actors in politics, in descriptions of legitimacy crises in global governance, compared to crises in domestic governance.

The following sections discuss how these differences between domestic and global governance motivate a series of adjustments of, or new choices among, received definitions of legitimacy crises, with a specific view to predicting and analyzing the effects of legitimacy crises on the capacity to rule in IOs.

Condition 1: Legitimacy Crises as Social Perceptions

A crisis of legitimacy is a social perception of rule without right. So let us begin here by looking specifically at the first ingredient of this concept, namely, that

there are social *perceptions* or, with a slight extension to cover more purely inner states of mind, *beliefs*. This delimitation of legitimacy crises is neither original nor unique to research on global governance. Reus-Smit (2007, p. 169) remarks that “consciousness, in the form of broad social perception of power without right, is essential to crises of legitimacy,” and Habermas reserves the concept of legitimacy crisis to situations in which people “*experience* structural alterations as critical for continued existence and *feel* their social identity threatened” ([1973] 1976, p. 3, emphasis added). However, there are reasons of specific importance in research on global governance to emphasize the subjective nature of legitimacy. There are also reasons to do so from our aim to study the effects of legitimacy crises.

Scholars disagree on whether legitimacy is a social perception of institutions (e.g., Weber, [1922] 1978; Gilley, 2008; Hurd, 2008) or a trait in the institutions themselves that exists independently of social perceptions and may be observed empirically by analysts equipped with the right concepts (e.g., Rawls, 1971; Simmons, 1999; Buchanan and Keohane, 2006; Westergren, 2016). Some scholars also combine elements of both perceptions and institutions in the definitions of legitimacy.² If you state that a political institution is legitimate while adopting the first viewpoint that legitimacy is a matter of perception, what you really mean is that a relevant group of people perceive of the institution as having the right to do what it does. If you state that a political institution is legitimate while adopting the second viewpoint that legitimacy is a trait in an institution, what you really mean is that any rational observer will judge that it has legitimacy if studied closely in sufficient detail. The observable features that are constitutive of legitimacy on the second viewpoint will be specified in a normative theory, which an observer may apply to examine whether a particular institution is legitimate or not. The relevant institutional features are debated among scholars but may include, for example, a fair distribution of economic resources (Rawls, 1971), protection of basic human rights (Buchanan and Keohane, 2006), democratic procedures (Christiano, 2008), approval and reflection of the political aims of the public (Sleat, 2014), or good faith attempts to combat extensive resource inequalities (Westergren, 2016).

Judging which of these approaches, the perceptual or the institutional, most suits our aims, we note how the assumptions needed to describe legitimacy as a perception are less demanding and more broadly acceptable than the assumptions needed to apply an institutional definition. To some extent, institutions exist independently of individual perceptions about them. They are humanly devised constraints on social interaction that cannot be changed by single individuals in the short term (North, 1990, p. 3), or they are persistent and connected sets of rules for behavior and activity (Keohane, 1989, p. 3). In this understanding,

² For example, Lipset (1959) defines legitimacy as the power of an institution to create public belief in its justifiability; Beetham (1991) defines legitimacy as an analytically observed congruence between institutions and the values of a wider public.

an institution suffers from a legitimacy crisis if, and only if, scholars observe some features in it that contradict what is required for the institution to be legitimate in the sense of having a right to rule. Hence, the empirical observation of a legitimacy crisis being present or absent in the institution will depend on the theory of normative principles that the analyst is able and willing to apply when raising the question of whether the institution at hand is suffering from a legitimacy crisis. This analytical procedure, we note, is more demanding of normative premises than it is to conclude an instance of legitimacy crisis defined as a social perception.

A social perception of an institution may be classified as grounded in normative principles, and thus relevant for scholars to draw conclusions about legitimacy, without stipulating anything about what is required for an institution to be legitimate. Within the realm of normativity, which is a vast but not endless domain of human thinking and actions, the individuals themselves—not the analyst who observes their perceptions—will select principles and decide their application to a concrete institution. A scholar who is unable to understand the point of the normative convictions that lead individuals to perceive of an institution as being unjust may still observe that their perceptions are grounded in normative principles and are not mere expressions of narrow self-interests. Publicity comes with a norm and a real tendency to reflect the interest of others in one's utterances (Elster, 1997; Naurin, 2007a). A person who expresses their beliefs in public manifestations, and not only in private conversations, shows a greater likelihood of expressing normative convictions regardless of the content of such beliefs. Thus, empirical research on legitimacy defined as a social perception of institutions, not a trait of the institutions themselves, necessitates less demanding normative assumptions than empirical research on legitimacy defined as an attribute of the institutions. It can describe legitimacy by means of empirical research on public utterances and actions, and thus reduce the risk of bias in descriptions that stems from limited abilities of researchers to understand and apply different normative theories.

Yet, the possibility of bracketing normative issues in descriptive research is not complete, even in research on legitimacy defined as a perception. As any political observer can tell, publicity is no guarantee that political actors will reveal their normative principles. Moreover, contestable issues on whose perceptions are relevant to study in the first place may still have to be settled by researchers who apply a normative theory (later in this chapter, we mediate this problem by looking at the perceptions of different group of people, motivated by different normative theories). Still, the greater possibility of bracketing some normative issues in the study of legitimacy crises as a perception is what leads us to reject the institutional definition of legitimacy in this book (however motivated it may be in research with different purpose). The choice of the perceptual definition reduces the risks

of bias in research on the normative convictions we hold ourselves. The less demanding the assumptions that are needed for our descriptive empirical research to take off, the more broadly valid the results of the research will be among people with alternative normative assumptions. Without a centralized authority and given the value pluralism in global and international politics noted earlier, empirical research on legitimacy as an attribute of institutions would necessitate taking a stand in unresolved debates between communitarians and ethical universalists, between legal pluralists and monists, and the wide range of other issues that make up so-called “normative political theory” in political science.³ Our conceptual choice to conceive of legitimacy as a normatively informed perception of institutions is motivated by a desire to bracket such debates as much as possible, and by the ideal to capture legitimacy crises based on any normative principle that observers or participants in global governance have come to adopt.

As it turns out, our definition of legitimacy crises as perception also helps us to achieve our aim of predicting and analyzing the effects of legitimacy crises. Many of the politically interesting potential effects of legitimacy crises are, precisely, institutional traits. The capacity to rule is surely an institutional feature, as expressed in the material and legal resources that organizations possess, as well as their decision-making practices. To test the effects of legitimacy crises as widely as possible across outcome variables and diminish the risk of tautological reasoning, it is helpful to exclude institutional traits in the definition of legitimacy crises itself (Sommerer and Agné, 2018). As noted at the outset of this chapter and in Chapter 1, a more demanding definition of legitimacy crises may suggest that, in order for an institution to be in a legitimacy crisis, it must either lose power or change so as to accommodate the normative demands of a wider audience or transform the normative convictions of their critical audience (Reus-Smit, 2007, p. 167). However, that concept of legitimacy crises, which has institutional implications, would not help to explain the puzzle that provided the impetus for this book, namely, that crises of legitimacy sometimes *strengthen* global institutions without the institutions having been reconstructed in the meantime. In order for our theory to explain those empirically confirmed possibilities, which is our key aim in this book, it should not stipulate anything about the capacity to rule of political intuitions in the definition of legitimacy crises. Again, changes in the capacity to rule cannot be part both of legitimacy crises themselves and of the effects of legitimacy crises (in one and the same falsifiable theory). Looking directly at the perceptions of a relevant group to conclude instances of legitimacy crises is the more reasonable choice.

³ The term is a misnomer because, as we illustrate throughout, normative principles are essential problems to address in social science more broadly, including empirical research on legitimacy.

Implications for Empirical Research

Clarifying that we conceive of legitimacy crises as a social perception has huge implications for how to research them empirically. Most importantly, to conclude that a legitimacy crisis exists, or is absent, we do not observe institutional features at all. Instead, we draw inferences about the existence or absence of legitimacy crises from the perceptions expressed by a maximally broad range of political actors and activists, including private individuals, political leaders, governments, civil society organizations, IOs, expert networks, social movements as described by self-appointed spokespersons. To extract the relevant information, we draw on global mass media sources which, by definition, reflect the views of vast numbers of people, and also from interviews with experts in the midst of public attention who are familiar with the broad set of actor perceptions in which we are interested.

Condition 2: Legitimacy Crises as Rule without Right

Scholars turn to legitimacy crises because of their expectation that normative views, that is, views about what is right and wrong beyond the narrow self-interests of individuals and collectives, matter for the political outcomes of their interest (e.g., [Hurd, 1999](#); [Reus-Smit, 2007](#); [Lake, 2011](#)). Hence, the relevance of considering senses of rightfulness and normative justifiability in empirical research on legitimacy is indisputable. A related question that needs to be addressed, however, is whether beliefs rooted in senses of normativity or righteousness are all that should matter in the empirical research on legitimacy crises faced by political institutions, or whether there should be some or even equal scope to observe beliefs that are clearly not normative but reflections of self-interest alone. On this question, existing research points in different directions, as described below, while clarification is needed to know exactly how far observations of perceptions motivated by self-interest should be counted in descriptions of legitimacy crises.

The key distinction then is between perceptions grounded in, and limited by, normative convictions about what is right or good, on the one hand, and beliefs grounded in individual or collective self-interests, on the other. For something to be a normative conviction, and not just an expression of self-interest, it must be possible to universalize the conviction so as to judge all situations and all people without the conviction losing its original force ([Hare, 1981](#)). If led by normative convictions, you will, in some conceivable situations, have to sacrifice your interest to do what is good only or primarily for yourself or your own group. The critical question is how much room, if any, there should be in research on legitimacy for political perceptions that are motivated by self-interests alone.

A permissive viewpoint is that perceptions are equally relevant to judge the legitimacy of institutions regardless of whether they are motivated by private

self-interest or normative convictions. This view is reflected in a prevalent operationalization of legitimacy as the trust, or confidence, that political institutions enjoy from citizens, as reported in public opinion surveys (e.g., [Newton and Norris, 2000](#); [Inglehart and Welzel, 2005](#); [Dellmuth et al., 2022](#)). [Dellmuth and Tallberg \(2015, p. 455\)](#), who measure legitimacy by political trust among citizens in a study of the United Nations (UN), note that confidence in a political institution can also exist if motivated only by “instrumental concerns,” “private interests,” and the “individual welfare” of the respondents. An opposite and less permissive conception is that perceptions of power must *not* be motivated by self-interest alone to count in assessments of legitimacy. As noted by [Gilley \(2006, p. 502\)](#),

[state] legitimacy is an endorsement of the state by citizens at a moral or normative level. [...] It is analytically distinct from that form of political support derived from personal views of goodness. What is sometimes called “performance legitimacy” is plausible only in terms of how citizens evaluate state performance from a public perspective. A citizen who supports the regime “because it is doing well in creating jobs” is expressing views of legitimacy. A citizen who supports the regime “because I have a job” is not.

Similar positions are taken, for example, by [Levi \(1997\)](#), [Lake \(2011\)](#), and [Hurd \(2008\)](#).

Epistemological issues easily get in the way of choosing between these alternative conceptions of legitimacy. Depending on whether you prioritize theoretical coherence over empirical applicability in the process of conceptualization, or empirical applicability over coherence in theory, either one of the two different positions will come more easily. To determine whether an actor is driven by norms, self-interests, or some combination of both, is a daunting task in empirical research. [Lake \(2011, p. 23\)](#) notes the difficulty when applying the distinction between coercion and legitimate subordination: “whether, in any given instance, a subordinate state followed a dominant state’s command out of duty or force” was often not possible to say. Empiricist scholars in particular, who prioritize empirical applicability to theoretical coherence when constructing concepts, will then have reasons to downplay the relevance of the distinction between perceptions motivated by norms or self-interests, and perhaps reject it as irrelevant. For it is difficult to use in their privileged methodology in order to gain knowledge. Scholars who prioritize theoretical coherence in their construction of concepts, on the other hand, will see no reason to water down the core in legitimacy research just because it is difficult to observe. Actor motivations may not be directly observable but are still part of theoretical constructs whose validity are tested first and foremost by the observable implications of the arguments they inspire or engender. Even if empirical methods are weak when it comes to discriminating between actions that are motivated by norms and self-interests, respectively, better methods may develop in

the future, and current methods may be differentiated depending on how far they get at discriminating in empirical research between key distinctions in theory (e.g., Popper, [1935] 2005; Hollis, 1994).

The latter position in epistemology is closer to our own: theoretical and empirical clarifications are both necessary and thus fundamentally equal sources of political knowledge. But the context of global governance provides additional reasons *not* to regard perceived violations of self-interests as a sufficient condition for a legitimacy crisis. Political institutions at the global level are weak and often unable to steer individual actions towards a common good. If stronger institutions had been in place to protect a common good, as they might perhaps be in domestic politics, it may have been possible to regard individual perceptions based on self-interest as relevant for legitimacy. For in that case, individual self-interest may still coexist with public virtues that flow from more powerful political institutions (Macdonald, 2015). But in the contrasting cases in which we are interested—weak and fragmented political institutions in global governance—political subjects must themselves be led by normative values in order for their joint politics to show signs of either legitimacy or crises of legitimacy. Hence, our choice of researching global governance provides additional reasons for the conceptual decision to exclude perceptions based on self-interest alone, from the definition of legitimacy crisis (Agné, 2018). In our preferred terminology but not in all other prevailing terminologies, it would be wrong to assume, for example, that a *coup d'état* is necessarily indicative of a legitimacy crisis—for it is surely not unthinkable that a coup is driven by self-interest alone.

That said, it is important to note that explanations based on legitimacy do not exclude assumptions that political actors also have a tendency towards self-interested and strategic action. Just because legitimacy crises are defined so as to exclude perceived violations of self-interest alone, it does not follow that self-interests cannot exist at the level of political actors. Inclinations to act normatively and strategically can exist within, or be taken for granted by, a single political actor. You may act strategically to create normative structures in yourself, for example, by meeting regularly or showing respect for other people, thus fostering normative beliefs in the righteousness of respecting others. Less saint-like, you may also exploit the stickiness of normative structures in other people to serve your own self-interests, as you treat others in working or family life without respect for the individual freedom you want to uphold for yourself in a democratic state. Hence, self-interests and normative principles can exist in human beings simultaneously. However, counting perceptions that are motivated by self-interest alone in the assessment of *legitimacy crises* would collapse the distinction between normative and strategic action entirely, and thus reduce the opportunities to adopt either perspective to think differently about political institutions and debate alternative explanations of outcomes (Agné, 2018). We decide, therefore, to exclude beliefs based on self-interest alone from the theoretical concept

of legitimacy crises for several reasons: to protect pluralism in research on what motivates political actors, to reflect the unique conditions for legitimacy in global governance, to observe core ideas in existing research on legitimacy, and to grant equal weight to considerations in theoretical and empirical research on matters of conceptualization.

Implications for Empirical Research

To describe legitimacy crises that include at least some normatively grounded beliefs, our first step is to study beliefs that are expressed or manifested in public. That decision is by no means trivial or evident from all perspectives on how to research legitimacy. The empirical basis in research on legitimacy is sometimes limited to confidential answers by respondents to surveys about trust in political institutions or perceived justice. We decline the possibility of survey research because the private setting in which it gathers information is more conducive to generating self-interested beliefs compared to public settings. Beliefs that social and political actors find reason to express or manifest in public are typically motivated by generalized or common normative concerns, in contrast to the narrower self-interested concerns that can be expressed or manifested by individuals more easily in their private life, where they are unaccountable to others (Elster, 1997; Naurin, 2007a).

A second step to describe legitimacy crises as reflective of normative convictions is that we ourselves judge whether individual cases of public contestation of institutions in global governance count as legitimacy crises in the qualified sense of not being limited to reflections of self-interest alone. Our case studies of the World Trade Organization (WTO) and the United Nations Framework Convention on Climate Change (UNFCCC) are particularly important to verify this point with in-depth studies and holistic assessments of the history and broader contexts that facilitate making such judgments. Taking seriously what actors themselves say is an evident source of information about the partly normative or purely self-interested motivations for what they do (Agné, 2006b; Naurin, 2007b). Words are expressions of actors' inner beliefs and tracing their action over time can reveal hypocrisy in the form of decoupling talk and walk. Motivated by the same aim, we also consult qualitative studies in previous research to assess IOs in the larger sample. While the data generated from global mass media do not allow in-depth judgments, we could not safely report a single instance in which the agents in our quantitative material are motivated by self-interests alone, despite having looked for it. Our conclusion, of course, is not that those self-interests are absent in our material, but that expressing or manifesting one's beliefs in the public indeed comes with a significant impulse to advance public interests shared by more people than oneself or by one's own groups, that is, normative convictions. Hence, studying legitimacy

by looking at beliefs expressed or manifested in the public, in order to minimize the risk to observe viewpoints motivated by self-interest alone, is a key implication for empirical research of our definition of legitimacy crises.

Condition 3: Legitimacy Crises as Perceptions by a Relevant Group of People

As noted several times, global governance draws attention to conceptual issues easily neglected in legitimacy research on other territorial levels. No other concept illustrates the point better than the people whose beliefs count in legitimacy assessment, or what we and others sometimes refer to as “legitimacy audiences” (Bexell et al., 2022).⁴ In research on domestic politics, it goes without saying that it is the citizens of the state, and only them, who are constitutive of the people whose perceptions should count in empirical research on the legitimacy of the state. If a research project were to proceed differently, and claim to describe the legitimacy in, say, the South African state while observing the perceptions only of white South Africans, or of all people in the Commonwealth (in which South Africans only comprise a small minority), the study would be unlikely to be published in any peer-reviewed outlet because it applied the term “legitimacy” in a misleading or erroneous way. For in research on domestic politics, the people whose beliefs count in legitimacy assessments, or the legitimacy audience, have a long-established meaning (e.g., Beetham, 1991; Levi, 1997; Gilley, 2008; Booth and Seligson, 2009). However, in sharp contrast to the relative conceptual agreement in research on domestic politics, the context of global governance presents a number of alternative definitions of the legitimacy audience, or of the people whose perceptions should count in research. The alternative definitions reflect different substantive views on who should judge and ultimately steer global governance. Let us review them to see what may be expected from nuanced descriptions of legitimacy crises in this context.

One center of debate has been the role of governments and civil society, respectively, in global governance (Scholte, 2002; Kaldor, 2003). While the rejection of global politics as an exclusive realm for governments is often repeated on empirical (Keck and Sikkink, 1998) and normative (Zürn, 2018) grounds, the point would not have been repeated so often unless there was a reason to do so. Recurring waves

⁴ We adapt to this prevailing terminology with some hesitation and for the pragmatic reason to facilitate communication with previous research that uses it already. The term “audience” has an unfortunate elitist bias in research on legitimacy. There is often no reason to think of the group of people whose perceptions are relevant for legitimacy as being merely an audience, that is, a group of individuals whose role in social life is limited to observing what others do. Instead, the people whose views should count in scholarly assessments of legitimacy are typically involved in making politics themselves.

of international relations (IR) realism and molding with state-centric assumptions more generally are part of the research field (Schweller, 2006; Mearsheimer, 2018). Previous prominent contributions to the study of legitimacy in global politics have looked at governments alone (Clark, 2005). Meanwhile, the structure of global and international politics may have changed to empower civil society actors (Risse, 2002) to a point where they might play an essential role in the legitimacy of global institutions (Steffek, 2005). A question debated across this field is whether the legitimacy audience of IOs includes first and foremost governments, civil society, or some particular mix of agents in both categories. In this book, we make no attempt to resolve the debate in theory, but describe patterns of legitimacy crises based on different and opposing views. We compare patterns of legitimacy crises in IOs from the perspective of governments with the patterns of legitimacy crises from the perspective of civil society actors, while also collapsing the distinction between the two, in order to examine the implications of a contention that the distinction between government and civil society does not make any real sense.

A related issue is the inclusiveness of the legitimacy audience in horizontal terms, that is, across the territorial borders of existing states as well as the jurisdictions and structures of soft powers exercised by IOs. The more conservative and restrictive position is that a legitimacy audience is limited to the people who a political institution lays claims to regulate by its formal decisions, that is, the people who are subject to control or potential coercion by the institution. It is on this premise that some scholars have argued that questions of legitimacy do not arise in global governance until an institution with authority exists (Zürn et al., 2012). The motivating principle in the underlying normative theory is that *all people subjected* to binding and ultimately coercive decisions should be counted in assessments of legitimacy in the institution that make those decisions. Other people who may be affected but not subjected to coercion should not be counted in legitimacy assessment (e.g., Dahl, 1982; Abizadeh, 2008; Fraser, 2010). On this assumption of what the legitimacy audience is, the perception of member governments in IOs, says the Nigerian government in relation to the African Union (AU), would be relevant to assessing the legitimacy of the AU. As a member state, Nigeria, at least in a weak sense, is subjected to decisions made by the AU. Indirectly but equally important, street protests in Abuja against the AU would also be relevant to assessing its legitimacy—because these people are subject to decisions by the Nigerian state which, in turn, is subject to the AU. Other agents of global governance, such as the French government and civil society organizations in Paris, are irrelevant to assessing the legitimacy of the AU from this perspective—because they are not subject to its control. These are the implications for the legitimacy audience of accepting the all-subjected principle in normative theory.

In contrast to this horizontally restrictive conception of legitimacy audiences, however, others believe that everyone whose interests are in some way just affected

by a decision should be counted when assessing the legitimacy of a political institution (e.g., Held, 1995; Goodin, 2007; Koenig-Archibugi, 2017; for objections and qualification, see Agné, 2006a; Näsström, 2011). The inclusion of *all people affected* is obviously a more demanding definition of the legitimacy audience. Many people, perhaps all human beings, can lay a reasonable claim to be affected by any global institution in the relevant sense (Goodin, 2007). The principle of delimiting the legitimacy audience for global governance implies that empirical scholars should extend the empirical basis for their conclusion of legitimacy or legitimacy crises in IOs to include perceptions of agents who live outside the jurisdiction of territorially delimited IOs and who make some claim or effort to be heard. For example, reactions to the North Atlantic Treaty Organization (NATO) by the government of Russia, or by civil society actors in Moscow, on this conception of the legitimacy audience, should be included in the empirical bases for scholarly judgment of NATO's legitimacy. The perceptions of the French government might be equally relevant to those of the Nigerian government in the assessment of legitimacy crises in the AU when following the all-affected principle to define the legitimacy audience.

A third disagreement is how vertically inclusive global governance should be, that is, to what extent global governance should, for the purpose of researching legitimacy, be conceived of as an *elite* business of diplomats and business, or as also a target of *mass* politics and protests. The delimitation of legitimacy audiences to political, economic, and other kinds of elites may derive from authoritarianism beyond the state (cf. Kreuder-Sonnen and Zangl, 2015) or the necessity to limit democracy to gain problem-solving capacity (Dahl, 1999) or the limited need for democracy to legitimize any such policy that is made beyond individual states (Miller, 2010). Looking at the perceptions of elites rather than the masses can also be motivated insofar as broader publics have granted a "permissive consensus" (Lindberg and Scheingold, 1970) which can be broken as soon as divisive policy issues arise. In any case, other scholars have suggested, to the contrary, that the legitimacy audiences of global institutions must indeed include both elites and the masses, or some sufficiently inclusive definition of the audience for the distinction between masses and elites to make little sense in the first place (e.g., Held, 1995; Hardt and Negri, 2000; Scholte, 2002; Gould, 2004; Smith, 2008; Fraser, 2009). The global governance system has penetrated the sovereign states system to become part of domestic politics and the everyday experiences of citizens (Zürn, 2018). The need for global governance to resolve social problems necessitates political procedures that include, or represent, all people who disagree on any issue (Agné, 2010). Thus, an empirically based assessment of legitimacy will demand research on social perceptions beyond elite circles. Again, this book does not privilege either the elite or the mass conception of the legitimacy audience in this particular book (but see Agné, 2022) while describing legitimacy crises based on each of the opposing conceptual assumptions.

Implications for Empirical Research

The different legitimacy audiences highlighted above reflect competing positions in unresolved debates on what global governance is and how it can and should be steered. To be relevant across the board of research and politics that privileges any of these positions, our strategy in this book is to describe legitimacy crises in IOs on the basis of the alternative prevailing conceptions of the legitimacy audience. Our empirical work will thus become much more demanding than if we had selected a single conception of the legitimacy audience and described all IOs from that perspective alone. But the additional efforts are worth making. It makes the results relevant for a broader set of scholars who will find a description of legitimacy crises over time based on their privileged conceptions of the legitimacy audience. The conceptual multiplicity in global research on legitimacy is also a resource for overcoming the empirical anomalies on the positive effects of legitimacy crises for the capacity to rule, described in the introductory chapter, and which motivates the whole of this book. We stand a better chance of succeeding in explaining the effects of legitimacy crises as we test alternative conceptions of legitimacy crises. As we theorize in Chapter 5 and test empirically in Chapters 6 and 7, there are reasons to expect different effects of these different types of legitimacy crises, informed by elite and mass perceptions; by the people subjected or everyone affected; and by government or civil society perceptions, respectively.

Condition 4: Legitimacy Crises as Reactions to the Status Quo

We conceive of legitimacy crises as the conceptual opposite to legitimacy, positively defined as a social perception that an institution has the right to rule. A legitimacy crisis is thus not only the absence of legitimacy, but a positive condition which, by definition, excludes the possibility of full legitimacy at a particular time and place. The distinction is fine but has significant implications. It lays the basis for two central dimensions that allow us to differentiate between legitimacy crises, namely, the *normative depth* and the *social breadth* of legitimacy crises. To get at those essentials, we first need to clarify the difference between a legitimacy crisis and the absence of legitimacy.

Consider a survey instrument aimed at describing the prevalence of legitimacy held by institution A. In the survey instrument, a respondent's "complete disagreement" with a proposition that "institution A is fair" may go back to this respondent not considering fairness to be at all important for the institution in question, at least not for its legitimacy (Scholte and Tallberg, 2018), or did not consider A to be a relevant institution to judge, at least not from the perspective of fairness. In that case, their beliefs indicate an absence of legitimacy, but *not* a legitimacy crisis.

Not observing what might be necessary for legitimacy, in this case, the perceived fairness of an institution, is not sufficient to conclude there is a legitimacy crisis. Instead, the existence of a legitimacy crisis, we suggest, also requires a critical reaction to the status quo by a relevant group of people, that is, by the legitimacy audience. This way of associating the concepts of *crisis* and *critical reaction* is unoriginal. The practice of *critiquing* social matters is conventionally seen as a means of detecting a social *crisis* (Koselleck, 1988), while in our conceptualization we bring the two concepts just one step closer to each other, seeing critical reactions as a constitutive feature of legitimacy crises. A legitimacy crisis in our definition involves an activated perception among relevant audience members, not simply cold or detached cognition, but some negative emotions in the political subjects such as disappointment, unrest, anxiety, anger, or hatred (Agné and Söderbaum, 2022). The particular kind of perceptions in legitimacy crises may be studied empirically by looking at critiques and public protests against the ways in which an institution acts (e.g., Gilley, 2006).

Being explicit about the activating perception at the heart of legitimacy crises is helpful for achieving our larger aim, namely, to understand the effects of such crises. It goes without saying that all effects are effects of *something*, rather than of nothing. Effects of negative or absent properties do not exist in the material world (but possibly in the quantum ontology suggested by Wendt (2015) for politics). Hence, a concept of legitimacy crises that explicitly postulates not only the absence of legitimacy but also the existence of a different reality that exists in its own right creates a sound basis to explain outcomes. The critical reaction for the status quo stipulated in our concept of legitimacy crises thus provides the positive element needed to explain their material effects. Moreover, the reaction, or activation, of audiences, inherent in our concept of legitimacy crises, is a variable. Attending to activation allows us to observe and compare the intensity of different legitimacy crises and to generate testable hypotheses about which legitimacy crises are most likely to affect the capacity to rule. In order to exploit this opportunity to differentiate among legitimacy crises as much as possible, we distinguish between two dimensions in the activation inherent in legitimacy crises, namely, their normative depth and their social breadth.

Normative depth is the driver and dimension of activation that we invoke most frequently. All normative values can be organized on a scale, or in a hierarchy, from the most to the least fundamental, in the eyes of a particular individual or an aggregate of individuals. Just as some people believe that stability and peace are more fundamental values than economic justice and development, other people take the opposite position and regard economic justice and development to be relatively more important than peace and stability, and perhaps even sufficient reason to disrupt social order and to wage war. With regard to procedures, some individuals and groups will prefer expertise to participation in policy making, while others make the opposite valuation of the same procedures. Based on such a ranking

of values by individuals and groups, the disagreements with an institution that an audience manifests in a legitimacy crisis may concern values that are more or less fundamental to them. A value is more fundamental to an individual the more they are willing to sacrifice other goods to achieve it, for example, money, time, or safety. If a political institution is perceived to violate a more fundamental value, the perception will activate the legitimacy audience more than if the political institution violates a less fundamental value as perceived by the legitimacy audience. We then talk about a normatively deeper (in contrast to a more shallow) crisis of legitimacy.

The other dimension of activation in legitimacy crises is the *social breadth* of the critical reactions across audience conceptions. As noted, the literature is aware of many alternative assumptions about whose views are relevant in descriptions of legitimacy in global governance, from the formal members of an IO to mass audiences in other parts of the world who are merely affected by the IO in their own views. The broader the perception of rule without right across alternative conceptions of the relevant legitimacy audience of an IO, the more activating we consider the legitimacy crisis to be. This second driver of varying activation levels across legitimacy crises reflects a familiar assumption, that legitimacy crises are not reducible to individual perceptions but are genuinely social phenomena (Weber, [1922] 1978; Jost and Major, 2001; contra Lenz and Viola, 2017; Dellmuth, 2018). Regardless of what levels of activation are observed at the level of individual persons in their critical reactions to a targeted institution, a legitimacy crisis will reach a higher activation level as it engages a broader set of audiences as distinguished by normative principles. When many and different audience types are activated, we denote a socially broader (in contrast to a narrower) legitimacy crisis.

Implications for Empirical Research

A key implication for our empirical research of having defined a legitimacy crisis as involving a critical reaction to the status quo is to analyze practices of public contestation and peaks in public contestation. Specifically, we look at public events including street protests and public critiques and accusations of key institutions in global governance, as well as specific policies, officials, and member states, as reported in the mass media. Legitimacy crises are still a *perception* of rule without right in these observations. But since legitimacy crises are perceptions manifested in a critical reaction to the political status quo, it is effective for empirical research to observe them at the level of selected actions and utterances by social and political actors. The two dimensions of activation—normative depth and social breadth—also have implications for empirical measurements: A normatively deeper legitimacy crisis is indicated by a higher total number of critical reactions by political agents within a given audience conception.

A socially broader legitimacy crisis is indicated by legitimacy challenges across multiple rather than single conceptions of legitimacy audiences. These dimensions figure prominently in our theoretical framework to explain the capacity to rule, introduced in Chapter 5, as well as in the quantitative testing in Chapter 6.

Condition 5: Legitimacy Crises as Phases in Time

Crises are a topic not only in research on legitimacy but across the social and natural sciences. Across these domains, crises have an element of change and temporality. What counts as a crisis will, at least in hindsight, be seen to have a beginning and an end. Permanent features of the structures of social or natural life, no matter how troublesome, are not enough to speak of a crisis. Instead, a crisis is a moment of acute danger or vulnerability, which may result in the death or breakdown of a system or living organism, while it can also result in development, maturation, and increasing insights into the conditions for the life of oneself and others. A crisis then is necessarily a stage in a process with an extension in time, while the outcome at a particular moment is not essential for whether something is a crisis. Formulations such as “permanent crisis” (as in the title of a famous article by Hont, 1994), are evocative and easy to remember precisely because they are oxymoronic. The limitation to a particular time frame is part of what makes *crisis* an interesting concept in the first place.

This conventional understanding of crisis—without limitations to legitimacy crisis—is surely part of the reason why many scholars—including ourselves—also address the topic of crisis in the field of legitimacy. Insights gained in crisis research more broadly (e.g., Agné, 2016; Boin et al., 2016; Przeworski, 2019) will be useful to explaining the effects of the legitimacy crises in Chapter 5.

Nevertheless, it is not necessary for research on legitimacy to address the specific problem of crises in legitimacy, not even when the aim is to describe legitimacy at the lower end of this variable. Concepts of illegitimacy, or low levels of legitimacy, are also available for empirical research and do not entail the same limitations to a particular moment in time that comes with researching crises. Why, then, do we propose to look at *crises* in the field of legitimacy in the first place, instead of just looking at, say, illegitimacy or low levels of legitimacy?

Crises are a helpful concept to concentrate attention on events of critical importance in any social process. For research on the effects of legitimacy in global governance, there is also a methodological advantage of looking at legitimacy crises instead of just low levels of legitimacy. In the global political context, it is unclear at precisely what level of legitimacy one should expect an effect to be triggered. The critical level of legitimacy that is needed to trigger effects is somewhat easier to identify in research on domestic politics. While research on domestic politics provides a well-established empirical threshold for legitimate states, such as

electoral democracy and freedom of expression, politics beyond the state do not yet see the same convergence on democracy as a minimal criterion for legitimacy (but see [Dingwerth et al., 2020](#); [Agné, 2022](#) for its existence). By implication, research on global governance is more sensitive to the problem of setting the cut-off level for when to expect effects of legitimacy either too high or too low.

It is in mitigating this methodological problem that attention to *crises* is helpful. If the underlying theories on the effects of legitimacy are correct, it should be possible to trace empirical observation at least in times of legitimacy crisis ([Beetham, 1991](#)). If no effects of legitimacy materialize in a time of crisis, it will be farfetched to object that the results depend on a too low or too high cut-off point in the measurement. In research on legitimacy crises, we intentionally look at phases in time with extreme levels of perceived rule without right. Hence, there are good reasons to analyze the effects of crises in the conventional understanding of this concept, that is, as delimited to an extreme or particularly vulnerable moment in time. Permanent features in politics or social life are not enough to conceive of a legitimacy crisis.

Implications for Empirical Research

The implications for empirical research of defining legitimacy crisis as a particular moment in time are obvious, namely, to opt for a longitudinal research design of institutions in global governance. We do so in both the quantitative and the qualitative analyses in this book. The in-depth case studies of the WTO and UNFCCC are used to nuance how crises begin and end and develop in dynamic fashion. The information is instrumental to grounding assumptions on causal mechanisms about when and how a legitimacy crisis translates into the effects on the capacity to rule. The quantitative analysis, on the other hand, identifies crisis years for the selected organizations by comparing the frequency of legitimacy challenges across all years and for all organizations. For example, when we conclude that the IMF faced a crisis of legitimacy from 1999 to 2001, we do so based on comparisons of public challenges to the IMF in those years with challenges to the IMF in all other years. Hence, there are multiple ways that our empirical research can account for our choice to study legitimacy crises in the conventional understanding of crises as being delimited to a particular time.

Conclusions

We have suggested and clarified five necessary and jointly sufficient conditions for legitimacy crises in research that aims to describe their prevalence in global governance and to analyze their effects on the capacity to rule of IOs. Each condition has

implications for how materials should be selected or measurements constructed in empirical research. Yet the conditions are not themselves a measurement or operationalization of legitimacy crises. They define legitimacy crises in general terms so as to *guide* the selection of data and the development of empirical indicators—a process which, to be successful, must always be suited to the unique needs and resources of a particular study. In the next two chapters, we further illustrate the usefulness of the definition of legitimacy crises in this chapter to guide the construction of empirical measurements and select the time frames of study—but we do not exhaust its implications for empirical research. Other studies of legitimacy and legitimacy crises, with different precise questions, study contexts, analytical skills, and available resources, may use the same definition to construct different approaches to empirical research in order to solve more effectively the challenges that are unique to them.

The guidance capacity of the concept developed in this chapter is illustrated by the different empirical approaches taken in the quantitative and qualitative analyses of Chapters 3 and 4, respectively. The qualitative approach will assess the prevalence of legitimacy crises by observing empirical indicators of relevance to all five criteria. This raises additional conceptual tasks, not ultimately resolved in this chapter, namely, to specify the practices that manifest critical social perceptions, the blends of norms and interests that motivate legitimacy challenges, the audiences that challenge IOs and ultimately constitute a legitimacy crisis, and the time and process in which dispersed legitimacy challenges cluster sufficiently for a crisis to become visible and socially real.

The quantitative approach that we employ to describe a larger sample of organizations describes the prevalence and absence of legitimacy crises for individual years, thus measuring the concept at the dichotomous level. It also measures legitimacy challenges more broadly (regardless of whether they amount to a crisis of legitimacy or not), as well as the varying activation levels of crises as defined by their normative depth and social breadth. Quantitative measurement necessarily blurs the question of whether a legitimacy crisis really exists at a particular point in time, but they also provide more information beyond the critical cut-off point of something being or not being a crisis. In fact, quantitative measurements mitigate the problem that any selected cut-off point may be arbitrary from a theoretical perspective by picturing the entire process that everyone agrees will at *some* point bring a global institution into, or out of, the state of being in legitimacy crisis. On these grounds, the two empirical approaches motivated by our concept of legitimacy crisis, as defined in this chapter, are useful to include in a single study.

3

Patterns of Legitimacy Crises in 32 International Organizations

This chapter provides a large-N analysis of legitimacy crises in international organizations (IOs). We begin with an overview of existing strategies to measure legitimacy crises. Led by the pros and cons of the available alternatives and the conceptual starting point in the previous chapter, we suggest a quantitative measure of legitimacy crisis based on media coverage of elite criticisms and mass protests in leading global newswires. Applying the measurement strategy of our choice, we begin by presenting legitimacy challenges from different audiences over time before we move on to identifying the peak years of extreme challenges that we qualify as crises of legitimacy for specifically targeted organizations. To identify the tipping point for when legitimacy challenges become crises of legitimacy in the full sense of the word, we elaborate on a range of criteria that reflect alternative starting points in theory and different potential tendencies in the data.

The analysis of 32 organizations between 1985 and 2020 reveals that many—but far from all—organizations have undergone a legitimacy crisis. The timing of these events is apparently specific to each organization, and we see little evidence of broader trends of either increasing or decreasing crisis tendencies, except for the years around the turn of the millennium and a slight increase during the last five years of our observation period. The most recent surge of legitimacy challenges only affected a limited number of organizations, and often did not mark a historical high. Remarkably, this time of enormous interest in the turbulence of multilateralism, driven by Brexit, Trump, growing authoritarianism, and a global pandemic, thus shows no fundamental rupture in the legitimacy of multilateral governance more generally. A second important finding refers to the nature of the crises in our context and period of study. Types of legitimacy crises, defined by different constituting audiences, vary strongly across organizations and over time. For example, we find that civil society actors have been the dominant drivers of legitimacy crises around the turn of the millennium, while in recent years IOs have also been increasingly opposed by some member governments. We end this chapter describing the implications for the study of the consequences of legitimacy crises for the capacity to rule in IOs addressed in the second part of this book. The presence of legitimacy crises across a wide range of IOs provides sufficient grounds to assess their expected effects. The heterogeneity of legitimacy crises in terms of

audience composition also demands a nuanced theorizing of the conditions and pathways of these effects if empirical testing is to be meaningful.

Strategies for Large-Scale Legitimacy Research: An Overview

Although scholars of international politics have long been interested in legitimacy, they have not yet established any broadly accepted approach to describe the prevalence of legitimacy crises. The lion's share of existing studies has looked at single cases, such as the World Trade Organization (WTO) (e.g., [Esty, 2002](#); [Elsig, 2007](#)), the International Monetary Fund (IMF) ([Seabrooke, 2007](#)), the European Union (EU) (e.g., [van Apeldoorn, 2009](#); [Longo and Murray, 2011](#)), and the Organization for Security and Co-operation in Europe (OSCE) ([Peters, 2013](#)), and they have benefited from qualitative methods to describe legitimacy that do not apply equally across all IOs. Hence, the tools that have already been developed to describe legitimacy crises in multilateral governance have limited capacity for the aims of this book, to place this research on a more general footing and avoid biased conclusions that may accompany studies based on single cases.

In social science more broadly, scholars measure legitimacy in a broadly comparative fashion using surveys that include questions on citizens' trust in government ([Booth and Seligson, 2009](#)). Since the 1940s, important developments in this tradition included the distinction between, in the terminology of [Easton \(1965\)](#), specific and general support. In an influential article, [Weatherford \(1992\)](#) divided legitimacy into a political component, including citizen judgments of representation, accountability, and other institutional features, and a personal component, including citizens' feelings that political participation is worth the cost, or that fellow citizens are trustworthy. Similar measurements of legitimacy were then developed by [Norris \(1999\)](#), tested empirically by [Klingemann \(1999\)](#), and applied to analyze the effects of legitimacy by [Gilley \(2008\)](#) and [Booth and Seligson \(2009\)](#).

Starting a few decades later, scholars of multilateral governance have begun to measure legitimacy by asking citizens how much trust, or confidence, they have in IOs ([Edwards, 2007](#); [Torgler, 2008](#); [Dellmuth and Tallberg, 2015](#); [Ecker-Ehrhardt, 2016](#); for an overview, see [Dellmuth, 2018](#)). Other scholars use survey questions pertaining to the satisfaction with national memberships in IOs among citizens. The longstanding and productive research on popular support for European integration has pioneered this approach to measuring legitimacy (e.g., [Merritt and Puchala, 1968](#); [Eichenberg and Dalton, 1993](#)). Related to the citizen surveys, scholars have recently also applied the open political trust measurement of legitimacy to describe the beliefs of societal and political elites towards selected IOs ([Dellmuth et al., 2022](#)).

For the specific purpose of this book, however, the survey-based approach to measure legitimacy does not fit. As [Dellmuth and Tallberg \(2021, p. 1294\)](#) put

it, quantitative research on IO legitimacy is “plagued by the poor availability of systematic and comparable data.” Because we understand legitimacy crises as extreme and therefore also rare events, we need an extended observation period. Whereas public opinion research on domestic politics offers such long time series for many countries, the situation is less favorable at the international level. The World Values Survey (WVS), as the most comprehensive, covers only a limited number of IOs with data from some member states only.¹ What is more, the WVS offers little continuity in institutional selection and country samples over time, and relatively long intervals between its waves.² Elite surveys may solve the particular problem of a knowledge gap (Dellmuth, 2016) as well as the related problem that the salience of IOs vary much among respondents (Diven and Constatelos, 2011; Ecker-Ehrhardt, 2016). However, in relation to elite opinion surveys, the data situation is even worse.³

In terms of alternative approaches to survey research, studies based on experimental settings (Bernauer and Gampfer, 2013; Anderson et al., 2019; Dellmuth and Tallberg, 2021) are powerful tools for getting at causal mechanisms, but less applicable when the goal is to map developments over time. Legitimacy scholars from other fields have also suggested that “voluntary compliance [by political subjects with rules] is the fundamental observable indicator of legitimacy” (McEwen and Maiman, 1986, p. 258). On similar grounds, Gilley (2009) includes some political action, such as electoral turnout or political violence, in his measurement of legitimacy. The main problem then is conceptual, highlighted by our ultimate interest to study the consequences of legitimacy. A measurement of legitimacy that includes such key behavior for political institutions either leads to tautological explanations or requires that the effects of legitimacy on key political behaviors are excluded from empirical analyses. The problem of tautology arises if legitimacy is measured in terms of the behavior that it is expected to produce. Given the limited fit of existing approaches with our research interest, we opt for a research strategy based on the aggregation of public challenges to IOs as reported in mass media that we present in the following section.

Research Design

Our idea is to build on publicly visible statements and the actions of activists and politicians. According to our conceptual discussion, a quantitative measure should include a maximally broad range of political actors and activists, including

¹ Other surveys asking similar questions (for example, Eurobarometer and Afrobarometer) are also fragmented across disparate regional samples.

² The seventh wave from 2020 provides an expansion of the IO sample (see “WVS Wave 7” <https://www.worldvaluessurvey.org>).

³ But see Dellmuth et al., 2022 for a recent elite survey including 14 global governance institutions.

governmental actors, private individuals, experts, civil society groups, and representatives of intergovernmental organizations, in order to assess social perceptions of rule without right and yet avoid regressing into observations of features in the common organizations of these groups. For this purpose, we draw on global mass media sources which, by definition, reflect views on vast numbers of people, expressed or manifested in public, which increases the chances that they are driven, in part, by generalized or common normative concerns. Global media coverage of public discontent with IOs includes the voices of heads of states and governments, cosmopolitan elites, and street protestors of grass-roots movements that target IOs. In this, we join forces with research on the delegitimation of IOs that uses mass media data to quantitatively assess the delegitimation or contestation of IOs (e.g., [Schmidtke, 2019](#); [Rauh and Zürn, 2020](#)).

Specifically, we operationalize a legitimacy crisis as the peak of such publicly visible legitimacy challenges—a moment in time of extreme challenges. While the public statements and actions that we cover might be interpreted as an attempt to delegitimize an IO, be they successful or not, the aggregation of such attempts plus their passing the high threshold of making it into the global media allows us to identify legitimacy crises as well. To make this idea operational for the empirical research of legitimacy crises, we define our sample and time frame, and introduce the underlying empirical material, different degrees of the intensity of critical reactions, and alternative conceptions of the legitimacy audiences in empirical terms.

Sample and Time Frame

Again, our goal is to go beyond single organizations and historical snapshots to study multiple organizations for a prolonged period of time. Our sample includes 32 IOs representing approximately 10 percent of all IOs that exist today. They were selected to provide representativeness and generalizability regarding both policy and geographical scope.⁴ We include 16 general purpose IOs, with a broad mandate across policy issues, for example the EU, the Association of Southeast Asian Nations (ASEAN), and the African Union (AU), while the other half of the sample includes task-specific IOs with a narrow scope, such as the World Health Organization (WHO), the Food and Agriculture Organization (FAO), and the IMF (Table 3.1). Previous research has found evidence of legitimacy crises in both types of organizations but, thus far, we do not know whether general purpose organizations run a higher risk of experiencing such crises, compared to task-specific IOs, because they typically receive greater attention, or if task-specific

⁴ The COW-IGO database lists a total of 335 IOs that existed in the most recent year available ([Pevehouse et al., 2020](#)). Due to the broad scholarly interest in legitimacy and legitimacy crises of the G20 and the UNFCCC, we added these two institutions that are not part of the COW-IGO list of IOs.

Table 3.1 Sample of 32 IOs

| Abbreviation | Name | Region | Orientation |
|--------------|--|--------------|-----------------|
| AMU | Arab Maghreb Union | Africa | General purpose |
| APEC | Asia-Pacific Economic Cooperation | Asia Pacific | Task specific |
| ASEAN | Association of Southeast Asian Nations | Asia Pacific | General purpose |
| AU | African Union | Africa | General purpose |
| CAN | Andean Community | Americas | General purpose |
| CARICOM | Caribbean Community | Americas | General purpose |
| CoE | Council of Europe | Europe | Task specific |
| Commonwealth | Commonwealth of Nations | Global | General purpose |
| EU | European Union | Europe | General purpose |
| FAO | Food and Agriculture Organization | Global | Task specific |
| G20 | Group of 20 | Global | General purpose |
| ICC | International Criminal Court | Global | Task specific |
| ILO | International Labour Organization | Global | Task specific |
| IMF | International Monetary Fund | Global | Task specific |
| IWC | International Whaling Commission | Global | Task specific |
| NAFO | Northwest Atlantic Fishery Organization | Global | Task specific |
| NAFTA | North American Free Trade Agreement | Americas | Task specific |
| NATO | North Atlantic Treaty Organization | Europe | Task specific |
| NC | Nordic Council | Europe | General purpose |
| OAS | Organization of American States | Americas | General purpose |
| OECD | Organisation for Economic Co-operation and Development | Global | General purpose |
| OIC | Organization of Islamic Cooperation | Global | General purpose |
| OSCE | Organization for Security and Co-operation in Europe | Europe | Task specific |
| PIF | Pacific Islands Forum | Asia Pacific | General purpose |
| SADC | Southern African Development Community | Africa | General purpose |
| SCO | Shanghai Cooperation Organization | Asia Pacific | General purpose |
| UN | United Nations | Global | General purpose |
| UNESCO | UN Education, Scientific, & Cultural Organization | Global | Task specific |
| UNFCCC | United Nations Framework Convention on Climate Change | Global | Task specific |
| WB | World Bank | Global | Task specific |
| WHO | World Health Organization | Global | Task specific |
| WTO | World Trade Organization | Global | Task specific |

IOs are more vulnerable since they should have less of a general reservoir of trust to draw on when taking controversial decisions. A balanced selection of IOs with both a broad and narrow policy scope will enable us to unveil such a pattern.

The second dimension on which we selected IOs, geographical scope, also provides for a balanced selection with 16 IOs with a global orientation and 16 IOs with a regional membership (Table 3.1). Most of the global IOs with a membership of up to 197 countries were established at the end of the Second World War and still reflect the power balance from that period. They are often characterized by conflicts among great powers. Countries from the Global South outnumber member states from the Global North while typically having a less formal influence. We want to understand if this type of organization has higher or lower odds of experiencing a legitimacy crisis compared to IOs with regional membership. Regional organizations are often more homogenous regarding regime type, level of economic development, or cultural linkages, as exemplified by the Nordic Council (NC), ASEAN, or the South African Development Community (SADC), and they are typically less known to broader publics than their global counterparts. We want to understand if IOs whose headquarters are in Lima, Jakarta, and Addis Ababa, and thus remote from the hubs of great power capitals, also experience legitimacy crises.

Moving then to our selection of the time frame, one restriction is implied by the fact that we understand legitimacy crises as referring to a particular moment in time when an organization is under exceptional stress. To identify such crisis years among more ordinary years, it is obvious that we need a longitudinal design. The observation period from 1985 to 2020 was chosen, more specifically, to cover much debated critical junctures in global governance, from the end of the Cold War, the rise of anti-globalization movements, the global financial crisis beginning in 2008, to more recent challenges to the global liberal order by authoritarian or populist leaders. Beyond the particular junctures, the 1980s saw the beginning of broad popular critiques against IOs and thus serve as a natural starting point for our observation period. It started with demonstrations against the North Atlantic Treaty Organization (NATO) and the Group of 7 (G7) (Braungart and Braungart, 1990; Holzapfel and König, 2001), followed by campaigns against the Bretton Woods institutions, most visibly during a summit meeting in Berlin in 1988 (Bernstein and Boughton, 1994). The endpoint of our observation period in 2020 allows us to compare earlier and well-studied cases of legitimacy crises with the turbulence around IOs such as the EU, the WHO, NATO, and the Group of 20 (G20), that have received much pundit attention in recent years, while systematic comparative evidence remains thin.

