

## Chapter One: International Authority: From Concept to Measure

### Abstract

Chapter One discusses the theoretical-conceptual underpinnings of the Measure of International Authority (MIA). In what respects, and to what extent, do international organizations exert legal rational authority? What powers do non-state actors have in international decision making and dispute settlement? To what extent, when, and how do states sacrifice the national veto in collective decision making? The chapter is structured in a sequence of five steps from the abstract to the particular: conceptualize authority; specify the concept as formal authority of international organizations; unfold in the dimensions of delegation and pooling; operationalize international organization (IO) composition and decision making in indicators that describe institutional alternatives that can be reliably assessed; explicate principles for scoring and adjudicating cases.

### Keywords

Measure of International Authority (MIA), international organization, authority, pooling, delegation, indicators, scoring, adjudication

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## International Authority: From Concept to Measure

In what respects is the international domain anarchic? In what respects, and to what extent, do international organizations (IOs) exert legal rational authority? What powers do non-state actors have in international decision making and dispute settlement? To what extent, when, and how do states sacrifice the national veto in collective decision making?

These questions involve abstract concepts, above all political authority—the power to make collective decisions based on a recognized obligation to obey. Causal models in the study of international governance are sensitively dependent on how one operationalizes political authority, yet theory, concept, and measurement are deeply intertwined in ways that can be difficult to perceive. There is always the danger that theoretical priors shape not only empirical expectations but also the facts that are produced to test them.

This book sets out a measure of authority for seventy-six international organizations from 1950 to 2010 which can allow researchers to test expectations about the character, sources, and consequences of international governance. Our premise is that producing data on a complex concept such as international authority is no less prone to error than using data to test causal inferences. Measurement involves a series of theoretical-conceptual decisions. What is political authority? What is its phenomenology in the domain of international governance? How might one break the abstract concept into component dimensions that summarize the whole? How might variation on these dimensions be empirically estimated? What kind of evidence should one use and how might one design rules for the evaluation of that evidence? How should one deal with the ambiguities that inevitably arise in applying a coding scheme to a diverse reality?

There are no definitive answers to these questions. Political scientists may disagree, and their disagreements may affect the tests they impose on causal claims. A plausible measurement of international authority must meet three exacting tests.

- *Transparency* in measurement is the quality of intentionally sharing information about the production of an observation so that others can evaluate its validity. Are the conceptual and operational decisions underpinning the measure explicit? Are the rules undergirding coding decisions clearly articulated? Measurement is the assignment of numbers to objects according to rules (Stevens 1946: 19). As rules are applied to empirical phenomena there are inevitably ambiguities. Are these engaged explicitly or hidden from view? Making a measure transparent is a necessary step in “intersubjective, determinate, and repeatable calibration” (Heidelberger 1993: 146, quoted in Boumans 2005: 854). We seek to make our decisions explicit so that others can replicate, refine, or refute the result.
- *Concreteness* in measurement is the quality of having a specific and observable referent. The challenge is to pin an abstract concept to phenomena “on the ground” that can be accurately observed. Do the dimensions and indicators succeed in pressing the concept of international authority into institutional alternatives that can be reliably assessed, while

encompassing the meaning of the complex concept (Weber 1949; Sartori 1970; Adcock and Collier 2001)? While it is true that all observation is theoretically impregnated (Lakatos 1970), this varies in ways that a measure should exploit. Is an indicator scored using information that is inter-subjective, publicly accessible, and hence verifiable?

- *Minimalism* in measurement targets the core meaning of a concept by eliminating its superfluous connotations. Are the indicators used to score a concept insulated from other variables that are hypothesized to affect or be affected by the variable one seeks to measure? Encompassing supplemental meanings in the measurement of a concept can be as harmful for testing theory as failing to encompass its core meaning. Do the indicators for the dimensions of international authority tap uni-dimensional variation or are they combinations of dimensions that are poorly aligned?

In this chapter we discuss the theoretical-conceptual underpinnings of the Measure of International Authority (MIA). In Chapter Two we explain how we use the indicators to make observations and how we treat gray cases. In Chapter Three we aggregate scores for seventy-six IOs on an annual basis from 1950 to 2010. In Part II of the book we document our assessments for a sample of forty-seven IOs.

This chapter is structured in a sequence of five steps from the abstract to the particular. The sixth step, adjudicating gray cases, is the topic of Chapter Two. As indicated by the arrows in Figure 1.1, the sequence runs in both directions.<sup>1</sup> As one engages the particularities of individual cases, one keeps asking “Does the scoring make sense of the variation that we observe on the ground,” or more generally, “Do the indicators have similar connotations across diverse contexts and do they capture the meaning of the overarching concept?” Each IO is, in certain respects, unique. We seek to evaluate them on a single set of indicators that can travel across diverse contexts while authentically grasping the overarching concept.

*First, conceptualize international authority, that is, political authority in the international domain.* Here we discuss how social scientists have understood international authority and how this concept relates to supranationalism, autonomy, institutionalization, and legalization.

*Second, specify the concept for measurement.* Here we outline our unit of analysis, the international organization, and a measurement model that assesses international authority in terms of the rules that frame an IO’s bodies, who sits on them, what they are empowered to do, how they make decisions, how binding those decisions are for member states, and how disputes are handled.

*Third, unfold international authority into dimensions.* We conceive international authority in an international organization as consisting of two independent dimensions, the pooling of authority among member states and the delegation of authority to non-state bodies.

*Fourth, operationalize dimensions.* We specify intervals on these dimensions and set out rules for reliably recognizing variation across the intervals in six decision areas: policy making,

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<sup>1</sup> Figure 1.1 extends the four levels in Adcock and Collier (2001) by interposing a step in which the concept is broken down into dimensions as a basis for specifying indicators, and by adding a final step in which the analyst confronts gray cases.

constitutional reform, the budget, financial non-compliance, membership accession, and the suspension of members.

*Fifth, score cases.* We outline the information that we use in scoring and the rules that we use in applying this information to code individual IOs.

*Sixth, adjudicate scores.* We discuss how we deal with gray cases and how we alert the reader to different kinds of uncertainty in scoring.

<COMP: INSERT FIGURE 1.1 NEAR HERE>

These decisions form a system in which a decision at one level can affect the system as a whole. To make progress one must put aside the comforting, but wrong-headed, notion that measurement error can be considered as white noise, as random error around a true value. We cannot make this assumption. Measurement error might be systematic. The skepticism with which one regards a theoretical expectation applies just as severely to observation. Observations, or “facts,” do not speak for themselves, but are humanly imposed simplifications that make sense of reality. Scientific debate does not stop at the door of “facts.” It usually begins there.

## From Naïve to Sophisticated Measurement

The naïve methodologist divides the world into facts and theories. In his view, facts describe the world as it actually exists; theories explain how we think the world works. Facts are derived from objective observation, ideally in a laboratory setting. Theories are explanatory frameworks which forbid certain states of the world. So the naïve methodologist confronts theory, the product of imagination, with facts, things that have actually been observed. He is aware, of course, that theories are difficult to pin down and that a non-deterministic theory allows stochastic error. Moreover, he knows that most facts speak indirectly to any particular theoretical claim and that it is always possible to save a theory by ad hoc adjustment. However, attempts to shelter a theory from disconfirmation only stimulate him to redouble his efforts to test each claim against hard facts.

The sophisticated methodologist considers both facts and theory as equally uncertain. The facts that are marshalled in relation to theories are generally much less certain than the fact that there are so many students in a classroom or people in a house. Hence, she considers her observations to be ‘facts’ rather than facts. She is intensely aware that the ‘facts’ she produces rest on a theoretical-conceptual scaffold that is no less questionable than the theories they are designed to speak to.

She is mindful that ‘facts’ do not sit in judgment of theory, but are deployed in dialogue with alternative theories. And she expects that her ‘facts’ will (and should) be interrogated with no less vigor than the theories they seek to confirm or disconfirm. Hence, the challenge is *not* what to do when a ‘fact’ refutes a theory: “Whether a proposition is a ‘fact’ or a ‘theory’ in the context of a test-situation depends on our methodological decision. ... It is not that we propose a theory and Nature may shout NO; rather, we propose a maze of theories, and Nature may shout INCONSISTENT” (Lakatos 1970: 130).<sup>2</sup>

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<sup>2</sup> This is the basis of Lakatos’ rejection of Popper’s claim that a theory can be killed by a disconfirmation.