Data Sources and Coding

We collect information on public statements on IOs based on newswire data. International news agencies are networks of correspondents in many countries that sell their news around the globe. They provide global coverage of political events in a descriptive manner aimed at political neutrality, with only limited editorial

bias. Hence, we expect better geographical coverage and less of a specific domestic focus than for other media sources, such as articles in mainstream newspapers. Newswire articles also represent a huge volume of the total mass media output, even if the number of newswire articles in our data might look modest at times, because newswire articles are typically republished by many different newspapers and other media sources. The threshold for any social or political event to be covered by global newswire coverage is also noteworthy. When critique or protest events attract international newswires, we expect them to have a greater impact on international institutions than the coverage by local media. Legitimacy challenges become more relevant for wider audiences and IO decision-makers as they appear in global news media.

Our selection of media sources includes leading global newswires available from the *Lexis Uni* database: Agence France Presse (AFP), Deutsche Presse-Agentur (DPA), the Russian News Agency (TASS), Japan Economic Newswire, PR Newswire, the Associated Press, and the Associated Press (AP) International. A critical aspect is our limitation to English-speaking media sources that could lead to an overrepresentation of the Anglo-Saxon domain or the Global North more generally. Given the manual coding needed to specify legitimacy audiences, a focus on English language text was still the only reasonable choice for us. Nevertheless, the inclusion of non-Anglo-American newswires with headquarters in Tokyo, Moscow, Paris, and Frankfurt should at least alleviate any bias.

As we have shown in the previous chapter, there is some disagreement in the literature as to whether perceptions by elites or by the masses should count as relevant audiences for the legitimacy of IOs. We do not privilege either conception of a legitimacy audience but aim to describe legitimacy crises based on different assumptions on what they are. Thus, we created two different search strings to identify relevant newswire articles that include elite critiques and mass protests, respectively, against key targets of legitimacy challenges, including named IOs, specific policies, officials, and member states.

The first search string is intended to capture articles that register elite views, in terms of viewpoints held by people with greater prestige and opportunities to influence politics than other people. It contains the name of a particular IO and the words “accuse,” “blame,” or “criticize”; for example, “accused the IMF”; and “criticizes ASEAN.” As a result, we get statements from individuals or representatives of governments, other IOs, and civil society. For example, the former Eritrean foreign minister Haile Woldetensae “criticize[d] the OAU for being unable to resolve the Horn of Africa conflict” (*Agence France Press*, February 27, 1999), and the Arab League “criticize[d] UN over Lebanon resolution” (*Deutsche Presse-Agentur*, July 31, 2006). Also, nonstate elites are represented in our data, as illustrated by Greenpeace “accus[ing] the EU of not spending enough money on creating an environmentally sustainable energy system” (*Deutsche Presse-Agentur*, January 28, 2009).

With the second search string, we aim to capture articles that describe mass protests and use the search terms “protest against” and “demonstrate against” with the name of the IO. Although we might get media coverage of the same events with both search strings, they clearly identify different audiences. With the protest string, we capture legitimacy challenges by activists who are not necessarily part of any political elite and also not likely to be part of an elite in view of their choice of expressing their political views by joining with many others in street protests.⁵ The audience at the root of the legitimacy crises can then be a specific group, as in the case of leftist students demonstrating against the ASEAN in 1992,⁶ or a larger mass of people, as exemplified by an *Associated Press* report on August 4, 2004, that “more than 100,000 people staged a state-organized protest against a U.N. Security Council resolution giving Sudan 30 days to stop Arab militia violence in the western region of Darfur or face economic and diplomatic penalties.”⁷

These two search strings help us to identify more than 6000 newswire articles. The use of a closed set of limited keywords also allowed us to minimize the problem of false hits. Yet it is possible that we missed important challenges when, instead of using the words *blame*, *critique*, and/or *accuse*, journalists use similar yet different wording. Still, comprehensive pre-tests with a broader range of search terms for six IOs in our sample informed the use of these search strings and confirmed their effectiveness to identify relevant material. The less prosaic and oftentimes simple language in relatively short newswire articles, not geared towards stylistically motivated variations in terminology, further helps the effectiveness of using static search terms.

Importantly, this data allow us to capture variation across the two dimensions of legitimacy crises discussed in the previous chapter, namely, their intensity, or normative depth, and their social breadth. Intensity in a legitimacy crisis is coupled to the frequency of the legitimacy challenges in the media text corpus, and in the next section we will show how we develop alternative thresholds for what constitutes high intensity. For the second dimension, we examine the substance of the newswire articles to identify the audience type that complements the differentiation in elite critique and mass protest captured by our basic search strings.

Table 3.2 illustrates our coding scheme for three different categories of audiences based on examples from EU data for two subsequent years: 2004 and 2005. The EU represents a case with a broad variation in terms of audiences, and while

⁵ Similar approaches have been criticized for underestimating the phenomenon, as political opposition in autocratic countries may not be forthcoming owing to a lack of resources or a fear of punishment (e.g., Scott, 1985; Heupel and Binder, 2015). Although our data cover statements and activities from political actors in exile, we have to acknowledge that this type of audience might be generally underrepresented.

⁶ “Philippine Protesters Burn Flags at ASEAN Meeting.” *Japan Economic Newswire*, July 26, 1992.

⁷ It is important to note that for nonstate actors, we might get results for two search strings, when a spokesperson of a protest movement is cited in news media.

Table 3.2 Examples of legitimacy challenges by type of legitimacy audiences, illustrated for the European Union

| | 2004 | | 2005 | | Example |
|-----------------------|------|-------|------|-------|---|
| All agents | 113 | | 103 | | |
| Elite agents | 101 | 89.4% | 95 | 92.2% | <i>Vaclav Klaus, Czech President</i> , criticized the EU for having too many regulations (<i>Associated Press</i> , April 7, 2004). |
| Mass agents | 12 | 10.6% | 8 | 7.8% | <i>Several thousand protesters</i> in Barcelona demonstrate against the EU constitution (<i>Agence France Press</i> , February 12, 2005). |
| State agents | 58 | 51.3% | 68 | 66.0% | <i>Li Zhaoxing, Chinese Foreign Minister</i> , criticized the EU for imposing its own human rights value on another country (<i>Japanese Economic Newswire</i> , May 11, 2005). |
| Nonstate agents | 47 | 41.6% | 31 | 30.1% | <i>Neo-Nazi rally</i> in eastern Berlin against the EU admission of ten new member states as a racial defilement (<i>Deutsche Presse-Agentur</i> , May 2, 2004). |
| IO agents | 8 | 7.1% | 4 | 3.9% | <i>Josep Borrell, European Parliament head</i> , criticized the EU Budget deal clinched overnight by EU leaders for not being enough (<i>Agence France Press</i> , December 17, 2005). |
| Constituent agents | 33 | 29.2% | 27 | 26.2% | <i>Irish government's investment agency</i> accuses EU competition chiefs of lacking business savvy and taking too long to make decisions. (<i>Associated Press</i> , March 3, 2005). |
| Nonconstituent agents | 80 | 70.8% | 76 | 73.8% | <i>United States, Australia, and Brazil</i> accused the EU of the Doha Round talks becoming bogged down mainly over agriculture (<i>Associated Press</i> , November 15, 2005). |

the two selected years are not representative of broader trends, they illustrate different levels of intensity in legitimacy challenges over time, for each of the different audience conceptions that define our different types of legitimacy crises.

The first distinction between types of legitimacy audiences is between the elites and the masses that informed our selection of data in the first place. Thus, all legitimacy challenges that we latter draw on to identify the years of legitimacy crisis can be traced back to a reported challenge either by an elite (e.g., the former Czech President Vaclav Klaus, Table 3.2) or by a mass (e.g., thousands of protestors in Barcelona, Table 3.2).

A second distinction in terms of audience type reflects the debate in global governance research if conceptions of legitimacy should privilege either governments, civil society, or include some combination. As explained in Chapter 2, our aim is to compare legitimacy crises from the perspective of governments using the perspective of civil society actors, as well as showing the consequences of collapsing the distinction.

For this purpose, we manually coded all newswire articles and classified them according to whether the challenges are made by *state agents* or *nonstate agents*.⁸ In our operationalization, state agents are members or heads of governments and states, such as the Chinese Foreign Minister (Table 3.2), as well as representatives of governmental agencies at the domestic level. A state actor can also be a spokesperson or parliamentarian of the governing party, governing coalition, dynasty, or military junta. The category of nonstate agents captures civil society groups, representatives of private business firms, as well as private individuals such as celebrity activists, and researchers. Politicians from opposition groups as well as rebel groups and groups of demonstrators that have not been further defined—such as the Neo-Nazi rally in Berlin (Table 3.2)—also belong to this category.⁹

Based on empirical observations in the coding process, we also decided to include a third category in between state and nonstate actors, namely, that of IO agents. Hence, this group of agents that appear in our data, albeit, in small numbers, is not naturally suited to either the state or the nonstate actor category. Our category of legitimacy audiences in the category of IO representatives includes agents such as general secretaries, judges, and the chairmen of international parliamentary assemblies, such as the head of the European Parliament (Table 3.2). All of these actors may criticize, accuse, or blame their own organizations and other IOs.

The third distinction we make is intended to reflect the split in global governance research regarding the horizontal inclusiveness of legitimacy audiences, in which some argue that only member states, and therefore governments and civil society actors from that country, matter as they are subjected to the authority of an IO, while others hold a more inclusive view that allows for relevant audiences from beyond an organization's jurisdiction (see Chapter 2). For the operationalization of a quantitative measure for agents whose inclusion is motivated by the *all people subjected* principle in normative theory (Chapter 2), we use the term *constituent audience* from the empirical literature on IO legitimacy (Tallberg and Zürn, 2019, p. 586). Constituency is more closely tied to our measure, as we manually coded information on the membership status of the author of critique and protest from IO websites, while we could not quantitatively capture the degree of affectedness

⁸ We draw on information from the International Foundation for Electoral Systems (IFES) Election Guide (ifes.org), and the CIA World Factbook (cia.gov).

⁹ It is important to note that there is a strong empirical correlation between mass protests and nonstate actors. According to our operationalization, all demonstrations represent nonstate actors.

of nonmembers. These actors are either governmental, such as an Irish government agency (Table 3.2), or nonstate actors from member states. We also include an IO's executive representatives in this audience category.

The alternative category of nonconstituent audiences, or "observers" as they are labeled in Tallberg and Zürn (2019), are not subjected to an IO's decision. However, this category of self-appointed agents might claim to be counted, based on the all-affected principle in normative theory; decisions and operations by an IO might still affect them. Empirically, the category includes nonmember governments—as in the case of the United States, Australia, and Brazil accusing the EU (Table 3.2), private actors of nonmember states, and official representatives of other IOs.

We thus allow for a plurality of audiences to be represented in our quantitative measurement of legitimacy crises. It follows that an organization might experience a crisis in the perceptions of some agent categories, but not others (see Tallberg and Zürn, 2019, p. 586), but also that some legitimacy crises will be constituted by more heterogeneous audience conceptions than others.

From Individual Legitimacy Challenges to an Aggregate Measure of Legitimacy Crises

On the basis of this data, we build a composite measure of legitimacy crisis of IOs on an annual level. As we argued in the previous chapter, our aim is to present an integrative approach that is compatible with different nuances in the conceptualization of legitimacy crises. We want to provide a comprehensive mapping of these events and reveal how different choices such as the inclusion or exclusion of nonstate actors as relevant audiences affects our understanding of these crises. This measure will combine the two main dimensions of legitimacy crises identified in the previous chapter, the intensity of public challenges and contestation (normative depth), and the heterogeneity of relevant audiences (social breadth).

The quantitative component of the measure is the annual count of newswire articles. Empirically, this number varies from 0 to an empirical maximum of 573 articles for NATO and 1999. We use this number to construct different subgroups of challenges that come from elite actors or mass protests, from state actors, IO representatives or nonstate actors, from constituent and external actors. Depending on the research focus on the underlying conceptualization of legitimacy crises, these components can be flexibly organized, leading to a range of different instruments. In Figure 3.1, we illustrate how privileging a certain type of audience will affect our perception of the intensity of a crisis in three different cases. The Venn diagrams illustrate all EU challenges in 2004, with the darker gray shade representing the proportion of challenges that is captured by a particular audience conception. (Again, we use the case of the EU since it offers data for

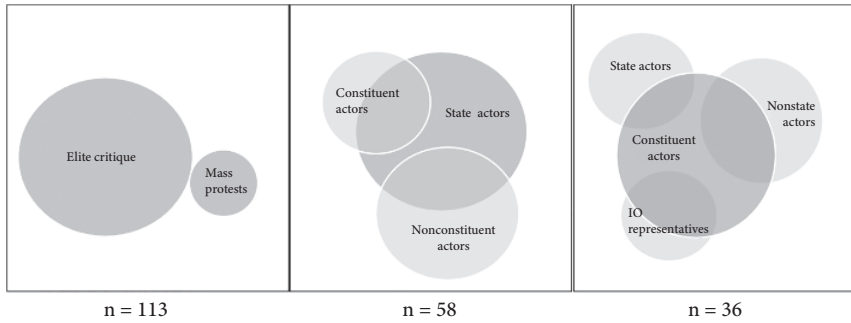


Fig. 3.1 Measurement of legitimacy crises, inclusiveness of audience type (EU in 2004)

all combinations (see Table 3.2 for examples.) The most inclusive conceptualization of social breadth involves all challenges in our data, both elite critique and mass protest (n=113). A second alternative shows that half of the recorded challenges disappear if we only conceive of governmental actors as the relevant audience (n=58), including a few EU governments and a majority of nonmember governments. The third alternative shows the effect of limiting the breadth to constituent audiences alone (n=36) which, in the case of the EU in 2004, excludes around two-thirds of the newswire articles in our data.

Turning then from the scope to the time frame of legitimacy crises, the concept is intended to capture a moment of extraordinary pressure. The next step in the construction of our measure is to identify crisis years. The events of critique and protest covered in our data can be seen as attempts to delegitimize the targeted institutions (see Schmidtke, 2019; Bexell et al., 2022). This way, it is possible that they are expressions of legitimacy beliefs, or, in a more critical interpretation, as strategic elite communication for public consumption (Tallberg and Zürn, 2019, p. 589f). The critique of an IO by a head of state of a nonmember state might only be intended for a domestic audience. Nevertheless, speaking to a domestic audience does not imply an absence of such beliefs that are constitutive of legitimacy crisis as defined here. Moreover, our strategy of aggregating all references to identify historical peaks, together with the inclusion of different types of legitimacy audiences, makes variation in the motivation of individual instances of contestation less problematic.

We introduce a threshold to separate crisis years with the most intensive challenges from all other years in our dataset. We use the annual count of publicly visible challenges for each IO as the reference category, but only include years with at least three articles.¹⁰ For our dichotomized measure, we then classify the

¹⁰ The lower threshold of a minimum of three newswire articles helps us to avoid a situation in which the historical maximum comprises one or two articles per year.

top 25 percentile of these IO years with the strongest challenges as crisis years.¹¹ We sum up crisis years separately for both the elite and the mass search string.

It is important to note that our operationalization identifies crises based on changes *within* an IO over time, and not *across* organizations. We capture whether a certain year was an extreme case for an IO in relation to all other years covered for this organization. This means that we do not assume that media coverage of public challenges can be easily compared across IOs. Some IOs receive much more media attention than others, but even a less well-known IO that is typically under the radar of a broader public could be sensitive to—in absolute terms—low intensity of critique, when this critique dominates the public image of this organization. We control for changes in absolute media coverage over time by adding an additional component to our measure in which the baseline is the article count weighted by the total number of articles for that organization in a given year.

To summarize, our dichotomous measure of an IO legitimacy crisis sums up the crisis years identified as being the “worst” years in the timeline of an IO from 1985 to 2020. To qualify as a crisis year, the challenges have to meet the threshold of the top 25 percentile, based on at least one of the following four conditions: the unweighted *or* weighted article count, and for elite critique *or* contestation by mass protests. This measure represents the first dimension of our conceptualization of legitimacy crises, namely, the intensity or “normative depth” of a crisis. We then combine the dichotomous measure with information on the share of relevant audience types and thus integrate information on the “social breadth” of the crisis. On the basis of the crisis years identified in the first step, we assess whether the challenges were dominated by governments or nonstate actors, and constituent or non-constituent audiences, with dominance defined as a share of at least 75 percent of all challenges in a given IO year.¹² In addition, we measure whether the challenges were characterized by a heterogeneous mix of audiences, in which heterogeneity means that the smaller category represents at least 25 percent of all contestations.

Table 3.3 exemplifies this approach for the case of the AU and its predecessor, the Organization of African Unity (OAU). We identify four crisis years for the observation period from 1985 to 2020, one of them based on the relative weight of elite critique versus general media coverage. We note that all four crisis years are characterized by a mixed audience with at least 25 percent of the challenges coming from both state and nonstate actors. Finally, three crises were dominated by constituent actors, and one by a combination of constituent and external audiences.

¹¹ As an alternative measure for greater robustness, we add the top 10 percentile. We base our choice of the threshold on selective validity checks with what previous research has identified as an IO legitimacy crisis. We find that a top 33 percentile would be too generous and note that the measure based on the top 10 percentile already misses many crises identified in existing studies.

¹² In our dataset, we have only four cases in which mass protests dominated challenges in an IO crisis year, and therefore do not use a measure for the elite critique or mass protest dominance. For the same reason, we do not represent challenges from IO representatives in a separate measure.

Table 3.3 Measure of legitimacy crisis years, example of OAU/AU

| | | Crisis years |
|-----------------|---|-------------------------|
| Normative depth | Article count unweighted, elite critique | 1999, 2005*, 2008 |
| | Article count unweighted, mass protests | – |
| | Article count weighted, elite critique | 1995 |
| | Article count weighted, mass protests | – |
| | Total | 1995, 1999, 2005*, 2008 |
| Social breadth | Crisis with a heterogeneous audience (elite and mass) | – |
| | Crisis dominated by state actors | – |
| | Crisis dominated by nonstate actors | – |
| | Crisis with a heterogeneous audience (state and nonstate) | 1995, 1999, 2005*, 2008 |
| | Crisis dominated by constituent actors | 1995, 1999, 2008 |
| | Crisis dominated by nonconstituent actors | – |
| | Crisis with a heterogeneous audience (constituent and nonconstituent) | 2005 |

Note: (*) marks a crisis year identified by the alternative measure based on the top ten percentile.

Descriptive Analysis of Legitimacy Crises

The overarching goal of our empirical analysis in this chapter is to provide systematic descriptive evidence of the occurrence and shapes of legitimacy crises in global governance, and we pursue this goal in three steps. First, we provide an overview of legitimacy challenges over time and across IOs: Which organizations have been attacked, and at what point in time? We proceed from the most aggregate perspective of the full sample to observations of organization-specific patterns. Second, we look more closely into the composition of these challenges, according to the criteria introduced above, that is, whether the challenges are driven by, for example, nonstate actors from member states, or governments from nonmember states. Third, we present the empirical results for the key dichotomous measure of legitimacy crisis years that indicate when, from a historical perspective, the challenges culminated in a crisis that may have the potential to break up the daily routines and processes of IOs. This chapter ends with an overview of the implications of this descriptive pattern for the analysis of the consequence of legitimacy crises.

When IOs Are under Attack—Legitimacy Challenges over Time

There is relatively strong consensus in global governance research that the turn of the millennium was a period of crisis for many global governance institutions,

from the protests of the global justice movement against the World Bank, IMF, G7, and WTO to the critique against NATO during the Kosovo crisis, and the United Nations around the time of the United States (US) invasion of Iraq (e.g., O'Brien et al., 2000; Zürn, 2004). Commenting on more recent times, international relations (IR) scholars have also identified a new wave of multilateral crises (e.g., Börzel and Zürn, 2021; Lake et al., 2021), gaining momentum with the Brexit referendum and the election of Donald Trump as US president in 2016, and clearly raising scholarly interest in the death and dissolution of IOs (e.g., Eilstrup-Sangiovanni, 2020; Debre and Dijkstra, 2021), and the withdrawal of member states (Borzyskowski and Vabulas, 2019; Walter, 2021b).

On the basis of our data, which span a broad selection of IOs and cover developments from the end of the Cold War to the COVID-19 pandemic, we can provide new evidence of these assumptions about larger trends in global governance in Figure 3.2.¹³ A first important observation, looking at the aggregate trend of legitimacy challenges for the full sample, is to confirm the first part of the conventional wisdom cited above. After an all-time low in terms of IO contestation during the

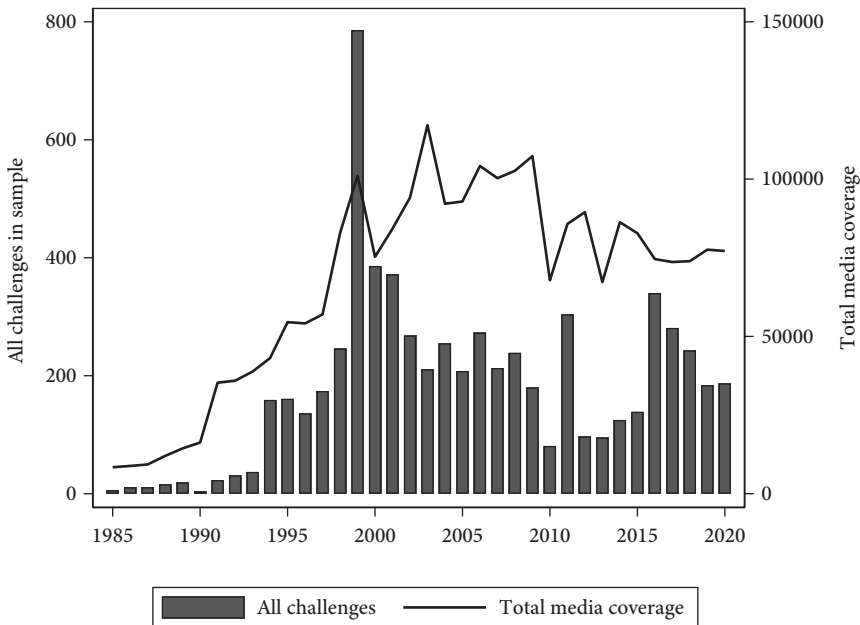


Fig. 3.2 Legitimacy challenges against 32 IOs, 1985–2020

¹³ When we refer to challenges, we refer to critique, accusations, blame, and mass demonstrations directed at IOs, covered in a newswire article on a particular day. In our measure, one and the same event can be covered on different dates, or by different newswire agencies. We interpret multiple references as a proxy for the importance of a challenge and do not exclude it from our data.

late 1980s, with only a few prominent examples (including the United Kingdom (UK) and US government accusing the United Nations Education, Scientific, and Cultural Organization (UNESCO) of being hostile toward a free society, the environmentalist challenges to the World Bank, or the street demonstrations against NATO in Rome), the level of challenges increased constantly from the mid-1990s onwards. According to our data, it led to a peak in IO contestations around the turn of the millennium.

Recent evidence from [Rauh and Zürn \(2020\)](#) and [Schmidtke \(2019\)](#) confirms this impression. Like these studies, we find that the peak years were followed by a decline in challenges during the decade that followed, with the exception of a limited upward turn in the wake of the global financial crisis. What is interesting here it that this decline was not caused by lower media interest in IOs. As the black line in [Figure 3.2](#) demonstrates, the trend of growing news coverage of IOs in our sample after the end of the Cold War first paralleled the increase in legitimacy challenges. However, after the peak years at the turn of the millennium, we notice a decoupling of the trend lines when news coverage of IOs remained at a high level even after the heyday of protests and critique around the WTO protests in Seattle and mass demonstrations against the World Bank, IMF, and NATO.

A second general observation is that our data only partially support the widespread assumption of a systemic crises of global and regional governance institutions at the end of the observation period. We see a clear upward trend from 2016 onwards but note two anomalies from the perspective of a liberal world order in decay. The scope of contestations does not match the all-time high around 2000. What is more, we find a regressing trend so that the sample-wide level of challenges in 2019 and 2020 gets close to the average level of the preceding decade.

When we disaggregate the challenges to the level of individual IOs in [Figure 3.3](#), our data reveal different patterns regarding the overtime trend, the level of challenges, and the timing of peak challenges. First, we observe two different patterns for the devolution of legitimacy challenges. Some IOs show a leptokurtic pattern with one or two clear peaks that stand out from an otherwise low level of public challenges. Such a pattern makes it relatively easy to identify crisis years even without more sophisticated measures. Prominent examples are the ASEAN, G20, the United Nations Framework on Climate Change (UNFCCC) around the Copenhagen meeting in 2009, and most remarkably, the WHO in 2020. Another group of IOs shows a different dynamic, with longer periods of high levels of critique. Examples here are the EU, the WTO, the UN, and the OSCE.¹⁴ The patterns for the IMF, the World Bank, and NATO lie somewhat between the two categories,

¹⁴ [Schmidtke \(2019\)](#) obtains a similar result for delegitimation attempts against the EU spreading more continuously over a longer period than for the Group of 8 (G8) and the UN. See also [DeVries et al. \(2021, p. 320\)](#).

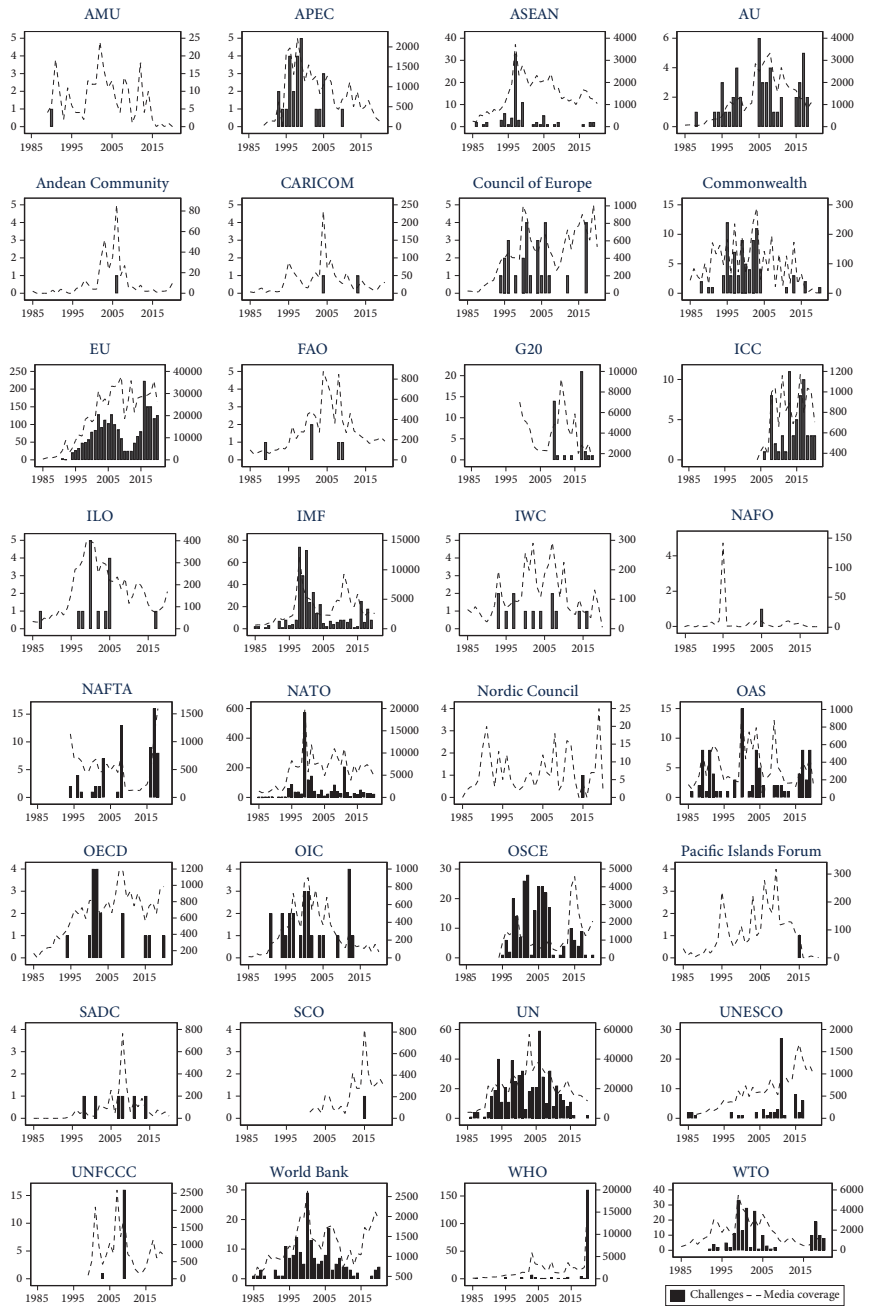


Fig. 3.3 Legitimacy challenges by IO, 1985–2020

with many years of challenges and a clear discernible peak.¹⁵ For IOs in the second group, legitimacy challenges are a more permanent phenomenon that allows for two different interpretations. It could mean that such events are less disruptive, since organizations are more used to them, or it could mean that crises do not disappear as suddenly as they do for the IOs in the first group.

Second, the degree to which IOs are challenged varies dramatically, from one single article to the maximum of 2247 articles in the case of the EU. On average, only half of the 32 IOs in our sample is challenged more than once per year. For nine organizations, we registered less than ten incidences, meaning that we do not identify a crisis year at all. As the dotted line in Figure 3.3 indicates, many of these IOs tend to escape public attention in global newswires and are widely unknown, like the Arab Maghreb Union (AMU) or the Pacific Islands Forum (PIF). The Caribbean Community (CARICOM) is a case in point, with only one report from 2013, when the organization was accused by the President of the Dominican Republic of interference and retaliation, and the Northwest Atlantic Fisheries Organization (NAFO) which, in 2005, was criticized by Greenpeace for negligence in protecting marine ecosystems. However, it is important to note that some more well-known IOs that receive more media attention, like the International Labour Organization (ILO) and the FAO, as well as the Organisation for Economic Co-operation and Development (OECD) and UNFCCC, also belong to the group of IOs that has very few challenges recorded in our data. This might be most surprising for the UNFCCC, as protests by climate activists are much older than the Fridays for future movement.¹⁶ What is peculiar about this case compared to other IOs in the sample, is that, with the exception of the events around the Copenhagen summit in 2009, protest and critique are rarely directed towards the institutional core of the UNFCCC, but rather against the positions of member states in climate talks or against polluting industries.¹⁷

The middle group with 40 to 100 newswire articles in our text corpus comprises IOs that have been challenged regularly, yet less often. These include regional IOs from Asia (ASEAN), Africa (AU), and the Americas (Organization of American State (OAS), and the North American Free Trade Agreement (NAFTA)), but most of them have a membership that is not limited to a particular world region (Commonwealth, G20, International Criminal Court (ICC), UNESCO). Finally, a group of eight IOs—that is one-quarter of the sample—get targeted very often (>100 articles). The EU and NATO stand out, but there are also organizations that operate in finance and trade (IMF, World Bank, WTO) and security and human rights (UN and OSCE) and health (WHO). It is no surprise to see that the level of

¹⁵ See [Rauh and Zürn \(2020\)](#) for a similar observation on the World Bank, IMF, and WTO.

¹⁶ For an overview of protests around the UN climate summit, see [Wahlström et al., 2013](#); [de Moor et al., 2020](#).

¹⁷ See Chapter 4 for further details on the UNFCCC. To compensate for the special character of the UNFCCC, we adapted search terms so that they also included climate summits.

media coverage of the EU also stands out, whereas the dotted lines indicate that the OSCE and the World Bank are slightly overrepresented compared to the overall public interest in these organizations.

Our main interest in this book is different from previous scholarship as we do not attempt to explain why these challenges occurred. While our analysis of the overall time trend provided evidence against the expectation that increasing levels of international authority over time generate more crises or more severe crises (e.g., Zürn et al., 2012), the variation across IOs in terms of the intensity of challenges is more supportive of a link between authority and contestation. Some of the IOs with high levels of challenges are characterized by a high level of formal authority in terms of delegation and pooling (Hooghe et al., 2017), such as the EU, the WTO, the IMF, and the WHO. However, even IOs with lower levels of authority can be heavily challenged, as exemplified by the cases of the OSCE, NATO, and the G20, whereas other IOs such as the ILO and the FAO with high levels of delegation or pooling barely attract public contestation. We also observe that a higher level of challenges in our data for some IOs go hand in hand with fundamental challenges such as critical referenda (EU) or threats to withdraw membership or funding (WHO, ICC, UNESCO).¹⁸

The large variation in the levels of challenges demonstrates the necessity of a large-N comparative perspective. With a large sample of IOs as a point of reference and bearing in mind that most of the more prominent organizations feature in our selection, we find that only a small minority is very often challenged, whereas many other organizations are not affected by the phenomenon of intensive public critique at all. DeVries et al. (2021, p. 320) argue that most international institutions do not attract wider public attention, and many rarely feature prominently in the public debate. Our data provide strong confirmation for this claim. And while our results on large and consequential IOs, such as the EU, the UN, the IMF, and the WTO, are in line with recent scholarship (Schmidkte, 2019; Rauh and Zürn, 2020), we note that a focus on these organizations may lead to a limited view of the public contestation and legitimacy challenges to global and regional governance institutions. There is a chance that the dynamics in these institutions do not represent the tip of the iceberg but are rather specific cases that cannot be extrapolated to many other international institutions.

Regarding the broader goal of assessing the consequences of legitimacy crises, this also means that we cannot expect strong crisis effects for a majority of IOs. However, it is possible that an IO that mainly operates without public scrutiny is also vulnerable to rare instances of critique and protest. Finally, it is important to note that the low scores in our quantitative measure do not mean that these organizations do not struggle with legitimacy issues at all. Our newswire data might simply not pick up all of this. Hence, the interpretations that are possible at this

¹⁸ See e.g., Borzyskowski and Vabulas, 2019; DeVries et al., 2021; Walter, 2021b.

point need to be supplemented with interpretations based on additional material. For our case studies in Chapter 4, we select IOs from the highest category with most challenges (WTO) and the lowest category (UNFCCC). With an in-depth study of multiple relevant sources, we assess how different levels of intensity of legitimacy challenges correspond to crisis perceptions among decision-makers and key stakeholders.

Third, Figure 3.3 reveals important patterns on the timing of peak challenges. We diagnosed two larger peaks at the level of the full sample (Figure 3.2), and we find confirmation for this pattern when we examine individual IOs. The largest group of IOs with an identifiable peak in public contestation experienced the strongest challenges around the turn of the millennium, including the IMF, the World Bank, and the WTO, but also the ASEAN, and the Commonwealth. This is not surprising, and it is well documented (e.g., Rühland, 2000; Elsig, 2007; Seabrooke, 2007). What is more important in the light of the ongoing debate of multilateralism in crises is that only relatively few, though prominent, IOs experienced a historical peak of contestation in recent years. This applies to five IOs: the EU, the G20 around the protests in Hamburg 2017, the now dissolved NAFTA, the ICC, and finally, the WHO in 2020. For other cases such as the IMF, the WTO, and to some degree also the AU, the OSCE and the OAS, we also find evidence of an increase, but at a lower intensity compared to earlier periods. In other words, there is limited support for the widely held expectations of an ongoing crisis when we examine the *intensity* of such turbulence. In the next section, we will look more closely at the composition of these challenges to see if the *social breadth* of more recent challenges has changed in comparison to earlier contestation.

Who Challenges the Legitimacy of IOs?

The aggregate analysis of IO challenges thus far has mainly bracketed the issue of audiences and types of legitimacy crises. Earlier in this chapter, we noted that legitimacy challenges may come from elites or mass demonstrations; critique can be authored by governments or nonstate actors, such as nongovernmental organizations (NGOs), business actors, experts, or individual citizens. We also discussed how contestation might come from within an IO's membership, or from external observers not subjected to the authority of an IO. We now provide an overview of the relative importance of these different audience categories in order to gain a better understanding of the aggregate pattern in the previous section in which we lumped together all types of audiences.

The share of elite critiques clearly outnumbers mass protests and street demonstrations in our data by almost 9:1. Overall, we do not observe evidence of mass protests against 17 out of 32 IOs in our sample. Table 3.4 and Figure 3.4 illustrate that the number and share of mass protests grew sharply in the mid-1990s.

Table 3.4 Audiences of IO legitimacy challenges, elite critique, and mass protests

| | 1985–1994 | | 1995–2004 | | 2005–2014 | | 2015–2020 | | Total | |
|----------------|-----------|--------|-----------|--------|-----------|--------|-----------|--------|-------|--------|
| | N | % | N | % | N | % | N | % | N | % |
| Elite critique | 300 | 94.64% | 2624 | 87.61% | 1716 | 93.87% | 1418 | 94.47% | 6058 | 91.22% |
| Mass protests | 17 | 5.36% | 371 | 12.39% | 112 | 6.13% | 83 | 5.53% | 583 | 8.78% |
| | 317 | | 2995 | | 1828 | | 1501 | | 6641 | |

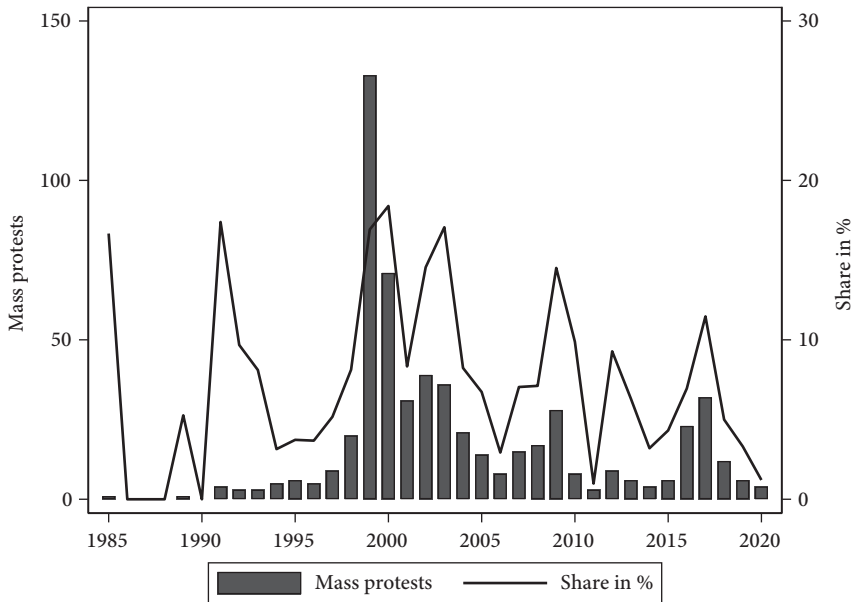


Fig. 3.4 IO legitimacy challenges and mass protest

Around the year 2000, with rallies by the anti-globalization movement, the share of mass protest rose to almost 20 percent. In the case of the WTO, 46 percent of all challenges in our data related to protest events.

The downward trend that followed the “halcyon days” (Fogarty, 2016) of the anti-globalization movement in the wake of 9/11 was much steeper than the general decline that we observed for all types of challenges. The pattern might suggest that the strong presence of nonstate actors in protests around the turn of the millennium was just a brief episode (see also Rauh and Zürn, 2020). And in contrast to the slight upward trend after 2015 illustrated in Figure 3.2, mass protests never returned to the same high level, with a few exceptions, like the demonstrations against the G20 summit in Hamburg (e.g., Zajak et al., 2017). This difference between challenges in most recent years and those around the turn of

the millennium can be seen as a first indication of the diverse nature of global legitimacy crises.

The division in global governance research on the inclusion (or not) of non-state actors in the legitimacy audiences of IOs also has implications for empirically based descriptions of legitimacy crises over time. The share of governmental representatives among the authors of critical statements is only around 58 percent, while it has not been constant over time. Whereas more than 60 percent of challenges during the first decade of our observation period was from governments, state actors had become less dominant between 1995 and 2005. During this period, we observe an almost even share of nonstate challenges—a pattern that is confirmed by the observation for mass protests (that are nongovernmental by our definition) and illustrated by the Human Rights Watch critique of NATO during the air campaign in Kosovo in 1999 (*Deutsche Presse-Agentur*, August 3, 1999) or Romanian locals who criticized IMF austerity measures (*Associated Press*, May 10, 2011). The results are in line with the overall narrative of the growing importance of nonstate actors in international politics (e.g., [Betsill and Corell, 2008](#); [Tallberg et al., 2013](#)) and their contributions to legitimacy crises (e.g., [O'Brien et al., 2000](#); [Esty, 2002](#)). From then on, however, the share of nonstate actors decreased from 46 percent to 34 percent for all challenges between 2005 and 2015. During the most recent years, the share of governmental actors reached a historical high of almost 75 percent, with prominent examples including statements by the former US President Donald Trump criticizing the WHO (*Agence France Press*, April 8, 2020), and the UK Brexit Secretary David Davis targeting the EU (*Agence France Press*, February 8, 2018).

Figure 3.5 also shows that challenges by IO representatives and staff have remained at a more or less constant level over time. This phenomenon is limited and thus far has not played a major role in the theoretical literature on IO legitimacy.¹⁹

Table 3.5 Audiences of IO legitimacy challenges, state, and nonstate actors

| | 1985–1994 | | 1995–2004 | | 2005–2014 | | 2015–2020 | | Total | |
|--------------------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-------|-------|
| | N | % | N | % | N | % | N | % | N | % |
| State actors | 197 | 61.9% | 1500 | 49.9% | 1132 | 61.8% | 1084 | 73.5% | 3913 | 59.0% |
| Nonstate actors | 97 | 30.5% | 1370 | 45.5% | 600 | 32.8% | 331 | 22.4% | 2398 | 36.1% |
| IO representatives | 24 | 7.6% | 139 | 4.6% | 99 | 5.4% | 60 | 4.1% | 322 | 4.9% |
| | 318 | | 3009 | | 1831 | | 1475 | | 6633 | |

¹⁹ But see [Squarrito et al., 2019](#).

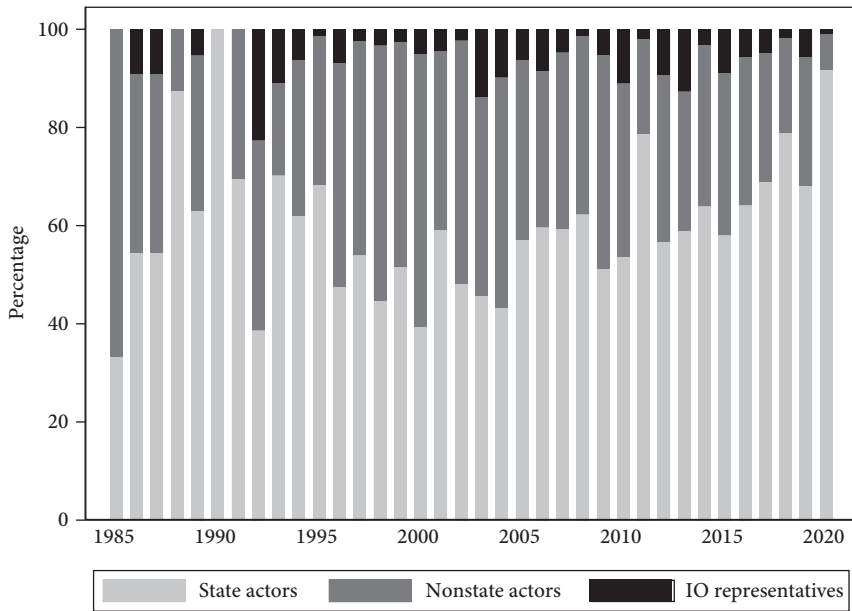


Fig. 3.5 IO legitimacy challenges by state actors, nonstate actors, and IO representatives

However, we can show that it might be worth more focus, as it often affects large, powerful, and highly visible IOs, such as the UN, EU, NATO, IMF, and the World Bank. Two cases from our data that illustrate this are Martin Schultz, who by that time was the leader of the European Parliament’s Socialist group, blaming the European Commission for a lack of passion and vision (*Agence France Press*, January 23, 2007), and Jean Ping, who at the time was chairman of the African Commission and accused the World Bank of being biased against African Countries (*Associated Press*, March 9, 2009).

If we once again disaggregate the data to individual IOs, we find that the results from the sample level do not give the full picture (Figure 3.6). There are three discernible groups of organizations. The first group of nine IOs are mainly targeted by states and governments (>75 percent). These organizations are active in security politics and human rights issues: the UN, the Organization of Islamic Cooperation (OIC), the OSCE, the OAS, the ICC, and the Council of Europe. The WHO, however, receives the highest share of contestation by governments (90 percent). For the second group of IOs, such as the IMF, the World Bank, G20, and the UNFCCC, the challenges mainly come from nonstate audiences, and are often related to mass protests (see e.g., [Gregoratti and Uhlin 2018](#)). These organizations operate in the fields of economics and finance, development, and the environment. The third group comprises IOs that are confronted with a heterogeneous challenge from both state and nonstate actors. These include the IOs with the highest number of

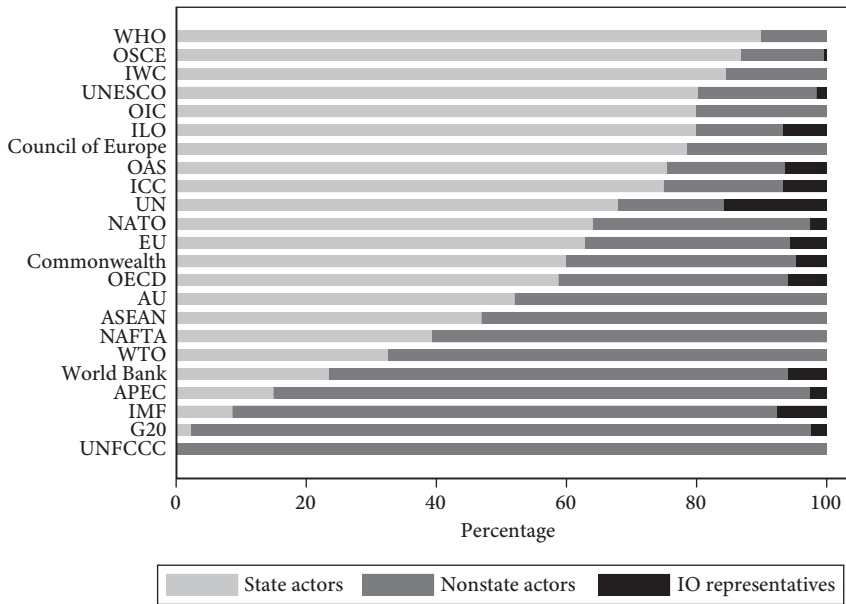


Fig. 3.6 State and nonstate audiences of legitimacy challenges, by IO

Note: IOs with fewer than ten challenges were excluded from this figure.

challenges, NATO and the EU, but also other regional organizations with a broad policy portfolio, such as the ASEAN, AU, and the Commonwealth. The WTO also belongs to this category, although the share of nonstate contestations is quite high (67 percent).

The third dimension of relevant audience types indicates whether actors that criticize an IO are a member government or based in a member state. Here, our data reveal an almost fully balanced distribution, in which half of the challenges can be assigned to a constituent audience (49.5 percent; Table 3.6), and the other half to a nonconstituent audience (50.5 percent). In the same table, it can also be noted how constituent audiences vary in terms of state or nonstate actors. Among actors that are subjected to an IO's authority, we note an almost even share of state actors (48.2 percent) and nonstate actors (47.2 percent), supplemented by 4.4 percent for IO representatives that target their own organization. The pattern is quite different for nonconstituent audiences, in which two-thirds of all challenges are from nonmember governments.

The over-time development of challenges reveals important differences for challenges from subjected or affected agents, respectively (Figure 3.7). First, challenges from nonconstituent outsiders were basically nonexistent before the mid-1990s. Second, both curves show an upward trend from 1995 onwards. Nonconstituent challenges exceed constituent challenges for several years, with 1999 being an extreme outlier that was mainly driven by state and nonstate actors criticizing NATO

Table 3.6 Legitimacy challenges by constituent and nonconstituent audiences

| | State actors | | Nonstate actors | | IO representatives | | Total | |
|-----------------------|--------------|-------|-----------------|-------|--------------------|------|-------|--------|
| | N | % | N | % | N | % | N | % |
| Constituent actors | 1411 | 48.2% | 1387 | 47.4% | 128 | 4.4% | 2926 | 49.5% |
| Nonconstituent actors | 1956 | 65.6% | 875 | 29.4% | 150 | 5.0% | 2981 | 50.5% |
| Total | 3367 | | 2262 | | 278 | | 5907 | 100.0% |

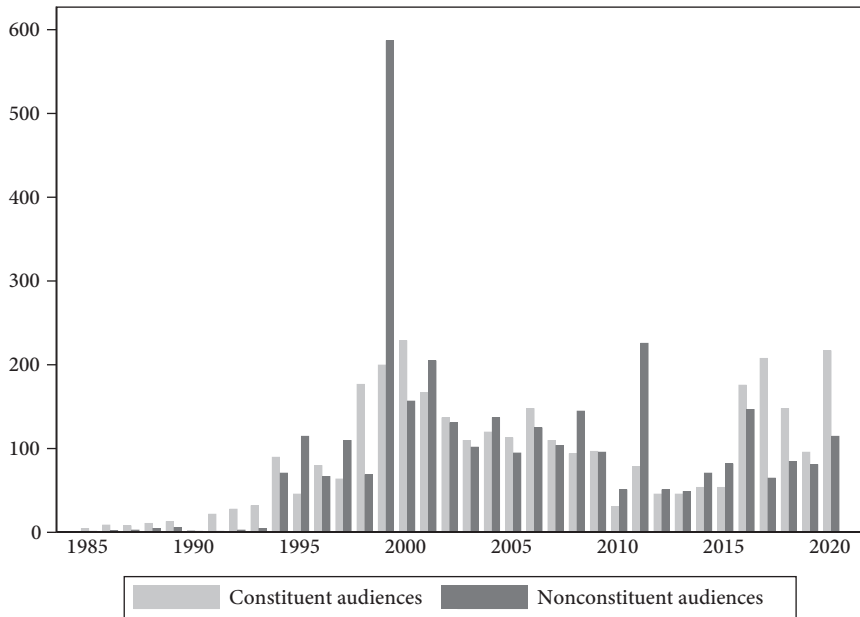


Fig. 3.7 Legitimacy challenges over time, constituent and nonconstituent audiences

during the Kosovo crisis, followed by a second peak in 2011. Third, Figure 3.7 reveals an important change in 2016. From that year onwards, we note a steep increase in constituent critique that is not paralleled by challenges from outside the IO’s memberships. Together with the pattern presented in Table 3.5, we can state that growing challenges at the end of our observation period mainly go back to contestation by member state governments as the key principals of IOs.