Even carefully controlled experiments produce observations that rest on a scaffold of theoretical assumptions. In June 2014, *Physical Review Letters*, the flagship refereed publication of the American Physical Society, published a paper co-authored by forty-seven leading physicists claiming to have detected gravitational waves. After carefully identifying and simulating possible sources of data contamination in six models, the paper concludes that the signals detected at a South Pole observatory over three years are inconsistent with the null hypothesis at significance  $> 5\sigma$ .<sup>3</sup> The authors had held off publishing this result for a year in an exhaustive search for alternative explanations, and found none. Only after a new instrument, the Keck Array, produced exactly the same observation did they go public. The discovery was greeted as a major breakthrough confirming Einstein's general relativity theory (e.g. Tegmark 2014: 110). But it appears to have been wrong. Subsequent analysis suggests that both sets of observations picked up dust in our own galaxy rather than gravitational waves from a vastly more distant source.

There are several lessons here for the social scientist. One is that replication is essential to the scientific method. This does not imply that every observation should be replicated, but it does mean that the process of observation should be explained transparently so that it can be replicated. The authors in the example above may have bruised egos, but they have nothing to be ashamed of. They never doubted that their observations produced not facts, but "facts." The authors had, in other words, the scientific right to be wrong. Measurement, no less than theory, gives great latitude for scientists to exercise this right.

A second is that being wrong is rarely an open-and-shut case, particularly in the social sciences where conceptual issues are unsettled. Take the question: How much authority does an international organization such as the European Union or the World Trade Organization have? Political authority is a basic concept in political science, yet it is, in Walter Bryce Gallie's (1956) words, "essentially contested." Can an international organization exert authority over a state that retains its sovereign right to exit the organization? Can an international organization exert authority over a state if membership actually strengthens the hand of central state executives in relation to other domestic political actors? Answers to these questions will shape measurement in diametrically different directions.<sup>4</sup> However, they are merely the tip of the conceptual iceberg. How one decomposes authority in distinct dimensions and how one operationalizes those dimensions will have large, but perhaps less transparent, measurement effects.

The sophisticated methodologist is unwilling to treat measurement error as random. The utility—and the deceptiveness—of this assumption is that it conceives measurement as a matter

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<sup>3</sup> About 1 in 3.5 million.

<sup>4</sup> In response to the first question, we conceive political authority to be distinct from sovereignty. An IO may exercise authority vis-à-vis its member states even if they have a legal right to leave the organization. In response to the second question, we conceive political authority as distinct from power, so that an IO may exercise authority even if this empowers member state executives at home or allows them to achieve goals they could not otherwise achieve. These distinctions are vital points of departure in measuring the concept, and play a sneaky role in political debate. For example, opponents of continued UK membership accuse the EU of undermining the authority of Parliament. Some defenders retort that, in fact, EU authority is epiphenomenal because "the sovereignty of parliament remains unfettered" (Stephens 2016). Our conception of IO authority is consistent with that of the opponents of UK membership, though we draw contrasting policy implications.

of reliability. If measurement error is random, then the accuracy of measurement is merely a (square root) function of the number of independent observations (Marks 2007: 3ff). On this assumption, the effects of measurement error are merely to reduce statistical measures of confidence in coefficients when the *dependent* variable is subject to error, or bias coefficients downwards when an *independent* variable is subject to error.<sup>5</sup> Both effects are conservative, and thus palatable, because the presence of random measurement error serves to increase our confidence that weak or marginally significant results are actually worth taking seriously.

The sophisticated methodologist makes a sharp distinction between reliability and validity, and understands that reliability is necessary but not sufficient for validity. She is acutely aware that it is possible to increase reliability by *reducing* validity. Reliability among coders can be increased by providing unambiguous, but simplistic, cues that make judgments more consistent. This would enhance reliability even if the cues were poor indicators of the specified concept. Reliable measures are generally better than unreliable measures, but the sophisticated methodologist is wary of selecting indicators on the basis of their reliability. Fiscal measures of authority tend to be reliable measures of authority because revenues and spending can usually be estimated fairly precisely. However, the amount of money an organization spends is a poor indicator of its ability to determine how that money is spent (Hooghe, Marks, Schakel, Chapman Osterkatz, Niedzwiecki, and Shair-Rosenfield 2016: 13).

## I. The Core Concept: International Authority

Governance refers to the institutions that constrain public decision making. Whereas the term *government* implies hierarchical decision making within states, *governance* is agnostic. In the international domain, the concept of governance has been used to identify the arrangements that produce order out of anarchy by addressing the need for predictable problem solving in the absence of hierarchy (Young 1994; Abbott and Snidal 1998; Rosenau and Czempiel 1992).<sup>6</sup>

Table 1.1 lists concepts that have been used to describe variation in international governance. Each concept is unique in certain respects, but there are some underlying commonalities. They share the idea that governance varies from complete anarchy at one extreme to some form of institutionalized order at the other. They start from the view that, in international relations, institutionalized order arises from cooperation among states. Each

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<sup>5</sup> This is true in a bivariate model (King, Keohane, and Verba: 1994: 163ff). When there are multiple explanatory variables with error, the bias in estimates can be downward or upward depending on the association among the explanatory variables with each other and with the dependent variable (Bollen 1989: Chapter 5).

<sup>6</sup> The term *governance* refers broadly to the “action or manner of governing,” from Old French *governance* (or new French *gouvernance*) (<<http://www.etymonline.com/index.php?term=governance>>. In his classic study of modern language, H. W. Fowler (1965: 220) noted that the term governance was consigned to “the dignity of incipient archaism, its work being done, except in rhetorical or solemn contexts, by *government* and *control*.” But governance has since made a comeback. Its agnosticism with respect to hierarchy allows us to use the term to encompass the action or manner of governing in both the domestic domain and the international domain.

concept is concerned with the extent to which states are self-constrained by international institutions. This book is located in this common ground.

<COMP: INSERT TABLE 1.1 NEAR HERE>

*Supranationalism* is governance above or beyond the national state (from the Latin, *supra*).<sup>7</sup> Two founders of the study of international organization, Inis Claude and Ernst Haas, contrast supranationalism and intergovernmentalism as polar modes of governance, and this remains the predominant dimension on which IOs are analyzed. Supranationalism is found where “international organizations have achieved substantial emancipation from the control of national governments and acquired an autonomous role in international affairs” (Claude 1968).<sup>8</sup> Intergovernmentalism takes place when “decisions are made by instructed national delegates, usually on the basis of unanimity, aided by a central secretariat with minimal powers and many commissions of technical experts, recruited nationally and regionally” (Haas 1958: 9; Haas 1968). Both Claude and Haas see the distinctiveness of supranationalism in the delegation of core functions to a “body thought to be superior to its member states and relatively independent of their consent and support in its operations” (Claude 1968).

Contemporary conceptualizations of intergovernmentalism and supranationalism converge on these earlier conceptions. Stone Sweet and Sandholtz (1997: 302–3) propose “a continuum that stretches between two ideal-typical modes of governance: the intergovernmental and the supranational.” A supranational IO possesses “jurisdiction over specific policy domains within the territory comprised by the member states,” with the capacity of “constraining the behavior of all actors, including the member states, within those domains.” Etzioni (2001) identifies supranationality where an IO “is not made of national representatives and that does not receive instructions from national governments;” where “subjects or participants (national governments or individuals) are legally obligated to comply with the decisions of the body;” and where “Individuals or other private parties may interact directly with the body and/or have legal obligations.” Kahler and Lake (2009: 246) define supranationalism as a shift of political authority so that “states pool or share sovereignty at the regional or global level by creating a collective unit;” and “delegate authority to a supranational agent or IO.”

International legal scholars use the term supranational to describe an international organization “empowered to exercise directly some of the functions otherwise reserved to states” (Helfer and Slaughter 1997: 287; Grievos 1969). Blokker and Schermers (2011) regard supranational IOs as being able to take decisions which are directly binding upon member states

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<sup>7</sup> The term was used in the International Telegraphic Union’s initial convention in Paris in 1865 and came into vogue following World War II. In 1949, Robert Schuman spoke of “reconciling nations in a supranational association” and used the term in a speech at the United Nations and at the signing of the Council of Europe’s Statutes. The High Authority of the European Coal and Steel Community is described as “supranational” in Article 9 of the Paris Treaty (1951), but the term does not appear in the Treaty of Rome (1957) or in any subsequent EU treaty. However, the concept is used widely in the literature on the EU (e.g. Marks, Hooghe, and Blank 1996; Moravcsik 1998; Stone Sweet and Brunell 1998; Tallberg 2000, 2002; Tsebelis and Garrett 2000). It has also been used in the literature on NAFTA (Monaghan 2007), the WTO (Lake 2010), the United Nations (Auvachez 2009; Tallberg 2010), and to describe international organization more generally (Gruber 2000; Haas 1961; Nye 1968; Goodheart and Taninchev 2011).