The disaggregation of our data for individual IOs sheds more light on this development. As before, we see that the overall pattern from the sample level becomes more complex. Not surprisingly, global organizations with a broad membership do not contribute much to outsider critique. For example, only few challenges to the UN or the IMF are from external sources, mainly from official representatives

of other IOs. The WTO, however, was targeted by challenges from nonmember states or accession candidates, exemplified by the Chinese delegation criticizing the WTO during the accession talks in 1997 (*Deutsche Presse Agentur*, October 14, 1997). For regional IOs, we see a different pattern. In some cases, constituent challenges dominate (e.g., OAS, AU, NAFTA, OSCE), and for others, the audience is rather heterogeneous (e.g., Commonwealth, OIC). There is a third but small group of IOs for which nonconstituent actors represent a large majority of challenges (ASEAN, EU, and NATO). The EU is often contested by major trading partners, but also by actors in accession states and its European neighborhood. For the ASEAN, this type of contestation includes critique from the US and the EU in the context of the accession of Myanmar (see [Jetschke, 2009](#); [Ba, 2014](#)). Nonconstituent challenges against NATO as the third organization in this group culminated around its intervention in the Kosovo War. Thus, Figure 3.8 reveals that the phenomenon of nonconstituent challenges in our data mainly goes back to very few—though important—IOs.

To summarize, we find some sort of balance between state and nonstate audiences as well as constituent and nonconstituent audiences at the sample level, whereas street demonstrations are less common than elite critique in mass media coverage. When we examine the development over time, however, we find some deviations from this general impression. Most notably, we observe that the recent increase in legitimacy challenges was mainly driven by representatives of member

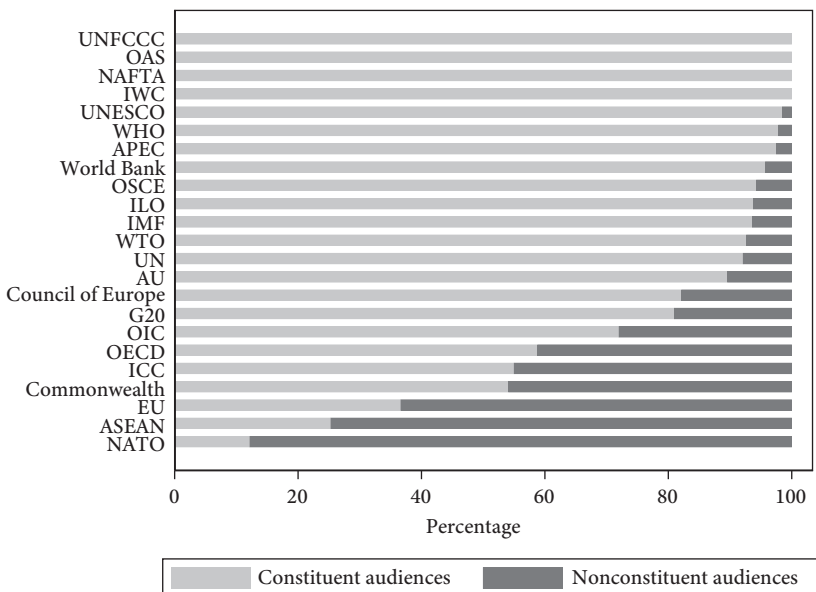


Fig. 3.8 Legitimacy challenges across IOs, constituent and nonconstituent audiences

Note: IOs with fewer than ten challenges were excluded from this figure.

governments, like former US President Trump blaming NAFTA for damaging the US economy (*Agence France Press*, April 26, 2017), or Russian President Putin accusing NATO of violating international law (*Associated Press*, January 5, 2016). The pattern becomes more diffuse when we examine individual IOs. Some IOs, such as the WHO, the OSCE, and the ICC, are mainly contested by state actors; others, such as the G20, and the IMF, almost exclusively by nonstate actors. The same can be said of the constituency of relevant audiences: the majority of IOs is challenged from subjected audiences within their membership, with the exception of extensive external critique for a small group of regional IOs. As we can hardly speak of there being one specific type of challenge for multilateral institutions, our preliminary conclusion at this point is that our data support the approach of allowing for a plurality of audiences to be represented in our quantitative measure. With an exclusive focus on member governments, subjected audiences, or mass protests of civil society, we might miss important types of contestations in global and regional governance. Normatively informed disagreements on who the people are with a right to be heard in research and practice on global governance lead to dramatically different patterns of legitimacy crises over time and across IOs.

Identifying IO Legitimacy Crises

Again, legitimacy crises are moments of extraordinary pressure when public challenges peak. Figure 3.3 has already offered some insights into periods of time when contestation was higher for individual IOs. But to make the empirical judgment sharper, in this section we apply a dichotomous measure to identify the years with the strongest challenges against each IO. As described at the beginning of this chapter, we identify protests and critique across an organizations' record in global newswires from 1985 to 2020.

To capture the intensity of a crisis, we apply the abovementioned threshold criterion and identify years in which challenges are in the top 25 percentile of all challenges (alternatively, the top 10 percentile), on the basis of all IO years that had at least three challenges.²⁰ From the outset, legitimacy crises identified by all types of legitimacy audiences are included in this dichotomous measure. Figure 3.9 shows that we observe 109 crisis years for 22 out of 32 IOs in our sample.²¹ Some IOs had multiple or enduring crises—the EU tops this ranking with 15 crisis years, followed by NATO with 12 years. The longest series of five consecutive crisis years can be observed for the IMF and the World Bank around the year 2000, and for the EU between 2016 and 2020. Other IOs, such as the Asia-Pacific Economic

²⁰ The calculation is done separately for unweighted results of both search strings (elite critique and mass protest), and for unweighted data, as well as weights based on total media coverage. In a second step, the results of these four indicators are aggregated into a common index. For example, an IO crisis year might indicate elite critique that was strong in absolute terms, or mass protests that were strong in relation to the total coverage of an IO in that year.

²¹ With the alternative threshold of the top 10 percent, we count 67 IO crisis years.

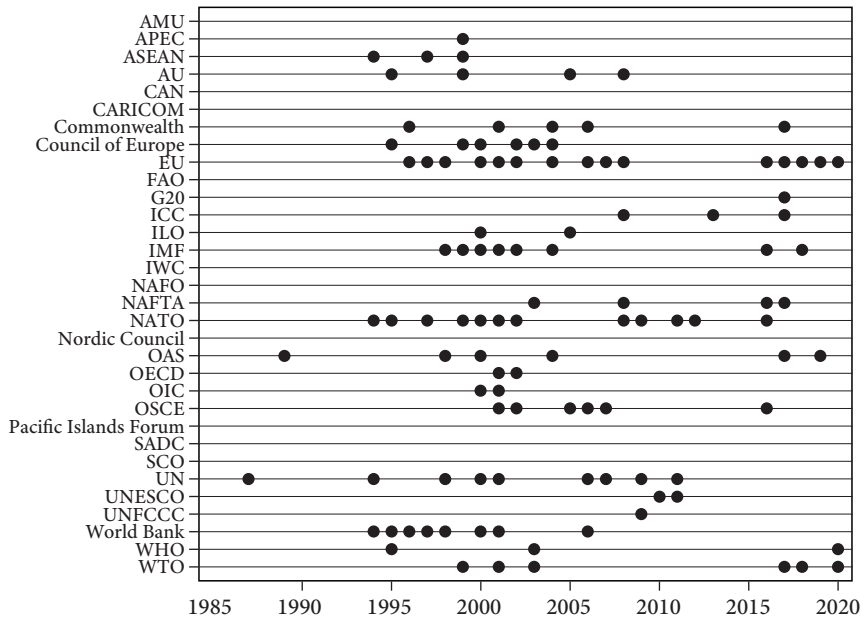


Fig. 3.9 IO legitimacy crises

Cooperation (APEC), ASEAN, or the OIC, had only one or two crisis years during the observation period.

Our measure confirms existing evidence on several well-known legitimacy crises, such as challenges for NATO in 1999, campaigns against the World Bank, the IMF, and WTO around the turn of the millennium, protests during the Copenhagen climate summit in 2009, and the EU in the wake of the refugee crisis and the Brexit referendum. The figure also reveals some less well-known peaks of legitimacy challenges, such as for the Council of Europe or the OECD in the early 2000s.

With regard to the timing of peaks in legitimacy challenges, we see that the selection of crisis years that we identify with this measure spans from 1987 to 2020, with the WHO as the most recent crisis. There is a higher density of crises between 1995 and 2005, with a maximum of ten IOs affected in parallel in 2001. 2014 and 2015 were the first years in our sample, since 1993 passed without a single crisis. As previous illustrations already show, this brief period was followed by a second peak in 2017 with simultaneous crises in seven IOs. Since this time, however, we see a decrease in the frequency of crisis years.

Our crisis measure also allows us to be more specific about the type of legitimacy audience by looking more closely at the composition of challenges in crisis years. First, we analyze whether these 109 crises were dominated by governments or nonstate audiences, where dominance means that at least 75 percent of all challenges are from one or the other category. Figure 3.10 reveals that 43 crises are

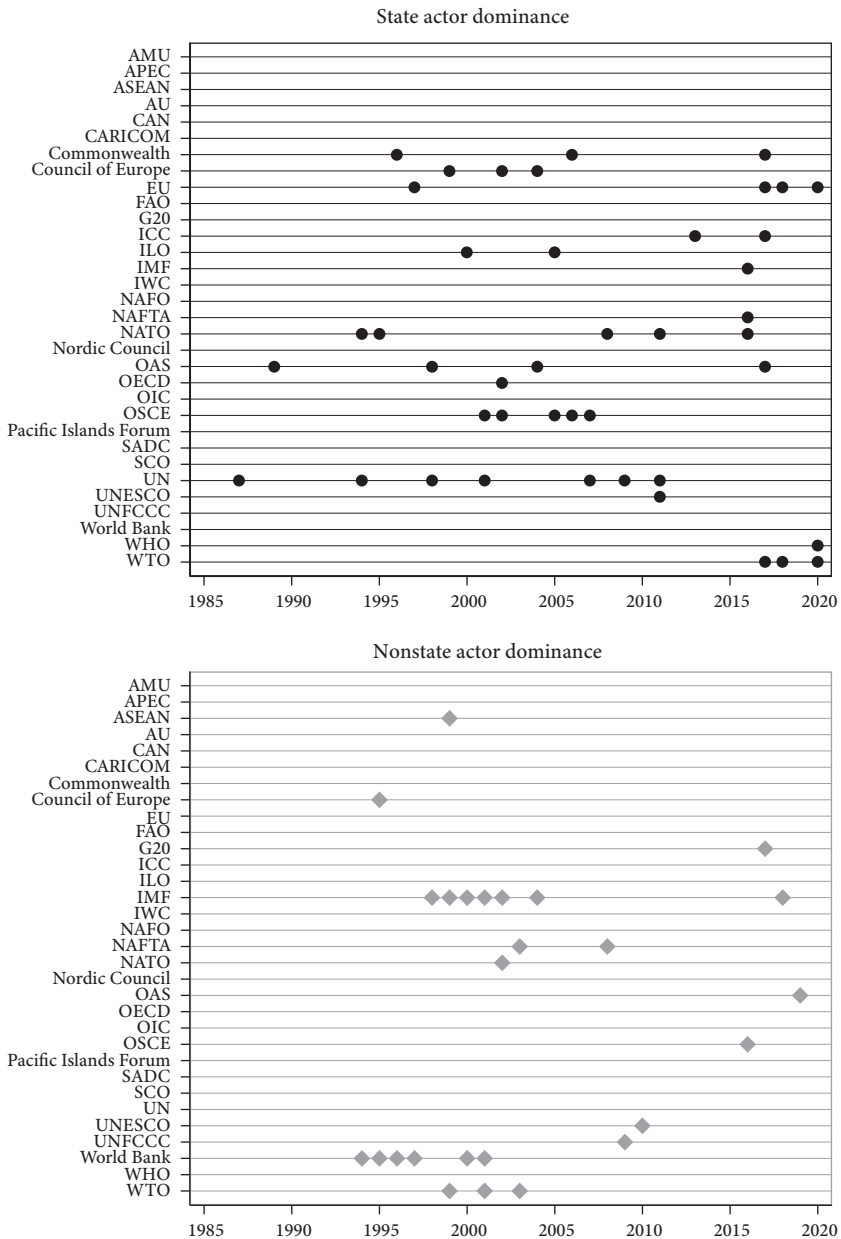


Fig. 3.10 IO legitimacy crises, audience dominated by state actors vs. nonstate actors

mainly driven by state actors' discontent with an IO. This is typical for IOs in the field of human rights and security, such as the Council of Europe, NATO, OSCE, the UN, the OAS, and the ICC. We also observe domination by the same type of

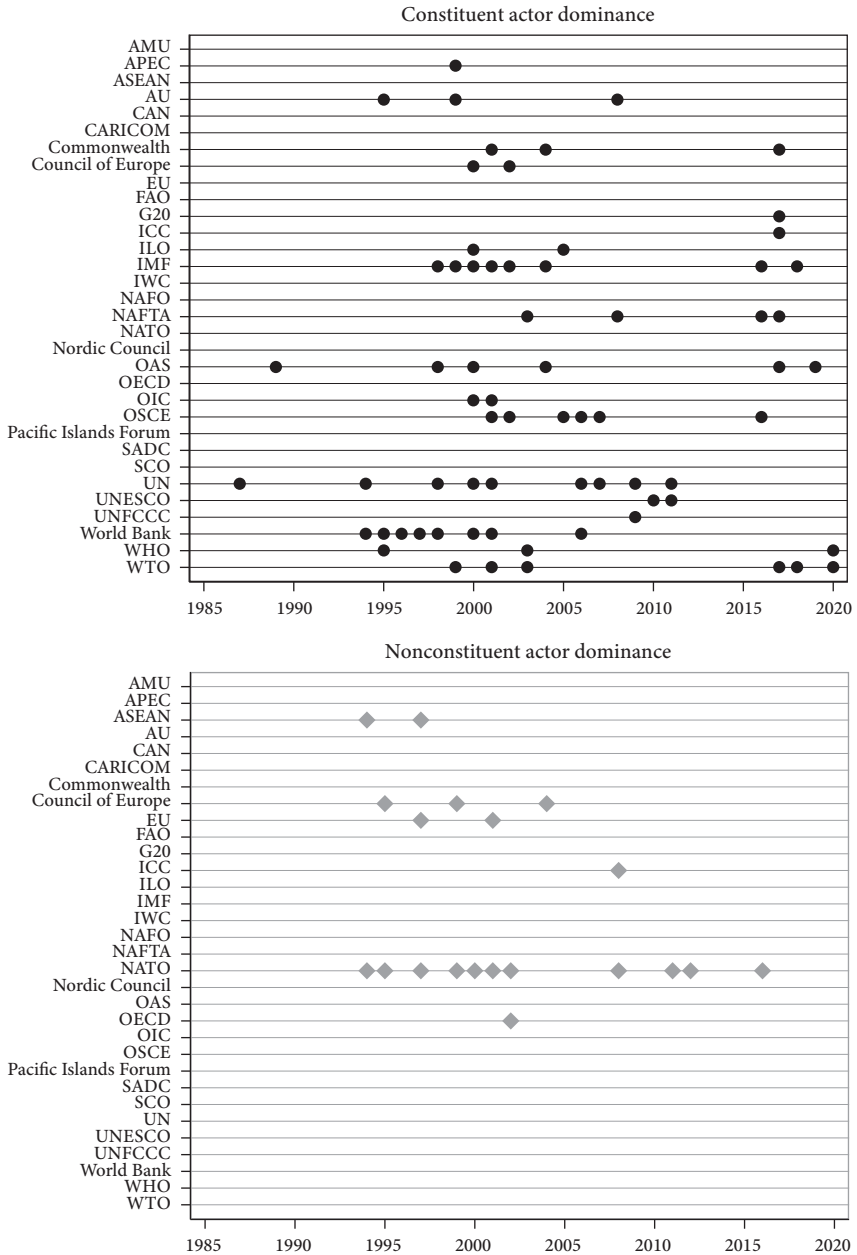


Fig. 3.11 IO legitimacy crises, audience dominated by constituent vs. nonconstituent actors

audience for some crisis years of the ILO, the EU, and the WHO. In contrast we find 26 crises dominated by nonstate actors. This mainly includes IOs in the field of development, trade, and finance: the WTO, the World Bank, and the IMF, but

also NAFTA and the G20. The second largest category comprising 40 cases is IO crises that were not dominated by one of the actor categories. We can thus state that the peaks of IO contestation are driven by state and nonstate actors, with the exception of a clear trend towards dominance by governments from 2015 onwards, where this type of crisis represents 13 out of 20 cases.

We have previously observed that there is an even share of constituent and nonconstituent actors among challengers of IO legitimacy at the sample level. Figure 3.11 illustrates again that the pattern looks different at the level of individual IOs. Audiences from member states clearly dominate in 68 out of 109 cases, compared to only 20 crises dominated by external and thus nonsubjected audiences. Eleven incidences from this category refer to nonconstituent challenges to NATO alone. The remaining IOs include the ASEAN, the Council of Europe, the EU, the ICC, and the OECD.

Combining both audience types allows us to illustrate the consequences of a narrow conceptualization of legitimacy crises, in which only member governments are the relevant audience. If we apply this conceptualization to our measure, the number of crisis years decreases significantly from 109 to 28 cases (Figure 3.12). More importantly, the face validity of such an approach is much lower, as we miss most of the well-documented crises, with only a few exceptions, such as the OSCE in the early 2000s and the WHO in 2020.

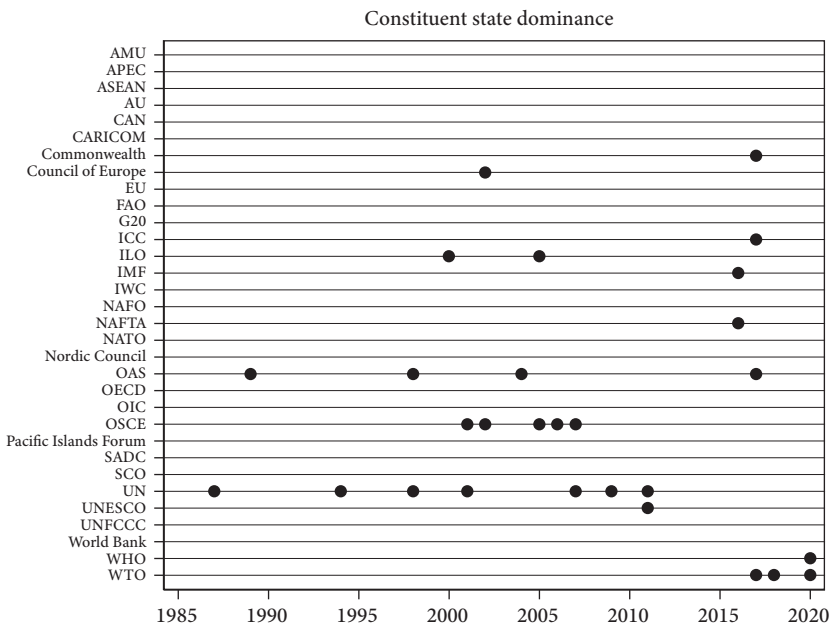


Fig. 3.12 IO legitimacy crises, audience dominated by constituent state actors

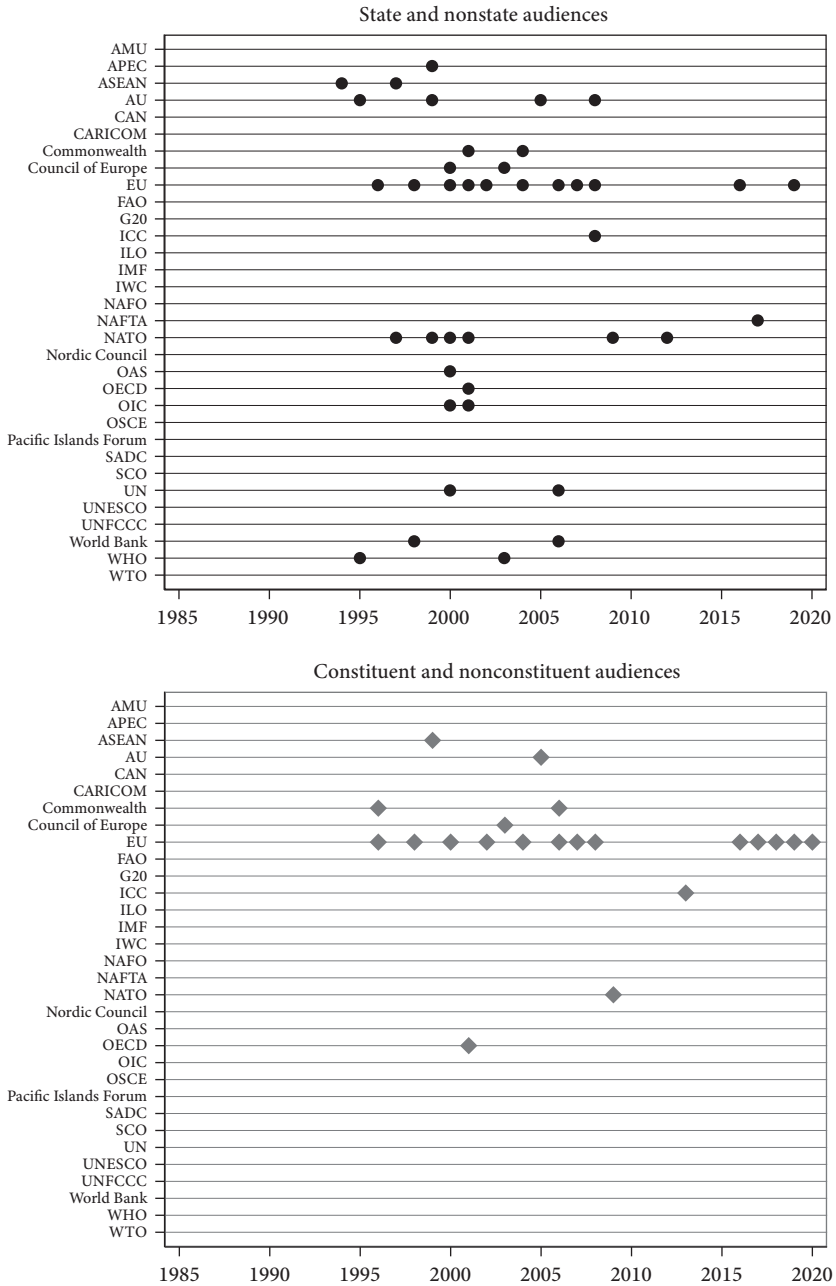


Fig. 3.13 IO legitimacy crises, heterogenous audiences

In Chapter 2, we discussed the social breadth of a legitimacy crisis in terms of how many and different audience types that constitute it. Figure 3.13 illustrates the crisis years that were dominated by a heterogeneous mix of the audience types previously discussed. The top panel marks 40 IO crisis years that are heterogeneous regarding the representation of state and nonstate actors, including IOs such as the ASEAN, the AU, the EU, and NATO. The bottom panel shows that fewer crises are heterogeneous regarding the second type of audience. We only identify 21 cases in which peak challenges came from a combination of both constituent and nonconstituent actors, of which 13 are observed for the EU. In other words, almost all EU crisis years shown in Figure 3.9 are related to situations in which the organization was contested from both member states and external observers not subjected to its jurisdiction. And if we examine the overlap between the two panels in Figure 3.13, we see 14 IO crisis years that are even more heterogeneous, as challenges came from actors that represent a high proportion of *all four* audience types. This group of IOs includes challenges to the AU in 2006, NATO in 2009, and for the rest, mainly the EU in the late 2000s, as well as in 2016 and 2019.

Conclusions

This chapter has provided the first large-N analysis of IO legitimacy crises. With the conceptualization of legitimacy crises from the previous chapter as a starting point, we rolled out a quantitative research strategy based on media coverage of elite criticism and mass protests in leading global newswires. In this last section of the chapter, we review our main findings of the descriptive analysis of 32 IOs from 1985 to 2020 to prepare for the analysis of consequences of these legitimacy crises in the second part of this volume. The descriptive patterns of the frequency, timing, and intensity of such crises, as well as the composition of the legitimacy audiences, will inform the test of crisis effects. To facilitate this, we formulate a number of observable implications on what the nature of IO legitimacy crises might already tell us about when and where to expect effects thereof.

First, and fundamentally, we find some evidence of the occurrence of IO legitimacy crises. As a consequence, we believe that it is justified to study more closely if and how these events had any visible effects on an IO's capacity to rule. However, far from all IOs have experienced such crises. We therefore do not find any strong support for the occurrence of a systemic crisis of multilateralism, *per se*. Many organizations, in our case one-third of the sample, have not attracted substantial public challenges²² Therefore:

²² Our sample includes virtually all large and well-known IOs. This means that our selection represents a most likely scenario for detecting legitimacy crises, which, according to common expectations, are more common for this type of organization.

Obs. 1: We only expect to find an effect of legitimacy crises for the limited number of IOs in our sample which have actually experienced such crises.

Second, we were not able to identify a clear time trend for legitimacy crises in global governance. There is a concentration of challenges between 1995 and 2005 and a second peak around 2016 and 2017, but the timing of crises is mainly organization-specific. Some IOs have one or two peaks, others face a rather continuous level of challenges in consecutive years. There is only a short upward shift at the end of the observation period, and early signs of a reverse trend of declining contestation after 2018—with the exception of the WHO in 2020. Assuming that the frequency and scope of challenges are coupled to the strengths and likelihood of consequences, our analysis only provides minimal support for apologists of an ongoing fundamental crisis of multilateral organizations. Therefore:

Obs. 2: We do not expect growth in the aggregate effects of IO legitimacy crisis over time.

Third, we were able to identify a variety of IO legitimacy crises. Our data do not privilege any particular type of legitimacy challenge for global and regional governance institutions. Some crises are dominated by states, others by nonstate audiences; some by insiders, and others by nonconstituent audiences; some crises bring together different types of audiences, others are monopolized by a single type of audience. Therefore:

Obs. 3: We expect different effects for different types of legitimacy crises.

In the second part of this book, our observations on the specific nature of legitimacy crises will inform the specification of our theoretical framework: For example, what kind of effects can we expect when challenges come from non-member governments, instead of nonstate actors from member states? Should we expect differences in terms of the likelihood and direction of effects? Given the variety of IO legitimacy crises and the heterogeneity of our sample, we will theoretically carve out how the differences matter for mediating or enhancing the effects of legitimacy crises.

Before developing our framework, however, it is necessary to leave the high level of aggregation and generality of the quantitative approach in this chapter and instead describe two cases of IO legitimacy crises in greater detail using a qualitative approach. This will help us to better understand how such crises unfold and persist from the perspective of the core actors within these organizations: the UNFCCC at the heart of the climate regime, and the WTO within the global trade regime.

4

The Legitimacy Crises of the WTO and the UNFCCC

This chapter takes a closer look at how legitimacy crises unfold in two cases: the international trade regime, with the World Trade Organization (WTO) at its center, and the international climate regime, built upon the United Nations Framework Convention on Climate Change (UNFCCC). In the following, we present explorative studies of the timing and nature of legitimacy crises for each of these international organizations (IOs).

There are noteworthy commonalities and differences between the two cases that guided our rationale for selecting them. As we laid out in Chapter 1, we selected these IOs as they represent two major policy realms of international relations—trade and climate change. Both the UNFCCC and the WTO are the central organizations in their policy fields—that is, organizations that oversee a dense network of treaties, procedures, and subsidiary bodies, have near universal membership, and, due to the broad and interdependent nature of their subject areas, touch upon a variety of other policy fields. Due to their quasi-universal membership, we can also expect that legitimacy challenges to both IOs will be voiced largely by constituent actors. Indeed, in our quantitative analysis in Chapter 3 we found that 100 percent of all challenges to the UNFCCC and over 90 percent of challenges to the WTO came from constituent actors.

Apart from these commonalities, the two cases complement each other well as they represent a different pattern from the results of our quantitative analysis in the previous chapter. There, the WTO belonged to the highest category in our sample that was subject to the most legitimacy challenges reported in newswires, while the UNFCCC belonged to the lowest category. Moreover, challenges to the UNFCCC in the newswire coverage were exclusively from nonstate actors, while more than a third of challenges to the WTO came from state actors.

With its qualitative approach to assessing the legitimacy of these two IOs, the chapter thus adds to our quantitative analysis presented in Chapter 3 of this volume. The previous quantitative identification of crisis periods was built on a *broader perception* of legitimacy challenges as recorded in media data and applied to a large sample of 32 IOs. In turn, this qualitative analysis seeks to go into depth on two case studies to scrutinize the extent to which the quantitative crisis

identification is echoed and confirmed. Our main sources for this account were 1) interviews with a series of major experts on both IOs;¹ and 2) the consultation of key documents on the two IOs, with a particular focus on reports of key negotiations and on the secondary literature on these negotiations and questions of institutional legitimacy.

We chose these experts based either on key positions that they hold in the two IOs (e.g., as conference chairpersons, facilitators, and communicators) and with regard to their expertise as scholarly observers (e.g., as key authors or consultants on negotiations). The major literatures we consulted include secondary analyses from leading scholars on WTO and UNFCCC negotiations, as well as core negotiation documents (treaties, Conferences of the Parties (COP) or Ministerial Conference (MC) decisions) and negotiation bulletins ([Earth News Bulletin \(ENB\)](#), 1997, 2000, 2001a, 2001b, 2006, 2007, 2009, 2014, 2015; [EU Digest](#), 2007; [Intergovernmental Panel on Climate Change \(IPCC\)](#), 1990; [UNFCCC](#), 2019a, 2019b; [WTO](#), 1996, 1998, 2001, 2003, 2005a, 2005b, 2009, 2011, 2013a, 2013b, 2015a, 2015b, 2017, 2019).

We informed the interviewees of our definition of *legitimacy*, which may differ from theirs. To ensure a common understanding, we particularly asked them about their perceptions of the key characteristics of a legitimacy crisis (types of audiences, social breadth, normative depth) that we established in Chapter 2 of this volume. Interviews were transcribed and then, together with the other literatures we consulted, assessed through textual analysis with a focus on crisis characteristics, albeit without specific coding.

For each of the two IOs, the chapter proceeds in two steps. It first characterizes the major legitimacy crises of the IO in question by focusing on the types and social breadth of activated audiences and the normative depth or intensity of the crisis. In line with our perception-based definition of legitimacy crisis (Chapter 2), these insights are established through the *individual perceptions* of the authors of key primary and secondary sources, as well as of our interview partners.

This focus on individual perspectives may at first sight deviate from the assessment criteria for legitimacy crisis we established in Chapter 2 and applied in Chapter 3, particularly from the criterion that challenges the need to be public. Note, however, that the individual perceptions we consult in our qualitative study are chronologically posterior to, and reflective upon, these original challenges—in the sense of meta-perceptions, i.e., the perspectives of experts and the academic literature help us to further identify and understand the extent and relevance of certain public challenges. Put differently, the individual perceptions by experts and authors refer to the perceptions and behavior of major state and nonstate actors during key periods for each regime. They give us particular insights into

¹ For a complete list of interviews, see Table A.2 in the Appendix.

key dimensions by which we characterize legitimacy crises: audiences, and social breadth and normative depth.

Second, and again for each of the two IOs, we bring together the results of our qualitative and quantitative approaches, i.e., crisis identification (quantitative) coupled with in-depth crisis characterization (qualitative). The conclusions of the chapter summarize the results of our analysis, provide a brief comparison across the nature of the legitimacy crises of WTO and UNFCCC and, with a view to Part II of this book, discuss the extent to which we may expect consequences from these crises.

To briefly summarize our key results upfront: our qualitative analysis indeed confirms the crisis years identified in the quantitative assessment of legitimacy challenges for both IOs. Our study further complements our findings from Chapter 3 as it helps us to identify additional crises and to establish connections between some crisis years, grouping some of them together into longer crisis periods—for the WTO from 1998 to 1999 and between 2001 and 2005, for the UNFCCC from 2000 to 2001 and in 2009. The qualitative analysis thus also enables us to be more precise about the beginning and ending of crisis periods, echoing our conceptualization of legitimacy crises in terms of beliefs situated in particular moments or periods in time (Chapter 2). As we will further show, all four crises share various properties that we established in our conceptualization in Chapter 2 and that will be of theoretical relevance in Part II of this volume: They are dominated by constituent audiences, and a high degree of normative depth, and, with one exception, a high degree of social breadth, i.e., spanning various state and nonstate, elite and mass audiences.

The Legitimacy Crises of the WTO

As mentioned above, we base our qualitative assessment on the analysis of key documents, most notably WTO reports and existing published research, and the perceptions of our interviewees.² From these different sources, we confirm two key legitimacy crisis periods for the trade regime: the late 1990s and early 2000s.

This result strongly confirms the findings from our quantitative assessment in Chapter 3, which showed a total of four crisis years during our observation period from 1985 to 2020: 1998, 1999, 2001, and 2003. As we show in this and the next section, we can connect some of these years so that they form two consecutive crisis periods; they are dominated by constituent audiences, a high degree of social breadth spanning various groups of state and nonstate actors, as well as elite and mass audiences, and a high degree of normative depth.

² See WTO, 1996, 1998, 2001, 2003, 2005a, 2005b, 2009, 2011, 2013a, 2013b, 2015a, 2015b, 2017a, 2017b, 2019.

We will also show that while these two periods constitute separate crises, they share the same root causes. Therefore, before presenting the two crisis periods in detail, we first take a look at the Uruguay Round. Despite its successful outcome with the establishment of the WTO, the Round witnessed tensions that would eventually develop into core aspects of the legitimacy crises some years later (Esty, 2002, p. 14; Howse and Nicolaidis, 2003, pp. 78–79; Elsig, 2007, p. 76; Lawrence, 2008, p. 1463; Daemrlich, 2011, p. 7).

The Lead-up to the WTO's First Legitimacy Crisis

The Uruguay Round formally started in 1986 and marked a crucial change in the regulation of international trade. Agriculture, a key trade issue for many economically developing countries, became a full-fledged part of multilateral trade negotiations (Ostry, 2010). In the view of the various experts we interviewed (e.g., Interview, Senior official, WTO, October 3, 2018a; Interview, Professor, Babson College (US), May 30, 2018; Interview, Professor, University of Sussex (UK), June 7, 2018; Interview, Professor, European University Institute (EUI), July 1, 2020), the Round exhibited a rising contestation of the future organization's legitimacy. Middle-income and less developed countries, activist nongovernmental organizations (NGOs), and the anti-globalization movement increasingly perceived international trade rules, negotiations, and dispute settlement decisions to be biased in favor of the most powerful (e.g., Bown, 2005; Adaeze, 2017; Bouët and Métivier, 2020). As a result of this growing criticism, a group of agricultural exporting countries from Australia, Latin America, and Asia formed the so-called "Cairns Group," which promotes the liberalization of global trade in agricultural products and challenged the leadership of the United States (US) and European Union (EU) in this area (Ostry, 2000, p. 2). In the 1988 Mid-Term Ministerial Meeting in Montreal, the Latin American members of the Cairns Group rejected all other agenda items that had been already settled with the disclaimer that they would only support them when there was also agreement on agriculture (Ostry, 2000, p. 3).

Another example is the opposition of the so-called "Group of 10 (G10) hardliners" (a group of mostly middle-income countries led by Brazil and India) to the inclusion of so-called "new issues" such as trade in services, intellectual property rights (IPR), and investment measures (Ostry, 2000, p. 3). These new issues were very important for businesses in the US, the EU, Japan, and other advanced economies. Dissatisfied with the demands of the G10 hardliners, US negotiators delayed the Uruguay Round and initiated bilateral negotiations with Canada, including on the new issues. They activated sanctions against middle-income and less economically developed countries with "inadequate intellectual property standards and enforcement procedures," pursuant to section 301 of the

General Agreement on Tariffs and Trade (GATT) agreement (Ostry, 2000, p. 3). In 1988, US Congress approved new legislation on trade which included the “Special 301” provision. This provision enabled the US Trade Representative to review the intellectual property (IP) regimes of other countries. These unilateral reviews served as a “stick” to push other WTO members towards an IP policy in line with Washington’s interests (Field, 2015, p. 133). To counter these successful US unilateral trade actions, economically developing countries ultimately accepted the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)—a multilateral instrument for the regulation of IPS.

As a result of these various conflicts and bargaining pressures, advanced economies and economically developing countries struck a so-called “Grand Bargain” (Daemmrich, 2011, p. 8) that was different from the traditional GATT reciprocity, i.e., different from the genuine goal of opening markets and lowering tariffs between countries for the same goods. Instead, the Grand Bargain required middle-income and less economically developed countries to enforce IP rights (TRIPS) and to open up their financial markets to outside investors (through the General Agreement on Trade in Services (GATS) and the Agreement on Trade-Related Investment Measures (TRIMs)) (Daemmrich, 2011, p. 8). In return, countries with advanced economies were expected to open up their markets to agricultural and labor-intensive manufactured goods (mainly textiles and clothing). The WTO was tasked with overseeing the GATS, TRIPS, TRIMs, and a number of sector-specific accords. As a result of the Grand Bargain, “the WTO had received mandates that impinged on national governments in politically sensitive areas of product safety, health, environment, innovation and competition policy” (Daemmrich, 2011, p. 7).

Taking together these various developments and the fault lines they imply, the Uruguay Round created multiple divisions and critique that would frequently flare up again in the two crisis periods we distinguish in the following. As Ostry (2010, p. 263) describes, middle-income and less economically developed countries perceived the Marrakesh Agreement as a “take it or leave it deal.” This division drew the early attention of leftist NGOs and activists that criticized the WTO for placing “trade liberalization” above all else and for being neither democratic nor transparent (Esty, 2002; Fahkri, 2011). Thus, even before the WTO was officially established, global justice movements had gained momentum.³ They had protested at several international meetings related to trade, arguing that 1) trade liberalization creates losers as well as winners; 2) that economic integration threatens local traditions and cultures, and 3) that the benefits of trade liberalization are not fairly distributed across the world population (Esty, 2002).

³ Some date the beginning of global justice movements as early as the time of European colonial expansion while others refer to more recent movements such as the Zapatista uprising against the North American Free Trade Agreement (NAFTA) in 1994 as their starting point (Klein 2011).

The First Legitimacy Crisis Period: From Geneva to the “Battle of Seattle”

Based on the assessments retrieved in our interviews and literature analysis, the first major crisis period can be easily identified for the period of the late 1990s, spanning most of 1998 and 1999. The crisis perception is built on two major developments: increasing critique from civil society audiences, along with growing tensions during negotiations due to opposition from certain member state governments.

The WTO’s first legitimacy crisis began around the second WTO MC in Geneva in May 1998, when the first mass protests against the trade regime took place, in the perception of some of our interviewees (Interview, Professor, Yale University (US), May 25, 2018; Interview, Senior official, WTO, October 3, 2018a; Interview, Senior official, WTO, October 3, 2018b; Interview, Professor, Babson College (US), May 30, 2018; Interview, Senior official, WTO, October 2, 2018a; Interview, former member of the WTO Appellate Body, May 24, 2018; Interview, Professor, University of Sussex (UK), June 7, 2018; Interview, Senior official, WTO, October 2, 2018b; Interview, Professor, University of Bern (CH), June 11, 2018; Interview, Professor, European University Institute (EUI), July 1, 2020) and several authors (cf. [Kobrin, 1998](#); [Leary, 1999](#); [Desmarais, 2003](#); [Chesters, 2004](#); [Hannah et al., 2018](#)). The most notorious demonstrations occurred around 18 months later, at the third MC in Seattle (US) in December 1999, often dubbed the “Battle of Seattle.” Estimates on the numbers of protesters on the streets of Seattle range from 40,000 to 70,000 people, organized in more than 200 groups—with further protests happening in almost 90 countries worldwide ([Sullivan, 2007](#), p. 205). While they were united in their general opposition to the WTO and its negotiation process ([Daemrich, 2011](#), p. 9), the groups significantly differed in their tactics and demands. The topics they raised were as varied as tariffs on cheese, factory pollution in Asia, or deforestation in tropical Brazil ([Levi and Murphy, 2006](#), p. 651). However, most groups consciously tried to keep internal conflicts to a minimum ([Murphy, 2004](#), pp. 27–28). In this context, a handful of NGOs proved ultimately influential, including, for instance, the Third World Network, the Corporate Europe Observatory, the Direct Action Network (DAN), and trade union organizations from the US, Canada, Mexico, and Korea ([Eagleton-Pierce, 2001](#), p. 331). As [Clarke \(2000, p. 7\)](#) further notes, “opening ceremonies and initial session of the WTO [...] were effectively shut down, mainly thanks to the youth squads of 2000-plus who creatively utilized civil disobedience tactics in organizing blockades.”

These mass protests were flanked by elite critique from member state governments. They complained that, while negotiations took place in large sessions, the crucial decisions were often made in so-called Green Room meetings, i.e., smaller working groups largely dominated by rich countries (Interview, Senior official,

WTO, October 2, 2018b). The Seattle Conference ended with the delegates of most economically developing countries walking out of the negotiations (Interview, Professor, University of Sussex (UK), June 7, 2018; Interview, Senior official, WTO, October 2, 2018b; Ostry, 2006). In the perception of our interviewees, this key event also marks the end of the legitimacy crisis (Interview, Professor, Babson College (US), May 30, 2018; Interview, former member of the WTO Appellate Body, May 24, 2018; Interview, Professor, University of Sussex (UK), June 7, 2018; Interview, Senior official, WTO, October 2, 2018b).

In terms of the conceptualization we introduced in Chapter 2, this first legitimacy crisis of the WTO from May 1998 to December 1999 has been marked by a diversity of constituent *audiences*, both state and nonstate and both elite and mass. For one, we can observe that formal members, particularly the governments of major economically developing countries (e.g., Cairns and the G10 hardliners) had perceived the trade regime as being unfair and thereby questioned its legitimacy. Moreover, several civil society groups from these countries and from industrialized countries picked up on this issue in their fight against (neo)liberal globalization. This diversity of constituent audiences also implies that there was a high degree of *social breadth* for this first crisis.

This crisis also exhibits a high level of *normative depth*, as it addressed fundamental questions of fairness and the purpose and existence of the IO in general. After only four years since its establishment, the new global trade IO was seriously challenged over values of central importance, most crucially, how far trade liberalization should extend and whether it should compromise concerns as disparate as agricultural exports or environmental and human rights standards. A high degree of normative depth is also reflected in the high level of publicity that this crisis received. Some observers would even describe this first period as the most publicly *visible* legitimacy crisis of the WTO (e.g., Interview, Senior official, WTO, October 2, 2018b). As we will show in the next section, the associated public response would eventually feed into the WTO's second legitimacy crisis.

The Second Legitimacy Crisis: The “Doha Blues”

Based on perceptions of inconclusiveness and negotiation sclerosis, we identify a second crisis for the early 2000s, this time for a much longer period, extending from 2001 to 2005. While our quantitative assessment necessarily treated each year separately, our qualitative consultation of various sources revealed a considerable interdependence across certain challenges over time—which warrants its classification as one consecutive and relatively long crisis period.

The beginning of this longer crisis period coincided with the launch of a new WTO negotiation round in November 2001, at the fourth MC in Doha (Qatar), formally called the “Doha Development Agenda.” Some observers interpret the

Round's focus on development as a negotiation success for middle-income and economically less developed countries (McGuirk, 2002; Charlton and Stiglitz, 2005). Indeed several development issues were successfully addressed during this MC, such as technology transfer and the affordability of treatment against HIV/AIDS (Daemmrich, 2011, p. 9). However, disagreements remained or resurfaced about key questions such as agricultural subsidies and IP rights and brought along fresh accusations about the purpose and potential bias of the WTO (Gallagher, 2007). The Round's Single Undertaking principle, implying that nothing is agreed until everything is agreed, and the increased number of WTO members—most notably, countries of the Global South with very different trade interests than the advanced economies—made it even more challenging to conclude the Doha Round (Hartman, 2013, p. 413; Stephen and Parížek, 2019). Thus, the development focus of the Round did not prevent a crisis and may instead have turned out to be an unsuccessful marketing technique with the goal of getting all members back on board.

The new conflicts notwithstanding, the conference ended with a declaration to reaffirm member states' rights to regulate specific policy areas domestically, such as their natural environment, labor, and services. The declaration also foresaw "enhanced market access, balanced rules, and well targeted, sustainably financed technical assistance and capacity-building programmes" for economically developing countries (WTO, 2001, p. 1). Moreover, a work program was announced to explore and structure further negotiations on sensitive issues such as agricultural subsidies and IP rights (Daemmrich, 2011, p. 9).

Throughout the following MCs, agriculture remained the "linchpin" of the Doha Development Agenda and the associated legitimacy crisis (Fergusson, 2008). In September 2003, the fifth MC in Cancún (Mexico) witnessed the continuation of fairness-related accusations against the WTO in the context of unresolved disputes over agricultural subsidies and IP rights, as well as serious disagreement among member state delegations on the so-called four "Singapore issues" from the first MC in 1996: international investment, competition policy, government procurement, and trade facilitation (Wilkinson, 2004). Notably, the "WTO Group of 20 (G20)" was formed: a coalition of mostly middle-income countries, led by Brazil, China, and India, who agreed to negotiate on agriculture as a unified bloc (Narlikar and Tussie, 2004). They heavily criticized the US and the EU for their farm subsidies and support of agricultural exports, which distorted trade in agricultural products.

These various developments not only corroborate Chapter 3's identification of 2001 and 2003 as legitimacy crisis years for the WTO, but also show that the respective accusations in both years are strongly connected. Various interviewees (e.g., Interview, Professor, University of Sussex (UK), June 7, 2018; Interview, Professor, European University Institute (EUI), July 1, 2020) point out that the 2003 Cancún discussions were a continuation of challenges that had not ceased

since the Doha MC in 2001. In addition, they emphasize that the respective accusations kept continuing for another two years until the next MC took place in Hong Kong in December 2005. Similarly to Seattle in 1999, Hong Kong witnessed a combination of internal accusations from member state governments and protests from civil society actors from WTO member countries (Wilkinson, 2006). The numbers of Hong Kong protesters were much lower than in Seattle though—with an estimated 5000 people on the streets (Ho, 2019)—while the themes of the protests were more targeted, predominantly geared towards the agricultural reforms being proposed (Sohi, 2006), with additional concerns raised by smaller migrant worker groups and organizations (Constable, 2009; Hsia, 2009).

Arguably the protests that received the most public attention came from farmers from South Korea who repeatedly clashed with the police and, among other activities, jumped into Victoria Harbor in an attempt to swim to the conference center (Elsig, 2007, p. 75). More than 1500 Koreans from around 20 different organizations formed the “Korean Struggle Mission” and claimed that the WTO was instigating the “destruction of food sovereignty, privatization of all public services, mass unemployment and domination of all areas of life by capitalist endeavours” (Sohi, 2006, p. 356).

For the time following this final peak in Hong Kong, we did not find sufficient assessments from experts and authors that would indicate a continuation of the legitimacy crisis, neither from our interviewees (Interview, Professor, Yale University (US), May 25, 2018; Interview, Senior official, WTO, October 3, 2018a; Interview, Senior official, WTO, October 3, 2018b; Interview, Professor, Babson College (US), May 30, 2018; Interview, Senior official, WTO, October 2, 2018a; Interview, former member of the WTO Appellate Body, May 24, 2018; Interview, Professor, University of Sussex (UK), June 7, 2018; Interview, Senior official, WTO, October 2, 2018b; Interview, Professor, University of Bern (CH), June 11, 2018; Interview, Professor, European University Institute (EUI), July 1, 2020) nor from the literature on WTO negotiations.

This is attributable to two developments. First, after three more MCs without progress, the Doha agenda was de facto set aside at the WTO’s tenth MC in Nairobi. These MCs were not marked by any concerted type of elite or mass accusations comparable to what had happened in Doha, Cancún, or Hong Kong. Thus, they do not reflect a legitimacy crisis of the WTO according to our conceptualization, but certainly represent a political crisis of the IO in terms of an ongoing negotiation stalemate due to continuous positional differences on key agenda items. Second, in an attempt to circumvent this stalemate, pragmatically defuse tensions, and defy the establishment of potentially conflicting regional trade agreements, the WTO increasingly facilitated plurilateral negotiations (Wilkinson et al., 2016; Stephen and Parížek, 2019). These negotiations imply that smaller groups of members may negotiate more specific trade arrangements amongst themselves

under the legal umbrella of the various WTO agreements, instead of having to wait for all members to finish the single undertaking of the Doha Development Agenda.

Thus, while there are no unequivocal manifestations of a further legitimacy crisis of the WTO after 2005, some observers perceived the post-Doha gridlock in global trade negotiations as a possible legitimacy crisis in its own right (e.g., Interview, Senior official, WTO, October 2, 2018b). Even though the WTO was barely attacked in the decade following the second legitimacy crisis, it has witnessed growing contestation in recent years, exemplified by attacks from former US President Trump (Pickering et al., 2018). While this has not been echoed in our interviews, it is obvious that the IO's ongoing inability to create a new trade deal keeps affecting its members' relevance and legitimacy perceptions. These perceptions undoubtedly provided an incentive for some member state governments to initiate alternative bilateral and plurilateral agreements.

However, as we elaborated earlier in this book, it is crucial for our analytical approach to distinguish a legitimacy crisis—in terms of public challenges and accusations that have gained a certain breadth and depth—from its potential consequences. As we regard the elite and mass protests around the MC in Hong Kong in 2005 as being the culmination and end point of the second legitimacy crisis, we will treat the development of the external trade deals that followed as a possible consequence, and not as a crisis in its own right—and will therefore return to this development in Chapter 7 of this volume.

Altogether then, we interpret the period from Doha 2001 to Hong Kong 2005 as one coherent and extended crisis period, rather than a sequence of several shorter crisis peaks. With respect to our major dimensions for conceptualizing IO legitimacy crises, for this second period in terms of activated *audiences* we observe the continuation of *social breadth* from the first crisis period, albeit in smaller numbers, with both major civil society groups and delegations from economically developing countries challenging the legitimacy of the WTO. Again, this is marked by a high degree of *normative depth*, as perceptions of the WTO's Western bias echo in how these countries organized themselves on the contentious issue of agriculture. Major coalitions were formed to include the interests of the economically developing world in the Doha negotiations. At the same time, fervent protests and demonstrations continued to haunt MCs up until approximately the Hong Kong MC. Nevertheless, this legitimacy crisis has been less publicly visible than the Battle of Seattle. As the Doha negotiations remained to be concluded, the attention of various audiences had increasingly turned elsewhere in order to realize their interests, e.g., to other trade deals and emerging plurilateral trade fora.

Bringing Together Qualitative and Quantitative Assessments

Overall, the above findings deepen and complement the results of our quantitative measurement of legitimacy crises, which we had based on critical references towards the GATT or the WTO recorded in media data between 1985 and 2020. As mentioned, the peak years for such critical references or accusations as identified by this measurement were 1998, 1999, 2001, and 2003, and at the end of the observation period, 2017, 2018, and 2020 (Figures 3.3 and 3.9).

Our qualitative assessment confirms the quantitative results for the years of the observation period, based on data gathered from our literature analysis and expert interviews. In each of these years, a major MC took place, in Geneva, Seattle, Doha, and Cancún, respectively. During these MCs, the WTO faced civil society protests and was heavily criticized by both anticapitalist NGOs and economically developing country delegations—most intensely during the 1999 Battle of Seattle. Thus, our qualitative study also confirms Chapter 3's findings about the mixed nature of challenges to the WTO, namely, challenges from constituent actors that were both state and nonstate actors, and the social breadth associated with this heterogeneity of audiences.