<sup>8</sup> <[http://www.encyclopedia.com/topic/International\\_organization.aspx](http://www.encyclopedia.com/topic/International_organization.aspx)>.

and the individuals and groups within them, whereas intergovernmental IOs act only by or through member states (Schiavone 1993). Helfer and Slaughter (1997: 273) describe this as the “ability to penetrate the surface of the state.”

*Autonomy* and *independence* refer to the capacity of an international institution to make decisions without state control (Abbott and Snidal 1998; Barnett and Finnemore 2004; Churchill and Ulfstein 2000; Haftel 2013). Haftel and Thompson (2006: 256) highlight three aspects of independence. Autonomy is “the ability to operate in a manner that is insulated from the influence of other political actors, especially states.” Neutrality is when an IO acts as a “neutral third” in disputes. Delegation is the power granted to an IO’s institutions by its member states. Drawing on organizational sociology, Barnett and Finnemore (1999: 707; 2004) conceive IOs as potentially “autonomous sites of authority, independent from state ‘principals’ who may have created them.” An international institution is established by member states on a contractual basis, but this does not mean that it is determined by those states (Abbott and Snidal 2008: 9).

*Centralization* and *control* are key dimensions of international institutions in the rational design project. Centralization refers to whether “important institutional tasks [are] performed by a single focal entity or not” (Koremenos, Lipson, and Snidal 2001: 771; Abbott and Snidal 1998: 5; Koremenos 2016). The authors stress that “centralization is controversial, politically and conceptually, because it touches so directly on national sovereignty,” so they clearly have international authority in mind. *Control* refers to the rules, including those concerned with voting, that shape collective decision making (Koremenos, Lipson, and Snidal 2001: 772).

*International delegation* is “a grant of authority by two or more states to an international body to make decisions or take actions” (Bradley and Kelley 2008: 3). Scholars who use delegation generally employ principal-agent theory to explain when and how member state principals give competences to international agents (Brown 2010; Franchino 2007; Hawkins et al. 2006; Hawkins and Jacoby 2008; Pollack 2003; Tallberg 2002). Along these lines Bradley and Kelley define an international body as “any entity to which states have granted authority.” Keohane and Martin (2003: 99, 102) stress that principal-agent theory recognizes that IOs are not reducible to their member states. Johnson (2014: 33) observes that “international bureaucrats’ interests do not mirror states’ interests, and agency relationships afford leeway and leverage for agents vis-à-vis their principals.”

*Institutionalization* is introduced by Boehmer, Gartzke, and Nordstrom (2004: 5) to explain the ability of an IO “to alter state behavior” (Boehmer and Nordstrom 2008; Ingram, Robinson, and Busch 2005). Similarly, the *depth* of an agreement is conceived as “the extent to which [an agreement] requires states to depart from what they would have done in its absence” (Downs, Roache, and Barsoom 1996: 383; Dür, Baccini, and Elsig 2014). Depth is often used to refer to trade agreements which require behind-the-border adjustment in economic, social or environmental policies beyond trade barrier reduction (Horn, Mavroidis, and Sapir 2010; Kohl, Brakman, and Garretsen 2013).

*Legalization* is “the decision in different issue areas to impose international legal constraints on governments” (Goldstein et al. 2000: 387). It is described as “a particular form of institutionalization” that involves “the degree to which rules are obligatory, the precision of those rules, and the delegation of some functions of interpretation, monitoring, and implementation to a third party” (Goldstein et al. 2000: 387). *Judicialization*, which refers in particular to third party dispute settlement mechanisms, has also received considerable attention (Alter 2014;



Helfer and Slaughter 1997; Keohane, Moravcsik, and Slaughter 2000; Romano 1999, 2014; Romano, Alter, Shany 2014; Simmons 2012). Economists tend to emphasize the *precision* of an agreement in order to assess whether “[state] undertakings can be considered to be legally enforceable commitments in a court of international law” (Kohl, Brakman, and Garretsen 2013; 3, 35.) Hence Horn, Mavroidis, and Sapir (2010: 1572) categorize trade agreements as more or less legally enforceable by evaluating each provision in each agreement “for the extent to which it specifies at least some obligation that is clearly defined, and that is likely effectively to bind the [state] parties.”