The qualitative analysis also helped to establish a strong degree of normative depth and to draw reliable connections among certain peak years, which we subsequently combined into crisis periods. We could show that the crisis years of 1998 and 1999 are linked and constitute a first period that extends from the Geneva MC 1998 to the Battle of Seattle 1999. Likewise, we could establish connections between the peaks in 2001 and 2003 and follow-up negotiations that helped us identify a continuous crisis period extending from late 2001 to 2005. We will use this identification of two major crisis periods and their characteristics, based on the combination of quantitative and qualitative methods, as a starting point for our analysis of the consequences of legitimacy crises (Chapter 7).⁴

Our sources and interviewees did not provide additional evidence of the more recent increase in legitimacy challenges to the WTO documented in the large-N

⁴ Wauters (2021) sees evidence of another legitimacy crisis of the WTO—not of the IO as a whole, but its secretariat. He claims that the WTO Secretariat's legitimacy has been increasingly undermined in recent years through its nontransparent and, to some, excessive role on dispute settlement panels. This said, he also argues that the problem may be overstated by some observers, as the criticism is not targeting the inherent deficiencies of the Secretariat as such, but rather the ad hoc and somewhat non-transparent nature of the WTO panel system. The latter in particular made the system vulnerable to critique by national politicians and civil society groups who felt left out. Moreover, the DSB has been accused of bias towards the larger economies (cf. Busch and Reinhardt, 2000, 2003; Shaffer, 2003). It remains unclear, however, whether the Dispute Settlement Body (DSB) really favors the wishes of the larger economies, or whether economically developing countries face more barriers in filing disputes (cf. Busch and Reinhardt, 2000, 2003; Shaffer, 2003; Daemrlich, 2011). Given these mixed assessments and no further indication from our interviewees, we do not speak of another legitimacy crisis here—neither for the Secretariat nor for the DSB.

analysis in the previous chapter. This discrepancy might be caused by a bias in media coverage of public accusations emanating from the Trump administration that do not resonate with the perception of regime insiders. It might also be that these events were too recent for our qualitative strategy of assessing legitimacy crises based on chronologically posterior meta-perceptions of experts and scholars.

The Legitimacy Crises of the UNFCCC

Based on our interviews and documents,⁵ we distinguish between two key periods for the international climate regime during which its legitimacy was affected: the period extending from UNFCCC COP6 in The Hague to COP7 in Marrakesh (2000–1) and the negotiations of the Copenhagen Agreement around COP15 in late 2009. We can thus confirm our quantitative assessment of 2009 as being a major crisis year for the UNFCCC (Chapter 3), and, in addition, identify a crisis phase prior to this.

Moreover, we will show that the two crises differ somewhat in their core characteristics that are of both conceptual and theoretical value for our analysis. While the first crisis is marked by the activation of only member state governments, i.e., constituent elite state actors, the second crisis resembles the two aforementioned WTO crises, since it is marked by a more heterogeneous set of constituent audiences and hence a larger degree of social breadth. We will also show that the target points of accusations across both crises are specific debates in global climate negotiations rather than the UNFCCC as a whole. This notwithstanding, the normative depth of both crises is very strong, as challenges largely touch upon questions of fairness and burden sharing.

The Lead-up to the UNFCCC's First Legitimacy Crisis

Various observers maintain that the seeds of the UNFCCC's first legitimacy crisis can be traced back to one of the IO's major success stories, namely, COP3, which ended with the adoption of the Kyoto Protocol in 1997. The Protocol extended the UNFCCC treaty from 1992, as the parties now committed themselves to reducing greenhouse gas emissions, with quantifiable targets for industrialized member states listed in Annex I of the Protocol. Despite the overall success of adopting the protocol in the first place, this distinction of burden-sharing obligations along annexes cements the principle of common but differentiated responsibilities

⁵ See ENB, 1997, 2000, 2001a, 2001b, 2006, 2007, 2009, 2014, 2015; IPCC, 1990; UNFCCC, 2019a, 2019b.

among UNFCCC members—a principle that would remain a controversial issue for decades (Brunnée and Streck, 2013).

Apart from the question of burden sharing, the Protocol's actual negotiation procedure raised concerns about the UNFCCC's legitimacy, both during and after the conference (Grubb and Yamin, 2001). Oberthür and Ott (1999, p. 88) point out that the "Kyoto end game" nearly broke down, and quote a Tanzanian delegate who spoke of "negotiation by exhaustion." The most contentious issues during the meeting were emissions trading, the participation of economically developing countries therein, as well as the clarification of emission targets for a number of industrialized countries. In addition, fearing major economic losses, several oil-exporting countries led by Saudi Arabia still questioned the UNFCCC process in its entirety (Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021).

To address these controversies, many negotiations had taken place in smaller informal groups, whose proposals still needed to be approved by the Kyoto COP's main plenary. As these ultimate negotiations were time-consuming, many observers and delegations had had little or no sleep during the final two days of the conference (Oberthür and Ott, 1999, p. 88). When the plenary session resumed, with still no agreement over the contentious issues, Chairman Raul Estrada took some unusual measures: "Whenever discussions did not lead to agreement on an issue, he took a decision on behalf of the assembly. Anyone not accepting a decision had to formally challenge the ruling and a two-thirds majority could then overturn it" (Oberthür and Ott, 1999, p. 89).

These problems with procedural issues notwithstanding, we do not consider the period of the Kyoto negotiations to be a legitimacy crisis in its own right. While the Protocol left many agenda items unresolved and delegated necessary specifications to future meetings (e.g., about emissions trading or the new compliance mechanism), the bulk of member state delegates considered the Kyoto Protocol to be a success (Dessai, 2001)—and ultimately a legitimacy boost for the UNFCCC (Interview, Professor, University of Eastern Finland (FI), May 28, 2018; Interview, Assistant Professor, Wageningen University (NL), June 5, 2018; Interview, former UNFCCC Executive Secretary, October 19, 2020; Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021; Interview, former Conference chairperson, UNFCCC, November 30, 2020; Interview, Professor, Stockholm University, June 28, 2018; Interview, Senior official, UNFCCC, November 16, 2020).

This perception is largely based on the Protocol's establishment of three new flexible mechanisms for regulating a reduction in greenhouse gas emissions: 1) international emissions trading, allowing parties to buy or sell emission units; 2) joint implementation, enabling an Annex I country to set up a project in another Annex I country, as an alternative to reducing its own emissions; and 3) the clean development mechanism, allowing Annex I countries these kinds of compensatory projects in economically developing countries.

Nevertheless, as we show in the following sections, the procedural issues in Kyoto, the controversial question of burden sharing, and the unfinished nature of various flexible mechanisms took its toll on the subsequent negotiation rounds.

The First Legitimacy Crisis: From the Hague to Marrakech

In November 2000, COP6 in The Hague was supposed to put the finishing touches to the unfinished business of the 1997 Kyoto Protocol, so that major countries would start ratifying the agreement. Yet, contrary to these intentions, the conference ended in failure (Interview, Professor, University of Eastern Finland (FI), May 28, 2018; Grubb and Yamin, 2001). One of the major debates that flared up between the EU and the US was about how to specify the flexible market mechanisms of the Kyoto Protocol (Bäckstrand and Elgström, 2013). Moreover, COP6 President Jan Pronk's "unusual methods to progress negotiations" (Dessai, 2001, p.142), which seemingly echoed Estrada's unconventional approach in Kyoto, did not prove helpful in resolving the EU-US dispute. "In The Hague it seemed as if the participants were influenced by the knowledge of the lastminute negotiations that produced the Kyoto Protocol. [...] [T]he negotiators seemed in part to have learned their lesson after the COP3; in The Hague, they did not want an agreement at any price" (Buchner, 2001, p. 26).

As several of our interviewees point out (Interview, Professor, University of Eastern Finland (FI), May 28, 2018; Interview, Professor, Stockholm University, June 28, 2018), the crisis did not end there. Four months after COP6, US President George W. Bush Jr. withdrew his country's signature to the Kyoto Protocol in 2001, announcing that his government would not implement the agreement. Compared to previous US administrations, Bush considerably changed the tone towards the UNFCCC process and accused the climate negotiations of failing to avoid climate change, claiming that its procedures were unfair and inefficient (Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021; Zelli, 2018, p. 176). Already prior to his withdrawal, Bush had declared the "Kyoto Protocol to be dead" in a communication to the US Senate (Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021).

After the Australian government followed Bush in his withdrawal, the UNFCCC was facing various serious challenges: the Kyoto Protocol had not been ratified, key regulations about the market-based mechanisms had not been agreed, the transparency and procedural fairness of the negotiations were being questioned by various member state governments, and two of the largest greenhouse gas emitters, the US and Australia, had pulled out of the Kyoto Protocol (Eckersley, 2007). Thus, many leading experts described not only the failure of COP6, but also the conference's aftermath as a continuous legitimacy crisis period for the UNFCCC

(Interview, Professor, University of Eastern Finland (FI), May 28, 2018; Interview, Professor, Stockholm University, June 28, 2018).

It took until COP7 in Marrakesh in October and November 2001 before some of the regulatory inconclusiveness could be addressed. In the twelve months after the failure of the COP at The Hague, tensions among parties and accusations about the UNFCCC's approach to burden sharing and flexible mechanisms persisted. At the intermediate COP6 in July in Bonn, Pronk had finally managed to bring the parties, with the exception of the US, back to the negotiation table. This eventually paved the way for the adoption of the much-needed rule book to implement the targets set out in the Kyoto Protocol (Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021). The Marrakesh Accords outline a set of monitoring and compliance procedures for a first commitment period (2008–12) to enforce the Protocol's rules, address compliance issues, and avoid any errors in calculating emissions data and accounting for transactions under the three flexible mechanisms and activities related to land use, land use change, and forestry.

Thus, in the perception of most of the literature and our interviewees, it was only the success of Marrakesh that marked the end of the legitimacy crisis that had started in The Hague one year earlier. Notwithstanding, several legitimacy-related issues persisted after Marrakesh, and kept haunting the UNFCCC process towards a second major crisis that we will discuss in the next section. In particular, the Marrakesh COP was criticized for its lack of transparency (Lövbrand et al., 2009), and the US upheld its role as a critic of the negotiations and initiated a series of unilateral climate and energy partnerships as alternative arenas (Zelli, 2018).

Returning to our conceptualization of legitimacy crises, we observe for the UNFCCC's first legitimacy crisis that *audiences* were only constituent state elite members, i.e., member state governments of the UNFCCC. This gives this crisis a lower degree of *social breadth* than the two WTO crises. This crisis has unfolded much more “within the regime” and was also less visible in the media and public discussions than the second crisis we will discuss below. Moreover, while the WTO had been largely challenged by governments from economically developing countries, core critics in the first UNFCCC crisis were industrialized countries such as the US and Australia. We can also observe a very high level of *normative depth*. Questions of fair burden sharing were and are a key concern for member state representatives, which has frequently been reflected in the high intensity of the accusations.

The Second Legitimacy Crisis: Chaos in Copenhagen

It took until seven years after Marrakesh for the US delegation to change its course towards strongly supporting the UNFCCC process again—under Barack Obama,

who was also present at the first COP to take place during his presidency: COP15 in Copenhagen in December 2009. However, this renewed support did not suffice as a game changer. Instead, our interviewees, both UNFCCC negotiators and external observers, emphasize that during and after COP15, the UNFCCC underwent another wave of serious challenges, due to the conference's disorganized procedure and final outcome (e.g., Interview, former UNFCCC Executive Secretary, October 19, 2020).

In this second legitimacy crisis, the UNFCCC was attacked both internally, from member state governments, and externally, from civil society actors that largely came from member states. These various audiences challenged the IO for many different reasons. First and arguably foremost, egalitarian and anticapitalist NGOs and delegates from several economically developing countries, particularly from Latin America, demanded that the costs of addressing climate change were distributed more fairly and that respective measures should not be implemented at the cost of vulnerable groups such as indigenous communities in the Amazon (Interview, Professor, University of Eastern Finland (FI), May 28, 2018).

These demands were most fervently articulated through an unprecedented succession of mass protests for a more ambitious and comprehensive agreement. While public pressure had previously accompanied most UNFCCC COPs, Copenhagen witnessed a much higher level of social breadth and normative depth of challenges, with an ever-growing number of NGOs that were present on site. The result was daily and passionate protests throughout COP15 that attracted considerable media attention and made major headlines across the globe (e.g., *The Guardian*, December 12, 2009; *The New York Times*, December 12, 2009). These mass protests had been carefully organized at an early stage, out of concerns for what many activists saw as a gridlock in negotiations in the preceding COP in Bali in late 2008 (Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021). During the COP, the protests steadily gained in intensity, also owing to the fact that access to observer organizations had been successively limited over the two conference weeks.

Estimates about the number of people joining the street protests range from 40,000 to 100,000 (Chatterton et al., 2013, p. 603, Wahlström et al., 2013). One estimate published on the protest coalition's website refers to a total of 538 participating organizations from 67 countries (Wahlström et al. 2013, p. 103).⁶ A major role amidst these many organizations was played by European autonomist groups and direct action networks, three of which proved particularly influential (Reitan and Gibson, 2012): Climate Action Now, which followed a reformist ideology with a focus on green growth and regulations; Climate Justice Now! (CJN), which

⁶ The webpage to which Wahlström et al. (2013, p. 103) refer is no longer in use (<http://12dec09.dk>).

focused on social, ecological, and gender justice; and Climate Justice Action (CJA), “which comprises a smaller number of groups, networks, organizations and collectives generally of a more radical and autonomous nature” (Chatterton et al., 2013, p. 603). In addition, grassroots social movements from the Global South took to the streets of Copenhagen, along with a series of NGOs, trade unions, politicians, journalists, and concerned individuals from around the globe (Chatterton et al., 2013, p. 604).

Notably, various protest groups collaborated with country delegations inside the conference center. Both Climate Action Now and CJN supported several country negotiation groups, such as the African group, Least Developed Countries (LDCs), the Alliance of Small Island States (AOSIS), and the Group of 77 and China (G77) “to hold industrialized nations to legally binding reduction targets and to a second commitment period under the Kyoto Protocol” (Reitan and Gibson, 2012, p. 404). Moreover, several conference delegates acted as protesters themselves. For instance, delegates “from Bolivia and Tuvalu [who] would disrupt the United Nations (UN) sessions in protest at the injustice and inadequacy of the UN process, and meet the outside group in order to hold a ‘People’s Assembly’ and provide a dramatic show of solidarity” (Chatterton et al., 2013, p. 615).

The large diversity of protesters partly explains why many of their themes referred to local and social justice issues such as industrial expansion or dispossession, rather than climate change in the first place (Reitan and Gibson, 2012). “Climate justice, however, functioned a key discourse through which articulations were made between these diverse struggles” (Chatterton et al., 2013, p. 615).

A second major basis for challenging UNFCCC negotiations during this crisis was the recurring question of fair burden sharing. Two large and growing emitters of greenhouse gases, India and China, had not been subjected to reduction commitments by the Kyoto Protocol. This once again raised the question of how effective and fair the UNFCCC’s distinction of country groups and their respective responsibilities still was (Interview, Professor, University of Eastern Finland (FI), May 28, 2018). Not only representatives from industrialized country members, but also scholars and activists, increasingly argued that more countries should be bound by commitments under the UNFCCC regime and that the IO hitherto had not done enough to reduce emissions (Interview, Professor, University of Eastern Finland (FI), May 28, 2018).

Third, the skepticism about the UNFCCC’s legitimacy—which had never completely vanished since Kyoto—reached a new peak in Copenhagen. Respective challenges were largely voiced by delegates from economically developing countries, but also increasingly picked up by civil society actors in their street protests. This skepticism was fueled by a series of procedural inconsistencies and transparency gaps (cf. Meilstrup, 2010).

While the main role of a COP Presidency is to facilitate negotiations, Denmark partly overstepped this mandate in order to bring COP15 to a successful

conclusion—thus following a tradition of unconventional approaches to facilitating negotiations at UNFCCC COPs. Similarly, some member states complained about the role of the UNFCCC Secretariat during the Copenhagen COP, most concretely against Executive Secretary, Yvo de Boer, who was criticized for being too biased towards achieving a robust climate deal (Interview, former UNFCCC Executive Secretary, October 19, 2020). Already in the months prior to the conference, Danish officials had reached out to representatives of several major economies and other stakeholders with the aim of developing a Danish proposal for the outcome of COP15. On the second day of COP15, however, the “Danish text” was leaked and published in a British newspaper (*The Guardian*, December 8, 2009).

As a result of these leadership issues, the Danish COP Presidency was damaged and the legitimacy crisis further intensified—with many economically developing countries strongly accusing the negotiation process in Copenhagen of being unfair, undemocratic, and untransparent. This criticism was voiced most fervently by Sudanese delegate Stanislau Lumumba Di-Aiping, who chaired the G77 plus China group. The ensuing debate widened the rift between country groups during the negotiations (Meilstrup, 2010, p. 130). Finally, towards the end of the conference, Danish Prime Minister Rasmussen took over the presidency from his Environmental Minister Hedegaard and sought to mediate among the parties.

Meanwhile, US President Obama made use of the weak presidency by pursuing his own vision of an agreement. Like the UNFCCC bureaucracy, most member states, and civil society observers, Obama wanted to bring the COP to a successful conclusion and establish a new climate treaty. However, unlike most of these other groups and audiences, he wanted a voluntary agreement, which would be much more likely to pass US Congress than a binding one. Together with UN Secretary-General Ban Ki-moon, Obama managed to convince Rasmussen of the need for backdoor negotiations in which he managed to forge a non-binding deal among industrialized countries and major emerging economies about their responsibilities in a successor treaty to the Kyoto Protocol (Interview, former UNFCCC Executive Secretary, October 19, 2020; Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021). Before his departure, Obama held a press conference to announce this breakthrough—and thereby further undermined Rasmussen’s standing, whose privilege, as COP president, it would have been to make such an announcement (Meilstrup, 2010).

In the final session in Copenhagen, the weakened COP presidency was not able to gain full support from the remaining countries for this ready-made deal. Rasmussen was accused of not having followed the legitimate procedure at UNFCCC summits to develop a final agreement with a higher number of country representatives (Interview, former UNFCCC Executive Secretary, October 19, 2020). Outside of the conference building, civil society activists criticized the deal for not going far enough and for the nontransparent way in which it had been made

(Reitan and Gibson, 2012, p. 399; Chatterton et al., 2013, p. 616;). Inside the conference building, various economically developing countries turned their critique of the backdoor procedure into an outright rejection of the compromise. The unanimous adoption of a potential Kyoto successor was not on the table and countries only managed to “take note” of a watered-down Copenhagen Accord (Meilstrup, 2010).

Altogether, a whole series of challenges—on climate justice, burden sharing, and procedural fairness—led to the ultimate challenge of not delivering a proper deal. The fact that the climate regime was unable to produce a legally binding multi-lateral agreement with quantitative emission reduction targets for greenhouse gas emissions (Bäckstrand and Kuypers, 2017) was damaging for the UNFCCC’s perceived legitimacy. The period right after COP15 was marked by a significant loss of trust across member governments and civil society in the UNFCCC’s ability to identify adequate legal and political solutions for the global climate crisis (Interview, former UNFCCC Executive Secretary, October 19, 2020). Nevertheless, the ensuing COPs, starting with Cancún in November and December 2010, already marked a process of crisis resolution that eventually led to the Paris Agreement at COP21 in 2015.

We therefore treat the Copenhagen COP and its immediate aftermath as the core period of the second legitimacy crisis, since this is the period for which we find persistent crisis perceptions across nearly all our different sources and interviewees. Thus, compared to the first period from The Hague to Marrakesh (2000–1), this second period is shorter, although we regard it as more intense, as the climate regime was both internally and publicly under huge pressure to deliver a major new treaty, with concerns about its legitimacy reaching a new high.

To summarize the UNFCCC’s second legitimacy crisis along our key crisis dimensions, we note that this crisis is marked by a much higher degree of *social breadth* than the first crisis. Similar to the two WTO crises, the most important *audiences* to challenge the IO include both civil society organizations and members state governments, i.e., both state and nonstate actors as well as elite and mass protests; some protest groups even collaborated with state delegations inside the conference center. In addition, this time, key challenges by states parties not only came from advanced economies like in the first UNFCCC legitimacy crisis, but also from economically developing countries. As in the case of the two WTO crises and the first UNFCCC crisis, this second crisis is dominated by *constituent actors*—which is not too surprising, given the quasi-universal nature of both IOs. Notably for this second crisis, the US and Australian governments had reversed their withdrawal from the Kyoto Protocol and are therefore considered constituent members of both the convention and the protocol.

Finally, the *normative depth* of this crisis appears at least as serious as the first legitimacy crisis. Concerns that had largely been raised internally during the first

crisis had now become the concern of a much broader set of audiences. The normative depth of a legitimacy crisis is ultimately linked to the norms and value-based expectations of audiences towards an IO. In the case of the Copenhagen summit, these expectations had arguably been higher than ever before in the UNFCCC process and, subsequently, the summit witnessed the most intense and publicly visible legitimacy crisis for the UNFCCC (Interview, former UNFCCC Executive Secretary, October 19, 2020; Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021).

The Aftermath of the Second Crisis: The Paris Agreement as a Boost for Legitimacy?

The intensive contestation of climate negotiations during and immediately after the Copenhagen COP ebbed away on the road to the Paris Agreement. While some member governments would still sporadically argue between Copenhagen and Paris that the UNFCCC process was ineffective or unfair (e.g., Russia, Saudi Arabia, and the US), the 2015 Paris Agreement facilitated a broad perception of the UNFCCC as a legitimate organization (Interview, Assistant Professor, Wageningen University (NL), June 5, 2018; Interview, Professor, Stockholm University, June 28, 2018).

The Paris Agreement aims to keep the global temperature rise well below 2 degrees Celsius above pre-industrial levels and to stimulate efforts to limit the temperature rise to 1.5 degrees Celsius this century. In order to achieve this objective while keeping all members on board, the Paris Agreement introduced “Nationally Determined Contributions” (NDCs). Unlike the legally binding Kyoto Protocol with its shared obligations, the Paris Agreement allows states to voluntarily and separately determine how much they can do to reduce their emissions, adapt to climate change, and provide respective funding. Countries must submit their NDC plans to the UNFCCC Secretariat at certain intervals, but there are no obligations inscribed in the Agreement that these plans must comply with particular criteria.

Not surprisingly then, the current sum of efforts across the submitted NDC plans falls considerably short of the scientifically agreed measures necessary to reach the 2°C or 1.5°C goals (Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021). In this context, experts see the Paris negotiations as a “sham” or “make-believe process” that may mask a repetitive and ongoing lack of multilateral action on climate change (Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021). In the eyes of former UNFCCC Executive Secretary Yvo de Boer, the Paris Agreement may even facilitate another and more fundamental legitimacy crisis, since

the potential ineffectiveness of the NDC system may spur new criticism of the UNFCCC as a whole, not just of its members. If the Paris Agreement does not incentivize sufficient action, this may result in a more enduring disillusionment with UN climate negotiations and what they may be able to achieve. The rise of the Fridays for Future movement suggests that such disillusionment may be imminent (Interview, former UNFCCC Executive Secretary, October 19, 2020).

Having said all this, and unlike de Boer and other critical observers, some of our interviewees, both UNFCCC insiders and outsiders, see the Paris Agreement as a potential boost for the legitimacy of the UNFCCC (Interview, Assistant Professor, Wageningen University (NL), June 5, 2018; Interview, Professor, Stockholm University, June 28, 2018). They point out that, even when US President Trump announced the US withdrawal from the Paris Agreement in 2017, they did not perceive any considerable impact on the UNFCCC's legitimacy (Interview, Professor, University of Eastern Finland (FI), May 28, 2018; Interview, Assistant Professor, Wageningen University (NL), June 5, 2018; Interview, Professor, Stockholm University, June 28, 2018; Pickering et al., 2018). Rather, they believe that the UN climate regime after Paris was robust enough to withstand Trump's challenge and remains the only reliable multilateral game in town.

In light of these differing assessments, in our view, the road to the Paris Agreement does not represent another legitimacy crisis of the UNFCCC. However, the question remains to which extent to which some of the developments between Copenhagen and Paris can be causally linked to the legitimacy crisis around the Copenhagen COP in 2009—and whether these potential crisis consequences can be regarded as being either positive or negative for the UNFCCC. In Chapter 7 of this volume, we continue our qualitative analysis to provide answers to this question.

Bringing Together Our Qualitative and Quantitative Measurements

As in the case of the WTO above, our qualitative study of the UNFCCC corroborates the peak of legitimacy challenges we identified in Chapter 3. Concretely, this regards 2009, the year of COP15 in Copenhagen, as a crisis year in both our quantitative and qualitative analyses (see Figures 3.3. and 3.9). Moreover, our qualitative study helped us to complement our quantitative findings in several ways. It provided us with detailed and often firsthand insights from leading figures in the UNFCCC regime who helped us to further characterize the audiences, social breadth, and normative depth of the legitimacy crises. Most importantly, going beyond the findings of our quantitative assessment, the qualitative analysis enabled us to identify an additional crisis period that extended from late 2000

to late 2001. This aspect further confirms our choice of approaching the analysis of legitimacy crisis using a mixed-methods approach, uniting the strengths of large-N and generalizable analysis with the benefits of an in-depth identification of particular perceptions, motivations and practices of key observers and audiences.

Conclusions

As we argue in Chapter 1, we do not intend to derive generalizable insights from our qualitative case studies. Our main purpose here was to go into depth on two major IOs in order to further characterize the legitimacy crises we identified in Chapter 3. As shown above, our study could indeed corroborate and deepen our quantitative crisis assessments for both the UNFCCC and the WTO.

One important complementary result of the qualitative analysis concerns the duration of crisis periods. The perceptions of both insiders and experts helped us to ascertain the beginning and end points of certain periods—most notably when they described continuous accusations in the aftermath of certain conferences, or even until the next peak in legitimacy challenges, which then warranted the combination of such peaks into a longer crisis period. However, different observers sometimes also perceived different beginnings and endings of a period. This left us with a certain degree of imprecision that we could partially address using our previous quantitative findings. In short, our mixed-methods approach proved very fruitful for triangulating and establishing the timing of legitimacy crises for both cases.

While we did not aspire to any systematic horizontal or vertical comparison in this chapter, it is worth briefly comparing the legitimacy crises we identified across the two IOs. The UNFCCC and the WTO share important similarities that we also took into account when selecting them for our analysis—and this may have important implications for the consequences we may expect from their legitimacy crises. As mentioned at the beginning of this chapter, both IOs were briefly established after the end of the Cold War, during the heyday of international diplomacy (cf. Gill, 2003). Moreover, both are the central institutions in their respective policy field of global governance, with a broad set of (partially binding) treaties, procedures, and bodies under their auspices, and with near-universal membership.

Do these similarities coincide with similar legitimacy developments and crises? Or are there discrepancies in the histories of crises that may be connected, for instance, to the differences in policy fields that the WTO and UNFCCC seek to regulate? A key similarity across the four crises we discussed in this chapter is that they were dominated by constituent actors—and that, in three of four cases, they were marked by a high degree of social breadth, across state and nonstate actors,

as well as elite critique and mass protests. Moreover, all four crises exhibit a high level of normative depth.

While the dominance of constituent actors for these two quasi-universal IOs could be expected, it is still highly significant to our expectations of the potential consequences of the legitimacy crises. In our theoretical framework in Chapter 5, we will argue that critique from constituent actors may lead to positive consequences for an IO under crisis. Moreover, we expect the intensity of these consequences to be relatively high when the respective legitimacy crises are marked by strong degrees of social breadth and normative depth. The continuation of our qualitative analysis in Chapter 7 will show the extent to which these theory-based expectations about clear and positive consequences can be corroborated for both IOs.

Moreover, both the UNFCCC and the WTO experienced two crises during a period lasting from the late 1990s to the mid-2000s. This similarity could be related to a general crisis of multilateralism, with the George W. Bush administration in Washington preferring unilateral or plurilateral agreements across various policy domains (Eckersley, 2012; van Asselt and Bößner, 2016). This points to an important aspect that we could not systematically include in our analysis but which, in our view, deserves particular attention in follow-up studies on legitimacy crises: power asymmetries within and across legitimacy audiences. It can be assumed that it makes a difference which particular actors within an audience are dominant when challenging an IO. The particularly challenging role of the Bush administration suggests that such an analysis could provide important insights into both the severity of a legitimacy crisis and its consequences.

Related to this, another similarity between both IOs are the underlying actor constellations, as both the WTO and the UNFCCC faced serious North–South debates about global justice and fairness. Similar fairness debates also emerged across other policy fields at the time, in particular in the domain of international development, with economically developing country representatives frequently voicing their frustration about how global governance arenas had developed in the first post–Cold War decade (cf. Duffield, 2014).

However, this point brings us to a major difference between both IOs, namely, in terms of the target points of their legitimacy crises and, possibly, also their duration. The WTO's existence and overall purpose have been a continuous and prominent target of egalitarian debates on fairness and transparency. In the case of the UNFCCC, in contrast, it was specific agreements and processes, e.g., the Copenhagen negotiations, that drew both elite and mass criticism. Unlike for the WTO, the overarching purpose of the UNFCCC to combat dangerous climate change was not put into question. Likewise, the crises of the UN climate regime appear to be shorter or at least more punctuated, whereas the WTO's second crisis spans a period of roughly five years.

With regard to the purpose of this book, Chapters 3 and 4 have now enabled us to identify and delineate legitimacy crises and thereby provide reliable starting points for our analyses of the consequences of such crises. Before presenting the results of our quantitative and qualitative analyses of these consequences in Chapters 6 and 7, the next chapter introduces the novel theoretical framework that will guide these analyses.

PART II

THE CONSEQUENCES OF
LEGITIMACY CRISES IN
MULTILATERAL GOVERNANCE

Explaining the Consequences of Legitimacy Crises in Multilateral Governance

A Theoretical Framework

In this second part of this book, we turn to the consequences of international organization (IO) legitimacy crises. As a first step, this chapter presents a theoretical framework that resonates with the empirical anomalies noted in Chapter 1, most critically that legitimacy crises sometimes appear to strengthen an IO's capacity to rule, as opposed to the received theory of legitimacy as developed in philosophy, sociology, and political science. In a second step, we test the framework both quantitatively (Chapter 6) and qualitatively (Chapter 7). As we argued previously in this book, research on legitimacy crises involves more than just investigating the absence of, or decrease in, legitimacy and the potentially negative consequences that arise from this. Looked upon as a unique phenomenon in its own right, we argue that the effects of legitimacy crises on almost every point are more diverse and complex than existing accounts tend to suggest.

This chapter makes three specific contributions. First, we offer a comprehensive set of expectations on how legitimacy crises matter for key dimensions in an IO's capacity to rule. As we have shown in Chapter 1, expectations on the consequences of legitimacy crises may be generated by inverting an assumption in conventional theory, namely, that legitimacy helps or strengthens the political organizations that possess it. This chapter makes that argument more completely, i.e., it demonstrates the possibility of linking IO legitimacy crises—and their varying features and characteristics as outlined in the first part of this book—to clearly defined consequences in a coherent and comprehensive framework.

Second, the inverted conventional theory that we elaborate, suggesting that legitimacy crises come at a cost for IOs and harm their capacity to rule, will also be supplemented and occasionally challenged by an alternative idea. In particular cases that we specify, legitimacy crises should be expected to benefit the capacity to rule of a targeted IO. As a double-edged sword, legitimacy crises sometimes

strike the functioning and resources of IOs that are essential for the human capacity to rule by means of political institutions, while sometimes they also put an end to organizational slack, uninformed decisions, inattentive leadership, and thus strengthen their capacity to rule. The two processes of legitimacy crises, involving both costs and benefits, respectively, do not exclude each other but may run parallel to each other. For example, legitimacy crises may diminish rule compliance by weakening the normative attractiveness of joint decisions *and* activate social and political agents in order to enlarge the pool of resources and ultimately strengthen the capacity to rule. Unifying these different possibilities in a single framework is our key strategy to overcoming the anomalies in the conventional theory presented at the outset, namely, that legitimacy crises have both positive and negative effects, and sometimes no effects at all.

Third, this chapter offers a new and comprehensive conceptualization of the effects of legitimacy crises that we propose to analyze empirically. We introduce the concept of the capacity to rule and point to its distinctiveness and added value in relation to existing research on institutional performance and problem-solving capacity. Three dimensions stand out more generally in this core function of any political institution, including IOs: their material capacities, institutional capacities, and decision-making capacities. Apart from changes in such properties of the IOs themselves, the consequences of legitimacy crises of relevance to the capacity to rule may also emerge in IO external relations, i.e., in the establishment, support, or obstruction of other institutions that operate in the same field of global governance as a crisis-ridden IO.

Figure 5.1 pictures this theoretical framework. It includes the key properties of a legitimacy crisis as defined in Chapter 2, namely, that such crises are a matter of perception that may be held by a variety of audiences, as defined by alternative viewpoints on whose voices should be counted and heard in multilateral governance. We advance a set of falsifiable expectations which maintain that the likelihood and (positive or negative) directedness of consequences depend upon these properties, also including the normative depth and social breadth of legitimacy challenges as defined in the earlier chapter. We illustrate causal pathways to demonstrate how the genuine will of critical audiences to either reform or remove an IO in a legitimacy crisis will translate into different outcomes, which are also dependent on the unique institutional characteristics of individual IOs.

We begin this chapter by introducing our concept of the capacity to rule (the dependent variable), then continue by discussing legitimacy crises and their causal powers (the independent variable), and end by specifying a number of causally relevant IO characteristics (the conditioning variables). The chapter concludes with an integrated summary of the argument and broader outlooks.

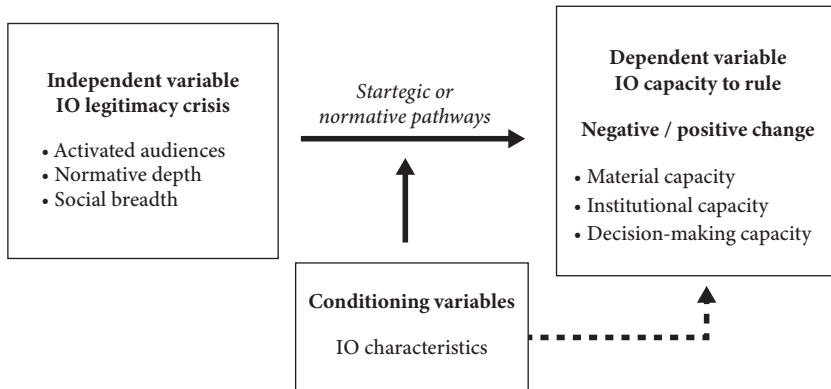


Fig. 5.1 Theoretical framework

Dependent Variable: An IO's Capacity to Rule

The dependent variable we selected for our study is an IO's capacity to rule, i.e., the potential of an IO to alter the behavior of social and political actors by setting common aims, allocating resources, and implementing change despite time pressure and persisting disagreements. The concept privileges attention to a dimension in politics that is also found in the concept of legitimacy, namely, the dimension of ruling, which appears in the conventional definition of legitimacy as the right to rule (e.g., [Beetham, 1991](#); [Gilley, 2008](#); [Booth and Seligson, 2009](#)). The related concept of state capacity has been used by scholars of comparative politics and economics for a similar reason, that is, to capture the core functions of domestic political institutions, such as law making and tax levying ([Besley and Persson, 2009](#); [Hendrix, 2010](#); [Hanson and Sigman, 2021](#)). Although IOs typically deal with other tasks than domestic governments, they still *rule*, for example, by adopting trade rules and environmental standards, by implementing development programs, and by sanctioning noncompliance with human rights provisions. The concept of the capacity to rule allows us to observe the core of political institutions internationally.

As noted, we distinguish between three dimensions in this concept that will be empirically analyzed in Chapters 6 and 7: the material, the institutional, and the decision-making capacity. The inclusion of all three dimensions in our analyses is helpful to describing the capacity to rule more exhaustively, but also to testing an interesting possibility noted above: whether the positive and negative effects of legitimacy crises on the capacity to rule sometimes emerge in parallel. For this purpose, we build on [Sommerer and Agné \(2018\)](#) who argue that changes

in the legitimacy of an IO may have different effects on different properties of that organization.

The choice of dimensions includes, but is not limited to, what other scholars have labeled procedural performance (Gutner and Thompson, 2010, p. 235) and decision-making performance (Pollack and Hafner-Burton, 2010; Sommerer et al., 2021). Process performance refers to actions by an IO to address the specific tasks and narrow functions that are necessary to reach its goals, and decision-making performance describes the extent to which an IO is capable of issuing regulations through its main decision-making body, given the pressure it is under to address problems. Beyond these issues, an interest in the capacity to rule also motivates interest in the material and institutional capacities that may be used to explain performance defined more generally (Gutner and Thompson, 2010), while they are constitutive elements of the capacity to rule.

Examining the capacity to rule is relevant, not only for studying the core functions of political institutions, but also for helping the robustness and generalizability of our results. By studying the capacity to rule we avoid a set of familiar methodological difficulties associated with explaining institutional performance and problem-solving capacity, most notoriously the long causal chain, and the dependency on the outcomes on actors that operate on multiple territorial levels. A study of the capacity to rule makes it easier to provide palpable insights than if we had cast the net more widely even at this first attempt to study the effects of IO legitimacy crises in large-scale research. Nevertheless, the capacity to rule is a crucial factor in understanding and also predicting the wider notions of IO performance (beyond process and decision-making performance), including rule compliance and problem-solving effectiveness. Enforcing peace, reducing environmental harm, preventing the spread of infectious diseases, and the promotion of other global political goods, will require more than sufficient material resources, a robust mandate, and productive decision-making organs. That said, these elements are still necessary requirements for institutions to be effective (Tallberg et al., 2016a; Sommerer et al., 2021).

We therefore analyze multiple, but not all, possible consequences of legitimacy in global governance. Beyond the abovementioned aspects of rule compliance and problem-solving effectiveness, our omissions include, for example, the strategic responses of IOs to challenges to their legitimacy (e.g., Ecker-Ehrhardt, 2018a; Bexell and Jönsson, 2018; Bexell et al., 2021). Re-legitimation efforts in public communication might be important tools for IOs to manage legitimacy crises, but we do not explicitly cover them. However, in some cases, re-legitimation efforts overlap with our concept of the capacity to rule, because they are decided formally by IOs or because re-legitimation efforts consist of organizational reforms that are made to appease the critics that we capture in the concept of institutional capacity. We also do not explicitly include the concepts of the death and dissolution of IOs as consequences of legitimacy crises (e.g., Shanks et al., 1996;

Eilstrup-Sangiovanni, 2020; Debre and Dijkstra, 2021). However, our conception of the capacity to rule subsumes these issues as well, since IOs with no material resources, with dysfunctional rules, no substantial mandate, and deadlocked decision-making organs are doomed to turn into zombies (Gray, 2018) or will be abandoned by their principals (von Borzyskowski and Vabulas, 2019).¹

That said, we do take into account the effects on IOs' external relations and their institutional environment (Zelli, 2018) inasmuch as they are relevant for an IO's capacity to rule. With this focus on external effects, we take into consideration, for example, de facto shifts in competencies from, or towards, domestic governments that may alter an IO's capacity to rule and that occur as a consequence of legitimacy crises.

The institutional environment also includes other organizations that overlap with an IO in terms of mandate and jurisdiction. As a consequence of a legitimacy crisis in IO_x, actors may seek to build or support, ignore or undermine another IO_y, depending on whether they adhere to or contradict some of IO_x's core goals. For example, when two IOs such as the North Atlantic Treaty Organization (NATO) and the European Union (EU) occupy the same policy space (Hofmann, 2009), a legitimacy crisis for one institution could affect the resource allocation, institutional power, or decision-making response of the other institution (Zelli, 2018).

Material Capacity

As previously noted, IOs need material resources to effectively reach their policy goals (Goetz and Patz, 2017). In global security, for example, the personnel of an IO determines its ability to restore peace (Lundgren, 2016), while in the field of global health, IOs must be able to purchase costly medicines to combat diseases (Brown et al., 2006). Nevertheless, not all IOs are allocated the resources they need, and some organizations are resourceful, such as the World Intellectual Property Organization (WIPO) (Deere-Birkbeck, 2018), while others, such as the United Nations Education, Scientific and Cultural Organization (UNESCO), continuously face financial crises (Hüfner, 2017).

To explain these problems, we apply a broad understanding of material capacity as tangible and intangible resources. The material capacity of IOs can be understood as the size of their budget and the number of staff, but also as the knowledge, skills, and experience accumulated within an IO (Barnett and Finnemore, 1999, 2004; Haas, 2008). Attention to tangible material resources facilitates our measurement of a large sample of IOs in the quantitative analysis

¹ Among the 32 IOs in our large-N dataset (see Chapters 3 and 6), we observe one organization that was dissolved and replaced during the observation period (North American Free Trade Agreement (NAFTA)), and several IOs that lost important member states (UNESCO; EU).

in Chapter 6, while examining intangible resources is possible in the qualitative expert interviews and consultations of the existing research provided in Chapter 7.

To validate our assessments of IO material capacities, it is helpful that recent years have seen a renewed academic interest in IO resourcing, for example, in voluntary financial contributions to IOs (Graham, 2015; Reinsberg et al., 2015; Bayram and Graham, 2017; Bergmann and Fuchs, 2017) and states' representation in the staffing of IOs (Parizek, 2017; Parizek and Stephen, 2021).² While some parts of this research agenda—useful for our purposes—have described variation in resources across multiple IOs and over time (Heldt and Schmidtke, 2017), they have made few efforts to explain such variation. Exceptions to this are Goetz and Patz (2017), who assess the budgetary pressure of IOs, and Schneider and Tobin (2016), who analyze how member states distribute resources across IOs. Their suggested explanations include the availability of resources in member states, the competition across IOs in the same field of policymaking, and the culture of public administration within the organizations. Bes et al. (2019) complemented this scholarship by adding legitimacy crises as a potential driver of changes in IO resourcing.

Institutional Capacity

Inspired by a classical definition of institutions as sets of formal or informal rules that shape human behavior (Keohane, 1988), we understand the institutional dimension in our concept of the capacity to rule as comprising the rules, processes, and practices that enable collective action despite conflictive interests and open disagreement among agents. For an IO, institutional capacity touches upon sensitive design aspects such as voting structures in decision-making chambers, sanctions against noncompliance, and dispute settlement procedures. Research on these matters has often studied the mandate of IOs (e.g., Koremenos et al., 2001; Hooghe and Marks, 2015; Tallberg et al., 2014; Zürn et al., 2021). The mandate is the formal basis in treaties and protocols for an IO to raise or address a particular issue (Koremenos et al., 2001; Hooghe et al., 2019). The mandate of an IO determines the extent to which member states have delegated authority to it, and how far the authorities have been pooled among the states (Hooghe and Marks, 2015).³ Delegation is a variable that describes the degree to which member states have granted an IO the right, or the mandate, to act on their behalf. Pooling describes how far IOs are entrusted by states to make collective decisions also in the absence of unanimity, that is, when some member or members contest a proposed decision (Keohane and Hoffmann, 1991; Hooghe and Marks, 2015). When

² For earlier contributions, see Mangone and Srivastava, 1958; Szawłowski, 1961; Claude, 1963; Stoessinger, 1964; Hoole et al., 1976.

³ See Zürn et al. (2021) for an alternative conception of IO authority.

applying these concepts to describe the institutional capacity of an IO, it can be enhanced if the policy portfolio is expanded, if more competencies are delegated to the supranational level, and if veto powers for individual states are limited and replaced by majoritarian procedures.

A considerable amount of research looked at how legitimacy and legitimacy crises affect the institutions of IOs, if not also their institutional capacity outright. For example, several studies have theorized and shown how legitimacy challenges pressure organizations to become more transparent and inclusive (e.g., [Curtin and Meijer, 2006](#); [Wille, 2010](#); [Tallberg et al., 2013](#); [Zürn, 2014, 2018](#)). This potential effect may, but need not, be related to institutional capacity as defined above. Particularly constructivist scholarship in international relations (IR) has suggested that shifts in legitimacy perceptions put pressure on IOs to change voting procedures ([O'Brien et al., 2000](#); [Wendt, 2001](#); [Steffek and Nanz, 2008](#); [Stephen, 2018](#); [Lenz and Viola, 2017](#)). These suggested effects are subsumed by institutional capacity in the sense of pooling, as described above.

Similar to what we wrote about material capacity, the institutional capacity of an IO is also manifested in its institutional environment (cf. [Keohane and Victor, 2011](#); [Zelli and van Asselt, 2013](#); [Eberlein et al., 2014](#); [Risse, 2016](#)). [Biermann et al. \(2009, p. 16\)](#) speak of a fragmented governance landscape in which the various mandates, competencies, and procedures do not add up, but instead present a “patchwork of international institutions that are different in their character (organizations, regimes, and implicit norms), their constituencies (public and private), their spatial scope (from bilateral to global), and their subject matter.” [Zelli \(2018\)](#) describes how a legitimacy crisis of a core IO in a policy field may increase the complexity of the overall architecture for that issue area. He expects that such a crisis may result in the establishment or undermining of alternative institutions that operate in the same issue area as the targeted IO. This is in line with a growing set of empirical findings which suggest that legitimacy crises may open up spaces for other institutions ([Stuenkel, 2013](#)).

Decision-Making Capacity

Decision-making capacity describes an IO's capacity to rule in terms of issuing regulations, binding or non-binding, within its policy scope or mandate ([Szulecki et al., 2011](#); [Sommerer et al., 2021](#)). It is an intermediate step between process and outcome in politics. Without a properly functioning process, as furnished by relevant resources and institutions, decisions are less likely to be made, and without any decisions being made, IOs will not affect outcomes through their own choices but depend on the actions of others. This politically essential capacity to make decisions varies significantly. Some IOs, such as the United Nations (UN), have principal decision-making bodies prone to deadlock and may at times affect

outcomes primarily by hindering decisions by other actors. Other IOs, such as the EU, produce decisions on an almost daily basis year after year.

Decision-making capacity has motivated studies on the UN General Assembly (Marín-Bosch, 1987; Holloway and Tomlinson, 1995), the UN Security Council (Allen and Yuen, 2014; Vreeland and Dreher, 2014), the EU (Schulz and König, 2000; Alesina et al., 2005; Naurin and Wallace, 2008; Pollack and Hafner-Burton, 2010), and the World Trade Organization (WTO) (Elsig, 2010).⁴ In studies of international courts, the volume of decisions often features as an indicator of their effectiveness (Cichowski, 2006; Alter, 2014). Among the few existing comparative studies, Agné (2016) looks at the decision-making speed of 12 IOs in response to economic and humanitarian crises, and Sommerer et al. (2021) explore the effects of institutional design on variation in decision-making output across 30 IOs.

Nevertheless, legitimacy has not figured prominently in the potential explanations of these matters (for relevant starting points, see Fearon, 1998; Zürn 2000; Gulbrandsen, 2004; Sommerer and Agné, 2018). The literature on Comparative Politics is more advanced, with studies of legitimacy at the state and local levels and its expected effects on legislation, public spending, foreign aid, and climate change planning (e.g., Gilley, 2009, p. 198; Cashmore and Wejs, 2014). Building on these studies, we argue that an IO's decision-making capacity may indeed be triggered by a legitimacy crisis. Decision-making would appear to have been gridlocked (Hale and Held, 2012, 2018) in the WTO General Council in the aftermath of the global civil society protests at the end of the 1990s (WTO, 2017a), while decision-making capacity would appear to have increased in the aftermath of other crises, for example, in the UN, which saw both legitimacy crises and steep increases in the number of decisions made towards the end of the 1980s (Chapter 6). We look for potential explanations for these seemingly opposite effects of legitimacy crises in the remainder of this chapter.

Independent Variable: IO Legitimacy Crisis

In our conceptualization of legitimacy crisis earlier in this book, we referred to a set of properties of IO legitimacy crises, among them, the notion of crisis as the perceptions of legitimacy audiences. We emphasized that this understanding raises questions about the composition of audiences that may be of relevance to explaining the effects of legitimacy crises. We differentiated between legitimacy crises marked by (1) government actors, nonstate actors, or both; (2) by agents that are subjected to the rule of an IO (constituent actors), by agents who are merely

⁴ Existing studies in IR are often inspired by a broader tradition of research in Comparative Politics on domestic legislative performance (e.g., Olson and Nonidez, 1972; Arter, 2006; Damgaard and Jensen, 2006).

affected by the organizations, but not subjected to their jurisdiction, and by any agent of either territory; and (3) by elite actors or by the masses. For each of these types of audience, Chapter 2 also emphasized the importance of identifying the normative depth of crises, understood as the degree of the perceived violation of normative convictions held by an audience. The equally important dimension of social breadth of a crisis refers to the scope of the alternative audience conceptions in question. These properties were measured both quantitatively and qualitatively in the first part of this volume.

In this section, we exploit the theoretical relevance of these properties, i.e., we explain the likely effect on the capacity to rule of normative depth, as well as the dominance or heterogeneity of certain types of legitimacy audiences in particular crises. The different types of legitimacy audiences were drawn from an unresolved debate on normative political theory on who the people of legitimate global politics are, with the intention of contributing explanatory analyses of relevance to opposing viewpoints on what legitimacy entails in political practice. Whether or not the audience of legitimate institutions must include all significantly affected stakeholders (Macdonald, 2008) or only subjected agents (Dahl, 1970), state governments (Keohane and Victor, 2011) or self-appointed civil society representatives (Montanaro, 2012), the people united by a distinct collective identity (Smith, 2008), the whole of humanity (Held, 1995), or an amorphous multitude that arises in reaction to hegemonic power (Hardt and Negri, 2000), remains controversial in both the theory and the practice of politics.

Legitimacy Crisis as an Activation of Audiences

Much of our suggested explanations in this chapter derive from a simple observation: all legitimacy crises involve a particular audience that is being politically *activated*. Through subsequent behavioral changes among the agents whose activation is constitutive of a legitimacy crisis, the behavior of other agents still relevant to the functioning of IOs will also be impacted, ultimately with observable implications for the targeted IO's capacity to rule.

Our notion of crisis as activation draws on insights from individual human psychology while explaining the effects of legitimacy crises at the level of aggregated actors, i.e., for sets of legitimacy audiences (Agné and Söderbaum, 2022). When a social environment fails to comply with the moral norms of an individual, it triggers a set of negative emotions, such as frustration, disappointment, or anger (Prinz and Nichols, 2010). Such negative emotions may activate an individual's thinking. According to a review of the literature in psychology, "active reasoning is sparked by negative emotions that cause despair and anxiety, stimulating actors to collect more information, to actively assess prior judgments, and to learn new attitudes and behaviors" (Marcus, Neuman, and MacKuen, 2000 cited in Lenz

and Viola, 2017, p. 952). Following Lenz and Viola (2017) on this point, we apply the observation of individuals being activated by negative emotions to explain the effects of legitimacy crises.

Specifically, a legitimacy crisis entails the mental or emotional activation of a critical mass of individuals whose beliefs are constitutive of that crisis and formed in a short, quasi-simultaneous time span. In the words of theories of punctuated equilibria (Baumgartner and Jones, 1991; Baumgartner et al., 2006) and international regime robustness (Hasenclever et al., 2004), a crisis in the sense of an activation represents a temporarily confined “shock” that opens a perceived window of opportunity for change and new action.⁵ It is distinguished from the potentially ensuing steps in the social and political process, which consist of actions of the activated audiences other than a mere expression of opposition to the political status quo or even an activation of further audiences.

The initial activation of a critical mass of audiences creates publicity, and thereby opens a realm of possible further action, taken either by the members of the critical mass or by other agents who were still not activated at the initial moment of crisis. Depending on exactly what actions and perceptions it creates, this further activation may manifest in different ways, making it either an effect of, or a part of an extended version of, the original legitimacy crisis. To safeguard our arguments against tautological reasoning, it may be important to identify a few logical possibilities as we elaborate on a political activation that is inherent to legitimacy crises but also on a political activation that is explained by legitimacy crises.

We expect that the initial round of activation of individuals whose beliefs are constitutive of a legitimacy crisis will spread to other people and thus broaden the activation in social terms. New people and groups may sympathize with their cause and then join the social basis of the same legitimacy crisis identified by the targeted IO. This is an endogenous process in the legitimacy crisis itself, not an effect of the crisis. However, as soon as any of the people who have manifested their normative opposition against an IO take just any political action, there is a possibility, at least in theory, of explaining such action by referring to the legitimacy crisis that appeared first. Such political actions, amenable to causal theorizing, may include petitioning, information gathering, social mobilization, inside lobbying, fundraising, and a wide range of other political activities.

The initial round of activation of individuals in a legitimacy crisis will also activate people who oppose not the IO, but the legitimacy crisis itself. However deep and broad a legitimacy crisis might be, it will never revoke the persisting disagreements of political agents. Nevertheless, even people who oppose a legitimacy crisis will be activated by it because of the psychological mechanism noted above, and thus take additional initiatives compared to their political behavior during normal

⁵ See also Keeler (1993) for a similar argument on how crises open up a window of opportunity for large reform projects in domestic politics.

times. People in this category, which may but need not include government members, IO staff, and elites that are socially connected to global governance, are still not limited in their political reaction to supporting the status quo of the IO that they want to defend against its critics. Insofar as protection of the status quo is not a realistic alternative, while the abolishment of the IO or some part of its key policy agenda is a possible outcome, the original defenders of an IO may well also support some more or less ambitious proposals to change how it operates. It goes without saying that any such initiatives are the contingent effects of legitimacy crises. The activation that is part of any legitimacy crisis is a different issue from the activation it creates to combat the legitimacy crisis.

What is more, the notion of crisis as activation does not foreclose any particular viewpoint on either the directedness or the intensity of the consequences of a crisis. As suggested above, and further discussed below, it matters who the activated audiences are more exactly, and how normatively deep and socially broad their legitimacy challenges are. Depending on these aspects, the activating effect of a legitimacy crisis may certainly have negative consequences on the capacity to rule in the affected institution. This means that the concept of audience activation is compatible with the conventional theory of legitimacy that we briefly introduced in Chapter 1. For example, a crisis might be a wake-up call that makes policy-makers or broader audiences realize that resources spent on the targeted IO are not well spent, and they push for cuts in budget or staff, thus diminishing the IO's capacity to rule. However, positive outcomes are equally possible—a legitimacy crisis might activate and alert audiences towards recognizing the need for greater material resources. Audiences may also be activated to scrutinize core aspects of institutional capacity, e.g., voting structures or the mandates of certain committees, which need addressing and which they may have neglected in times of higher legitimacy.

Likelihood of Consequences of IO Legitimacy Crises

Having made all these conceptual preparations, what theoretical expectations do we advance, based on our assumption of audience activation and our distinctions of audience types, normative depth, and social breadth? It is useful here to distinguish between two major aspects in our object of explanation: the *likelihood* of the consequences, and the negative or positive *directedness* of these consequences. As we will argue in the following, our falsifiable expectations will treat likelihood as a function of the normative depth and social breadth of a crisis. Directedness, in turn, is a more specific function of the characteristics of the activated audience that is challenging an IO (as well as the characteristics of the IO itself, which we address in a later section). In order to arrive at the respective arguments and expectations for the effects in both respects, we draw on findings in closely related fields

of research, including literatures on legitimacy and legitimacy crises of IOs, legitimacy crises of domestic governments, and state capacity. In addition, we examine literatures on the impact of other types of crises (e.g., humanitarian and financial crises) that conceptualize such crises as exogenous shocks and opportunities for organizational change (cf. [Widmaier et al., 2007](#)).

The normative depth and social breadth of crises are useful predictors of the likelihood of consequences for an IO's capacity to rule, whether in negative or positive directions. A substantive normative depth is needed for IOs to take the respective critique from audiences into account and react to it—which in the mid- or long term may lead to improvements or a deterioration of material, institutional, or decision-making capacities. When a crisis is normatively shallow, we expect it to fall short of any such resonance, positive or negative, thereby not yielding any measurable consequences for the IO in question. When a crisis is normatively deep, in the sense that the targeted organization is perceived to violate fundamental values, we expect that an initial round of activation will spread more easily to other individuals and groups and lead to a higher number of critical reactions. This, in turn, makes it more likely that some political agents will take further political initiatives that may have the potential to affect an IO's capacity to rule.

Social breadth in legitimacy crises will generally support the likelihood of an effect on legitimacy crises—a perception of rule without right is more convincing when it is shared by people from different social groups—but we do not anticipate that it will play the same role across all contexts and constellations. In the case of a homogeneous setting in which the critique is solely from member governments or nonmember governments, a high degree of normative depth, as a recurring critique that touches upon fundamental normative issues, may well suffice to provoke consequences for an IO's resources and capacities. We assume that fundamental critique by a governmental elite audience may not need any additional support from other audiences to find its way into IO organs and processes. If the critique comes from member state governments, for example, it will be taken into account by default, ultimately through IO internal discussions involving representatives of the respective governments. [Seabrooke \(2007\)](#) shows this for the case of the International Monetary Fund (IMF), which was eventually able to reinstate its legitimacy towards some of its member states after internal discussions that led to a tailoring of the fund's policies.

For other audience constellations, however, we hold that normative depth is not sufficient to make effects likely but needs to be accompanied by some degree of social breadth. As discussed in [Chapter 2](#), social breadth refers to a diversity of activated audiences. Such a diversity can materialize in various constellations: settings that combine elite and mass audiences within IO member countries or outside an IO's jurisdiction; and even more heterogeneous settings that include both constituent and nonconstituent audiences. For example, in the case of an elite critique from nonstate actors, say a global human rights organization with

headquarters in a Western capital, normative depth may not be sufficient to gain resonance within the IO. For nonstate elites, no matter whether constituent or not, are usually not involved in IO internal decision-making. Thus, in contrast to an IO's legitimacy challenge by member state governments, some additional pressure may be needed to trigger efforts to either enhance or reduce material capacity, institutional capacity, or decision-making capacity.

Dingwerth et al. (2019) identify two major ways to gain a level of visibility useful to either directly pressuring an IO's internal processes or specific member state governments: media coverage and mass protests (cf. Esty, 2002). Both influence mechanisms imply that a legitimacy crisis coincides with the activation of a wider array of actors, either directly through protests or indirectly through information spreading and learning processes from elites to the masses, as a result of media coverage (Schmidtke, 2019). In other words, it makes sense to expect that, for non-state actors' critique to yield either negative or positive effects for an IO's capacity to rule, at least some social breadth is needed, in the sense that elite critique should be accompanied by mass mobilization and protests.

The different properties of critical audiences and how they affect the likelihood of negative and positive outcomes form the primary causal layer of our framework. Nevertheless, much of the distinction between the expected negative and positive effects of legitimacy crises depends on the specific content of the norms and interests of the agents involved, in order to overcome their normative grievances by actions that either upgrade or downgrade an IO's capacity. The specification of pathways from cause to effect may then help us identify the motivations of the agents needed to explain the effects of crises in more precise terms.

Together with most other scholars, we note the possibility of both interest-driven and norm-driven outcomes. While the distinction is applied in this setting to explain the directedness of consequences of legitimacy crises, the meaning of these terms is the same as in broader and familiar discussions. To recap, neoliberal institutionalists believe that actors are rationally incentivized to cooperate in institutions because of the complex interdependence of the international system and the lack of reliable information about the behavior and intentions of others (Keohane and Nye, 1977). They establish institutions or engage in them to address these challenges and maximize their absolute gains, i.e., they pursue a "logic of consequences." Institutions remain attractive to their members since they lower transaction costs and eventually shape their members' preferences towards further cooperation (Keohane, 1984, 1989; Keohane and Ostrom, 1995; cf. Hasenclever et al., 1997).

In contrast, sociological institutionalism, or constructivism in IR, explain outcomes by reference to a "logic of appropriateness." In the socially constructed and normative context of interest in this theory, a social actor is not a utility-maximizing *homo economicus* (Kirchgässner, 1991) primarily concerned with individual self-interest but makes decisions against the background of

intersubjective factors, historical-cultural experiences, and institutional involvement. Actors identify the social requirements of a specific situation to act in consistency with their role as constituted in part by other people, that is, in accordance with norms that are understood as intersubjectively shared expectations of behavior (Finnemore and Sikkink, 1998; cf. March and Olsen, 1989; Hasenclever et al., 1997; Boekle et al., 2001, p. 106).

Directions of the Consequences of IO Legitimacy Crises: Negative Effects

Thus far, our argumentation on the likelihood of crisis effects applies to the conventional theory of legitimacy, as well as to ideas that can account for the empirical anomalies in Chapter 1 that motivated the entire book. Legitimacy crises that affect the capacity to rule have much in common, regardless of whether they lead to positive or negative outcomes. In the next step, we look more closely at the direction of effects and the aspects of a legitimacy crisis that matter for an upward or downward shift of material capacities, institutional capacities, and decision-making capacities. Here is where conventional theory is most obviously problematic, insofar as it refuses to be combined with different ideas with the potential of explaining other outcomes and processes, such as seeing legitimacy crises as a case of political activation. As we argue, however, useful elements in the conventional theory of legitimacy may be subsumed by the framework elaborated in this chapter, without contradiction.

To illustrate when the consequences of an IO crisis are expected to be negative or positive for an IO's capacity to rule, we distinguish between different scenarios based on the audience composition as differentiated in Chapter 2 and resulting in an important finding in Chapter 3, namely, that audience constellations vary greatly across legitimacy crises. We develop a set of falsifiable expectations by exploring how normative and strategic motivations are associated with the directedness of crisis effects, while some expectations are broad and general to the point of not being entirely determinate about the effects. Nevertheless, we propose these expectations as a first step in theorizing the consequences of IO legitimacy crises informed by new observations, and also to guide our comprehensive empirical tests in Chapters 6 and 7.

As noted in Chapter 1, legitimacy crises are often seen as a cost for political institutions that damages their effectiveness in achieving virtually any of their aims (e.g., Beetham, 1991, p. 6). Some scholars read such negative implications for the capacity to rule into the very definition of the concept: "a crisis of legitimacy [...] can be defined as that critical turning point when decline in an actor's or institution's legitimacy forces adaptation (through re-legitimation or material inducement) or disempowerment" (Reus-Smit, 2007, p. 167; see also Habermas,

[1973] 1976; Hurd, 2007). As definitions of this kind foreclose some possibility for theorizing the effects of legitimacy crises as an empirically contingent matter, it is not surprising that the mechanisms that should link a crisis and its consequences are vaguely formulated in the existing literature. Some scholars have argued that a legitimacy crisis may ignite a negative dynamic resulting in a “contagion” of legitimacy losses across different organizational processes and capacities, e.g., when external critique affects internal discussions and decision-making capacity and thereby causes a further loss of audiences’ beliefs in output legitimacy (e.g., Bukovansky, 2007; Schmidt, 2012; Murray and Longo, 2018). Yet these are no detailed accounts of causal mechanisms but claims to their existence. In the remainder of this section, we hope to clarify what remains obscure in these accounts, by integrating the conventional hypothesis with our concept of the capacity to rule and the broader framework of legitimacy crises as activated audiences. From our viewpoint, the negative effects on the capacity to rule, or still broader concepts of effectiveness and power (as used by Beetham (1991) and Reus-Smit (2007), respectively) are an important and plausible, though not exclusive and unrivalled, outcome of an organization’s struggle with its legitimacy.

With regard to audience composition, it goes almost without saying that crises dominated by constituent state actors, that is, member governments, have a significant potential to harm an IO’s capacity to rule. In such a case, the intensity of the crisis in terms of normative depth may suffice to provoke consequences for an IO’s capacity to rule even in the absence of social breadth. If member state governments perceive an IO to be no longer behaving in line with their own norms and values, they may decide to limit resource contributions or strengthen the resources of rival institutions. Notably, the resourcefulness of an IO is most radically affected by the departure of members.⁶

To illustrate this mechanism, the slogan “taking back control,” which gained prominence during the Brexit campaign, indicated how a key member of a constituent and state audience sought to enhance control over institutional voting processes, policy review committees, and legal compliance procedures. The causal mechanism may be specified in view of the interest, rather than the norms, of the actor. Principal agent theory explains how a principal—in this case an IO’s members—establish mechanisms to control an agent and to prevent it from pursuing policies that are not in line with the principal’s own interests (Moe, 1984; Kiewiet and McCubbins, 1991). Member governments that perceive of a rule without right may also create alternative forums to address interests no longer sufficiently protected by an IO. The example of China’s establishment of the Asian Infrastructure Investment Bank (AIIB) is a case in point. Apart from the Chinese government’s general motivation to improve its status and position in

⁶ A recent study counted around 200 withdrawals from IOs since 1945, though it found that most are related to geopolitical factors and contagion (von Borzyskowski and Vabulas, 2019).

global governance in general, Beijing's more specific dissatisfaction with its limited power in the World Bank and the Asian Development Bank (ADB) appears to have played a role in the creation of this IO (Uhlen, 2019). Member governments may also engage in the practice of re-unilateralization out of strategic concerns. This would imply that member governments might find themselves better equipped to pursue their own interests on an international policy matter, rather than relying on the IO they officially had entrusted therewith (cf. Slominski and Trauner, 2017).

Decisions leading to a reduction in an IO's capacity to rule may also be driven by audiences other than member governments. The deeper motivation to undermine an IO may be rooted in normative concerns of nonstate audiences in their constituency, e.g., in order to punish something that the moral authorities in their countries perceive as "morally wrong." The United States (US) decision to withdraw its funding from UNESCO in 2011 because of the membership granted to the Palestinian Authority exemplifies an IO member punishing a perceived "moral wrong." The US government thereby followed its conviction that the Palestinians should not obtain *de facto* statehood through their UNESCO membership (Hüfner, 2015; for earlier examples, see Imber, 1989).

Also looking briefly at legitimacy crises dominated by nonconstituent actors, the applicability of the causal mechanisms noted above is much less evident. The immediate influence and sense of ownership of audience members towards an IO is not there. Nevertheless, negative outcomes are more likely when nonconstituent actors are mobilized across their various subtypes. Social breadth in crises, such as when nonconstituent elites target IOs simultaneously with mass protests, should increase the chances of making an impact on an IO's internal processes. For member states have reasons to take challenges more seriously when they are socially varied. Social breadth in legitimacy crises means that the challenges are not driven by idiosyncratic interests that are only of relevance to particular groups or agents, but potentially by normative concerns of relevance to broader publics. Thus, member states concerned about legitimacy should be more willing to translate universalizing critiques and pressures into internal debates to reduce an IO's resources, even when challenges come from nonconstituent audiences.

Directions of the Consequences of IO Legitimacy Crises: Positive Effects

Having expressed doubts several times already that legitimacy crises are primarily a cost for an IO, it is now time to look more systematically at this conjecture. Upon closer inspection, it appears to be equally plausible to think of legitimacy crises as benefitting the capacity to rule of IOs as it is to think of them as involving significant costs. Indeed, scholars have been unable to demonstrate a convincing

link between legitimacy deficits and state breakdown or even a reduction in political engagement and participation (cf. Booth and Seligson, 2009). Moreover, our assumption echoes findings on how institutions fare in and deal with crises more broadly defined, such as health, financial, demographic, or ecological crises. Various authors and literatures claim that such crises may also open a window of opportunity for successful adaptive governance (e.g., Keeler, 1993; Boin, 2009; Boin et al., 2009; Omelicheva, 2011; Geels, 2013; Loorbach and Huffenreuter, 2013; Powell, 2014; Mrinska, 2015; Villanueva-Villa et al., 2016; Brundiers and Eakin, 2018; Santoro, 2018; Walch, 2019). Amongst other results they found that private, domestic, or international institutions can survive and sometimes emerge stronger from a crisis if they carry out activities that are recognized and accepted by a wider constituent audience.

Notwithstanding recent prominent examples in which important constituent actors turned against an IO—as in the case of the United Kingdom (UK) against the EU—we assume that constituent audiences—and here in particular, governmental actors—are important for turning an IO's crisis into a positive development. We take inspiration from Lenz and Viola's (2017) cognitive model of legitimacy, which assumes a certain path dependency for audiences' assessments of IOs. The authors claim that judgments are sticky, i.e., partly conditioned by prior judgments and hence resistant to change. Thus, an originally benevolent and constructive view towards an IO—as we expect from member governments who once founded or joined the IO—might persist, even in times of intensive critique. Dunne (2007), for example, shows such a path dependency for the crisis of the Commission on Human Rights in which critical constituent audiences had a clear preference for the IO's successful adaptation to circumstances rather than for its disempowerment. Morris and Wheeler (2007) found a similar development for constituent member states' critique of the UN Security Council, which provided the IO with an opportunity for self-amelioration. The same expectations may apply, with certain reservations, to other constituent actors such as nongovernmental organizations (NGOs) within member states. This depends on the extent to which civil society preferences overlap with the priorities of their governments towards an IO.

Challenges from nonconstituent audiences may also affect an IO's capacity to rule in a positive way. In cases in which IOs depend on nonconstituent audiences or compete with them, challenges by these audiences might matter as the principals see a strategic advantage in strengthening their organization in response to legitimacy challenges.

We also expect measurable positive outcomes in which legitimacy challenges are from a broader array of activated audience types, such as combinations of affected and subjected actors, elites, and the masses. Roland and Römgens (2021) demonstrate the combined effect of critique for EU corporate tax policy following the financial and Eurozone crises. The authors trace the increased capacity of

the EU to tax corporations back to an interplay of demands for transparency and fairness among NGOs, investigative journalists, and member states.

Looking at both interest and norm-based causal pathways is also helpful to explaining the positive effects of legitimacy crises. Above, we argued that audiences may decide to limit resource contributions when they perceive a strong divergence from widely held norms. But as long as the IO under crisis is perceivably still able to pursue an audience's core norms and interests, strengthening the IO's capacity to rule is a reasonable preference of its audience.

Legitimacy crises may also place demands on IOs to address concerns in the public domain rather than defuse issues behind closed doors (Olsson and Ham-margård, 2016, p. 551). Several studies have theorized and shown how legitimacy challenges push specific organizations to become more transparent and inclusive (e.g., Curtin and Meijer, 2006; Wille, 2010; Zürn, 2014, 2018). Member governments that might table respective proposals to change the procedural rules of an IO can be motivated by the very concern of making the IO more legitimate again—so it can better pursue its core norms. While following such initiatives, IO member governments may, in turn, be incentivized by other constituent audiences, e.g., civil society organizations in their country that share the same normative goals. The crisis-induced motivations for audiences to seek support for specific IO policies are similar to the ones we discussed regarding changes in material and institutional capacity. IO-supportive audiences may table proposals and push for IO decisions that guarantee a stronger alignment with some core norms that they would like to see advanced.

Decisions resulting in growing IO capacity may also be driven by strategic motivations. As long as even a crisis-ridden IO is the best option to cater for the interests of constituent audiences, there are incentives to enhance its budget and personnel. IO members may also be lobbied or pressured by other audiences towards making institutional reforms, in order to appease criticism to ensure the survival of an IO that represents their interests in the long term. While reforms towards procedural fairness, inclusiveness, and transparency may be norm-based motivations, we assume that interest-driven audiences call for institutional capacity gains with a view to maximizing their preferences. This is the point where the interests of constituent governments and the bureaucracies of an IO in crisis may intersect, and we expect a strong alliance pushing for an increase in institutional capacity as a reaction to crises based on government and IO bureaucracies. Similar to members, IO staff have an interest in addressing or bypassing public criticism with certain reforms towards higher decision-making capacity, in order to maintain the IO's weight and full operation—and their own position within it. Finally, activated members may, in reaction to a legitimacy crisis, seek to table policy proposals that reinforce their interests and thereby support certain forms of decision output.

Conditioning Variables: IO Characteristics

Notwithstanding the main causal weight that we ascribe to the characteristics of a legitimacy crisis as the independent variable, other factors may have a crucial qualifying impact on the intensity and directedness of a crisis' consequences for an IO's capacity to rule. In this section, we highlight how the characteristics of the affected IO may exert such a qualifying impact. We propose six core characteristics of an IO as conditioning variables in our theoretical framework: pooling, delegation, policy scope, transnational access, democratic membership, and public visibility. As we will show in this section, influential studies on IO legitimacy confer a causal relevance to all of these organizational characteristics.

We have already introduced three of these characteristics as aspects of institutional capacity: pooling, delegation, and policy scope. Here, we propose these features of institutional design as conditioning variables. This invites questions about the risk of tautology in our conceptualization and endogeneity in the correlational analyses. On closer inspection, however, there is no risk of either tautology or endogeneity. When used to describe the conditions under which legitimacy crises have effects, we observe *levels* of the institutional design properties of an IO at a particular time. When used to describe the capacity to rule, we observe *changes* in the institutional design properties of IOs across years. We can thus differentiate between the institutional properties of an IO *before* the year of a legitimacy crisis and potential changes in these institutional properties *after* the crisis. Hence, our conditional variables capture a phenomenon that is not the same and in no ways determines our dependent variable. The essential distinction is a staple in historical institutionalism (North, 1990; Thelen, 2012), which assumes that institutional features are path dependent, i.e., the organizational setup of an institution at a distinct point in time will influence its further development.

First of all, we expect that IOs with high formal authority in terms of *pooling* have a better chance of mitigating legitimacy challenges, or even countering such challenges. For example, majority voting systems enable decision-making organs in an IO to act more quickly without facing the possibilities of a veto or time-consuming intergovernmental bargaining (cf. Hooghe et al., 2015; Sommerer et al., 2021). As Blake and Payton (2015, p. 383) explain, “[t]he need to find a universally acceptable outcome means that unanimity is often associated with gridlock, hindering the ability of IGOs to respond quickly and effectively to the shifting demands of their members.” Hence, high levels of pooling should increase the likelihood of there being consequences of legitimacy crises, and that the effects move in a positive direction.

For the second conditioning variable, we examine the *delegation* of authority to secretariats, courts, and similar IO bodies of a supranational nature. As with pooling, the delegation of authority may reduce the transaction cost for the principals

of an IO to reach an agreement (see [Hawkins et al., 2006](#); [Bradley and Kelley, 2008](#)), which also makes it more likely that the IO can make use of the political activation that is part of a legitimacy crisis. Again, we have a clear expectation on the direction of the effect. As formal delegation leads to the empowerment of supranational bodies, it is more likely that these agents will react to a crisis in ways that strengthen their position and thus lead to an increase in the organization's capacity to rule, e.g., by increased budgets or staff ([Downs, 1967](#); [Niskanen, 1973](#)). By the same token, [Rauh and Zürn \(2020\)](#) argue that increased pooling and delegation of competences tends to raise public awareness of international institutions.

Thirdly, in a similar vein, we expect that an IO's *policy scope* conditions the impact of a legitimacy crisis. A specialized IO may be affected very differently by a legitimacy challenge than an IO with a broader mandate. Certain strands of organizational ecology, such as density dependence, argue that broad and generalist actors may have more opportunities to adapt to a complex crisis environment, as their large portfolio usually comes with a broader institutional knowledge of the field and with more connective capacities, i.e., capacities to identify potential allies and creative solutions ([Freeman and Hannan, 1983](#); [Singh and Lumsden, 1990](#), p. 165; [Abbott et al., 2016](#)). A similar argument has been advanced about the role of the mandate of domestic governments to successfully react to a crisis, broadly defined as large-scale public dissatisfaction ([Keeler, 1993](#)), arguing that ambitious governmental reforms are more likely in response to a crisis, when the government's mandate is strong, e.g., in the legislative process. Based on these literatures, we expect that scope mainly affects the likelihood of consequences and leads to an increase in an IO's capacity to rule.

Fourth, we chose *transnational access* as a dimension for our study since several authors have emphasized the importance of this factor during an IO's legitimacy crisis. In recent decades, IOs have expanded their participatory arrangements for nonstate actors. NGOs and other interest groups are increasingly allowed to be present, make statements, and even vote in intergovernmental decision-making bodies ([Steffek and Nanz, 2008](#); [Tallberg et al., 2014](#)). Previous research has suggested that an IO's cooperation with transnational actors (TNAs) can improve its performance ([Lall, 2017](#)). It may contribute resources ([Raustiala, 1997](#); [Betsill and Corell, 2008](#); [Abbott et al., 2015](#),) and mitigate criticism and challenges, as high levels of access suggest that an IO embraces the norm of inclusiveness (e.g., [Dingwerth et al., 2019](#)). [Roland and Römgens \(2021\)](#) highlight the unsatisfied demands of nongovernmental actors for more access, transparency and fairness as a main critique that marks many IO legitimacy crises. We thus assume that the degree of transnational access can make a difference for both the intensity and directedness of the consequences of legitimacy crises. We expect that a legitimacy crisis in an IO that allows considerable access for nonstate actors is more likely to result in a positive change in the organization's capacity to rule.

A similar normative logic can be applied to the fifth conditioning variable, *democratic membership*. We argue that in democratic member states, it can be expected that the interests of government and civil society towards an IO are more aligned, particularly in terms of a generally supportive and constructive approach towards the IO in question, irrespective of the normative depth of the critique that may be voiced by these constituent audiences. Previous research suggests that democracies participate more in cooperative solutions (Mansfield and Pevehouse, 2008; Poast and Urpelainen, 2013), and more specifically in the fields of human rights (Moravcsik, 2000; Simmons and Danner, 2010), trade (Mansfield et al., 2000; Kono, 2006), and public good provisions (Bueno de Mesquita et al., 2003; Bättig and Bernauer, 2009). Tallberg et al. (2016b) claim that the degree of democratic composition might also impact an IO's opportunity to adapt to new policies and trends which, in other words, would imply better conditions for dealing with critique. Taken together, we expect that high levels of democratic membership positively affect the ability of IOs to turn a legitimacy crisis into a positive outcome.⁷

Sixth and finally, we choose the *public visibility* of an IO as a conditioning factor that captures the degree of politicization and overall public scrutiny that this organization receives (Zürn et al., 2012). This inclusion of public scrutiny is directly associated with our sociological definition of legitimacy, i.e., in terms of the perception of an IO's right to rule by different audiences. The more an IO is in the public eye, the more we can expect the respective critiques to matter to a larger set of audiences which may, in turn, put additional pressure on the IO to respond to the critiques (cf. Dingwerth et al., 2019). An IO's capacity to rule can be positively or negatively affected by an IO being in the public spotlight.

Conclusions

This chapter has provided a theoretical framework to guide the second part of this volume. It purports to explain a broad range of consequences of IO legitimacy crises. It identifies different types of crises and the likelihood and direction of the consequences of these crises. It introduces a number of IO characteristics with the potential to condition the effects. The framework allows us to discuss theoretically and test empirically if, when, and how IO legitimacy crises are a cost and liability, or a benefit and a resource for the targeted organization. We subsume part of the conventional legitimacy theory into our framework, and we complement it with new ideas on the conditions under which legitimacy crises affect outcomes because they involve the activation of audiences. In addition to theories about

⁷ However, democracies may struggle to reach collective decisions because state negotiators will be simultaneously concerned with winning the support of their electorates.

the legitimacy of IOs, the framework reflects insights in the literature on the legitimacy of domestic organizations, on state capacity, on crisis management, on organizational ecology, and on human psychology.

This chapter also introduced the dependent variable, the capacity to rule, and its three dimensions in further detail. These dimensions include the material capacity, institutional capacity and decision-making capacity of the affected IO. We emphasized that IOs do not exist in a legitimacy vacuum, but that their legitimacy crises may have consequences for the resources and capacities of other IOs that operate in their policy fields.

At the core of our framework is the assumption that a legitimacy crisis coincides with the activation of audiences, and hence all the effects of legitimacy crises on IOs are mediated by the choices of agents. We expect any effects of legitimacy crises to be more likely when these crises are marked by a high degree of normative depth that comes either from member state governments or from a combination of audience types, such as elite and mass actors. We elaborated this approach by explaining how the interest-driven or norms-driven logics of action might account for the negative or positive direction of the effects and how legitimacy crises are translated into proposals to enhance the material resources of an IO or widen its policy scope, or, in contrast, lead to the development of alternative institutions, the re-unilateralization of decision-making, and resource cuts.

Finally, we addressed the conditioning variable of IO characteristics and incorporated structural and institutional properties into our theoretical framework. Based on the aforementioned literatures, we introduced six dimensions of IO characteristics that may qualify the effect of a legitimacy crisis on an IO's capacity to rule: pooling, delegation, policy scope, transnational access, democratic membership, and public visibility.

Our framework is not based on a single, conceptually unified factor to generate all the different expectations of the consequences of IO legitimacy crises. Instead, we have assembled and related different conjectures and expectations to each other that are explicitly or implicitly discussed in different literatures without making any attempt to decide a priori which factor is ultimately the most important in cases in which they come into conflict. All these expectations on the likelihood of negative or positive outcomes may compete or exist in parallel, affecting different dimensions of the dependent variable at the same time, while at the moment more unificatory theorizing will benefit from the empirical testing of the conjectures suggested here.

Nevertheless, the framework provides theoretically grounded predictions on the effects of legitimacy crises suitable for empirical assessment in a field in which systematic evidence of widely held assumptions is scarce. Additional factors could have been incorporated and put to the test. We highlighted this, for example, for the dependent variable, where we chose to exclude consequences such as changes

in rule compliance and an IO's goal attainment. The same can be said for our selection of conditioning variables. One factor that we did not include, for example, are questions of problem structures that would concentrate on how the nature of the problem that an IO seeks to regulate may condition the effects of a legitimacy crisis (e.g., [Rittberger and Zürn, 1991](#); [Miles et al., 2002](#); [Zelli et al., 2017](#)). We acknowledge that these and other factors may play a role and use this as another opportunity to emphasize that theory-guided research on the consequences of legitimacy crisis has only just started. That said, in order to advance the scholarly debate on the factors and contexts that warrant empirical attention in research on IO legitimacy crises, the framework introduced in this chapter should be of some use. The results of the quantitative and qualitative analyses in the next two chapters support this point. Both the corroboration and falsification of the conventional logic or the alternative scenario of audience activation with a positive outcome provide us with important novel insights into the circumstances under which legitimacy crises affect an IO's capacity to rule.

6

The Consequences of IO Legitimacy Crises

A Multivariate Approach

In this chapter, we provide a comprehensive test of the explanatory framework introduced in the previous chapter. Based on our descriptive analysis of legitimacy crises in 32 international organizations (IOs) over more than three decades in Chapter 3, we assess the effects of legitimacy crises on changes in the capacity to rule of individual IOs, that is, the quintessential function of any political institution to set the aims and regulate the behavior of all societal actors. We study three key dimensions of the capacity to rule in politics beyond the state, namely, the material capacity, institutional capacity, and decision-making capacity of IOs.

As argued in Chapter 5, the likelihood and direction of the effects of legitimacy crises may vary depending on the characteristics of the actors and structures involved. The actors whose perceptions are constitutive of a legitimacy crisis, and who push for political change, will vary in their interests or norms depending on precisely who they are. Legitimacy crises in IOs may comprise the perceptions of member governments or civil society actors beyond their jurisdictions, and such differences in audiences will invoke different interests and norms to drive the effects of the crisis, with implications for both the likelihood and direction of the effects. At the same time, the structural features of the targeted IOs also contribute to the outcome. IOs differ widely on issues, such as the domestic regimes of their memberships, the scope of their policy mandates, and their publicly recognized procedures for decision-making. Changes in terms of a decrease or an increase in the capacity to rule that agents demand during a legitimacy crisis will be sometimes limited and sometimes amplified by those features.

While our discussion of these factors in Chapter 5 offers empirically testable predictions for analysis in this chapter, our descriptive mapping of legitimacy crises in Chapter 3 concluded with some skepticism on the possibility of detecting such effects through an empirical analysis of our sample of 32 IOs. Since we found that not all IOs faced strong challenges, the effects of legitimacy crises discernible across the full sample are likely to be somewhat limited. The empirically grounds for not expecting uniform and strong effects even as we specify types of IOs and legitimacy crises, is reflected in some, but not all, of our results.

First, we find only limited support for the expectation that legitimacy crises have significant consequences for IOs. This broad message is in line with the data structure just noted, as well as with the conditional, differentiating, and nuanced theoretical framework presented in Chapter 5. It does not support the linear and unconditional effects of just any crisis of legitimacy, as might be suspected in the conventional theory of legitimacy presented in Chapter 1. Oftentimes, even peaks in public challenges do not result in measurable changes in IO resources, do not affect the mandate and formal authority, and have no consequences for the likelihood that IO member states adopt joint decisions.

Second, we get some support for the broadly expected negative effects of legitimacy crises under specific circumstances, that is, when we look beyond normative depth as the sole characteristic. This finding may be explained by a partial application of the conventional theory of legitimacy but also—and more consistently with our other findings—by the theory of legitimacy crises as activating agents led by particular norms or interests as they challenge IOs that have unique institutional setups. What matters for a decline in material resources is the social breadth of legitimacy crises, such as when street protests and elite critiques join forces. A decline in decision-making output is more likely when governmental actors play a dominant role and when the target organization is under greater public scrutiny, has a highly democratic membership or a broad policy mandate.

Third, we note that positive changes are equally likely for IOs in crises as negative changes. Our data show that in the long term, growing institutional capacity and higher decision rates can be the result of legitimacy crises when challenges are socially broad and include different types of audience, and when IOs have broad policy mandates and offer high levels of access to transnational actors (TNAs). While social breadth also plays a role in the growth of material resources in the aftermath of serious legitimacy challenges, we also note a positive crisis effect when majority rule allows member states to react more quickly. These findings confirm the expectations generated by the theoretical framework presented in Chapter 5 and reveal the limitation of the conventional theory of legitimacy.

Research Design

For the quantitative analysis in this chapter, we use the sample of IOs introduced in Chapter 3. Given the expected time lag between a legitimacy crisis and its effects, we limit the observation period to the years from 1985 to 2015.¹ Not every effect

¹ The pattern of the descriptive analysis in Chapter 3 shows that this necessary limitation means that we cannot assess the consequences of some widely debated cases of IO legitimacy crises from recent years. The three datasets underlying the construction of our dependent variable imply additional limitations. The dataset for institutional capacity (MIA; see Hooghe et al., 2017; TRANSACCESS; see Sommerer and Tallberg, 2017) and IO policy output (PIO Policy; see Sommerer et al., 2021) does not

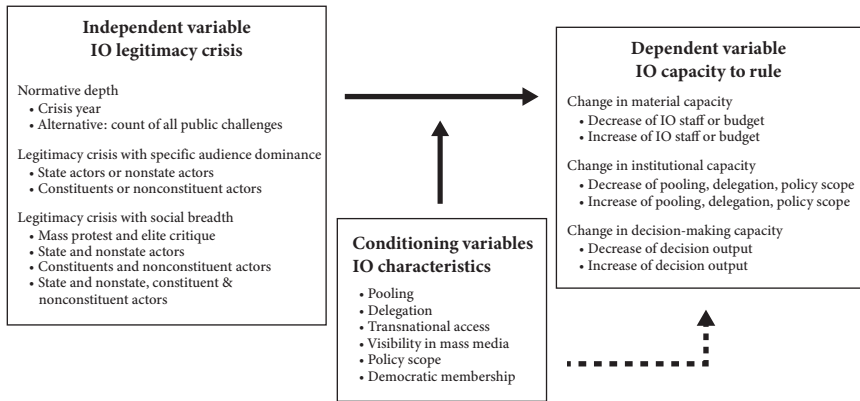


Fig. 6.1 Quantitative research design

occurs in the immediate aftermath of a crisis, and longer time series facilitate the inclusion of longer time lags in the analysis, between the crisis year and the year for observing expected effects. A long time series is also important because crises, by definition, do not occur often. We therefore need to cover large parts of the recent history of the selected IOs in order to have something to analyze. The selection of IOs is broad enough to analyze the consequences of legitimacy crises for global, regional and task-specific and general purpose-oriented IOs, as well as IOs with significant variation in their institutions and national membership.

The overview in Figure 6.1 shows that we use three dependent variables, corresponding to the three dimensions of an IO's capacity to rule, which we introduced earlier in this book. Material capacity is represented by an IO's budget and staff; institutional capacity is captured by formal authority and the scope of the mandate; and decision-making capacity is measured as the number of outputs by the main decision-making body in the IO. This approach allows us to perform a nuanced and multifaceted test of the effects of legitimacy crises. For example, it allows us to detect whether legitimacy crises affect an IO's material resources, but not its mandate and formal powers. A comparative look at the three dimensions will also reveal when the effects of legitimacy crises are of a more general nature, and not limited to one aspect of the capacity to rule.

We choose to focus on the occurrence of important *changes* in the dependent variable. We achieve this by studying shifts in trend lines and by using change variables in our multivariate regression models. Hence, we do not explain absolute levels in the capacity to rule, e.g., the size of IO budgets in terms of national currency; nor do we aim to identify small changes—which can occur for idiosyncratic reasons beyond our scope—but only the changes that make a clear difference.

include the World Bank, Group of 20 (G20) and UNFCCC. Data on institutional capacity are only available for the period from 1985 to 2010.

For this purpose, we construct a dependent variable that captures changes beyond a certain minimal threshold. In the remainder of this chapter, we assess our dependent variables separately, before we compare our results across all three dimensions of the capacity to rule.

The main independent variable in our analysis has already been presented in Chapter 3. We use the dichotomous indicator of IO crisis years (see Figure 3.9) and, in order to increase the robustness of our findings, the count of all public challenges that does not depend on a particular cut-off point for legitimacy crises. Several dimensions on which IO legitimacy crises vary were described in Chapter 3, and the explanatory analysis in this chapter, following Chapter 5, motivates the inclusion of these distinctions on the types of crises and the characteristics of targeted IOs in the study of crises effects. To assess whether crisis type, as defined by the legitimacy audience, is relevant for these effects, we build and present a number of composite variables with information on both the normative depth—the occurrence of peaks in legitimacy challenges—and the composition of the audience.

We begin with a measure that takes into account the role that street protests and elite critique, respectively, play in the identification of particular crisis years. As noted in Chapter 3, only very few crises were dominated by mass protests (four out of 109 crisis years). For this reason, we apply a more generous threshold and build a measure in which at least 25 percent of all challenges were about mass demonstrations. Furthermore, we observed that some crises were dominated by one particular type of audience, in the sense that they include at least 75 percent of all challenges in one year (see Figure 3.10 and 3.11). To explore the implications of this structure in our data, we construct variables for the crisis dominance by state actors, nonstate actors, constituent as well as nonconstituent actors.² Combining elements of this approach allows us to highlight the particularly important role of constituent state governments as a legitimacy audience who react critically to IOs (see Figure 3.12). Finally, the analysis in Chapter 3 revealed an additional type of legitimacy crises characterized by a combination of different audiences. As argued earlier in this book, critique from multiple directions is likely to have a stronger effect on an IO's capacity to rule, because a broader range of critics will signal the severity of a crisis from the perspective of many different actors. We operationalize social breadth as being present when two or more different types of audience account for between 25 percent and 75 percent of the challenges of an IO, and we construct three composite variables that indicate whether the newswire coverage on legitimacy challenges identifies mixed audiences comprising state as well as nonstate actors, constituent and nonconstituent actors, or all four categories simultaneously (see Figure 3.13).

² We omit the audience category of IO representatives in this part of the analysis since its share is too low.

The multivariate analysis also includes indicators of all the conditioning variables that we introduced in our theoretical framework in Chapter 5. To control for explanations of changes in our dependent variable that are not related to public challenges, we also assess the independent effect of these variables.³ We use two indicators for the formal authority of IOs that has been delegated to the targeted IO. The degree of pooling and delegation represents the capacity of IOs to address public challenges. When member state governments can make decisions based on majority voting, they might be able to act quickly on serious challenges without long rounds of intergovernmental negotiations and the threat of a national veto. Chapter 5 motivated the expectation that IOs with powerful supranational actors have larger institutional resources to mitigate, deflect or even counter legitimacy challenges. To test this conjecture, we use the aggregate measure for pooling and delegation from the MIA dataset (Hooghe et al., 2017).⁴ For the expected conditioning effect of a high level of openness toward nonstate actors also motivated in Chapter 5, we use a measure for formal access to IOs based on the TRANSACCESS dataset (Sommerer and Tallberg, 2017). Fourth, we include a variable that captures the scope of the mandate of IOs. As we laid out in the previous chapter, we expect that legitimacy challenges accumulate in relation to specialized IOs differently than to IOs that have a broad policy portfolio. For this purpose, we use data from the MIA Policy dataset (Hooghe et al., 2019). According to our theoretical framework, we also expect that the degree of overall public visibility matters for how legitimacy challenges affect the targeted organization. We capture this with an indicator for the total media coverage on an IO based on the same newswire data as the indicator of public challenges.⁵ Finally, we add a variable for the proportion of democracies among the member states of an IO (see Tallberg et al., 2016b).

The empirical analysis addresses each of the three dependent variables at a time, and for each of them we combine graphical evidence with multivariate regression.⁶ We use logistic regression models, given that the dependent variables are dichotomous and capture changes in positive and negative direction separately. We add all independent variables introduced above as well as unit dummies and

³ To facilitate comparison across the three dimensions of our dependent variable, we use the same set of independent variables and abstain from including additional variables that are specific to models for IO resources, institutional capacity, or decision-making.

⁴ It is important to note that we use the lagged absolute level of delegation and pooling as independent variables, while relative changes in pooling and delegation scores are part of our dependent variable measure for institutional capacity. As we argued in Chapter 5, we do not see a problem of endogeneity. For example, we can expect that an already high level of pooling in t_0 makes it more likely that an IO introduces even more pooling in t_1 .

⁵ See Chapter 3 for details on the data.

⁶ For our graphical analysis, we show trend lines and estimate the location of a possibly endogenous structural break, which is a logical first step before estimating an effect of a known intervention (in our case, a legitimacy crisis) in a time series analysis (Zeileis 2006). Trendlines and structural breaks can then be compared with the timing of legitimacy crises.

year dummies and a trend variable, to account for the idiosyncratic effects of a particular organizational or temporal context. Chapter 5 has not identified more concrete expectations of the timing of crises effects. To explore a broader range of short-term and long-term effects of legitimacy challenges, we run different models with time lags varying from one year to a maximum of four years.

Effects of Legitimacy Crises on Resources of IOs

The first dimension of the consequences of legitimacy crises that we study in this chapter is the material capacity of IOs. In the previous chapter, we recalled the conventional expectation in legitimacy theory that IO member states may decide to reduce their contributions when this organization is perceived as no longer behaving in line with their own or widely recognized norms and values, and that other audiences than member state governments themselves might try to persuade governments to consider these options. Countering the universalizability of such an expectation, Chapter 5 also noted how the conception of legitimacy crises as political activation allows for the opposite expectation that legitimacy crises will generate an increase in resources for IOs. In the remainder of this section, we introduce our data and measures for IO resources before we assess when and under what conditions legitimacy challenges affect the upward or downward changes of the material resources of IOs.

Data

The different expectations are tested against time series data of permanent *staff* and core annual administrative *budgets* compiled by our own research.⁷ A strong and resourceful IO is indicated not only by its financial assets, but also by its employees. The data sources include IO annual reports and similar documents, United Nations (UN) Yearbooks, and historical editions of the Yearbook of International Organizations.⁸ Figure 6.2 illustrates some important characteristics of this dataset based on four examples. The absolute level of IO resources varies significantly depending on mandates and tasks. The UN General Secretariat, for example, employed around 20,000 staff in 2015, whereas the International Whaling Commission (IWC) secretariat had 16 full-time positions. The World Health Organization's (WHO) core budget amounts to USD 500 million per annum, about seven times more than the budget of the Organization of American

⁷ See also Bes et al., 2019; Sommerer et al., 2021.

⁸ Table A.1 in the appendix provides an overview of the categories of budget and staff chosen for the resource data, with IO specific sources and exemplary data for 2015. The main priority for the data collection was to find data consistent within IOs over time and to identify comparable categories of staff and budget.

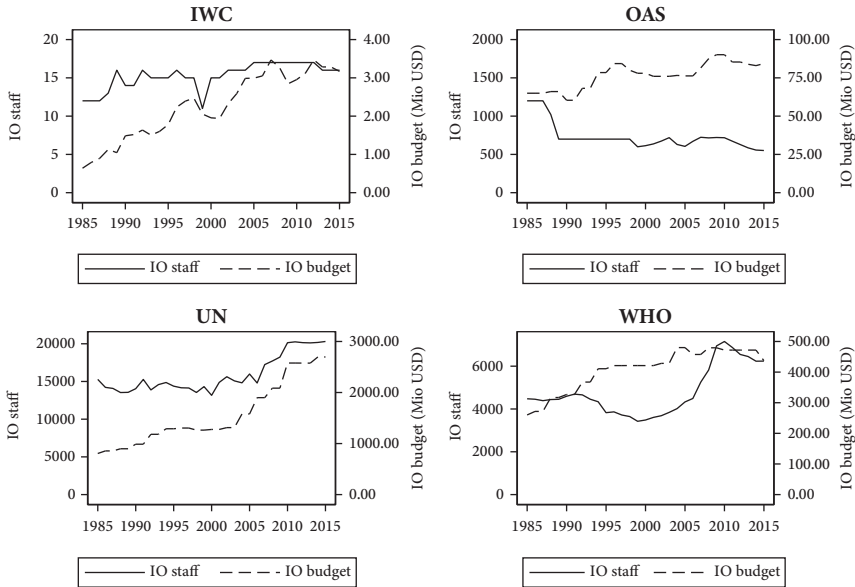


Fig. 6.2 IO material capacity, four examples

States (OAS). For the analysis in this chapter, however, we are not interested in the extent to which legitimacy crises account for these differences. Instead, we investigate if and when this explanatory factor results in *changes* in IO resources. Our data on IO resources reveal both upward and downward changes in budgets and staff, although resource growth is more common.

Figure 6.2 also demonstrates that both dimensions of IO resources often go hand in hand. The correlation of budget and staff is high ($r=0.69$), although we find some examples of IOs with large budgets and a small number of staff, and vice versa. The OAS, for example, has limited financial resources, and considerable number of staff. The over-time trend of budget and staff is very similar for the IWC and the UN, whereas the two lines diverge for the OAS and the WHO. Overall, we see an advantage in combining both indicators into a common variable for the multivariate analysis. Data on IO resources are scarce and difficult to obtain in a coherent time series format, even when relying on official sources of the IO itself. To make the most of data availability, we combine both dimensions into one common indicator of IO resource change to complement gaps in the data. The resulting variable indicates whether IO budgets, staff, or both, have changed in a given year.⁹

For the multivariate regression analysis, we focus on longitudinal dynamics and build a dependent variable for the change rates of staff and budget figures. Budget

⁹ We can even accommodate diverging trends for the two indicators as we estimate positive and negative changes separately.

and staff figures change relatively often over time, but often only very marginally. We do not expect that legitimacy challenges might affect minor changes and therefore only capture major changes by introducing a predefined threshold. Our main indicator is dichotomous and captures the top 25 percentile of all years with negative (positive) changes in material resources for a given IO during the entire observation period.¹⁰ We find 89 instances of such major resource cuts in our data (9.9 percent) and 173 instances of major resource expansion—either budget or staff—(19.2 percent).¹¹ Resource cuts are almost equally distributed across all years in our observation period, whereas resource expansion peaks around 2005, followed by a decade of decrease. As an alternative measure for greater robustness, we construct an index that captures changes that go beyond 5 percent from one year to the next.¹² The difference between the two indicators is that for some IOs, changes might not increase beyond the 5-percent threshold, but might still represent notable turning points; for the European Union (EU), for example, we count four occasions of resource cuts that stand out in comparison to the rest of the observation period, while only two of them involved a reduction of more than 5 percent. In contrast, the IWC experienced eight major research cuts, of which our first indicator only captures the four largest. Together, both measures represent different aspects of what can be understood as a substantial change in IO resources.¹³

Results

The first step in our empirical analysis comprises a graphical display of trends in IO resourcing. For this purpose, we plot IO staff and budget figures and add the timing of legitimacy crisis years as gray vertical lines (Figure 6.3). If we count more than one crisis per IO, we identify a time corridor between the first and last peak. We complement this graph by adding black vertical lines for the estimated location of a structural break in budget and staff, as not all changes may be readily noticeable.¹⁴

We find that the general pattern does not provide much support for the key expectations in conventional theory that legitimacy crises result in shrinking IO resources. Among the few instances of a downward trend following a legitimacy

¹⁰ Our indicator controls for the existence of biennial budget plans.

¹¹ We acknowledge that we might underestimate resource cuts as we do not control for inflation of IO budgets. However, we are mostly interested in explaining the resourcefulness of IOs by the behavior of its members rather than macro-economic developments.

¹² This approach leads to N=99 cases of resource cuts, and N=296 cases of resource expansion.

¹³ We note an overlap of 51 percent (negative change) and 54 percent (positive change) for the alternative measures.

¹⁴ The solid black lines identify the structural break for the IO budget, and the black dotted line identifies the break for IO staff. In some cases, no break could be estimated due to gaps in the data or limited time series. In our AR(1)-based model, there is a maximum of one structural break per indicator.