If one were to plot these concepts in a Venn diagram, there would be a considerable core area centered on the extent to which an IO is, or is not, a mere creature of its member states. To what extent and in what respects is an IO an autonomous, independent institution with the capacity to bind its member states by creating legal obligations? This is what we seek to measure under the rubric of *international authority*. However, we need to specify the concept more precisely if we wish to measure it.

## II. Specifying International Authority

Authority is relational: *A* has authority over *B* with respect to some set of actions *C*. This parallels Robert Dahl’s (1957: 202–3; 1968) conceptualization of power as the ability of *A* to get *B* to do something that *B* would not otherwise do. A short-hand definition of authority is legitimate power. One speaks of authority if *B* regards *A*’s command as legitimate and correspondingly has an obligation to obey. Authority implies power, but power does not imply authority. Whereas power is evidenced in its effects irrespective of their cause, authority exists only to the extent that *B* recognizes an obligation resting on the legitimacy of *A*’s command. Such recognition may have diverse sources, including charisma, tradition, and religion (Weber 1958). This book is concerned with the modern variant of authority—legal-rational authority based in a codified legal order.

Our focus in this book is on legal authority which is

- institutionalized, i.e. codified in recognized rules;
- circumscribed, i.e. specifying who has authority over whom for what;
- impersonal, i.e. designating roles, not persons;
- territorial, i.e. exercised in territorially defined jurisdictions.

These characteristics distinguish legal authority from its traditional, charismatic, and religious variants. Weber (1968: 215–16) observes that “In the case of legal authority, obedience is owed to the legally established impersonal order. It extends to the persons exercising the authority of office under it by virtue of the formal legality of their commands and only with the scope of authority of the office.” The exercise of legal authority over a large population involves a minimum level of voluntary compliance with codified rules that have a specific sphere of competence, and which are exercised through formal institutions, including a differentiated administration (Weber 1968: 212–17).

A focus on legal authority distinguishes the structure of governance from causally related but conceptually distinct phenomena such as the political resources of participants, their

preferences over policy, reputational considerations, and the effects of IO decisions. These are precisely the phenomena that one might wish to analyze as causes or consequences of international authority, and it makes sense to set them apart.

## Unit of Analysis

Our unit of analysis is the international governmental organization (IO) which we define as a formal organization for collective decision making constituted by three or more states.<sup>9</sup> An IO is *formal* in that it is based on a written contract formally entered into by its member states. The contract can be dispersed in several documents and may be subject to serial amendment. An IO is an *organization* in that it is structured by rules for a continuous purpose. Unlike an informal coalition or alliance, an IO has an institutional structure. Unlike an ad hoc agreement, an IO has an ongoing capacity for collective decision making.<sup>10</sup> As a formal organization structured for a continuous purpose, an IO has a permanent administrative capacity, “a hierarchically organized group of international civil servants with a given mandate, resources, identifiable boundaries, and a set of formal rules of procedures” (Biermann et al. 2009: 37). However, there is no priori limit to its purpose which may range from settling trade disputes, regulating tolls along a river, conserving whale stocks, or achieving an ever closer union.<sup>11</sup>

This definition is conceptually specific and empirically inclusive. It puts under the same roof phenomena that are often treated separately. It encompasses global organizations, such as the UN, the World Bank, and the World Health Organization, alongside regional IOs, such as such as the European Union, Mercosur, and ASEAN. It encompasses organizations that have wide-ranging policy portfolios alongside regional and global organizations responsible for a specific task. However, it excludes alliances that lack permanent organs for collective decision making (e.g. the Cairns group), regular summits without an independent permanent secretariat (e.g. G-8 or the Visegrad Four), temporary secretariats or commissions (e.g. the Intergovernmental Panel on Climate Change), and agencies or programs supervised by other IOs (e.g. the European Research Council which is part of the European Union).

Considering the IO as the unit of analysis has some advantages. Unlike international regimes or international networks, IOs are distinct units with clear boundaries. They are coherent organizational units, and are designed as such by their member states. They are formal institutions with explicit decision making rules, budgets, and outputs.

International organizations are key actors in the field of international governance. They are, at one and the same time, the chief means for national states to collectively solve international

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<sup>9</sup> This is consistent with the Correlates of War definition of a formal intergovernmental organization as an entity formed by an internationally recognized treaty by three or more states having a permanent secretariat or other significant institutionalization (Pevehouse, Nordstrom, and Warnke 2004).