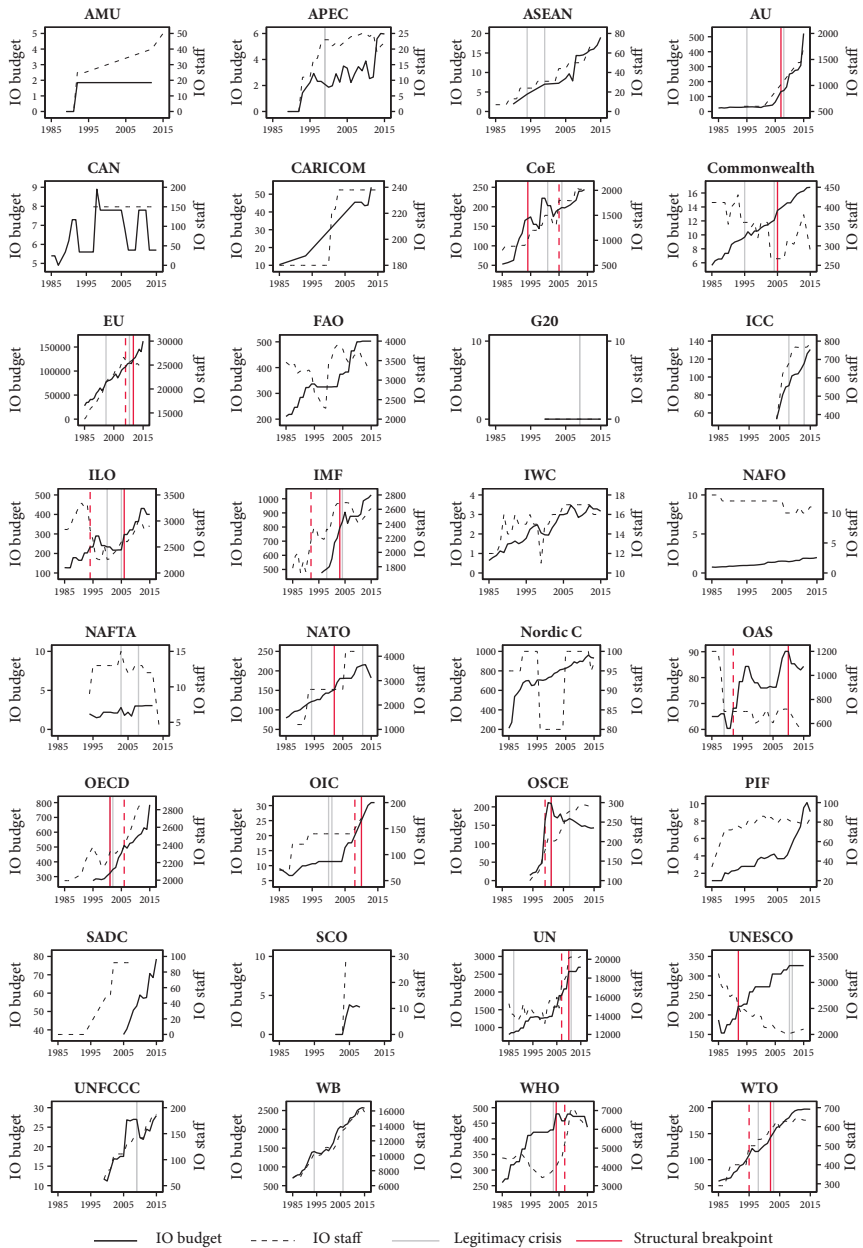


Fig. 6.3 IO material capacity and legitimacy crises

Note: In the case of multiple legitimacy crisis years, the two gray lines indicate the earliest and the most recent crisis. Only legitimacy crisis between 1985 and 2015 are shown in this graph.

crisis, we observe declining staff figures for the Commonwealth and the EU since 2005, the International Monetary Fund (IMF) since around 2005 (in which budget and staff figures subsequently recovered), and the OAS and the North American Free Trade Agreement (NAFTA) for staff figures. Only in the case of the EU and the OAS is this graphical impression supported by a structural break. For the IMF, we observe that such a structural break in the budget trend already occurred before 2005, and therefore after we identified the first crisis for this organization. Two cases show a short-term downward shift with swift recovery, namely, the United Nations Framework Convention on Climate Change (UNFCCC), for which budget figures went down after Copenhagen in 2009 but recovered shortly afterwards, and the WHO. In the case of the latter, we even identify a downturn in its budget shortly after the legitimacy crisis in 2003. Finally, for the Organization for Security Cooperation Europe (OSCE), we observe shrinking budgets long before the more widespread legitimacy challenges.¹⁵

Taken together, we interpret this pattern as providing weak support for the positive effect of legitimacy crises on material resources—weak, because legitimacy crises are only one among many potential drivers for increasing the resources of IOs. For the majority of IOs in our sample, we see expanding staff and budget figures after a period of challenge(s). For many IOs, we also find structural breaks that correspond to the expected pattern and thus support the visual inspection. Examples of this pattern are the WHO for staff, the World Trade Organization (WTO), the Commonwealth, the IMF and the International Labour Organization (ILO) for budget, and the EU and the Organization of Islamic Cooperation (OIC) for both dimensions. The graphical illustration is also useful for demonstrating that we might have to address different time lags: some trend curves change shortly after a crisis; in other cases, such as in the case of the Association of Southeast Asian Nations (ASEAN) or the OIC, we observe an upward trend a couple of years later.

Exploring this idea one step further, the multivariate regression models also test the effects of different types of legitimacy crises, and the characteristics of the targeted organization. Table 6.1 summarizes our main results in the light of our theoretical focus and shows the estimated effects that are significant ($p < 0.05$) for both versions of the dependent variable with different thresholds for change. As the theoretical framework did not specify the expectations on the timing of crisis effects, we explore a range of different time lags.¹⁶

The first observation here is that our models do not support any of the expected effects of IO legitimacy crisis years—our independent variable in its basic version—on changes in material resources. It suggests the limited or absent causal

¹⁵ We may underestimate a negative effect as stagnation of IO resourcing (e.g., the ASEAN and the UN) could be interpreted as a negative effect whereas resource growth is seen as normal.

¹⁶ For detailed information on the results, see Table A1–A82 in the online supplementary material (<https://dataverse.harvard.edu/dataverse/LegGov>). Table 6.1 also includes information on the robustness of our findings by indicating (bold) if the same result can be obtained with the count of public challenges instead of the crisis year indicator.

Table 6.1 Summary of results: Effects of IO legitimacy crises on change in material capacity

| | | Negative consequences / IO resource cuts | | | | Positive consequences / IO resource expansion | | | |
|--|---|--|-------|-------|-------|---|-------|-------|-------|
| | | Lag 1 | Lag 2 | Lag 3 | Lag 4 | Lag 1 | Lag 2 | Lag 3 | Lag 4 |
| Legitimacy crisis | All crisis years | | | | | | | | |
| Legitimacy crisis with specific audience | State actor dominance | | | | | | | | |
| | Nonstate actor dominance | | + | | | | | | |
| | Constituent actor dominance | + | | (+) | | | | | |
| | Nonconstituent actor dominance | | | | | | | | |
| | Member state government dominance | | | | | | | | |
| Legitimacy crisis with social breadth | Elite critique and mass protest | +(+) | | | (+) | + | (+) | | |
| | Heterogeneity state and nonstate actors | | | | | | | | + |
| | Heterogeneity constituent and nonconstituent actors | | | | | | | | |
| | Heterogeneity state and nonstate, const. and nonconst. actors | (+) | + | | +(+) | | | | |
| Legitimacy crisis×IO characteristics | Pooling | | | | | +(+) | | | |
| | Delegation | | | | | | | | |
| | TNA access | | | | | | | | |
| | Media coverage | | | | | | | | |
| | Policy scope | | | | | | | | |
| | Democratic membership | (+) | | | | | | | |
| IO characteristics (Control variables) | Pooling | | | | | + | + | + | + |
| | Delegation | + | | | | | | | |
| | TNA access | | | | | | | | |
| | Media coverage | | | | | | | | |
| | Policy scope | (+) | | (+) | +(+) | | | | |
| | Democratic membership | | | | | | | | |

Note: The results are based on logistic regression models using STATA 16 that include unit and year dummies and a time trend. The table reports positive significant results ($p < 0.1$) for theoretical expectations on negative effects (left side) and positive effects (right side) of legitimacy crises; the results for the main version of the DV (top 25 percentile over time) are marked with a +; significant results for the alternative dependent variable (>5 percent threshold) are marked with a (+); results that are robust for the alternative IV (number of challenges) instead of crises years are marked in bold.

role of legitimacy crises as defined most broadly and indiscriminately in our data. However, this is not where the analysis has to end if it is guided by the much more differentiated expectations presented in Chapter 5. Thus, the more promising and interesting work is to explore whether the type of challenge and variation in important IO characteristics matter for how legitimacy crises affect resourcing. Indeed, when we look more closely at the various constellations of legitimacy crises, we obtain some significant results for negative and positive changes of IO resources across regression models with two alternative dependent variables and varying time lags.

Negative changes in IO budget or staff are more likely when the challenges are dominated by nonstate actors (lag 2) and when they are from constituent audiences (lags 1 and 3). In contrast, challenges from state actors are not associated with a substantial reduction in resources. As the right half of Table 6.1 reveals, we do not find that the significant estimated effects of crises are dominated by a particular kind of audience on increasing IO resources.

We have shown in Chapter 3 that some crises are characterized by social breadth, that is, when we observe audiences comprising state and nonstate actors within or beyond the membership of an IO. In our data, we find some robust support that this type of crisis really matters. Socially broad legitimacy challenges make resource cuts more likely and lower the chances of increases in staff and budget (lag 1, 2, and 4). A limiting factor for this explanation, however, is that such crises are relatively rare, like the crisis in the EU in 2004.

Another pair of results is contradictory at first glance: we find strong support that crises with elements of both elite critique and mass protests are likely to result in decreases (lag 1 and 4) *and* increases in IO resources (lag 1 and 2). If we look at these results more closely, we note that they do not pertain to the same IOs at the same point in time. For example, the World Bank reduced its staff in the aftermath of the protests at the turn of the millennium, while we note higher figures for the budget and staff of the IMF at the same point in time. A potential interpretation of significant results in both directions could be that strong challenges with highly visible protests are a shock for an organization, but IOs differ. So there could be reasons why they react differently, which brings us to our next topic, the role of the characteristics of different IOs.

Here, we obtain additional insights into the contextual settings in which legitimacy crises matter more specifically. The clearest pattern that our data reveals is that IOs majority voting have a higher likelihood of increasing staff or budget in the follow-up to a legitimacy crisis—and a lower likelihood of implementing resource cuts. The African Union (AU), the WTO, and the WHO illustrate this effect, as they all have high pooling scores and showed a positive change in resources after a legitimacy crisis, at least for a certain period (Figure 6.2). We also note that IOs with a large share of democratic member states are at greater risk of experiencing a downturn in material resources in the wake of a legitimacy crisis

(lag 1). Taken together, the results of our multivariate analysis point to the limited usefulness of the conventional theory of legitimacy and some greater interest in exploring the notion of legitimacy crises as an opportunity outlined in Chapter 5.

Effects of Legitimacy Crises on the Institutional Capacity of IOs

The second dimension of our dependent variable captures the institutional capacity of IOs. In addition to material resources, the capacity to rule in IOs is constituted by the formal powers granted by their member states. As we have argued in Chapter 5, the institutional capacity in IOs may be described by looking specifically at the following: approximation to majority rule (*pooling*); delegation of authority to supranational bodies (*delegation*); and the scope of the mandate of an IO (*policy scope*). Pooling allows for streamlined decision-making that cannot be blocked by individual country vetoes. Delegation of authority here means that supranational bodies such as IO secretariats and similar organs supplement the IO decision-making machinery or support it by providing expertise and knowledge to member state governments. Policy scope refers to the number of issues that are covered, and IOs with a broad policy portfolio can be regarded as stronger than those with a narrow policy scope.

The conventional theory of legitimacy, as presented earlier in this book, would expect that legitimacy crises lead to a weakening of the institutional powers of IOs. Faced by a legitimacy crisis, member states would take back control by returning to unanimous decision-making, depriving supranational bodies of power, and/or reducing the scope of its decision-making. In Chapter 5, we contrasted this negative expectation with argumentation for a positive activation effect. In the light of a serious crisis, member states might agree that the weak institutional capacity of the IO prevents effective problem-solving and performance and therefore decide to reform organizational rules and strengthen the authority of the targeted IO. Our analyses of these expectations will proceed as in the preceding section with the material resources of IOs, including graphical and multivariate statistical analyses.

Data

We measure *pooling* in IOs by scores taken from the Measure of International Authority (MIA) dataset (Hooghe et al., 2017). It captures the voting rules across the “state-dominated bodies” of an IO, weighted by bindingness and ratification. Our measure for *delegation* is taken from the same source and captures the allocation of authoritative competences to nonstate bodies in an IO’s decision-making process. It aggregates political delegation in agenda setting, decision-making, and dispute

settlement across six decision areas: accession, suspension, constitutional reform, budget allocation, financial compliance, and policymaking (Hooghe et al., 2017). We complement these two measures of IO authority with an indicator for policy scope. The indicator captures scope as the number of core and flanking policy areas, ranging from one to 25, within an IO’s mandate (Hooghe et al., 2019). We include data for 30 IOs from 1985 to 2010 for pooling and delegation, and from 1985 to 2015 for policy scope.¹⁷

Figure 6.4 shows the data for our sample of 32 IOs and reveals that changes are relatively rare for all three indicators. The ASEAN represents the IO with the most changes in our sample (6) and the United Nations Education, Scientific and Cultural Organization (UNESCO) represents the other end of the scale with no changes at all. The OIC and the EU represent two cases showing the rare event of declining capacity. The latter also defines the sample maximum for delegation and scope, whereas the highest pooling scores are noted for UNESCO.

Analogous to our approach to operationalize IO material resources in the multivariate analyses, we construct a dichotomous variable that captures important

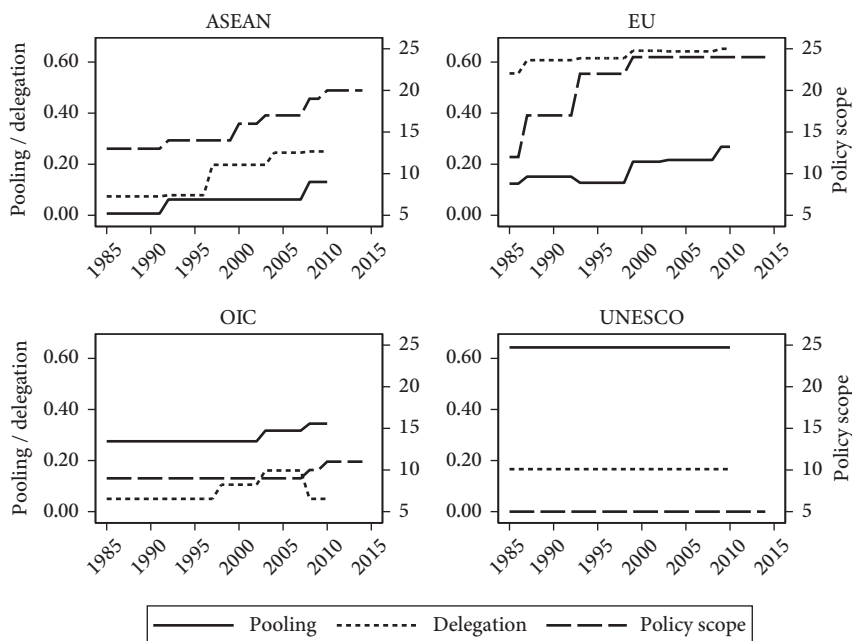


Fig. 6.4 IO institutional capacity (pooling, delegation, and policy scope), four examples

¹⁷ The MIA sample does not include the G20 and the UNFCCC. Data for 2011–15 are not available for pooling and delegation.

changes in the level of institutional capacity. We calculate the annual change rate of all three components of the institutional design dimensions and integrate it into a single indicator for change on either pooling, delegation, or policy scope. Again, we operate with two alternative versions of the dependent, one based on the top 25 percentile of years with the largest negative (positive) changes, the other capturing changes that go beyond a 5-percent threshold. Overall, we note 61 instances of a strong increase in institutional capacity,¹⁸ significantly fewer changes compared to our data for material resources ($n=173$). The decrease in institutional capacity is a rare event ($n=11$, $p=1.1$ percent), meaning that we opt for a rare events estimator.¹⁹

Results

Figure 6.5 plots the timing of legitimacy crises and trend lines for institutional capacity, illustrated for all three dimensions separately. There is visibly less volatility in the data, as institutional rules are sticky, which makes it difficult to estimate structural breaks. Consequently, we focus on a visual inspection and make three observations. First, we see a number of IOs with no change at all after experiencing a legitimacy crisis, such as UNESCO, WHO, NAFTA, and WTO. Second, downward changes are rare, meaning that the application of conventional theory to this case would go unsupported. Indeed, we observe only few cases in which such a downturn is preceded by a legitimacy crisis. The OIC is one example showing a clear downward trend for one dimension of institutional capacity (delegation) in the years following a crisis, and for the Commonwealth, our data show a decrease in the policy scope in the wake of several crises between 1995 and 2005.

More cases fit to the prediction generated by the activation theory alone. For the ASEAN, the AU, the OAS, and the OECD, we observe upward changes on one or more of the three dimensions that could qualify as consequences of legitimacy crises indicated by the gray vertical lines. For other IOs, at least one dimension of institutional capacity grew stronger.

A similar pattern can be observed for the IMF and the World Bank, which expanded their policy portfolios after the serious challenges around the turn of the millennium; the World Bank, for example, began to engage in environmental politics from 2001 onwards. The estimation of a structural break for both pooling and delegation in the EU indicates that this organizational reform could eventually be interpreted as a response to legitimacy challenges in the mid-1990s. Taken together, we see some potential to explain institutional capacity by conceiving of legitimacy crises as an activation of the political system while getting no

¹⁸ For the alternative version of the dependent variable (5-percent threshold), we count 70 changes.

¹⁹ The resulting models based on STATA's `relogit` command are weaker because of gaps in the underlying matrix. The alternative version of the dependent variable captures the same number of changes ($n=11$)

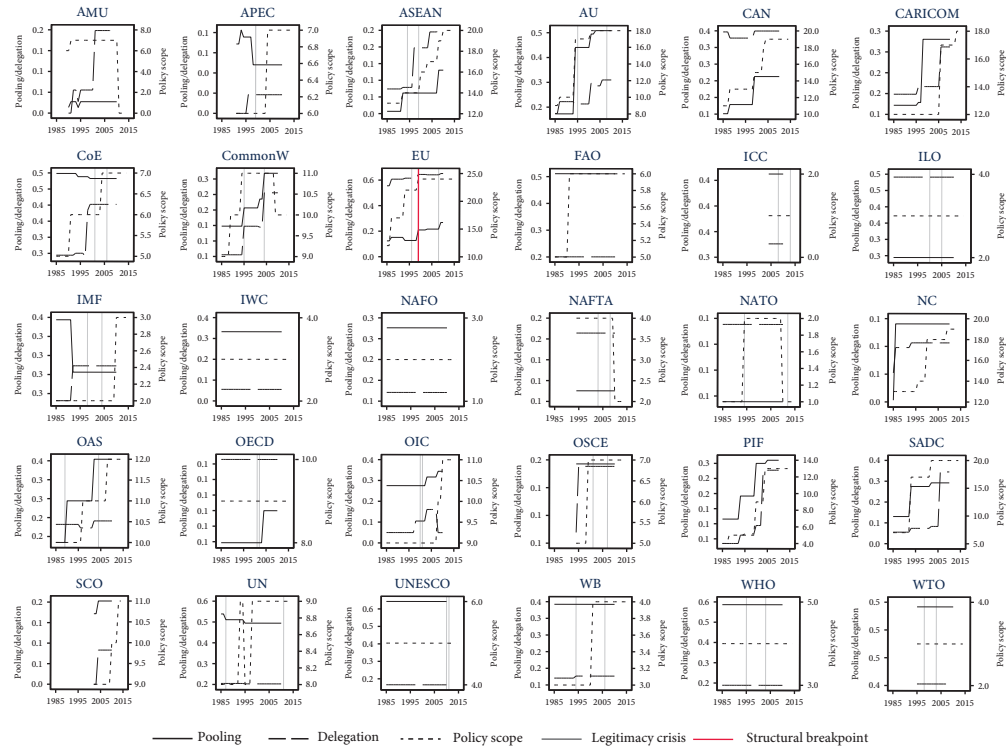


Fig. 6.5 IO institutional capacity and legitimacy crises

Note: In the case of multiple legitimacy crisis years, the two gray lines indicate the earliest and the most recent crisis. Only legitimacy crisis between 1985 and 2015 are shown in this graph.

support for the conventional argument that legitimacy crises erode institutional capacity.

Analyzing these plausibility probes one step further, we invoke the same set of independent variables as we did in the previous section. As it takes time to change the formal rules of IOs, we only operate with regression models with a two-year, three-year, and four-year lag, to represent the length of the causal process.²⁰ Regarding an expected reduction in institutional powers as a consequence of legitimacy crises, we do not obtain many significant results (Table 6.2). There is some evidence that legitimacy crises that are dominated by nonconstituent audiences are more likely to lead to a decrease in an IO's institutional capacity, and the same can be observed for legitimacy crises that affect IOs with a democratic membership.

In contrast, we obtain more significant results in our models on the positive effect of legitimacy crises on institutional capacity suggested in theory and through a visual inspection; but again, this does not refer to IO legitimacy crises per se, as defined most broadly and indiscriminately by including all kinds of challenges in the basic version of our independent variable. First, and contrary to our results for material capacity, we observe that socially broad crises with challenges from different types of audiences increase the likelihood of legitimacy crises making IOs formally stronger and result in more pooling, more delegation, or a broad policy mandate. Whereas the negative effect of this type of crisis on material resources has been related to short time lags, in this particular case, significant results are observed for models with a three-year lag: members might initially react skeptically and cut resources before they agree to strengthening an IO a few years later.

We also get robust support for the facilitating effect of broad policy mandates (lag 2 and 3): if a legitimacy crisis affects an IO with a wide *policy scope*, we find this organization to be more likely to strengthen its formal authority and further expand its mandate. Our models reveal less robust support for a positive effect of legitimacy crises dominated by member governments (lag 4), and we can also show that nonstate actors' access to IOs and intensive media coverage might play a facilitating role that leads to higher institutional capacity in response to a crisis (lag 4). Finally, our control variables show that IOs with a high level of pooling and intensive media coverage are generally more likely to experience organizational reforms limiting the formal authority of an IO.

Overall, we can summarize that the graphical analysis has shown that there is little empirical evidence to support the conventional argument in legitimacy theory. The regression models and the trend lines do provide some support

²⁰ See Table A9–A14 in the online supplementary material for more details on our results. <https://dataverse.harvard.edu/dataverse/LegGov>

for the contention—part of the activation theory—that crises increase institutional capacity. If public challenges are socially broad, we might see a growth of institutional capacity, particularly for IOs with broad policy mandates.

Effects of Legitimacy Crises on IO Decision-Making Capacity

In the third and final part of the empirical analysis in this chapter, we study the consequences of legitimacy crises on the decision-making capacity of IOs. The ability of member states to achieve an agreement and adopt resolutions, decisions, declarations, and similar output is an important element of the capacity to rule (cf. Tallberg et al., 2016a; Sommerer et al., 2021). IOs also vary significantly in the extent to which they make a decision. Some IOs, such as the UN, are prone to deadlock (Hale and Held, 2012; Hale and Held, 2017) while other IOs, such as the EU, produce hundreds of authoritative decisions every year.

The expectation that legitimacy crises will have detrimental effects on decision-making capacity is part of the conventional theory of legitimacy. In times of crisis, decision-makers will seek to undermine an ailing IO and block the adoption of policies, because they share the opposition towards the IO or become targets and are pushed by others who do oppose the IO. As noted in Chapter 5, however, there are also reasons to expect positive effects from legitimacy crises. Legitimacy crises will make decision-makers more aware of real-world problems and of the negative aspects of the status quo, resulting in greater capacity to make decisions. We assess these expectations in conjunction with the conditional effects of crisis types and institutional factors in IOs.

Data

We measure decision-making capacity by observing the annual decision-making volume of 30 IOs in our sample (Lundgren et al., 2021., Sommerer et al., 2021).²¹ The number of annual decision outputs is counted for the main bodies in IOs, such as the Council of the EU or the General Assembly of the OAS, which should make the measurement applicable for comparative purposes across IOs.²² The focus on a single main body in each IO also eliminates the risk of double-counting decisions, which could occur if the main body and preparatory bodies publish drafts of the same policy. IO bureaucracies, or lower-level IO bodies, may also adopt decisions and produce policy reports, but such documents do not necessarily reflect the collective will of the IO member states. Resolutions, declarations,

²¹ The World Bank, the G20, and the UNFCCC are not part of the dataset.

²² In cases in which more than one body exists at the same level—such as multiple ministerial councils, all bodies are coded as one. For the UN, the dataset captures the Security Council.

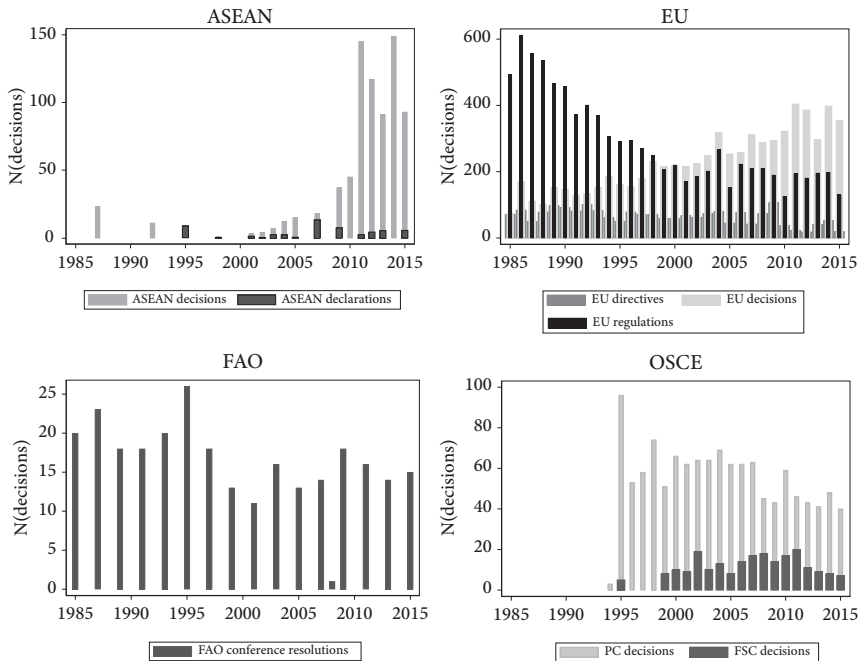


Fig. 6.6 IO decision-making capacity, four examples

decisions, statements, and directives are integrated into one and the same measurement. Figure 6.6 illustrates a selection of different instruments for four different IOs that we later merge into one common measure. It shows substantial variation across time and IOs. The absolute number of annual decisions adopted varies from around twelve for the Food and Agriculture Organization (FAO) to several hundred in the case of the EU.

For the multivariate regression models, we again create a binary variable that indicates either upward or downward changes in the decision-making capacity of each IO. In the main version of this indicator, we look at the 25 percentile of upward and downward changes. In another version of the indicator, we capture changes above a threshold of 5 percent. The first version of the indicators identifies 102 instances of strong downward shifts that belong to the 25 percent of all those years for which we have noted a decrease in the number of adopted decisions, and 103 instances of strong upward shifts that belong to the top 25 percent of all years with any kind of increase in decision-making.²³

²³ On the alternative version of the indicator (5-percent threshold), we note 279 downward changes and 370 upward changes beyond the 5-percent threshold.

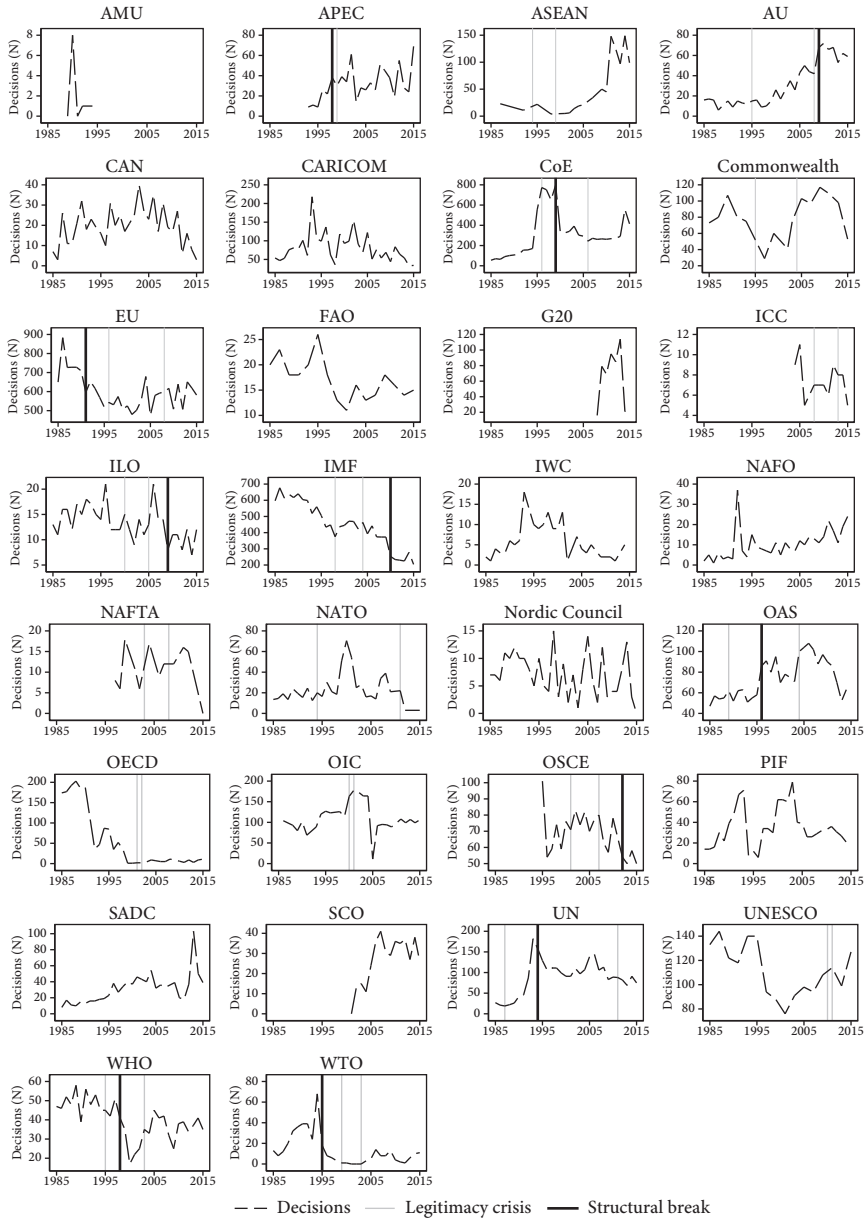


Fig. 6.7 IO decision-making capacity and legitimacy crises

Note: In the case of multiple legitimacy crisis years, the two gray lines indicate the earliest and the most recent crisis. Only legitimacy crisis between 1985 and 2015 are shown in this graph.

Results

We begin the empirical analysis with the interpretation of trends and structural breaks in decision-making, and the timing of legitimacy crises for each IO (Figure 6.7). We see some IOs, such as the OECD, with no visible change in their decision-making output in the aftermath of a crisis. In contrast to our observations of IO material and institutional capacity, however, we now find trend shifts that are in line with the theoretical expectations of both negative *and* positive consequences of legitimacy crises.

The trend lines reveal several IOs for which a legitimacy crisis is followed by a decrease in IO productivity. For the IMF, for example, our data on decision output show a clear downward trend after strong public challenges in the early 2000s, and the same can be observed for the OSCE at the end of the observation period. Both observations are corroborated by the indication of a structural break in the years following a legitimacy crisis. A similar pattern can be observed in the ILO, the International Criminal Court (ICC) and the OIC, and, with a longer time lag, in the WHO and the OAS. With the exception of the latter two, our estimation of structural breaks in the trend of IO decision-making capacity confirms this impression (black vertical line). In some cases, such as the EU, we find both downward and upward changes after a crisis period, suggesting that it will be important to compare different time lags in the next step of our analysis.

A clear *upward* trend in the years that followed a legitimacy crisis can be observed for organizations such as the Asia-Pacific Economic Cooperation (APEC), ASEAN, and the Commonwealth. Taken together, the pattern in Figure 6.7 is in line with expectations on both directions of the effects of legitimacy crises, although the volatility of the decision-making data makes it difficult to discern a clear shift. Moreover, this visual analysis does not allow us to control for alternative explanations for these developments.

To help with this issue, our multivariate regression models include the above-mentioned control variables, as well as IO and year-specific dummy variables. Table 6.3 summarizes the results for models using each of the two versions of the dependent variable, and for different time lags.²⁴ Confirming our results from the previous models on the other dimensions of the capacity to rule, we obtain no significant effect on our basic indicator for legitimacy crisis. Yet, we also find some support for conventional theory when we differentiate between types of legitimacy crisis. When legitimacy crises are dominated by state actors, our models reveal robust support for a short-term effect on decreasing decision-making capacity (lag 1 and 2): Such crises appear to make it harder for IOs to make decisions. We get a similar result if we focus on crises that were dominated by member state governments. The OSCE after 2005 and the ICC after 2013 are good illustrations of this

²⁴ See Table A15–A22 in the online supplementary material for details on our results. <https://dataverse.harvard.edu/dataverse/LegGov>

Table 6.3 Summary of results: Effects of IO legitimacy crises on change in decision-making capacity

| | | Negative consequences / Decrease in decision- making capacity | | | | Positive consequences / Increase in decision- making capacity | | | |
|---|--|---|------------|-------------|------------|---|-------------|------------|-------------|
| | | Lag 1 | Lag 2 | Lag 3 | Lag 4 | Lag 1 | Lag 2 | Lag 3 | Lag 4 |
| Legitimacy crisis | All crisis years | | | | | | | | |
| Legitimacy crisis with specific audience | State actor dominance | +(+) | + | | | | | | |
| | Nonstate actor dominance | | | | | (+) | | | |
| | Constituent actor dominance | | | | | | | (+) | |
| | Nonconstituent actor dominance | | | | | | | | |
| Legitimacy crisis with social breadth | Member state government dominance | | + | | | | | | |
| | Elite critique and mass protest | | | | (+) | (+) | | + | |
| | Heterogeneity state and nonstate actors | | | (+) | | | + | | |
| | Heterogeneity constituent & nonconstituent actors | +(+) | | | | | +(+) | | (+) |
| Legitimacy crisis×IO characteristics | Heterogeneity state and nonstate, const. and nonconst. actors | +(+) | + | | + | + | +(+) | + | (+) |
| | Pooling | | | | | | | | |
| | Delegation | | | | | | | | |
| | TNA access | | | | | | | | + |
| IO characteristics (Control variables) | Media coverage | +(+) | | (+) | | | | | |
| | Policy scope | | (+) | | | | | | +(+) |
| | Democratic membership | | | | | | | | |
| | Pooling | | | | | +(+) | + | | |
| IO characteristics (Control variables) | Delegation | | | | | | | | |
| | TNA access | | | | | | | | |
| | Media coverage | (+) | | +(+) | | | + | | |
| | Policy scope | | | | + | | | (+) | |
| | Democratic membership | | | | | | | | |

Note: The results are based on logistic regression models using STATA 16 that include unit and year dummies and a time trend. The table reports positive significant results ($p < 0.1$) for theoretical expectations on negative effects (left side) and positive effects (right side) of legitimacy crises; the results for the main version of the DV (top 25 percentile over time) are marked with a **+**; significant results for the alternative dependent variable (> 5 percent threshold) are marked with a **(+)**; Results that are robust for the alternative IV (number of challenges) instead of crises years are marked in bold.

pattern: Both IOs were confronted by strong challenges almost exclusively from governments and both experienced a sharp decrease in their decision output in the following year. Table 6.3 also reveals that legitimacy crises that are dominated by nonstate audiences (lag 1) and where the challenges came from constituent actors may lead to an increase in an IO's decision-making capacity.

Remarkably, heterogeneous crises increase the probability of negative *and* positive changes in decision-making capacity. A positive shift towards more decisions is visible in the time frame of two years or more, whereas we also observe a higher likelihood of decreasing decision output mainly for the shortest time lag of one year. Similar to the results for changes in IO material capacity, we find a positive effect on decision-making when mass protests play a significant role in the crises (lags 1 and 3).²⁵

The effects of legitimacy crises on the decision-making capacity of IOs is also conditioned by specific organizational characteristics. First, intensive media coverage, indicating a high degree of politicization, makes a scenario based on expectations of conventional theory more likely. Legitimacy crises that target IOs under conditions of greater public scrutiny—measured as general media coverage—appear to increase the likelihood of a downturn in the number of policies adopted by an IO (lag 1 and 3). A similar conditioning short-term effect can be observed for IOs that have a broad policy portfolio (lag 2). However, organizations with a more generous provision of access for transnational actors, such as nongovernmental organizations (NGOs) and civil society, have greater opportunities in the long run to see a boost in the level of decision-making capacity, including when they also face legitimacy crises (lag 4). Moreover, we see that in longer time frames (lag 4), IOs with a broad policy scope are more likely to transform legitimacy crises into a positive outcome for their decision-making capacity than IOs with a narrower scope.

Overall, this third part of the quantitative analysis of the effects of legitimacy crises leaves us with mixed support for the effects in both directions. Generally speaking, both the descriptive analysis and our multivariate regression models have shown the limits of explaining decision-making capacity using legitimacy crises. However, specific constellations under which we should expect legitimacy crisis to matter for upward and downward shifts in the decision-making capacity of the targeted IOs can be identified.

²⁵ Note that our models with a four-year lag also reveal a higher likelihood for a decrease in decision output for heterogeneous audiences.

Conclusions

This chapter started with a touch of skepticism. The difficulties of tracing the consequences of a legitimacy crisis have been discussed earlier in this book, and the mapping of legitimacy crises in Chapter 3 further weakened our reasons to expect a strong relationship between legitimacy crisis and the material resources, institutional capacity, and the decision-making of IOs. While our large-N approach identified more legitimacy crises than were found in the oft-conducted case studies of the WTO, IMF, or EU, these events were still relatively rare, did not increase in number over time, and varied considerably regarding the composition of the dominant audiences. In addition, previous research on the causal factors of all three dimensions of our dependent variable in this chapter produced a variety of explanations that have relatively little to do with legitimacy.

In view of this, the lack of support for the effects of legitimacy crises defined in the most general and indiscriminate terms, assuming only that some mass or elite somewhere in the world must react sufficiently to an IO to be reflected in global newswires, should not come as a surprise. This impression also applies to the multivariate tests of the conventional view of a negative effect, as well as the positive effects of activation through legitimacy crises, illustrated by the many empty cells in our overview in Tables 6.1–6.3. The graphical analysis and the estimation of the structural breaks for all three dimensions of the capacity to rule, in which we do not control for any other general or IO-specific explanations, helped us outline the maximal explanatory potential in both the negative and positive predictions of legitimacy crises. We found indications that major shifts in the trend lines of the dependent variables may eventually be causally related to legitimacy crises, but our analysis also found clear limits to this explanation.

These weak results regarding the broadly defined crises can be regarded as the first part of this chapter's contribution to existing research on multilateral governance. Our large-N test of legitimacy's effects find that legitimacy, or its crises, are not particularly important predictors in any plausible understanding of the term. Instead, in order to be fruitful for the purpose of explanatory research, the operationalization of a legitimacy crisis has to account for different audience conceptions, before we can use it to explain outcomes.

However, we do not end with an observation of the weak limited effects of legitimacy crises. As we compared the interaction between the normative depth of crises, and thus the intensity of challenges with the particular types of crises defined by their different audiences, as well as features of the targeted IOs, we found a number of significant results. With our strategy of exploring these effects for a range of different time lags, and on the basis of two different thresholds of what defines substantial change, we count 33 constellations across the three dimensions of the capacity to rule in which we found significant coefficients that

indicate positive effects of legitimacy crises on the capacity to rule, compared to 29 significant negative effects.

Based on what we understand as a first step towards an increased understanding of the consequences of IO legitimacy crises, we argue that conventional theory which portrays legitimacy crises as being a cost for political institutions is insufficient to explaining the empirical pattern in our data. It needs to be supplemented by a different way of thinking about what a legitimacy crisis is and does. The activation theory, introduced in Chapter 5, stands a relatively better chance of explaining the positive and negative effects, respectively, by referring to different crisis types and different IO features.

When a legitimacy crisis is primarily constituted by state actors, this has negative consequences for the decision-making capacity of IOs. A further differentiation suggests that this effect goes back to the impact of member state governments and the broader issue of political control. When those who control an IO criticize the organization, they are likely to become more hesitant in making collective decisions and will also be less supportive of further expansion of the institutional powers of the IO. Nevertheless, governments are not alone in having an effect on IOs as part of an audience that questions their right to rule. We also found that legitimacy crises dominated by nonstate actors might lead to resource cuts.

Nonconstituent audiences are often excluded from the study of IO legitimacy. At least sometimes, actors in global governance that are affected, still not subjected, do matter for the capacity to rule when they join forces with other actors. As we noted earlier in this book, many legitimacy crises are characterized by a certain degree of social breadth. Now, we observe that social breadth, or the heterogeneity of the types of critical audiences, make resource cuts of IOs more likely, as well as a decrease in their capacity to adopt decisions. We find this effect mainly for the broadest of all combinations integrating four audience types: state and nonstate actors as well as constituent and nonconstituent audiences. This type of legitimacy crisis seems to be a serious challenge for IOs. The social breadth of legitimacy challenges in peak years can also result in the opposite outcome. We found a higher likelihood of a growing institutional capacity when both state and nonstate audiences are present; constituency plays no role in this case. A similar result was found for decision-making capacity. For crises in which street protests represented a substantial share in relation to elite critique, the results were ambivalent. This type of crisis is likely to result in consequences for an IO's resourcing, with a negative *or* a positive outcome. This result reinforces our interpretation that even challenges from nongovernmental organizations and civil society groups can actually impact an IO's capacity to rule.

Moreover, it is not only the type of crisis that matters, but also certain characteristics of the targeted organization. Institutional rules that allow for the generous use of majority voting have a positive conditional effect on the consequences of

legitimacy challenges. IOs with high pooling scores are more likely to see their budget and staff grow in the aftermath of a crisis. Transnational access is another design feature for which we find a positive effect, as IOs that engage more with representatives of civil society have a better chance of turning a legitimacy crisis into growing institutional powers and increasing their decision-making capacity.²⁶

The effects of IO features are more ambivalent when it comes to organizations with broad mandates. Here, the regression analysis suggests that such IOs might experience a further growth in their policy scope and other formal institutional powers when they experienced a legitimacy crisis. At the same time, we observe the opposite effect. IOs that cover multiple issues have a greater likelihood of experiencing downward shifts in decision-making when facing a legitimacy crisis, whereas task-specific organizations seem to be more resilient in this regard. When IOs receive a lot of attention from broader publics, our models show that crises affecting these organization may lead to an increase in the institutional capacity of an IO. We also note that the negative consequences of legitimacy crises are more likely to affect the decision-making of IOs that attract intensive media coverage, and the same applies to organizations with a large share of democratic members.

In the next chapter, we follow up on this aggregate perspective of the consequences of legitimacy crises and return to our two cases of the WTO and the UNFCCC. The in-depth perspective of the qualitative approach allows us to revisit some of the main results and shows how the overall pattern plays out when we look more closely at the details of legitimacy crises. The case study approach helps us to go beyond the two limitations in this chapter. First, we have a chance to learn more about the motivation of IO decision-makers. Thus far, the aggregate analysis did not reveal much about the relevance of the normative and strategic pathways identified in Chapter 5. Second, the qualitative perspective allows us to broaden the perspective and look more closely at how legitimacy crises impact the targeted organizations and their institutional environment.

²⁶ One interpretation of these observations is that the effects of legitimacy crises depend on elements of democracy beyond the state (see [Agné, 2022](#), Chapter 4).

The Consequences of Legitimacy Crises in Global Governance

A Qualitative Assessment

This chapter explores the consequences of legitimacy crises on two major international organizations (IOs): the World Trade Organization (WTO) and the United Nations Framework Convention on Climate Change (UNFCCC). We qualitatively assess to what extent legitimacy crises affect three dimensions of the two IO's capacity to rule: their material capacity, their institutional capacity, and their decision-making capacity. Following the theoretical framework that we introduced in Chapter 5, we identify the potential negative or positive consequences for these three dimensions for the affected IO, as well as other institutions that operate in the same policy fields.

Our analysis complements the findings in Chapter 6 on both institutions in various ways: first of all, by further examining the results of our quantitative analysis of the changes in capacity to rule, as both the WTO and UNFCCC were part of the large-N sample; second, by taking into account the external consequences in the institutional environments of both IOs, that is, changes in the capacities of *other* climate and trade institutions; and, third, by exploring the existence of strategic and normative causal pathways that may have led from crises to consequences. Wherever we can establish such pathways for IO-internal consequences, we also study the qualifying effect of certain IO characteristics, which we established as conditioning variables in Chapter 5.

This chapter completes the qualitative analysis that we began in Chapter 4 of this volume. There, we established crisis periods for the UNFCCC and the WTO and described them in terms of their relevant audiences, normative depth, and social breadth. Together with Chapter 3, our investigation shows that legitimacy crises manifest in various ways. Despite the fact that the legitimacy of both IOs was affected by conflicts between developing and developed countries, there were notable differences across certain crisis features. Taking our quantitative and qualitative analyses together, we were able to establish that the WTO experienced two crisis periods (1998–99; 2001–5), both with a multitude of activated audiences that

were dominated by constituent state and nonstate actors.¹ The UNFCCC experienced two more punctuated crises (2000–1; 2009), which were also dominated by constituent actors—however, in the first case with only member state governments activated initially, while the second crisis features a broader and more heterogeneous set of audiences, including both elite critique and mass protests from state and nonstate actors. Moreover, all of the abovementioned crises were marked by a high degree of normative depth, as they concerned fundamental and sensitive questions—in the case of the WTO, its overall purpose of regulating global trade along with more specific issues of fairness; and in the case of the UNFCCC, more specific, but equally crucial principles, such as burden sharing and binding commitments.

We indeed find corroborations for the expectations of the positive effects of legitimacy crises, namely, for both IO's institutional capacity and for the UNFCCC's decision-making capacity. This resonates well with the theoretical ideas introduced in Chapter 5, and it adds to our findings in the quantitative analysis that legitimacy crises in which both state and nonstate actors play an important role are more likely to result in an upward shift in these dimensions of the capacity to rule. This said, for other positive developments—particularly for the steady rise in material resources of both IOs during our observation period—we found no support for a reliable causal connection to any of the legitimacy crises. The absence of such a clear link adds to the evidence presented in the previous chapter, in which we argued that IO legitimacy crises do not always result in measurable consequences. Finally, and more in line with expectations based on the conventional theory of legitimacy, we also found negative changes that we were able to link to a legitimacy crisis, particularly for the institutional and decision-making capacities of external climate and trade institutions. This latter finding demonstrates the importance of including the institutional environment in the assessment of the consequences of legitimacy crises, instead of ending the analysis at the boundaries of the targeted organizations.

Effects of Legitimacy Crises on Resources of the WTO and UNFCCC

As outlined in Chapter 5, we expect that legitimacy crises affect an IO's capacity to rule along three dimensions, the first being their material capacity.

¹ In our quantitative analysis we also found 2017, 2018, and 2020 as further peak years of challenges for the WTO. Our sources and interviews in our qualitative study, however, did not consistently confirm a potential third legitimacy crisis for this period. As we lay out in Chapter 4, this may be due to a bias in media coverage towards particular accusations by the Trump administration. Moreover, the potential peak events appear at the end of our observation period and therefore might not resonate (yet) in the perceptions of experts and scholars. Future studies may be able to provide a clearer picture of these years and the extent to which they imply another legitimacy crisis—and the respective consequences for the WTO's capacity to rule.

Material resources largely comprise an IO's staff and budget, and they are necessary for these organizations to fulfill their tasks and exercise authority. In this section, we will revisit in greater detail the two competing expectations from our theoretical framework in Chapter 5, namely, the conventional expectation in legitimacy theory that member states may decide to reduce contributions when an organization experiences a legitimacy crisis, and the opposite claim that legitimacy crises may, under specific circumstances, generate an increase in resources to IOs.

WTO: Internal Consequences

As of August 2021, the biennial regular budget of the WTO comprises contributions from its 164 members, and of a so-called "miscellaneous income," comprising *inter alia* contributions from observer countries, rental fees, and sales of WTO print and electronic publications. The member state contributions are calculated with a formula that takes each member's share of international trade into account. The WTO's total budget is divided between the WTO Secretariat and the Appellate Body and its Secretariat (WTO, 2019). The Secretariat starts the budgeting process by submitting a budget proposal to the Committee on Budget, Finance and Administration (CBFA). In addition, the Director-General provides a financial statement. The CBFA reviews these documents and makes recommendations about the budget to the General Council, on which all members are represented. Finally, the General Council approves the biennial budget by consensus (WTO, 2019).

Seconding our aggregate measures presented in Figure 7.1, our interviewees emphasize that, while the WTO has a relatively low budget and little staff compared to other major IOs, both parameters either increased or remained stable throughout the years from the WTO's inception onwards. In total, they increased from roughly 121 million Swiss Francs and 513 employees in 1996 to 197 million Swiss Francs and 627 employees in 2019. The key crisis periods that we identified for the WTO in Chapter 4, ranging from 1998 to 1999 and from 2001 to 2005, do not coincide with either any cuts in staff or budget. On the contrary, the WTO budget steadily kept growing during these periods.

At first glance, this could be regarded as a corroboration of some of the theoretical expectations that we advanced in Chapter 5. There, we argued that we may expect positive consequences for an IO under certain conditions—namely, if a legitimacy crisis is dominated by constituent actors in combination with high degrees of normative depth and, in certain circumstances, also social breadth. As Chapter 4 has shown, these various conditions actually applied to both legitimacy crises of the WTO. Our interviewees, however, did not identify a link that would allow us to connect the steady growth in material resources to the two legitimacy crises. Rather, they point to factors that were not crisis related. They specifically

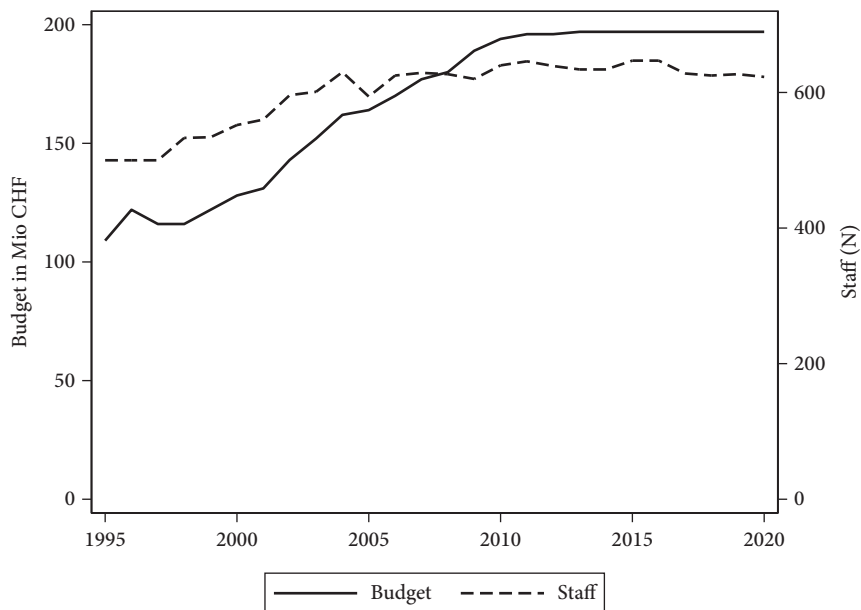


Fig. 7.1 WTO budget and staff

Source: WTO annual reports.

Note: WTO budget in CHF million (1999–2019). Staff on regular WTO budget (1998–2019).

explained increases in the WTO budget and staff by pointing at inflation rates and at adjustments to the increase in WTO membership and an expansion in the average size of missions that address WTO matters (Michalopoulos, 2014, pp. 187–188).

Also, the interviewees did not claim that the WTO’s legitimacy crisis had a negative impact on these two aspects of material resources. For example, one of our interviewees recognizes that “[...] the WTO [...] is in a different and better [financial] posture than it has been in for most of the four decades immediately after the founding of the GATT” (Interview, Professor, Yale University (US), May 25, 2018). Furthermore, most members, and particularly larger ones like Brazil, Canada, the United States (US), Japan, and China, largely paid their contributions on time (Interview, Senior official, WTO, October 3, 2018a; Interview, Senior official, WTO, October 3, 2018b).

Another interviewee adds that, in the aftermath of the Fourth Ministerial Conference (MC) in Doha 2001, there were major increases in staff working on developmental concerns and with the Dispute Settlement Body (DSB) (Interview, Professor, Yale University (US), May 25, 2018). By the same token, the WTO’s legal staff have more than doubled since 2000 (Pauwelyn and Zhang, 2018, p. 467). While this could be interpreted as being associated with Doha-related legitimacy challenges, the interviewee cautions against drawing such a conclusion. The

increase in DSB staff is instead linked to an increase in dispute settlement cases and to disputes becoming generally more complex, while the IO's development-related portfolio has naturally increased as more members from economically developing countries have been admitted (Charlton and Stiglitz, 2005; Pauwelyn and Zhang, 2018, p. 467). The interviewee further states that the WTO's "budget is steady, but, relative to the size of trade that the WTO is effectively managing, you might see a shrinking budget."

Thus, there are no palpable connections between previous legitimacy crises and the development of the WTO's budget or staff during our observation period, with one exception that refers to the ongoing crisis of the dispute settlement mechanism. Two of our interviewees (Interview, Professor, Babson College (US), May 30, 2018; Interview, Senior official, WTO, October 2, 2018a) argue that the US veto against appointing or reappointing certain members to the WTO's Appellate Body over the last two years may, at worst, result in a dysfunctional trading regime. The Appellate Body is supposed to have seven members, but, at the time of writing, only one of these seven members is in place, thus falling short of the required operational minimum of three members. On December 10, 2019, the terms for two of the remaining three members expired. No new members have been appointed since this time. While the newly installed Biden administration has overturned US opposition to the appointment of Ngozi Okonjo-Iweala as the new WTO Director-General, it declined to fix the de facto logjam that the Trump administration had imposed on the Appellate Body. In a DSB meeting in early 2021, the US representative stated: "The United States continues to have systemic concerns with the appellate body. As members know, the United States has raised and explained its systemic concerns for more than 16 years and across multiple US administrations" (WTO, 2021b). While, in the meantime, an alternative temporary arbitration body has been established—the Multi-Party Interim Appeal Arbitration Arrangement, which includes the European Union (EU) and 19 other WTO members—the main mechanism that binds members to WTO rules continues to be paralyzed.

If this recent development is not undone, it will render the WTO trading regime less effective. Attempts to solve the crisis of the Appellate Body have repeatedly failed and the US, under former President Trump, has even threatened to cut its funding to the WTO (*Reuters*, December 18, 2019). As the US is the WTO's main contributor (i.e., it contributes 22 percent of the whole budget), such a move would put severe pressure on the trading regime. An interviewee emphasizes that this may also affect the voluntary contributions to the WTO and, ultimately, could result in a vicious cycle of legitimacy loss (Interview, Professor, Babson College (US), May 30, 2018). To illustrate one such scenario, there is a group of lawyers that helps economically developing countries prepare cases or provide them with legal training. If the legal system of the WTO remains inoperable, voluntary contributions to support these lawyers may diminish, reducing the capacity of developing countries to prepare cases, which may further decrease the perceived legitimacy of the WTO.

WTO: External Consequences

Our qualitative analysis also did not find any clear causal connection between legitimacy crises and material resources related to other institutional developments in the policy field of global trade. It is striking that negotiations for major so-called mega-national trade agreements all started in the 2010s, i.e., five or more years after the end of the second legitimacy crisis we identified for the WTO. This concerns negotiations for the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada, the Trans-Pacific Partnership (TPP) between Canada, the US, Mexico, Chile, Peru, Australia, New Zealand, Brunei, Malaysia, Singapore, and Vietnam and the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the US (Mavroidis, 2015; Stoll, 2017). These external initiatives can therefore not be put in an immediate causal connection with the two legitimacy crises we identified—irrespective of whether these institutions and their envisaged staff and budgets are ultimately weakening or undermining the WTO.

The same applies to the ongoing and increasing establishment of smaller trade agreements—both during and after the WTO's two crisis periods: 1998–99 and 2001–5. As the Doha Round had reached a stalemate, Preferential Trade Agreements (PTAs), Free Trade Agreements (FTAs), and Regional Trade Agreements (RTAs) have proliferated. Figure 7.2 lists the cumulative total of (both inactive

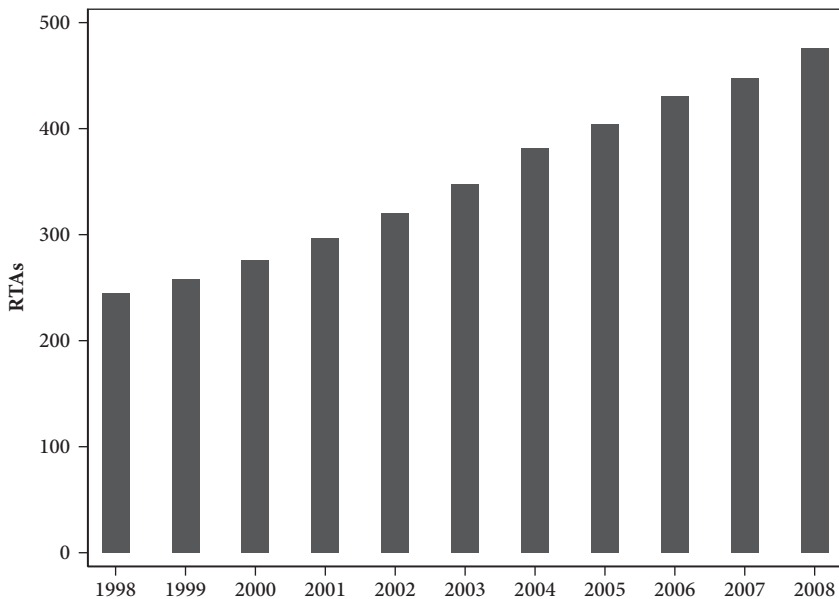


Fig. 7.2 Development of Regional Trade Agreements (RTAs)

Source: WTO Secretariat, 2021.

and active) RTAs for which the WTO received notification during and shortly after the two crises periods. What is important here, however, is that these trade agreements have considerably smaller budgets and staff than the mega-nationals like the TPP, let alone the WTO itself. We therefore do not take them into account as relevant markers for any resource-related external consequences. However, as we will show in the next section, they matter to a much greater extent in terms of their institutional capacity.

UNFCCC: Internal Consequences

The regular budget of the UNFCCC is biennial, each budget period starting in an even numbered year. Every two years, the Secretariat proposes a program budget to the Subsidiary Body for Implementation (SBI), outlining the planned activities and an estimated budget for the Secretariat for the coming two years. The SBI reviews the budget and submits a recommended program budget to the Convention's Conference of the Parties (COP), which adopts the budget by consensus. The respective financial procedures were codified in Annex I of the 15th decision adopted at COP1 (UNFCCC, 1995). Accordingly, the budget comprises contributions from UNFCCC members, voluntary contributions, and miscellaneous income. The Parties' contributions are determined by an indicative scale, akin to the United Nations' (UN) scale of assessments, adopted by the COP by consensus (UNFCCC, 2019b). At COP4 in 1998, the Parties agreed that their individual contributions should amount to no less than 0.001 percent and no more than 25 percent (later lowered to 22 percent) of the UNFCCC's core budget (UNFCCC, 1998).

As Figure 7.3 shows, both the core budget of the UNFCCC and the staff of the UNFCCC Secretariat have remained stable or even increased over time, from 18.7 million USD and 43.5 Secretariat employees in 1996–97, to 66.7 million USD and 173.5 Secretariat employees in 2018–19.² This includes increases in the core budget after the two crisis periods that we identified in Chapter 4, i.e., 2000–1, and 2009, and only a slight and short-term decrease in staff after 2009, lasting until 2011.

This development would, at first glance, confirm the expectations of the positive effects of legitimacy crises on the material resources of the UNFCCC. There, we anticipated positive consequences of a legitimacy crisis if such a crisis mostly entails the activation of constituent audiences. Indeed, as we showed in Chapter 4, the first crisis, from the summit in The Hague 2000 to Marrakesh in 2001, featured

² As of 2012, the approved program budgets have been reported in EUR instead of USD. Similar to the 2010–11 program budget, we translated the core budget in USD for 2012–13 (and all the following plans) by calculating the average exchange rate from EUR to USD for the period January 2012 to March 2013. Please note that in EUR, the core budget remained constant across the periods 2014–15 and 2016–17.

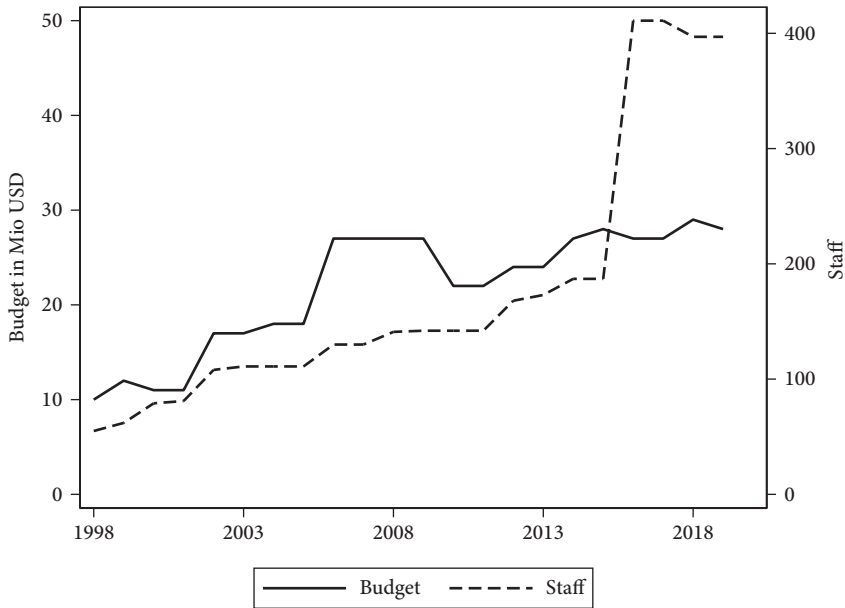


Fig. 7.3 UNFCCC budget and staff

Source: UNFCCC Secretariat reports—decisions on program budgets.

Note: UNFCCC core budget in USD million. UNFCCC Secretariat staff on core budget.

challenges from major member state governments and a high degree of normative depth, given the concerns about burden sharing. The second crisis was marked by equally strong normative concerns about North–South justice, but a higher degree of social breadth, with a dominance of constituent actors, both state and nonstate.

However, as for the WTO, none of our interviewees provided support for a specific causal connection between legitimacy crises and resourcing decisions for the UNFCCC. In addition to the aforementioned reasons such as inflation rates, this was explained by the fact that, similarly to the domestic level, resourcing decisions in international politics are a highly institutionalized and routinized process (e.g., Gist, 1998), and resourcing decisions are made one year in advance, as the biennial budgets of both the WTO and the UNFCCC illustrate. Moreover, in both cases, members' contributions and financial procedures are decided by consensus among all members. Thus, at least for these two IOs, resourcing is less likely to be influenced over a shorter term by events such as legitimacy crises.

UNFCCC: External Consequences

Similarly to the institutional environment of the WTO, the UNFCCC's policy field of global climate change governance has experienced a proliferation of

state, nonstate, and hybrid regimes over the past three decades (van Asselt and Zelli, 2018; Bäckstrand et al., 2018; Zelli, 2018; Falkner, 2021). However, for the WTO, these new institutions have been rather small in terms of staff and budget, although their impact in terms of institutional capacity may be more significant. We will therefore discuss this development and its potential link to the UNFCCC's legitimacy crises in the next section.

Effects of Legitimacy Crises on the WTO's and UNFCCC's Institutional Capacity

As a second dimension of our dependent variable, Chapter 5 introduced institutional capacity as a major cornerstone of an IO's capacity to rule. We further distinguished between different aspects that help indicate the formal powers granted by an IO's member states: the mandate of an IO; the delegation of certain competencies from members to the supranational level; and the degree of pooling of intergovernmental decision makers. According to our theoretical framework, it could either be expected that member states would take control, e.g., by returning to unanimous decision-making in reaction to a legitimacy crisis, or, in contrast, that they would decide to reform organizational rules and strengthen weak institutional capacities that stand in the way of better performance.

In this chapter, we identify changes in institutional capacity for the UNFCCC and WTO, as well as for institutions in their institutional environment—and we explore the extent to which these changes can be causally linked to strategic or normative motivations in light of the legitimacy crises that both IOs experienced. Moving beyond the quantitative measures from Chapter 6 we will also look at a broader set of organizational reforms as well as changes in organizational practices, for example, regarding an IO's non-binding oversight over nonstate actors and institutions.

WTO: Internal Consequences

Chapter 6 found no major changes in pooling and delegation after the two major legitimacy crises of the WTO, nor for policy scope in a narrower sense. Nevertheless, the IO underwent other types of organizational reforms that could be interpreted as changes in the institutional capacity in a wider sense. The respective reforms have been the subject of extensive scholarly and political debates (e.g., Elsig, 2007; Bernstein and Hannah, 2008; Jones, 2009; Steger, 2009; Wilkinson, 2014; Hannah et al., 2017). As one of the more comprehensive proposals, the so-called Sutherland Report from 2011 outlines how the WTO can address future challenges. Indeed, as our empirical data further show, public and political

opposition to the WTO has resulted in respective reforms being implemented at the level of the Secretariat, the DSB, and Ministerial meetings.

The WTO Secretariat has become considerably more open and inclusive in response to mass protests during a number of MCs—most notably, the Battle of Seattle. Several of our interviewees describe how the events in Seattle triggered the associated reform process (Interview, former member of the WTO Appellate Body, May 24, 2018; Interview, Professor, University of Sussex (UK), June 7, 2018). In particular, experts from the WTO's Information and External Affairs Division (Interview, Senior official, WTO, October 2, 2018a; Interview, Senior official, WTO, October 2, 2018b) implemented a process in order to present the WTO as an “indispensable device in thinking about global trade” (Interview, Professor, University of Sussex (UK), June 7, 2018), supported by a number of organizational reforms.

First, the WTO began organizing a Public Forum in which a diverse set of actors from civil society and the business community can voice their concerns. The first Public Forum was held in 2006, while events of a similar nature, under the name of *Public Symposium*, had already been held annually over the previous five years (Hannah et al., 2018). Second, since the crisis in Seattle, the WTO Secretariat was forced to become increasingly transparent (cf. Smythe and Smith, 2006). As a way of further enhancing its transparency, accountability, and access to information, the WTO considerably increased its publication and statistical capacities. To improve its level of internal communications, external relations and the information division were merged into one department. Likewise, the IO's media staff started to utilize more modern communication channels, for instance, by modernizing the WTO website in order to provide much more information, reports, briefings, and press releases. Moreover, from 2005 to 2013, Pascal Lamy, WTO Director General, “did a lot of outreach to the press, talking to people and explaining what the WTO was about, and trying to explain to people that the WTO is about regulation, and not about free trade in and of itself. And that there are many exceptions. After that, things calmed down a little” (Interview, Senior official, WTO, October 3, 2018b).³

Overall, these organizational changes expanded the institutional capacity of the WTO in terms of reaching and including a larger number of actors and communicating on its activities for a growing set of topics. To what extent can these changes be traced back to the legitimacy crises we identified?

Notably, we find that these changes were partially driven by *normative* motivations that are linked to these crises. The Battle of Seattle—in which the

³ One expert (Interview, Senior official, WTO, October 2, 2018) mentions how the success of the WTO's measures towards increasing its transparency can be inferred from the bilateral trade negotiations taking place outside of the WTO environment: “During the TTIP negotiations—and we couldn't help smiling a bit—the WTO was referred to as ‘the standard of transparency’, even though we had been heavily criticized in the past by the same activists who are now also engaged in such bilateral trade negotiations.”

anti-globalization movement reached its peak and tensions between developing and developed countries climaxed—made WTO member states and bureaucrats realize that they had to instigate a substantial discussion between “those who know the trading system and those who criticize the trading system, as these people mostly talk past each other” (Interview, Senior official, WTO, October 2, 2018a). As this interviewee further states, this “was very hard in the beginning as many organizations did not trust the WTO. However, our [the WTO’s] purpose was to improve people’s understanding about what we were doing while, at the same time, gaining a better understanding of what others think about the WTO” (Interview, Senior official, WTO, October 2, 2018a). This shows that the WTO’s bureaucracy was driven by normative rather than strategic motivations in increasing its transparency and inclusiveness. A similar normative motivation was behind the creation of the Public Forum, with its purpose of bringing audiences together, to deliberate, to increase a shared understanding, and to signal that stakeholders’ voices are heard (Interview, Senior official, WTO, October 2, 2018b; [Hannah et al., 2017](#); [Hannah et al., 2018](#)).

This said, these organizational changes also partially reflect strategic motivations, namely, as a way of appeasing WTO critics without necessarily carrying their concerns into key negotiations and decisions. In other words, changing the institutional capacity was preferred to changes in decision-making. As [Hannah et al. \(2017, pp. 437–438\)](#) observe:

The WTO’s attempt to manage civil society relations while continuing to insulate itself from nonstate input was also visible in the creation of the Public Forum (initially established as the Public Symposium) wherein civil society representatives could engage with the organization but they could do so only away from—geographically as well as time-wise—the organization’s primary decision-making body, the ministerial conference. It was no coincidence that the first Public Forum was held in July 2001 in the wake of the inflammatory 1999 Seattle ministerial conference and in the run-up to the November 2001 Doha ministerial meeting (at which the Doha round was launched).

Likewise, another interviewee maintains that discussions at the Public Forum have become much less political (or conflict oriented) and instead more technocratic (Interview, Senior official, WTO, October 2, 2018a).

With these mixed motivations, WTO officials could also address some critique of nongovernmental organizations (NGOs) and ensure their organization’s operational survival. The organizational reforms have indeed appeased civil society groups and reportedly led to a period of “benevolent neglect” (Interview, former member of the WTO Appellate Body, May 24, 2018). One expert (Interview, Senior official, WTO, October 2, 2018a) states that

the people who in 1999 were critical of us, are defending us today because the NGOs learned how the [WTO] organization functioned. They learned that you can stand outside and throw a brick at this building, but that that is not going to do anything. You have to go to the governments with campaigns that are aimed at convincing the government. And some civil society groups also realized that, while critical of them, the trading rules actually protect smaller states against “economic colossus,” making them prefer regulated trade over a commercially free world “where the law of the jungle prevails”⁴

In the same vein, our interviewees confirm that these organizational changes were also a reaction to concerns from the member governments of economically developing countries. While trade negotiations used to be mostly determined by the US, EU, Canada and Japan, emerging economies such as China, Brazil, and India now leave a strong mark on WTO negotiations (Interview, Senior official, WTO, October 2, 2018a; Interview, Senior official, WTO, October 2, 2018b). Thus, the governments of poorer countries reasoned that they might stand to gain from regulated trade (le Pere, 2005; Rena, 2012). Likewise, Canada, the Netherlands, and Sweden, among other countries, have pushed for certain organizational reforms to further assist economically developing countries. The Netherlands, for instance, initiated the “Dutch trainee program” to bolster the expertise of negotiators from developing countries. Likewise, the WTO now administers the so-called “Enhanced Integrated Framework” that aims to assist local institutions in the least developed countries (European Investment Fund (EIF), 2020). An interviewee explicitly refers to these changes as responses to the WTO’s first legitimacy crisis (Interview, Senior official, WTO, October 2, 2018b).

Finally, reforms of the WTO’s dispute settlement and trade review processes can be regarded as normatively motivated changes to accommodate the criticism that these processes received during the two legitimacy crises (cf. Bown and Hoekman, 2005, Georgiev and Van der Borgh, 2006). When exposed to some public opposition, the Appellate Body, from its 2001 so-called “Shrimp/Turtle Report” onwards, began to allow amicus curiae briefs to be submitted by nongovernmental organizations and now also organizes open hearings (Interview, Senior official, WTO, October 2, 2018a; Interview, former member of the WTO Appellate Body, May 24, 2018; cf. Dunoff, 2002; Meltzer, 2005). Given this practice, Marceau (2015) praises the DSB for reducing tensions between member states, and the Trade Policy Review Body (TPRB), a subsidiary body of the General Council, for monitoring compliance in a manner that has not caused any major ripples. This said, the WTO’s legal system keeps being criticized about being biased, depending on the

⁴ At the same time, Hannah et al. (2017) show that the WTO’s outreach has become stale, with declining numbers of registered NGOs at MCs and the Public Forum. The attention of NGOs has also been distracted from the WTO in part because of the financial crisis and the controversial inclusion of the Investor State Dispute Settlement (ISDS) mechanisms in regional trade agreements (p. 436).

eye of the beholder, either in favor of developed or in favor of developing countries (Bown 2005; Pfumorodze 2011; Adaeze 2017; Bouët and Métivier 2020).

In sum, several of the WTO's organizational reforms can be strategically or normatively connected to the legitimacy crises we identified in Chapter 4. While these reforms did not touch upon fundamental aspects of institutional capacity, such as voting rules, delegation, or scope of the mandate, they are still of relevance to the IO's institutional capacity. Moreover, they reflect positive crisis consequences—thereby confirming our previous results from the quantitative analysis showing that crises characterized by heterogeneous audiences of state and nonstate actors in particular—in the case of the WTO, developing countries and the anti-globalization movement—may enhance the formal powers of these organizations.

Having established a causal connection between legitimacy crises and these consequences, what role did certain IO characteristics play that we identified as conditioning variables in our theoretical framework? According to our interviewees, questions of transnational actor access, democratic composition, and media coverage influenced the reactions to the crisis. The relatively high degree of media coverage of the IO implied that it was being subjected to additional pressure to act. When formulating responses, the WTO's Information and External Affairs Division used the publicity to disseminate information about the Public Forum and other measures (Interview, Senior official, WTO, October 2, 2018a; Interview, Senior official, WTO, October 2, 2018b). The largely democratic composition of the WTO membership further facilitated the decision to open up to civil society actors through the Public Forum and other initiatives. However, the relatively low level of transnational actor access before Seattle was a major reason for the reform demands from nonstate actors (Hannah et al., 2018).

WTO: External Consequences

As mentioned in the previous section, international trade governance has been marked by a rapidly increasing complexity. Hartman (2013) describes how, at the time of writing, 300 PTAs and more than 500 FTAs have been developed since the Doha Round stalemate, representing different levels of ambition and normative motivation for removing trade barriers. These different agreements are, roughly put, more intergovernmental than supranational in nature, as their decision-making bodies usually rely on unanimous voting and their various executive organs are not given too many competences. This said, there is an increasing number of PTAs that include their own dispute settlement procedures (Jinnah and Morin, 2020).

Given the diversity of institutions, it is difficult to assess to what extent their establishment and their endowment with a certain institutional capacity is beneficial

or detrimental to the WTO. What is clear though, is that their establishment matters for the WTO's policy scope. However, some observers have claimed that these new trade agreements, especially the mega-nationals, may become *de facto* substitutes and rivals for the WTO, thereby undermining the IO's policy scope (Stoll, 2017), although these trade agreements may support the WTO in terms of advancing free trade and providing operational platforms while the main IO in the policy field has been affected by sclerotic negotiations. Until present, no WTO member has left the IO, the DSB continues to adjudicate, and the WTO facilitates plurilateral agreements. In fact, a number of our interviewees argue that the proliferation of these trade agreements is not harmful to the WTO, as such agreements may make progress on issues that WTO members cannot agree on, while they still build on the foundation of the WTO agreement (Interview, Senior official, WTO, October 2, 2018a; Interview, Senior official, WTO, October 2, 2018b; cf. Trommer 2017, p. 506).

However, there is uncertainty as to whether the proliferation of trade agreements is causally linked to the WTO's legitimacy crises. On the one hand, Hale and Held (2012, 2017) argue that the stalemate at Doha subsequently motivated members to create alternative trading arrangements. Likewise, Lee (2012) maintains that "the less effective the WTO is at executing multilateral trade governance, the more its member states simply ignore the WTO's efforts and seek bilateral and regional alternatives to secure market opening" (Hale et al., 2013, p. 230).

On the other hand, these observations do not necessarily imply a major role for a legitimacy crisis. As Hartman (2013) argues, pragmatism may rather be the major driver. The growing institutional complexity, and the potential power shift away from the WTO that this may imply, may primarily be driven by the WTO's lack of decision-making efficiency, not by its lack of legitimacy in a narrower sense. As they were unable to agree on major issues from the Doha Round, particularly agricultural subsidies (cf. also Shadlen, 2008; Wesley, 2008; Ravenhill and Jiang, 2009), key WTO members chose the less expensive, easier, and faster option to create PTAs. For one, agreeing on PTAs involves less domestic political attention and opposition than seeking to reach a Doha consensus among 164 other members (Hartman, 2013, p. 428). This practice eventually resulted in a dynamic that may turn out detrimental for the WTO: the more PTAs were founded, the lower the motivation to ultimately conclude the Doha Round.

In addition to sheer pragmatism, a number of interviewees emphasize that the increase in PTAs, FTAs, and RTAs was motivated by strategic interests (e.g., Interview, Professor, University of Sussex (UK), June 7, 2018; Interview, Senior official, WTO, October 2, 2018b; Interview, Professor, University of Bern (CH), June 11, 2018). Member state governments turned to other arrangements in order to move forward with certain issues that served their economic preferences. Yet again, this insight does not necessarily imply that this behavior is ultimately caused by the WTO's legitimacy crisis but is rather a more general outcome of the gridlock of the Doha Round.

Altogether then, we can state that there has been a considerable development of institutional capacities in the WTO environment that has both positive and negative consequences for the WTO itself and that cannot clearly be attributed to the IO's legitimacy crises.

UNFCCC: Internal Consequences

Our qualitative material does not reveal any formal organizational changes for the UNFCCC in terms of pooling and delegation, i.e., the Secretariat's competences or voting procedures (Kemp, 2016; Saerbeck et al. 2020). By contrast, the UNFCCC's policy scope has significantly expanded across the near 30 years of the Convention's history. Today, the UN climate regime is negotiating and deciding upon a much larger set of topics that overlap with many other policy fields, such as adaptation to climate change, carbon sequestration, climate engineering, and deforestation, to name but a few (Falkner, 2021). However, this expansion of negotiation topics cannot be directly linked to the IO's legitimacy crises in the period between COP6 and COP7 (2000–1) and COP15 in Copenhagen but is rather an outcome of a steady expansion of the climate change agenda and the associated state of scientific knowledge (Biermann, 2010, p. 61; Kuyper et al., 2018, p. 352).

Similar to our results for the WTO, however, we find other types of organizational reforms and changed practices that may well be connected to these crises. For one, some of our interviewees (Interview, Professor, University of Eastern Finland (FI), May 28, 2018; Interview, Assistant Professor, Wageningen University (NL), June 5, 2018) mention an informal organizational change at the level of the negotiations that led to the Paris Agreement. Both the Peruvian (2014) and French (2015) COP presidencies had learned from the Danish experience in Copenhagen and adopted a much more inclusive approach to negotiations after the 2009 Copenhagen crisis.

The Copenhagen summit had, in part, broken down because of accusations about the UNFCCC Secretariat and conference chairpersons favoring the interests of the most powerful countries (McGregor, 2011). The Peruvian and French presidencies therefore took the views of economically developing countries more strongly into account—out of both normative motivations, to guarantee procedural fairness, and strategic motivations, to ensure that the negotiations would result in a successful outcome. In their facilitation of the negotiations, these presidencies were prepared for certain developing countries, such as India, to not accept binding agreements (Interview, Professor, University of Eastern Finland (FI), May 28, 2018). Moreover, both presidencies also involved civil society actors and the business community more strongly in the negotiations in order to gain momentum for an agreement and enhance the overall emission reduction commitments of the international community (Hoffmann, 2011; Bernauer and Gampfer, 2013; Kuyper et al., 2018).

Apart from these changes in negotiation practices, there are also organizational reforms that reflect the increased focus on the activities of nonstate actors—and that can be causally linked to the UNFCCC’s legitimacy crisis around the Copenhagen summit in 2009. At this summit, the Secretariat had been criticized by civil society and business actors for being ineffective because it only focuses on governments (Interview, Senior official, WTO, October 3, 2018b). The critique was certainly normatively motivated, with a view to the need for more inclusiveness and openness, but also reflects the strategic interests of the nonstate critics themselves that were vying for more influence. Thus, in the aftermath of Copenhagen, UNFCCC member states and the Secretariat attempted to acknowledge climate action by nonstate actors in a more comprehensive way. This eventually led to the establishment of the Nonstate Actor Zone for Climate Action (NAZCA) platform in 2014 (Hale, 2016; Bäckstrand and Kuyper, 2017).

NAZCA is a registry that gives the UNFCCC Secretariat a system to keep track of commitments by a wide variety of nonstate actors, including municipal and regional networks, private-led initiatives, investor networks, and public–private climate governance partnerships (Zelli and van Asselt, 2015). Through this platform, the Secretariat can create collaborative partnerships with different stakeholders with whom they can then share data on the commitments and progress of nonparty stakeholders. In addition, members of these partnerships can work together to achieve particular objectives or execute specific tasks. Similarly, the Lima-Paris Action Agenda, launched in 2014, encouraged new governance initiatives and became a major pillar in the Paris negotiations (van Asselt and Bößner, 2016, pp. 58–60).

In summary, the UNFCCC underwent changes in its institutional capacity after its second legitimacy crisis in 2009, namely, through organizational reforms for acknowledging nonstate actors and through changes in negotiation practices. With a view to our conditioning variables, the intensive media coverage of the UNFCCC clearly catalyzed such reforms, with most member governments welcoming the further opening to nonstate actors through the NAZCA platform (Chan et al., 2016). The UNFCCC’s relatively high level of transnational actor access (e.g., allowing interventions from different nonstate groups during negotiations) has likely also played a role—by providing a certain tradition and path dependency on which a further opening towards nonstate actors could build (van Asselt and Zelli, 2018).

UNFCCC: External Consequences

A major regime-external development related to changes in the institutional capacity that can be causally linked to the first legitimacy crisis in 2000–1 is the creation of a series of new climate and energy institutions in the early 2000s, right

after the US withdrawal from Kyoto (cf. [Eckersley, 2007](#); [Karlsson-Vinkhuyzen and van Asselt, 2009](#)). These institutions brought together member states and corporate actors, such as the Carbon Sequestration Leadership Forum (CSLF, June 2003), the International Partnership for Hydrogen and Fuel Cells in the Economy (IPHE, November 2003), and the Global Methane Initiative (GMI, November 2004). Further initiatives emerged after the Kyoto Protocol entered into force, such as the (now defunct) Asia-Pacific Partnership on Clean Development and Climate (APP) in January 2006 and the Major Economies Process on Energy Security and Climate Change in September 2007 ([McGee and Taplin, 2009](#); [Zelli, 2011](#)). These “climate clubs” were mostly limited to the industrialized countries and large emerging economies.

Some of these minilateral initiatives were created as alternative models and rival forums to the UNFCCC, thus increasing institutional complexity and incoherence in this domain ([Zelli, 2018](#)). The APP, for instance, was explicitly characterized as a “Kyoto substitute” (*International Herald Tribune*, July 28, 2005). Australian Prime Minister John Howard stated on several occasions that the APP is “significantly better than the Kyoto Protocol on reducing greenhouse gas emissions” (*ABC News*, May 20, 2007).

These initiatives are less supranational in nature than the Kyoto Protocol, as their regulations are not binding. They also have a much smaller policy scope, not only in terms of their smaller membership, but also in terms of their specialization in particular topics, mostly focusing on energy-related themes, while ignoring the concerns of poorer developing countries such as adaptation to climate change ([Biermann et al., 2009](#); [van Asselt and Zelli, 2018](#)). However, their smaller membership also means fewer veto players and a potentially swifter decision-making process.

The building of these new institutions with their respective institutional capacities can thus be interpreted as an attempt at an external power shift away from the UNFCCC and towards more market-driven and non-binding climate policy approaches. We can thus interpret them as being a negative consequence of the first legitimacy crisis, based on the strategic motivation of critical governments that were dissatisfied with the UNFCCC process. German Environment Minister Gabriel, for example, wondered at the time whether another club-like forum, the Major Economies Process, was intended to “halt the whole United Nations process in climate protection and go a special way” (*EU Digest*, 2007). This would imply a challenge to our theoretical expectations from Chapter 5, inasmuch as the skeptical governments that initiated these rival forums (the US and Australia)—as well as the other countries and business actors that joined them—all included constituent audiences of the UNFCCC. However, one qualification is that both the US and Australia, while being UNFCCC members, had withdrawn from the Kyoto Protocol at the time ([Zelli, 2018](#)).

Eventually, these attempts to disempower the UNFCCC from the outside did not prove very successful and later waves of climate clubs would take a more cooperative stance towards the UNFCCC (Bäckstrand et al., 2018). Nevertheless, they mark the increasing complexity in the global climate governance architecture in which the UNFCCC had to reposition itself, as we discuss in the next section.

Effects of Legitimacy Crises on the WTO's and UNFCCC's Decision-Making Capacity

A third dimension for which, according to Chapter 5 above, legitimacy crises can affect an IO's capacity to rule is decision-making capacity, i.e., an IO's production of norms within its policy scope or mandate. The expectation that legitimacy crises will have detrimental effects on decision-making capacity is part of the conventional theory of legitimacy. In times of crises, decision makers will seek to block the adoption of policies, because they share the opposition towards the IO. As noted in Chapter 5, however, there are also reasons to expect that legitimacy crises will make decision makers more aware of real-world problems, resulting in a greater capacity to make decisions. In our quantitative analysis in Chapter 6, we captured this capacity in terms of regular policymaking within designated organs of the IOs in the sample. In our qualitative assessment here, we will also focus on the course and nature of negotiations—both internally and outside the two IOs under scrutiny—which will give us more detailed insights into how decision-making capacity has potentially been affected.

WTO: Internal Consequences

In our quantitative analysis in Chapter 6, we could not identify any significant reduction in the WTO's decision-making capacity during or after the two legitimacy crisis periods. Indeed, the IO has been continuously producing policy output. Countries are still lining up to become members of the WTO and no member has ever left. Notably, the Russian Federation (2012) and other countries of the former Soviet Union, such as Tajikistan (2013) and Kazakhstan (2015), have become members. Since every prospective member negotiates its own terms of membership, each new admission to the WTO also entails a form of policy output (WTO, 2017a, Article XII).

Other examples of a functional decision-making capacity are the 2013 Trade Facilitation Agreement (TFA), a protocol amending the Marrakesh Agreement, and the operation of the DSB, which has continuously submitted reports and interpreted agreements. While no new multilateral trade deals have been struck, the

WTO has also facilitated plurilateral agreements, i.e., agreements negotiated on particular issues by a smaller number of members, such as the revamped Agreement on Government Procurement (GPA, 1996) and the Information Technology Agreement (ITA, 1996). Finally, albeit only since 2013, careful steps have been taken towards multilateralism with the conclusion of the TFA and the current negotiations about fishing subsidies, an issue with origins in the Doha Round (Hoekman, 2016; Paine, 2019).

These illustrations of the productivity of the WTO's decision-making machinery, however, have to be put into perspective. A closer look at the importance and nature of negotiations and negotiation topics—which our qualitative analysis allows us here—results in a somewhat different reading. When it comes to crucial decisions, first and foremost the completion of the Doha Development Agenda, the WTO indeed engaged in relatively low levels of decision-making between 1998 and 2008, i.e., during and right after the two legitimacy crisis periods that we identified.

To contextualize this, we identified the 1999 MC in Seattle as a legitimacy crisis because of the protests of the anti-globalization movement, but also because of the tensions between different country groups. Economically developing countries were dissatisfied with the Grand Bargain (see Chapter 4) struck in the Uruguay Round, with disagreements about agricultural subsidies and IP rights further soaring in the ensuing MCs. Most interviewees maintain that the launch and terminology of the “Doha Development Agenda” in 2001 was an attempt by the WTO leadership to show concern for such issues and to present the organization as being favorable to the interests of low- and middle-income countries (Interview, Senior official, WTO, October 3, 2018b; Interview, Senior official, WTO, October 2, 2018a; Interview, Senior official, WTO, October 2, 2018b). Yet, while the original ambition was to conclude the Doha Round within four years, it was de facto put on hold as of 2008, and formally concluded in 2015. Meanwhile, until December 2013, no major new multilateral agreement was signed (Koopman and Whittig, 2014).

While a considerable part of the WTO's decision-making problems therefore occur during or immediately after the two legitimacy crises we identified, our interviewees caution against seeing a causal connection between legitimacy crises and WTO decision-making. Rather, they refer to competing explanations, such as the mounting difficulties of negotiating among an increasing number of members with very different economic interests as principal reasons for the Doha round's failure (Interview, Senior official, WTO, October 3, 2018a; Interview, Senior official, WTO, October 3, 2018b; Interview, Senior official, WTO, October 2, 2018a; Interview, Senior official, WTO, October 2, 2018b). One expert (Interview, Senior official, WTO, October 3, 2018b) in particular points to the entrance of China into the trading system and the additional challenges this entailed for the talks on agriculture subsidies:

China exports industrial products to everybody. So, if Argentina is not opening its markets to industrial products, it's not because it fears US or European products, but because it fears Chinese products. And countries like Argentina, Brazil, South Africa, or Mexico are no longer willing to open their markets, because they are not really competing with European and American agriculture. They say, let the Europeans and the Americans subsidize their products, we don't care, China is buying every grain that I produce. So that Grand Bargain does not work any longer. It's a commercial ... it failed because of a commercial interest, and a new economic actor in the equation, not because of political or public contestation.

All in all, there are indeed changes in the WTO's decision-making capacity due to the Doha stalemate. This overarching negative development is qualified by a certain continuation of policy output beyond the major negotiation round. Most importantly for our research, however, neither the stalemate nor the further production of output can be clearly attributed to the IO's legitimacy crisis.

WTO: External Consequences

As mentioned in the section on institutional capacity, a considerable part of negotiations in global trade governance has moved from a multilateral to a plurilateral or even bilateral level (Interview, Senior official, WTO, October 2, 2018a; Interview, Professor, University of Bern (CH), June 11, 2018; [Hoekman and Mavroidis, 2015](#)). This means that negotiations continue in smaller groups instead of involving all members. This move to plurilateral and bilateral negotiations is arguably motivated by the fact that the Doha Round had reached a stalemate (Interview, Senior official, WTO, October 2, 2018a; [Woolcock, 2013](#); [Dupuy, 2015](#)).

In terms of decision-making capacity, one interview warns that plurilateral negotiations allow large industrial economies to strike deals without taking into account the interests of middle-income or low-income countries (Interview, Professor, University of Sussex (UK), June 7, 2018). Having been excluded from these negotiations, economically developing countries can at best agree to these new rules *ex post* and on a voluntary basis. (S)he further assumes that such agreements may, in the long term, affect the legitimacy of the WTO. As nonparticipating developing countries may become passive observers of what is agreed, their perceptions of the input legitimacy of the trading regime may become less positive, thus leading to a reinforcement of the legitimacy crisis.

This said, most experts warn against overstating this connection between legitimacy crises and the development of other trade agreements (Interview, Senior official, WTO, October 2, 2018a; Interview, former UNFCCC Executive Secretary, October 19, 2020). In their view, plurilateralism is merely a sign of pragmatism and has little to do with legitimacy or a lack thereof. They maintain that members

in plurilateral settings simply negotiate issues that not all members can agree on. Ultimately, such agreements may even prepare future multilateral agreements by keeping certain issues on the table and reaching initial deals on these issues among some members.

UNFCCC: Internal Consequences

In contrast to the WTO, legitimacy crises have left a clearer imprint on the decision-making capacity of the UNFCCC. This particularly applies to the crisis around COP15 in Copenhagen in 2009. Before the Copenhagen summit, major joint emission reduction efforts, agreed mostly among high-income countries, were usually binding. Such obligations were first and foremost established in the 1997 Kyoto Protocol and further elaborated in the 2001 Marrakesh Accords. Since 2009, however, respective commitments are increasingly of a non-binding nature and observers clearly connect this to the lessons learned at Copenhagen and the associated legitimacy crisis (Interview, Professor, University of Eastern Finland (FI), May 28, 2018; Interview, former UNFCCC Executive Secretary, October 19, 2020; Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021; [Widerberg and Pattberg, 2015](#)).

Although the overall goal of the 2015 Paris Agreement is to keep the increase in global average temperature to below 2 degrees Celsius above pre-industrial levels, it does not set out any binding objectives for its members. Instead, countries may determine their own goals in the form of Nationally Determined Contributions (NDCs). While heavily criticized for its failure to deliver a successor to the Kyoto Protocol, the Copenhagen Accord ultimately paved the way for such a system, comprising country-driven commitments. Already prior to COP21 in Paris, UNFCCC members had submitted so-called “Intended Nationally Determined Contributions (INDCs)” to the Secretariat ([Falkner, 2016](#)). Every five years, countries have to submit a report to the Secretariat that includes plans to reduce national emissions and adapt to the impacts of climate change, and which ultimately details progress in terms of NDCs. The UNFCCC Secretariat administers the NDC registry and organizes the reviews of these reports ([Bäckstrand and Kuyper, 2017](#)).

According to one expert (Interview, Senior official, WTO, October 3, 2018b), in addition to NDCs, other elements of the Paris Agreement may have also been incentivized by the UNFCCC’s previous legitimacy crises. First of all, the emission reduction commitments in the Paris Agreement now apply to both industrialized *and* economically developing countries. This change also addressed the heavy critique, for example, by former US and Australian governments, that the Kyoto Protocol’s obligations had only applied to high-income countries ([Zelli, 2018](#)). Moreover, the supplementation of the controversial market-based mechanisms

of the Kyoto Protocol with non-market-based approaches in the Paris Agreement may be attributable to criticisms in Copenhagen by Latin American countries such as Bolivia and Ecuador.

Altogether, the Paris Agreement can be regarded as a positive consequence of the legitimacy crisis in Copenhagen for the UNFCCC's decision-making capacity. By addressing various types of critique, the IO upheld its capacity to rule the policy field it has been tasked with regulating, based on a new and comprehensive agreement that defines global climate governance for many years.

In terms of causal pathways, decision makers were certainly following normative motivations linked to the legitimacy crisis around the Copenhagen summit in 2009. The decision to expand commitments beyond high-income countries and include non-market-based approaches go directly back to the fairness concerns of critics in Copenhagen. However, strategic motivations equally played a role, in particular the interests of key member governments to avoid binding commitments and keep control of the nature of these commitments. We will return to this point in the next sub-section on external consequences.

In terms of important conditioning factors, the media coverage of the UNFCCC and the publicity this entailed certainly enhanced the effect of such fairness demands (Zelli, 2018). The same may apply to the low level of delegation and pooling, which gave each of the critical member governments a de facto veto power on these matters (Zelli, 2018).

UNFCCC: External Consequences

Much of what we just wrote on the internal consequences for institutional and decision-making capacity can be rewritten here, albeit with a twist. The Paris Agreement can be interpreted as both a crucial reinvigoration of the decision-making capacity of the UNFCCC, as suggested above, but also as a turning point since it implied losing some of that very capacity to its member state governments.

In the latter sense, elements of the Paris Agreement can be regarded as a negative consequence of the 2009 legitimacy crisis, as they imply a subtle re-unilateralization, i.e., a hollowing out of the decision-making capacity of the UNFCCC. Following the failure of the 2009 Copenhagen summit, many state and nonstate actors had perceived the UNFCCC as being incapable of reaching a new agreement, unless it were to undergo a drastic change of direction (Interview, former UNFCCC Executive Secretary, October 19, 2020; Interview, former Conference chairperson, UNFCCC, November 30, 2020; Victor, 2016). The result was a growing and strategically motivated resistance of a critical mass of member states against a continuation of the command-and-control approach to carbon emission reductions.

Thus, instead of further promoting an approach involving binding targets, the UNFCCC Secretariat and chairpersons at climate summits sufficed with a set of

de facto unilateral NDCs. As each member can now establish its own NDC, the design and output of greenhouse gas reduction measures have mainly been put back into the hands of member state governments. In the context of the respective negotiations, the Secretariat under Executive Secretary Figueres (2010–16) has been described as being much more “passive” and “less critical” than its predecessor (Interview, former UNFCCC Executive Secretary, October 19, 2020; Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021; Interview, former Conference chairperson, UNFCCC, November 30, 2020).

Thus, accepting this subtle re-unilateralization as a survival strategy can also be regarded as a negative consequence of the UNFCCC’s second legitimacy crisis—which would therefore partially go against our theoretical expectation as formulated in Chapter 5 for this case, as most of the corresponding critique had clearly come from constituent audiences.

However, there are also positive external consequences for the UNFCCC’s decision-making capacity. The UNFCCC Secretariat also improved its capacity by pragmatically embracing the role of an orchestrator in polycentric global climate governance (Abbott et al., 2015; van Asselt and Bößner, 2016). As mentioned earlier, the UNFCCC established the NAZCA platform and the Lima-Paris Action Agenda in order to keep track of nonstate action on climate change across the globe. In addition, the Secretariat is responsible for the NDC review mechanism. Overall, these different functions give the UNFCCC Secretariat the role of a clearing house or watchdog for both state and nonstate activities on climate change (van Asselt and Bößner, 2016, p. 58–60).

Altogether, we find a set of external consequences that can be attributed to the legitimacy crises of the UNFCCC and largely linked to the strategic motivations of member state governments and the Secretariat. The nature of these consequences, however, is mixed, including both positive and negative aspects for the UNFCCC’s decision-making capacity.

Conclusions

Summarizing our qualitative analysis of the consequences of legitimacy crises for the WTO and the UNFCCC, we find that both IOs show an increase in their material capacity during and after legitimacy crises. However, our analysis did not provide empirical evidence that would suggest that growing resources are causally linked to such crises.

The situation is different when we look at the other two dimensions of the capacity to rule included in our research design. Both IOs experienced a growth in institutional capacities, e.g., with regard to an enhanced openness towards non-state actors. The WTO in particular has experienced major changes in this regard.

We found both strategic and normative causal pathways that link these positive developments to the two preceding legitimacy crises of the WTO and to the second crisis of the UNFCCC. In terms of the external consequences for institutional capacity, the policy fields of both the WTO and the UNFCCC have been marked by a high degree of institutional proliferation over the past 20 years and more. While this development could not be directly connected to the WTO's legitimacy crises, we found evidence to support such a link for both legitimacy crises of the UNFCCC. After its first crisis in particular, constituent members built rival institutions mostly due to strategic motivations.

The decision-making capacity of the WTO has undergone mixed, but largely negative changes internally due to the Doha stalemate, and externally due to a certain power shift towards plurilateral trade agreements. However, none of these changes can be directly attributed to a legitimacy crisis. Internal and external changes in the UNFCCC's decision-making capacity were also mixed but were more far-reaching than in the WTO case—with the successful negotiation of the Paris Agreement and an increasing orchestrator role of the UNFCCC Secretariat as positive developments, and a subtle re-unilateralization as a negative trend. Unlike the WTO, these changes could be traced back to legitimacy crises, particularly to the UNFCCC's second crisis around Copenhagen 2009 and the respective demands voiced by various state and nonstate audiences in this context.

Across these varied findings, it is striking that those three of the four crises in particular—both WTO crises and the second UNFCCC crisis—which were marked by a high degree of social breadth that included both elite critique and mass protests, as well as state and nonstate actors, led to considerable changes for the WTO's and UNFCCC's own institutional capacities and, in the case of the UNFCCC, its own decision-making capacity, too. All of these changes were positive, which is in line with an argument developed in our theoretical framework and also in line with the evidence from the quantitative analysis that found a similar pattern for this type of crisis.

In the same vein—and notwithstanding the incidents we found that showed no causal connection or negative consequences—each of the four crises, as a minimum, led to some positive consequences either for the IO itself or its institutional environment. Where we were able to establish causal connections for internal consequences, we also explored the role of conditioning factors. Here, media coverage, policy scope, and transnational actor access may have had some impact on increases in the institutional capacity for one or both IOs. Delegation and, echoing observations from the quantitative analysis, pooling, might have played a certain role for changes in the UNFCCC's decision-making capacity.

Our goal in this chapter—and also for the quantitative analysis in the previous chapter—has been to use our theoretical framework as guidance to analyze IO legitimacy crises and their consequences in a more systematic way. In this sense, our framework has proven highly valuable in this chapter. Notwithstanding the mixed results, we would like to reiterate one important cross-cutting trend that is

in line with our overarching motivation for this volume: Against the expectation derived from the conventional theory of legitimacy, legitimacy crises often do *not* have negative consequences. Most notably, we did not find any negative internal changes—i.e., reductions in the WTO’s or the UNFCCC’s own material resources, institutional powers, or decision-making capacities—which could be causally linked to a legitimacy crisis of these two IOs. Instead, we found such causal connections for positive developments that correspond to the theoretical expectations of Chapter 5 regarding the importance of the constituent actors that dominated the challenges for both IOs studied in this chapter. Our sources and interviewees pointed to the existence of both strategic and normative pathways between legitimacy crises and their potential consequences. Finally, this chapter demonstrated the importance of not ending the assessment at the boundaries of the targeted IO, as our analysis revealed causal connections to the consequences of a legitimacy crisis in the institutional environment of the global trade regime and the global climate regime.

8

Conclusion

The Scope and Effects of Global Legitimacy Crises

In this concluding chapter, we draw on both parts of the book to better understand the research problem identified at the outset: why is it that crises of legitimacy in multilateral governance, despite the benefits for any organization of having legitimacy, sometimes do not affect the targeted organizations or—contrary to received predictions—even strengthen their capacity to rule? This question is a puzzle in theory but also has implications for practice. The crises of legitimacy and the targeted organizations studied in this book are a significant part of global efforts to address real difficulties of democracy, security, migration, poverty, the environment, and other life domains. Robust knowledge on how, if at all, legitimacy crises affect the capacity to rule of international organizations (IOs) will thus have immediate implications for decisions by political actors as to whether to unconditionally support these organizations or join public challenges to their legitimacy.

Hence, there are both theoretical and practical reasons to revisit how our conceptualization of an IO's legitimacy crisis, the explanatory framework, and the quantitative and qualitative empirical research of the shape and effects of legitimacy crises have contributed to a better understanding of the highlighted research problem. To conclude this book, we link the broader pattern from the comparative assessment of legitimacy crises in Chapter 3 with the in-depth study from Chapter 4 on how such crises start, persist, and end. We discuss the specific conditions identified in Chapters 6 and 7 on which particular types of legitimacy crises can be either detrimental or beneficial for the targeted organization and its environment. We conclude the chapter with a discussion of the implications of our results for existing literature, future research opportunities, and political debates on the liberal world order, human challenges in global politics, and the proper role of legitimacy, as analyzed in this research field, in political discourses and practice.

Theoretical Innovations

To understand the effects of legitimacy and of legitimacy crises, we have argued for a revision of the conventional theory of legitimacy, regarding its definition of

legitimacy crises as well as the account of causal mechanisms started by legitimacy crises. Instead of delineating legitimacy crises by reference to what they entail for the organizations, we propose to conceive of such crises purely at the level of social perceptions. In Chapter 2, we defined a legitimacy crisis of an IO as a situation in which a relevant group of people believe that the IO's ways of ruling diverges from what is normatively appropriate, to a point where the people react critically to the political status quo with an intensity that is extreme compared to other moments in time. By operationalizing this conception of IO legitimacy crises, we find a tool for predicting either the positive or negative effects of various aspects of their capacity to rule in global governance.

A second innovation in our conceptual framework for studying legitimacy crises comprises the differentiated treatment of legitimacy audiences, that is, agents whose perceptions are constitutive of legitimacy or a legitimacy crisis. In research on the legitimacy of the nation-state, the concept of legitimacy audience has a widely accepted empirical meaning, namely, that only citizens should count in assessments of the legitimacy. The semi-anarchical structures and the border-transcending processes that are distinctive of international and global politics create a situation in which people interact without any fundamental agreement or regulation of what people have a right to rule and be counted in legitimacy research (Agné, 2022). For our analyses to be relevant to readers with different views on who the relevant people are, we cover and distinguish between perceptions based on alternative conceptions of the legitimacy audience. We look at formal members of multilateral organizations, but also governments and civil society organizations on the outside of those organizations; individuals that express themselves in elite channels, as well as participants in mass protests. One important implication of this approach is that an IO may be legitimate from the perspective of one audience while facing a legitimacy crisis when being assessed by another. Our concept also provides an empirically richer description of IO legitimacy crises and allows us to gain leverage when explaining their effects, as effects may be driven by some particular audience alone.

Turning to the consequences of legitimacy crises of multilateral organizations, the empirical anomalies led us to break some new ground in explanatory theory. Put simply, the conventional theory conceives of legitimacy crises as a cost or liability for the organizations that confront them. We do not exclude the possibility that legitimacy crises have such a negative influence. But to explain a wider set of potential outcomes, we proposed in Chapter 5 to conceive of legitimacy crises more fundamentally as a form of audience activation which, in turn, leads to more and different activation of the same and partly new audiences, including but not limited to policymakers. One possibility then is that crises may have a positive influence and serve as a wake-up call that leads to a rediscovery of what is essential in order for these institutions to realize their goals. The two processes that can be dominated by either strategic or normative motives may run in parallel, and the net effect may be zero, depending on the circumstances of a specific IO.

Developing these ideas into explanations of distinct outcomes, we suggested that different causal factors are useful to predict the likelihood and the direction, respectively, of the effects of legitimacy crises. The *likelihood* of the effects, we argued, are determined, in the main, by the intensity of the crisis, as described along the dimensions of normative depth and social breadth. Normative depth refers to the values that a critical audience believes an institution in crisis is violating. We measured and compared normative depth by counting public challenges towards IOs within a given audience type. Social breadth refers to the range of distinct audience types that are activated in a legitimacy crisis. We measured and compared social breadth by showing how governments, street protestors, and civil society organizations, inside and outside the IO, either join forces, or act alone, in a particular crisis.

The *directedness* of the effects of legitimacy crises, such that a crisis either increases or decreases the value taken by any particular outcome variable, is not explained by the same factors. As we have argued, the directedness is determined, in the main, by the specific type of audience that is activated in a particular crisis, such as member governments or civil society groups, which are guided by different and unique norms or interests. The directedness of the effects of legitimacy will also depend on what an IO does in reaction to a crisis, which will, in turn, depend on its policy mandate, membership, and institutional design. In short, we suggest that the likelihood and direction of the effects of legitimacy crises are distinguishable matters that are triggered by different factors.

Another innovation in our explanatory framework is to explain the effects of legitimacy crises on the core features and activities of IOs in a comprehensive manner, thereby going beyond existing studies that typically only cover a specific and narrow aspect. We introduce the concept of an IO's *capacity to rule* that echoes a dimension in the conventional definition of legitimacy as the right to rule. This umbrella concept covers three core dimensions in all political institutions beyond the state, namely, the material capacity, the institutional capacity, and the decision-making capacity. These are necessary, though not sufficient elements for a political institution to effectively address real-world problems. For example, rule compliance is needed for problem-solving effectiveness but excluded from the definition of capacity to rule. Like problem-solving effectiveness itself, rule compliance typically subsumes, or is caused by, multiple factors external to the political institution. The concept of capacity to rule should then be more effective to capture the effects of legitimacy crises. As we have argued, legitimacy crises are capable of affecting the key dimensions of the capacity to rule in different ways.

Empirical Findings

The empirical chapters tested our theoretical innovations and presented the first comprehensive assessment of the consequences of legitimacy crises in multilateral

governance. Analyzing an original large-scale collection of data, Chapters 3, 4, 6, and 7 provided original answers to questions on the shape and prevalence of legitimacy crises, as well as the effects and causal mechanisms they trigger across key dimensions in political institutions' the capacity to rule.

We designed a comparative and longitudinal mixed-methods study. The statistical analysis of 32 IOs in Chapters 3 and 6 covered observations from 1985 to 2020. We captured legitimacy challenges ranging from mass demonstrations in Berlin against the International Monetary Fund (IMF) and the World Bank in the late 1980s, to public critique of the World Health Organization (WHO) during the ongoing COVID-19 pandemic. The broad comparative perspective helped us to avoid a bias towards few, well-studied cases, and allowed us to systematically map legitimacy crises and their consequences for a wide range of different organizations. Furthermore, we introduced a new quantitative measure based on public statements on IOs in international news agencies that differentiated between critical audiences and enabled us to identify the historical peaks of public challenges. In Chapters 4 and 7, we complemented the aggregate perspective of our quantitative approach with two in-depth studies of the United Nations Framework Convention on Climate Change (UNFCCC) and the World Trade Organization (WTO) that allowed a deeper understanding of both crises and causal mechanisms linking them to internal and external changes in the capacity to rule.

The two empirical chapters in the first part of this book mapped and assessed the emergence and pattern of IO legitimacy crises. While providing systematic evidence of the empirical relevance of this phenomenon, we found a nuanced picture of legitimacy crises in global governance.

First, all findings clarified that we should not speak of a *single* comprehensive global legitimacy crisis, not when looking at developments in recent years or at developments in any other time frame. Instead, legitimacy crises are phenomena that draw attention to particular sections of global governance in discrete periods of time. Rather than positing the world as a single place, global legitimacy crises posit a stream of separate processes that often follow their own logic internal to a particular IO.

Second, the quantitative analysis revealed that many IOs in our sample have experienced some form of legitimacy crisis in our time frame from 1985 to 2020, but that these events are quite rare. Revealing an overrepresentation of crises in the existing qualitative scholarship on familiar and well-studied IOs, we argue that there are large parts of global and regional governance that are either not affected, or only partially affected by major public challenges to their legitimacy. For around one-third of IOs in our sample, we could not find anything that comes close to a legitimacy crisis, and many IOs faced only weak or nonrecurring challenges.

Third, we were unable to identify a clear time trend for legitimacy crises in global governance. There is a concentration of challenges between 1995 and 2005, but the timing of the crisis is organization specific. Regarding the strong narrative

of a decline in the multilateral order in recent years, we observe that only a small number of IOs experienced their worst crises after 2015, such as the European Union (EU) in the aftermath of the Brexit referendum, the Group of 20 (G20) with clashes in Hamburg in 2017, and the WHO during the COVID-19 pandemic. Although these are prominent cases, most IOs in the sample do not provide evidence of an ongoing crisis of multilateral governance *per se*.

Fourth, looking at the IO legitimacy crises that actually do emerge, it is clear that global and regional governance do not display any prototypical type of crises. Instead, we observe significant variation in terms of the type of crisis. Some crises are dominated by states, others by nonstates; some by insiders, and others by non-constituent outsiders. For example, NATO's legitimacy crisis was dominated by nonmember governments, whereas nongovernmental groups from member states were the most visible during peak periods of public challenges to the IMF, the World Bank, and the WTO. Some crises were monopolized by a single type of audience; other organizations, like the EU, faced critique from a broad range of actors.

Fifth, we corroborated evidence of legitimacy crises in our in-depth case studies of the WTO and the UNFCCC. The qualitative approach was a useful addition to our quantitative approach in that it helped us identify the timing of crises. While a wave of public criticism might fade away relatively quickly in the event-driven dynamics of mass media agenda-setting, some crises last longer within an organization, amongst its constituent members. These observations suggest that the intensity of legitimacy crises—and their potential to affect an IO's capacity to rule—can best be assessed by a combination of public pressure and an insider perception of the duration of these challenges. By adopting both perspectives, the qualitative analysis led us to conclude that the crises of the UNFCCC were short or punctuated, and the WTO's crises were quite extended.

Sixth, the case studies highlighted that legitimacy crises differ in terms of targets. While the WTO's overall purpose was challenged, the UNFCCC's overarching purpose, *i.e.*, to combat climate change, was not questioned. Rather, in the case of the UNFCCC, specific agreements or processes were attacked. At the same time, and in line with our conceptualization in Chapter 2, all identified crises were socially broad and normatively deep.

In the second part of our book, the quantitative analysis in Chapter 6 and the case studies in Chapter 7 demonstrated that legitimacy crises actually matter for an IO's capacity to rule. However, the empirical results are not as simple and unconditional as the overwhelming support for the conventional theory in previous research would suggest, and the results are also not consistent with that theory. Legitimacy crises affect an IO's capacity to rule in more complex ways regarding the direction and timing of the effects, its dependence on the nature of the legitimacy challenges and core IO features, and the specific aspect of its capacity to rule. This overall summary of the findings in the second part of the book confirms the

empirical anomalies that we established at the outset, in Chapter 1, based on the preliminary findings. More specifically, the explanatory empirical analyses offer six conclusions.

First, the quantitative large-N approach showed the statistically significant negative effects of legitimacy crises on an IO's capacity to rule, as expected in the conventional theory of legitimacy, in some instances. We found that a decline in material resources and decision-making was more likely to occur when public challenges were from more than one type of audience, when, for example, state *and* nonstate actors or constituent *and* external actors joined forces, though only for the short-term effects. In addition, we observed that resource cuts were more likely when mass protests complemented elite critique and when the crisis was dominated by constituent audiences or nonstate actors. We also found that a short-term downturn in the decision-making capacity was related to crises years in which member states dominated public critique.

Second, we also observed significant positive effects related to particular types of legitimacy crises, as exclusively permitted by this book's activation theory of legitimacy crises, in some instances. Again, an enabling condition for such positive effects was that public challenges were from heterogeneous audiences. This time, however, we noted a higher likelihood of growing institutional capacity and decision-making capacity when looking at the effects within a time frame of two to four years. Our data also supported the expectation that mass protests trigger an increase in material resources and decision-making.

Third, the quantitative analysis provided some evidence of the presence of conditional effects of specific IO characteristics. For example, an IO in which members can refer to majority voting is more likely to experience legitimacy crises leading to resource growth. A broad mandate makes it more likely that member governments will support an expansion of IO capacities. We also found that IOs that attract mass media attention were more likely to see a downturn in decision-making as a consequence of a legitimacy crisis.

Fourth, our findings from the quantitative analysis amount to significant support for the activation theory of legitimacy crises that was previously suggested. Counting both the independent and conditional effects, there is on balance more evidence in favor of the activation theory predicting a growth in the capacity to rule than the conventional theory. The conventional theory explains negative effects, while the activation theory motivates both positive and negative outcomes, depending on specified conditions of institutional characteristics and legitimacy audiences. The fact that our statistical analyses do not confirm any strong effects of our most basic crisis indicator, which does not discriminate between audience types, speaks against the conventional theory, and in favor of the activation framework. In Chapter 5, we suggested that the likelihood and direction of the effects of IO legitimacy crises depend on who the audience members are or, put differently, what a legitimacy crisis means in terms of audience composition. We did not expect any particular effect of legitimacy

crises before the audience types and the institutional context had been specified. The diversity of our results and the presence of conditional effects speak in favor of the qualifying theoretical stance we take in this book. Still, there is no clear winner between the activation theory and the conventional theory at this point. As noted in the introduction, these two theories do not necessarily compete with each other; they rather point to causal mechanisms that can operate in parallel.

Fifth, our in-depth analysis of the consequences of legitimacy crises in the WTO and the UNFCCC confirmed that legitimacy crises in these organizations contributed to change in their capacity to rule. These cases allowed us to reveal changes that are more difficult to grasp because they are less palpable. Sometimes the effects are only visible beyond the organizational borders. Our analysis revealed that an IO's legitimacy crisis may not only have consequences for the IO itself, but also for its institutional environment, i.e., for other institutions operating in the same policy field of global governance. For instance, we found that some of the UNFCCC's member governments built alternative institutions in reaction to the IO's legitimacy crisis. Moreover, a legitimacy crisis may also lead to a slight redefinition of an IO's role in its institutional environment, in an attempt to maintain or regain a central position in the policy field it seeks to govern. We were able to show this for the UNFCCC Secretariat, which has assumed the role of an orchestrator for a diversity of intergovernmental and transnational climate initiatives that have emerged over approximately the last 20 years. Notably though, not every development towards institutional complexity, fragmentation, or orchestration can be necessarily traced to a legitimacy crisis, as our analysis of the WTO revealed. These mixed findings demonstrate the importance of in-depth case studies for establishing whether the motivations and practices of different audiences are indeed connected to a legitimacy crisis.

Sixth, the qualitative case studies revealed how certain changes in an IO's capacity to rule are not necessarily linked to legitimacy crises—most notably the changes in the resources of the UNFCCC and the WTO, as well as the consequences of the Doha stalemate on the WTO's decision-making capacity. However, the case studies also revealed characteristics in the causal mechanisms that link crises and their effects, as we illustrated how strategic motivations, normative motivations, or a combination of both, contributed to establish certain consequences. The WTO's organization of the Public Forum, for example, was established as a consequence of both normative concerns regarding inclusiveness, as well as serving the strategic purpose of disarming critics.

Implications for Research and Practice

Our empirical findings speak to a number of topics and fields of research. First, they provide broader historical context in which to judge the role of legitimacy for

the potential crisis of the current liberal world order (e.g., Börzel and Zürn, 2021; Lake et al., 2021) or the death and decline of IOs (von Borzyskowski and Vabulas, 2019; Debre and Dijkstra, 2021; Eilstrup-Sangiovanni, 2020, 2021). Our time series, which covers ongoing developments as well as previous periods of legitimacy crises, supplements recent cross-sectional and experimental analyses on the legitimacy of IOs (e.g., Anderson et al., 2019; Dellmuth et al., 2019; Verhaegen et al., 2021, Dellmuth et al., 2022).

On that basis, we join others who argue that there is little evidence to support the notion of a general crisis of legitimacy for the whole of global governance or the liberal world order (Walter, 2021a; Dellmuth et al., 2022). This conclusion is based on a detailed comparison of the current situation with legitimacy crises in the past, as well as an empirically confirmed hypothesis that a decline in multilateral governance is not the only potential outcome of a legitimacy crisis. We find that serious critique and challenges from core member governments are not a new phenomenon in global governance, and that the crisis level in recent years has reached a historical high only for a limited number of IOs. Thus far, no data are available to assess the effects or potential effects of these crises for organizations such as the EU, the WTO, and the WHO. What we *can* say, however, is that similar constellations of legitimacy crises in our data had some, though limited, negative consequences. In other instances, they tended to strengthen the IO capacity to rule.

Second, our results speak to previous research that have looked at the consequences of the legitimacy of IOs. This scholarship has been rare and mainly focused on single IOs. We demonstrate how, for instance, the case of the Association of Southeast Asian Nations (ASEAN) (Ba, 2014) and the International Criminal Court (ICC) (Fehl, 2004) can be seen in a larger context of multilateral organizations. Other studies have assessed legitimacy-related variables as one explanation among others for specific consequences, e.g., the establishment of parliamentary assemblies (Lenz et al., 2019; Rocabert et al., 2019) and participatory arrangements for nonstate actors (O'Brien et al., 2000; Tallberg et al., 2013). Much of this research has been focused on institutional reforms, and we did find some evidence of a link between legitimacy crises and changes in the institutional capacity. However, as we obtained partially diverging results for different dimensions of the capacity to rule, we suggest that a comprehensive perspective on institutional outcomes is necessary in order to understand the consequences of legitimacy crises.

Third, our results question a number of assumptions made covertly or openly in political science. At this point, it goes without saying that legitimacy has consequences. Nevertheless, it contradicts common views, or theoretical habits, in international relations (IR) realism (Mearsheimer, 1994/1995), rational choice (Downs et al., 1996), and materialist explanations (Przeworski, 1986). Another obvious point is that the effects of legitimacy crises can be both positive and

negative—which opposes a widely influential simplification in research on legitimacy that its noteworthy effects are purely positive for political desirables such as effectiveness and performance (Weber, [1922] 1978); Beetham, 1991; Buchanan and Keohane, 2006; Gilley, 2008; Tallberg et al., 2018). Again, we find that the effects of legitimacy crises change direction (from positive to negative and back again) depending on the time frame of the analysis, the dimensions of the capacity to rule that we focus on, the composition of the crisis in terms of political agents, and the characteristics of the institution under attack.

Fourth, the evidence we have presented to suggest a causal link between legitimacy crises and an IO's capacity to rule has implications for the distinct question of what it is that explains the emergence of legitimacy, and legitimacy crises, in the first place. In particular, because the capacity to rule is a necessary prerequisite of an IO's performance and effectiveness, it is easy to conceive of possible feedback from legitimacy crises on factors that create or erode legitimacy in the future. Research aimed at explaining the emergence of legitimacy and crises of legitimacy in relation to IOs often sees performance—and perceptions of performance—as explanatory factors for varying levels of legitimacy (Anderson et al., 2019; Dellmuth et al., 2019; Verhaegen et al., 2021). Hence, the causal link we suggest from legitimacy to capacity to rule will also be an element of a more complete explanation of the legitimacy that existed in the first place. Theories of political systems have long conceived of input and output as being related to each other by means of legitimacy that both explains and is explained by political outcomes (Easton, 1965; Scharpf, 1999; Zürn, 2018). Our findings allow international systems theories to find a basis in empirically tested assumptions.

Fifth, we believe that our results provide new insights for researchers interested in the legitimation, delegitimation, and re-legitimation of IOs. While (re-)legitimation can be seen as a strategic response of IOs that have been targeted by critical audiences (e.g., Bexell et al., 2022; Ecker-Ehrhardt, 2018b), we go one step further and show the conditions under which these challenges may extend beyond public communication or symbolic politics, that is, when they become manifest in formal decisions, new material resources, or institutional powers under the control of an IO. The aggregated perspective on delegitimation attempts in our quantitative measure allows us to analyze how and when the concentration of such challenges in a particular period of time leads to substantial consequences for IOs.

Our study also connects with the burgeoning literature on the politicization of IOs (e.g., Zürn, 2018; Herranz-Surrallés, 2020; Rauh and Zürn, 2020). Such politicization involves debate about an IO and its policies and often leads to the questioning of the IO's legitimacy (Ecker-Ehrhardt, 2018b). A legitimacy crisis can be seen as a strong episode of politicization, in which contestation between opponents and proponents spills over into to a situation in which the IO in

question is solely attacked by a growing group of audiences. We also connect operationally with the politicization literature in which politicization is measured by salience, actor expansion, and polarization (e.g., [Hutter and Grande, 2014](#))—which come close to our indicators of visibility, social breadth, and normative depth, respectively.

Sixth and finally, this volume contributes to existing scholarship that aims to explore more broadly what we capture as the three main dimensions of the capacity to rule. Our empirical results show how legitimacy and legitimacy challenges may help us to better understand IO resourcing ([Goetz and Patz, 2017](#); [Bayram and Graham, 2017](#); [Heldt and Schmidtke, 2017](#)), IO policy performance ([Agné, 2016](#); [Sommerer et al., 2021](#)), and the expansion of IO authority ([Hooghe et al., 2017](#); [Zürn, Binder and Tokhi, 2021](#)).

The contributions listed here all motivate further engagement in research with the consequences that legitimacy may have for global governance. There are plenty of methodological opportunities, including quasi-experiments and survey research, available, but not yet tested, to clarify the subtleties in this field. Issues of compliance and problem-solving effectiveness are also waiting to be addressed in the systematic testing of how legitimacy in multilateral governance affects outcomes of broad social and political relevance.

Yet the implications of this study do not end with new reasons for conducting research in an expanded field. It also matters for the political and social life being studied. We note the possibility of three broader implications of our results, beyond the confines of this study, crossing the line towards a political conversation.

First, in relation to the debate on the future of the liberal world order, as challenged in recent years by nationalist and populist governments of the United States (US), Brazil, and the United Kingdom (UK), our research may be seen to have a soothing effect on the debate. Even a political institution as grand as the liberal world order may see a strengthening capacity as a consequence of the many challenges to its legitimacy.

Second, in relation to the main global challenges in our time, ranging from democracy to security to poverty and migration, our results suggests that fear of lost confidence in global institutions is not an entirely relevant concern to discourage activists and policymakers from challenging the legitimacy of the global order. If some confidence in global political institutions is lost while elites or social movements protest against their failure to protect universally held values, including peace, democracy, equality, and freedom, it is no longer unreasonable to believe—based on our results—that the human capacity to protect those values will strengthen.

Third, in relation to the premium currently set on legitimacy as an important aim in politics, which appears to increase in proportion to the declining support for democracy as a domestic regime globally, we conclude in favor of some political and academic self-critical reflection. Legitimacy may be an interesting concept

for scholars to explain outcomes, or so we have argued. However, the concept is unlikely to be equally fruitful if it is also turned into a guiding star for politics. Striving for legitimacy for its own sake may lead to all sorts of perversities, from window dressing and decoupling between words and deeds to—as shown in our study—limited capacity to rule in some instances. In research on legitimacy, it is not an evidently good thing to have politicians embrace the key concept.

Appendix

Table A.1 IO resources

| IO | Staff in 2015 | Staff category | Budget in 2015 ¹ | Budget category | Source |
|--------|---------------|----------------------------|-----------------------------|------------------------------------|--|
| ASEAN | 50 | Professional staff | 19.00 | Secretariat budget | UIA ² ; ASEAN secretariat protocols |
| AU | 1438 | Staff | 522.00 | Total budget | UIA; OAU CM and AU/Assembly |
| CoE | 1982 | Permanent civil servants | 270.82 | Budget | UIA; COE annual reports and budget |
| Comw | 288 | Total secretariat staff | 25.70 | Total budget | Commonwealth library; UIA |
| EU | 24,426 | Commission total | 180,000.00 | Total budget | EU commission; AEI ³ |
| FAO | 3249 | Profess. and gen. service | 502.82 | Biannual budget (50%) ⁴ | UN Yearbook; FAO reports |
| ICC | 790 | Total staff | 130.66 | Budget | ICC resolutions |
| ILO | 2895 | Full-time staff | 400.63 | Biannual budget (50%) | UN Yearbook; ILO reports |
| IMF | 2611 | Professional and assistant | 1027.00 | Net administrative budget | UN Yearbook; IMF publications |
| IWC | 16 | Total staff | 2.07 | Budget | IWC secretariat annual reports |
| NATO | 4200 | International staff | 243.53 | Civil budget | UIA; US budget; German budget |
| OAS | 551 | Total staff | 84.32 | Budget regular fund | OAS archive |
| OECD | 2880 | All paid staff | 871.25 | Overall expenses | OECD SG reports; financial statements |
| OIC | 200 | Paid staff | 31 | Budget | UIA; OIC resolutions |
| OSCE | 284 | OSCE posts | 143.10 | Total budget | OSCE annual reports |
| UN | 24,426 | Secretariat staff | 2696.34 | Biannual budget (50%) | UN yearbook; UN digital library |
| UNESCO | 2113 | Profess. and gen. service | 326.50 | Biannual budget (50%) | UN Yearbook; UNESCO library |

Continued

Table A.1 *Continued*

| IO | Staff in 2015 | Staff category | Budget in 2015 ¹ | Budget category | Source |
|---------|---------------|---------------------------|-----------------------------|-----------------------------|--------------------------------------|
| UNFCCC | 187 | Secretariat-wide staffing | 27.95 | Core budget | UNFCCC secretariat resources; UIA |
| WHO | 6237 | Full-time staff | 471.92 | Biannual budget (50%) | UN Yearbook; WHO documents |
| World B | 15,847 | Total World Bank Group | 2566.00 | Total administrative budget | WB archive and reports |
| WTO | 647 | Regular staff | 205.04 | Budget | WTO annual report; UIA; GATT archive |

Note: The categories of staff and budget vary across organization. We chose the category where the data quality was for over time within IO comparisons.

¹ Mio US dollars. For some organizations, we transformed the budget figures to current US Dollar.

² UIA = *Yearbook* of International Organizations, Union of International Associations.

³ Archive of European Integration, University of Pittsburgh.

⁴ For some organizations, data is only available on a biannual basis, and for the illustration in this table, we assign 50 percent of the amount of the biannual budget. The second budget year of IOs with biannual budget is omitted from the analysis of resources change.

Table A.2 List of interviews

1. Interview, Professor, Yale University, May 25, 2018
2. Interview, Senior official, WTO, October 3, 2018a
3. Interview, Senior official, WTO, October 3, 2018b
4. Interview, Professor, Babson College, May 30, 2018
5. Interview, Senior official, WTO, October 2, 2018a
6. Interview, former member of the WTO Appellate Body, May 24, 2018
7. Interview, Professor, University of Sussex, June 7, 2018
8. Interview, Senior official, WTO, October 2, 2018b
9. Interview, Professor, University of Eastern Finland, May 28, 2018
10. Interview, Assistant Professor, Wageningen University, June 5, 2018
11. Interview, former UNFCCC Executive Secretary, October 19, 2020
12. Interview, former Conference chairperson, UNFCCC, December 14, 2020 and January 8, 2021
13. Interview, Professor, University of Bern, June 11, 2018
14. Interview, former Conference chairperson, UNFCCC, November 30, 2020
15. Interview, Professor, Stockholm University, June 28, 2018
16. Interview, Professor, European University Institute, July 1, 2020
17. Interview, Senior official, UNFCCC, November 16, 2020
18. Interview, Associate Professor, Geneva University (CH), October 3, 2018

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Index

- activist 2, 32, 47, 52, 62, 82, 83, 94, 95, 164n, 189
- activation 11, 12, 13, 19, 40, 41, 44, 80, 88, 90, 107, 113–5, 116, 117, 118, 124, 125, 126, 129, 133, 140, 142, 144, 152, 153, 161, 181, 182, 185, 186
- African group 95
- African Union (AU) 37, 38, 48, 49, 57, 58, 61, 62, 64, 67, 68, 70, 72, 73, 74, 75, 76, 136, 139, 142, 143, 148
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) 83
- Agreement on Trade-Related Investment Measures (TRIMs) 83
- Alliance of Small Island States (AOSIS) 95
- Andean Community (CAN) 49, 61, 72, 73, 74, 75, 76, 136, 143, 148
- anti-globalization movement 50, 65, 82, 164–5, 167, 173
- Arab Maghreb Union (AMU) 49, 61, 62, 72, 73, 74, 75, 76, 136, 143, 148
- Asian Development Bank (ADB) 120
- Asian Infrastructure Investment Bank (AIIB) 119–20
- Asia-Pacific Economic Cooperation (APEC) 49, 61, 68, 70, 71–2, 73, 74, 75, 76, 136, 143, 148, 149
- Association of Southeast Asian Nations (ASEAN) 2, 16, 48, 49, 50, 51, 52, 60, 61, 62, 64, 68, 70, 72, 73, 74, 75, 76, 136, 137, 141, 142, 143, 147, 148, 149, 187
- audience 1, 13, 26, 36, 37, 39, 41, 51, 52, 64–5, 72, 73, 74, 80, 88, 93, 97, 99, 112, 113, 130, 155, 181
- all people affected 38, 39, 68, 113, 121, 153
- all people subjected 37, 39, 54, 68, 71, 113, 121, 153
- constituent 13, 20, 36, 45, 54–5, 56, 57, 58, 69, 71, 74, 75, 76, 79, 81, 85, 89, 90, 93, 97, 100, 112, 116, 119, 120, 121, 122, 125, 130, 131, 139, 151, 156, 185
- elite 38, 45, 51, 53, 55, 56, 64–5, 70, 81, 84, 85, 88, 90, 93, 97, 101, 113, 116, 121, 126, 129, 131, 139, 152, 156, 178, 181
- external 20, 55, 64, 77, 94
- heterogeneous 20, 45–6, 55, 57, 58, 67, 70, 76–7, 89, 90, 113, 116, 151, 153, 156, 167, 185
- IO representative 48, 51, 54, 55, 57n, 66, 67, 68, 69–70, 115, 131n,
- mass 38, 41, 51, 53, 56, 81, 85, 88, 97, 101, 113, 116, 121, 126, 131, 139, 152, 156
- nonconstituent 53, 55, 57, 58, 68, 69, 70, 74, 76, 77, 78, 112, 116, 120, 121, 130, 131, 144, 153, 184
- nonstate 20, 37, 39, 51, 52, 54, 55, 57, 58, 64, 66, 67, 68, 69, 70, 71, 72–3, 74, 78, 79, 85, 88, 89, 97, 100, 112, 116, 117, 120, 130, 131, 132, 139, 151, 153, 156, 163, 167, 176, 178, 185
- state 20, 37, 54, 55, 57, 66, 67, 68, 69, 70, 71, 72–3, 78, 79, 85, 89, 93, 97, 100, 112, 119, 130, 131, 139, 153, 156, 178, 182
- Australia 53, 55, 82, 92, 93, 97, 160, 171, 175
- Battle of Seattle, *see* World Trade Organization (WTO)
- Beetham, David 29n,
- Booth, John 10, 46
- Brazil 4, 6, 53, 55, 82, 84, 86, 158, 166, 174
- Brexit 19, 45, 59, 66, 72, 119, 184
- budget, *see* resources
- Bush, George W. 92, 101
- Canada 82, 84, 158, 160, 166
- Cairns Group 82, 85
- capacity to rule 2, 8, 9, 13, 16, 20, 106, 107–9, 118, 128, 130, 156, 180, 182, 186
- decision-making capacity 4, 13, 16–17, 20, 106, 107, 111–12, 116, 118, 126, 128, 130, 146–51, 155, 172, 175, 182, 185
- institutional capacity 4, 13, 16, 20, 106, 107, 108, 110–11, 116, 118, 122, 126, 128, 129, 130, 140–6, 154, 155, 163, 164, 167, 170, 171, 177, 182, 185, 187
- material capacity 4, 8, 9, 13, 16, 20, 106, 107, 108, 109–10, 116, 117, 118, 122, 126, 128, 130, 133–40, 155, 156, 182
- state capacity 5, 107, 116, 126
- Caribbean Community (CARICOM) 49, 61, 62, 72, 73, 74, 75, 76, 136, 143, 148

- China 6, 86, 95, 96, 119–20, 158, 166, 173–4
 civil society, *see* **nonstate actors**
 climate change 1, 27–8, 90, 92, 94, 95, 98, 101, 162, 169, 171, 175, 177, 179, 184
 Commonwealth of Nations (Commonwealth) 36, 49, 61, 62, 64, 68, 70, 72, 73, 74, 75, 76, 136, 137, 142, 143, 148, 149
 Comprehensive Economic and Trade Agreement (CETA) 160
 compliance 6, 9, 12, 13–14, 47, 91, 93, 106, 107, 108, 110, 119, 141, 166, 182, 189
 conditioning variables 106, 107, 123–5, 127, 130, 132, 155, 167, 170
 delegation 16, 63, 110, 123–4, 130, 132, 140–1, 144, 163, 167, 169, 176, 178
 democratic membership 123, 124, 128, 130, 132, 139, 144, 167, 182
 pooling 16, 20, 63, 110, 111, 123, 124, 130, 132, 139, 140–1, 144, 154, 163, 169, 176, 178
 policy scope 16, 20, 48, 49, 111, 123, 124, 128, 130, 140, 141, 144, 151, 167, 168, 169, 171, 172, 178
 public visibility 16, 44, 45, 48, 52, 56, 57, 67, 85, 88, 90, 93, 98, 117, 123, 125, 130, 132, 144, 151, 156n, 167, 170, 176, 178, 189
 transnational access 20, 94, 123, 124, 129, 130, 132, 144, 151, 154, 167, 170, 178
 constituency
 constituent audience, *see* **legitimacy, audience**
 contestation 4, 11, 27, 35, 41, 48, 55, 56, 57, 59, 60, 63, 64, 67, 68, 69, 70, 71, 75, 78, 82, 88, 98, 174, 188–9
 Council of Europe (CoE) 49, 61, 67, 68, 70, 72, 73, 74, 75, 76, 136, 143, 148
 COVID-19 19, 59, 183
 delegation, *see* **conditioning variables**
 delegitimation, *see* **legitimation**
 Dellmuth, Lisa 33, 46, 47n
 democracy 1, 5, 29, 38, 43, 154n, 180, 189
 democratic membership, *see* **conditioning variables**
 democratic theory 28
 demonstrations, *see* **mass protests**
 design 14–18, 25, 43, 47, 177
 case studies 3, 15, 17, 18, 35, 43, 64, 79, 100, 154, 183, 184, 186
 dependent variable 19–20, 106, 107–9, 126, 129n, 130, 131, 132, 134, 137, 139, 140, 142n, 147, 149, 152, 163
 descriptive analysis 19, 58–77, 128, 151
 independent variable 13, 106, 107, 112–13, 130, 131, 137
 mixed-methods 3, 15, 100, 183
 quantitative analysis 15, 17, 43, 44, 63, 81, 89, 99, 105, 129–33, 183, 185
 qualitative analysis 43, 46, 79–80, 81, 85, 89, 99, 100, 101, 105, 110, 154, 155, 160, 172, 173, 177, 184, 186
 developing countries 82, 83, 86, 88, 89, 91, 93, 94, 95, 96, 97, 101, 159, 166, 167, 169, 171, 173, 174, 175
 dispute settlement body (DSB), *see* **WTO**
 Doha Round, *see* **WTO**
 domestic politics 10, 12, 28, 34, 36, 38, 42–3, 47, 107, 114n, 168
 effectiveness 6, 8, 11, 12, 13–14, 99, 108, 112, 118, 119, 182, 188, 189
 environment 51, 60, 67, 83, 85, 107, 108, 142, 180
 explanatory framework 20, 128, 180, 182
 European Union (EU) 4, 8, 9, 46, 49, 52–3, 55–6, 61, 62, 63, 67, 68, 70, 71, 72, 73, 74, 75, 76, 82, 86, 109, 112, 135, 136, 141, 143, 146, 147, 148, 149, 159, 166, 184
 Food and Agriculture Organization (FAO) 16, 48, 49, 61, 62, 63, 72, 73, 74, 75, 76, 136, 143, 147, 148
 France 4
 Free Trade Agreement (FTA) 160, 167, 168
 General Agreement on Tariffs and Trade (GATT), *see* **World Trade Organization (WTO)**
 General Agreement on Trade in Services (GATS), *see* **World Trade Organization (WTO)**
 General Assembly, *see* **United Nations**
 Gilley, Bruce 33, 46, 47
 global justice movement 15, 59, 83, 95, 101
 global governance 27, 34, 183, 184
 greenhouse gas emissions 28, 90, 91, 92, 95, 97, 171, 177
 Group of 7 (G7) 50, 59
 Group of 10 (G10) 82, 85
 Group of 20 (G20) 14n, 19, 48n, 49, 50, 60, 61, 62, 63, 64, 65, 67, 68, 70, 71, 72, 73, 74, 75, 76, 86, 130n, 136, 141n, 143, 148, 184
 Group of 77 (G77) 95, 96
 human rights 1, 29, 53, 62, 66, 73, 85, 107, 125
 India 6, 82, 86, 95, 166, 169
 institutional design, *see* **international organizations**
 institutionalism 117, 123

- intellectual property 82, 83
- International Criminal Court (ICC) 2, 16, 49, 61, 63, 64, 67, 68, 70, 71, 72, 73, 74, 75, 76, 136, 143, 148, 149, 187
- International Labour Organization (ILO) 49, 61, 62, 63, 68, 70, 72, 73, 74, 75, 76, 136, 137, 143, 148, 149
- International Monetary Fund (IMF) 7, 43, 46, 48, 49, 51, 59, 60, 61, 62, 64, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 116, 136, 137, 139, 142, 143, 148, 149, 183, 184
- international institutions 5–6, 16, 27, 51, 63, 111, 121, 124
- international organizations 1, 14, 25, 45, 58, 64, 67, 87, 180
- authority 63, 110, 130, 132, 141
- budget 8, 9, 109, 122, 124, 130, 133, 134, 135, 139, 154, 157
- decision-making 14, 108, 123, 128, 130, 139, 146, 149, 185
- institutional design 14, 110, 112, 122, 123, 154
- mandate 109, 110, 111, 130, 132, 140, 163
- membership 46, 50, 62, 71, 79, 100, 120, 130, 139, 167, 171
- withdrawal 59, 63, 92, 97, 99, 109n, 168, 171
- nonstate access 124, 144, 151, 177
- performance 13, 33, 106, 108, 124, 140, 163, 188, 189
- resources 8, 106, 108, 109, 119, 122, 135, 139, 156, 185, 189
- secretariats 122, 133
- staff 109, 122, 124, 130, 133, 134, 135, 139, 154, 157
- international relations (IR) 1n, 6, 12, 27, 37, 59, 79, 111, 187
- International Whaling Commission (IWC) 16, 49, 61, 68, 70, 72, 73, 74, 75, 76, 133–4, 135, 136, 143, 148
- Japan 82, 158, 166
- Keohane, Robert 27
- Korea 84, 87
- Least Developed Countries (LDCs) 95, 166
- legitimation 188
- delegitimation 48, 56, 60n, 188
- re-legitimation 6, 13, 108, 118, 188
- Lenz, Tobias 114, 121
- liberal world order 6, 7, 180, 187, 189
- Marrakech, *see* UNFCCC
- mass media 25, 32, 35, 41, 47, 48, 51, 70, 184, 185
- mass protests 2, 8, 41, 45, 51, 52, 54n, 56, 57, 58, 64–5, 66, 67, 71, 77, 84, 94, 95, 97, 101, 117, 120, 129, 131, 139, 151, 156, 164, 178, 181, 182
- demonstrations 50, 54n, 59n, 60, 64, 65, 70, 84, 88, 131, 183
- member governments 37, 45, 66, 68, 70–1, 75, 97, 98, 115, 116, 119, 120, 121, 122, 128, 144, 166, 170, 176, 182, 185, 186, 187
- member state governments 56, 69, 84, 87, 88, 90, 92, 93, 94, 97, 116, 117, 119, 126, 131, 132, 133, 140, 149, 156, 162, 168, 176, 177
- member states 77, 96, 125, 165
- membership, *see* international organizations
- Mexico 84, 160, 174
- Measure of International Authority (MIA) 16, 129n, 132, 140, 141
- mixed-methods, *see* design
- multilateral governance 4–7, 8, 9, 10, 13, 18, 19, 25, 45, 71, 78, 106, 152, 168, 174, 180, 181, 184, 187, 189
- multilateralism 15, 45, 64, 77, 101, 173
- Nationally Determined Contributions (NDC), *see* UNFCCC
- negative consequences 12, 99, 105, 115, 120, 138, 149, 150, 154, 155, 171, 176, 179
- negative effects 20, 107, 117, 118–20, 129, 140, 144, 151, 152–3, 185, 188
- news agencies, *see* newswire
- newswire 16, 45, 50–5, 56, 59n, 62, 63, 71, 77, 79, 131, 132, 183
- Nigeria 37, 38
- Nordic Council (NC) 49, 50, 61, 72, 73, 74, 75, 76, 136, 143, 148
- normative depth 39, 40–1, 44, 52, 55, 57, 58, 64, 80, 81, 85, 88, 89, 90, 93, 94, 97–8, 99, 101, 106, 107, 113, 115, 116, 119, 125, 126, 129, 131, 155, 156, 157, 162, 182, 189
- normative motivation 107, 119, 120, 122, 126, 155, 163, 164–5, 166, 167, 169, 170, 176, 178, 179, 181
- normative theory 29, 30, 32, 37, 54
- North American Free Trade Agreement (NAFTA) 7, 49, 61, 62, 64, 68, 70, 71, 72, 73, 74, 75, 76, 83n, 109n, 136, 137, 142, 143, 148
- North Atlantic Treaty Organization (NATO) 7, 38, 49, 50, 55, 61, 62, 63, 66, 67, 68–9, 70, 71, 72, 73, 74, 75, 76, 109, 136, 143, 148, 184

- Northwest Atlantic Fishery Organization (NAFO) 49, 61, 62, 72, 73, 74, 75, 76, 136, 143, 148
- nonconstituent audience, *see* legitimacy, audiences
- nonmember governments 19, 55, 56, 58, 68, 70, 78, 116, 184
- nonstate actors 13, 16, 17, 19, 65, 163, 170, 187
civil society 4, 6, 8, 27, 32, 36, 37, 38, 45, 48, 51, 71, 84, 85, 94, 95, 96, 97, 112, 113, 121, 122, 125, 128, 164, 167, 169, 181
transnational actors 124, 129, 151, 178
- nonstate audience, *see* legitimacy, audiences
- Non-State Actor Zone for Climate Action (NAZCA), *see* UNFCCC
- nongovernmental organization (NGO) 64, 66, 82, 83, 89, 94, 95, 121, 124, 151, 165–6, 184
- Obama, Barack 93–4, 96
- Organization for Economic Cooperation and Development (OECD) 49, 61, 62, 68, 70, 72, 73, 74, 75, 76, 136, 142, 143, 148
- Organization for Security Cooperation Europe (OSCE) 46, 49, 60, 61, 62, 63, 64, 67, 68, 70, 71, 72, 73, 74, 75, 76, 136, 137, 143, 147, 148, 149
- Organization of African Unity (OAU) 51, 57, 58
- Organization of American States (OAS) 49, 61, 62, 64, 67, 68, 70, 72, 73, 74, 75, 76, 133–4, 136, 137, 142, 143, 146, 148, 149
- Organization of Islamic Cooperation (OIC) 49, 61, 67, 68, 70, 72, 73, 74, 75, 76, 136, 137, 141, 142, 143, 148, 149
- organizational reforms 108, 142, 144, 163, 164, 165, 166, 167, 169, 170
- Pacific Islands Forum (PIF) 49, 61, 62, 72, 73, 74, 75, 76, 136, 143, 148
- performance, *see* international organizations
- permissive consensus 4, 15, 38
- philosophy 1, 26, 105
- policy scope, *see* conditioning variables
- politicization 13, 125, 151, 188–9
- pooling, *see* conditioning variables
- positive consequences 11, 12, 31, 91, 99, 101, 105, 115, 138, 149, 150, 154, 155, 157, 167, 176, 177, 179, 180
- positive effects 12, 20, 39, 107, 117, 120–2, 129, 137, 140, 144, 146, 151, 152–3, 156, 185, 188
- Preferential Trade Agreement (PTA) 160, 167, 168
- Psychology 11, 113, 126
- public visibility, *see* conditioning variables
- Putin, Vladimir 7, 71
- Regional Trade Agreement (RTA) 20, 87, 160–1, 166n, 168
- regression 132, 134, 137, 144, 147, 149
- resources, *see* international organizations
- right to rule 1, 39, 181
- rule without right 2, 26, 28, 32–6, 41, 43, 48, 116, 119
- Russia 6, 38, 71, 98
- Saudia Arabia 91, 98
- Schmidtke, Henning 60
- secretariats, *see* international organizations
- Security Council, *see* United Nations
- Seligson, Mitchell 10, 46
- Shanghai Cooperation Organization (SCO) 49, 61, 72, 73, 74, 75, 76, 136, 143, 148
- social breadth 11, 32, 39, 41–2, 44, 52, 55, 57, 58, 64, 77, 80, 81, 85, 88, 89, 90, 93, 94, 97, 99, 100, 106, 107, 113, 114, 115, 116, 119, 120, 121, 129, 131, 139, 144, 151, 153, 155, 162, 178, 182, 189
- Sociology 1, 6, 26, 105
- South Africa 6, 36
- Southern African Development Community (SADC) 16, 49, 50, 61, 72, 73, 74, 75, 76, 136, 143, 148
- Southern Common Market (MERCOSUR) 4
staff, *see* international organizations, resources
state audience, *see* legitimacy, audiences
state capacity, *see* capacity to rule
strategic motivation 107, 119, 122, 126, 155, 163, 167, 169, 170, 171, 176, 177, 179, 181
- structural breaks 135, 137, 142, 148, 152
- Subsidiary Body for Implementation (SBI), *see* UNFCCC
- survey research 33, 35, 39, 46, 47
- Tallberg, Jonas 33, 46, 55, 125
- trade 82, 160, 168
trade liberalization 82, 83, 85
trade regime 17, 78, 79, 81, 84, 85, 159, 174, 179
- trade union 84, 95
- transnational access, *see* conditioning variables
- transnational actors, *see* nonstate actors
- Transatlantic Trade and Investment Partnership (TTIP) 160, 164n,
- Trans-Pacific Partnership (TPP) 160, 161
- TRANSACCESS 129n, 132
- Trump, Donald 7, 45, 59, 66, 71, 88, 90, 99, 156n, 159

- United Nations (UN) 16, 49, 61, 67, 68, 70, 72, 73, 74, 75, 76, 111, 133–4, 136, 143, 146, 148, 161
- General Assembly 17, 112
 - Secretary-General 96
 - Security Council 52, 112, 121, 146n,
- United Nations Framework Convention on
- Climate Change (UNFCCC) 17, 35, 49, 60, 61, 62, 67, 68, 70, 72, 73, 74, 75, 76, 79, 81, 90, 136, 137, 141n, 143, 148, 155, 178, 183, 184, 186
 - Copenhagen 20, 62, 72, 90, 94, 95, 96, 97, 98, 99, 101, 137, 169, 170, 175, 176, 178
 - COP3 90, 92
 - COP6 90, 92, 93, 169
 - COP7 93, 169
 - COP15 90, 94, 96, 97, 99, 169, 175
 - COP21 97, 175
 - COP presidency 95, 169
 - Kyoto Protocol 90, 91, 92, 93, 95, 96, 97, 98, 175–6
 - Marrakech 90, 92–3, 97, 161, 175
 - minilateral initiatives 93, 101, 171
 - Non-State Actor Zone for Climate Action (NAZCA) 170, 177
 - Nationally Determined Contributions (NDC) 98, 99, 175, 177
 - Paris agreement 4, 20, 97, 98–9, 169, 170, 175, 176
 - SBI 161
 - The Hague 90, 92, 93, 97, 161
 - UNFCCC Secretariat 96, 98, 161, 169, 170, 175, 176, 177, 178, 186
- United Nations Education, Scientific and Cultural Organization (UNESCO) 7–8, 49, 60, 68, 61, 63, 70, 72, 73, 74, 75, 76, 109, 120, 136, 141, 142, 143
- United Kingdom (UK) 4, 60, 66, 121, 189
- United States (US) 4, 6, 7, 53, 55, 59, 60, 66, 70, 71, 82, 83, 86, 93, 96, 97, 99, 120, 159, 160, 166, 171, 175, 189
- Viola, Lora 114, 121
- Weber, Max 1n,
- World Bank 8, 9, 15, 35, 49, 59, 60, 61, 62, 64, 67, 68, 70, 71, 72, 73, 74, 75, 76, 120, 130n, 136, 139, 142, 143, 183, 184
- World Health Organization (WHO) 4, 8, 9, 48, 49, 60, 61, 63, 64, 66, 68, 70, 71, 72, 73, 74, 75, 76, 78, 133–4, 136, 137, 143, 148, 183
- World Trade Organization (WTO) 2, 8, 17, 46, 49, 61, 63, 68, 70, 72, 73, 74, 75, 76, 79, 81, 86, 112, 136, 137, 142, 143, 148, 155, 183, 184
- Appellate body 157, 159, 166
 - Cancún Ministerial Conference 86, 87, 89
 - Committee on Budget, Finance and Administration 157
 - Director General 157, 159, 164
 - Dispute Settlement Body (DSB) 89n, 158–9, 164, 166, 168, 172
 - Doha 53, 85–8, 89, 158, 160, 165, 168, 173, 174, 178, 186
 - General Agreement on Tariffs and Trade (GATT) 17, 83, 89, 158
 - General Agreement on Trade in Services (GATS) 83
 - General Council 17, 112, 157, 166
 - Hong Kong 87, 88
 - Marrakech Agreement 83, 172
 - Ministerial Conference (MC) 17, 80, 84, 85, 86, 87, 88, 89, 158, 164, 165, 166n, 173
 - Public Forum 20, 164, 165, 166n, 167, 186
 - Seattle 4, 60, 84, 85, 87, 88, 89, 164, 165, 167, 173
 - WTO budget 8–9, 136, 157, 158
 - WTO secretariat 89n, 157, 164
 - WTO staff 136, 157, 158, 164
 - Uruguay Round 82, 83, 173
- World Values Survey (WVS) 47
- Zürn, Michael 14, 55, 60, 62n, 110n