<sup>10</sup> There is affinity with Biermann and colleagues’ definition (2009: 39) of an “international organization as an institutional arrangement that combines a normative framework, member states, and a bureaucracy.”

<sup>11</sup> In contrast to a one-shot agreement that might be designed to settle a boundary dispute, avoid double-taxation, or limit strategic weapons (see Koremenos 2016).

policy problems and the most important form of non-state authority in the international domain.<sup>12</sup> This is one reason why the conceptualization of variation in international governance has focused so much on the respective roles of states and non-state actors in international organizations. Realists, institutionalists, and constructivists have clearly articulated priors about the authority of international organizations.

Accurate information about international organizations is necessary if one wishes to explain international regimes, regime complexes, and international networks.<sup>13</sup> International organizations are an essential ingredient in theorizing international competition and collaboration (Hafner-Burton, Kahler, and Montgomery 2009; Abbott et al. 2015). Network theorists stress that one must pay attention to the characteristics of the units themselves in explaining the relative strength of their ties and why some actors are more central than others (Lazer 2011: 64).

To select the sample of international organizations in our dataset, we consulted the Correlates of War dataset and identified organizations having a distinct physical location or website, a formal structure (i.e., a legislative body, executive, and bureaucracy), at least thirty permanent staff, a written constitution or convention, and a decision body that meets at least once a year. We identified seventy-six IOs that are not emanations from other IOs that fit all or all but one of these criteria.

We see two reasons for limiting the sample to IOs that have standing in international politics. The first is practical. The questions we are asking require us to evaluate IOs using much more information than used to produce any prior dataset on IOs, and given time and financial constraints, it makes sense to estimate IOs that have some footprint in primary sources. In most cases the IOs in our dataset feature in the secondary literature. Second, we suspect that states may be more likely to pay attention to IOs that have some minimal level of resources. Hence our decision to exclude IOs that have no website, address, or are poorly staffed.

We conceive an international organization as having an institutionalized capacity for collective decision making. Most units that are classified as international organizations have a standing assembly or executive and a permanent secretariat that is separate from its member state administrations. We encompass the World Trade Organization (WTO), but not its predecessor, the General Agreement on Tariffs and Trade (GATT), which had neither a standing assembly nor an executive and lacked a rudimentary administrative capacity.<sup>14</sup> However, there are gray cases. Some institution-light agreements have become IOs in the process of acquiring standing bodies.

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<sup>12</sup> Alvarez (2005a: 588; 593) claims that IOs are “effective treaty machines” in the proliferation of international agreements in the post-World War II period: “IO venues make possible what would otherwise be increasingly difficult in a world of nearly 200 nation states: finding concrete, preferably written, evidence that virtually all states accept a rule as one of custom.”

<sup>13</sup> An international regime, in Krasner’s (1982: 186) definition, consists of “Implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations.” A regime complex is “an array of partially-overlapping regimes in a particular issue-area” (Raustiala and Victor 2004: 279). An international network is a set of relationships defined by links among independent and interdependent international actors—national governments, subnational governments, non-state national and transnational actors (Keck and Sikkink 1998; Slaughter 2004).

<sup>14</sup> “The GATT was not even an organization, but merely an agreement” (Jupille, Mattli, and Snidal, 2013: 73; Vabulas and Snidal 2013: 206)

We estimate the Conference of Security and Cooperation (CSCE) from 1990 when it obtained an organizational basis with a ministerial council and a secretariat.<sup>15</sup>

An IO may die or become moribund (Shanks, Jacobson, and Kaplan 1996; Gray 2015). The threshold for inclusion in the dataset is a track record of annually recorded activities (i.e. one or more annual executive or assembly meetings, secretariat output, and a budget). We detect only two formal dissolutions: the East African Community which became non-operative in 1977, and Comecon which died in 1991. The Arab Magreb Union is a gray case which we include because it has a standing secretariat, and its councils of foreign ministers and ministers for integration have met regularly, though its presidential council convened only in 1994 when the Union was established (Gray 2015).

IOs may change their name, purpose, or institutions. When is an IO reconstituted as a new unit of analysis? When should one treat a precursor as a separate organization? In most cases continuity is obvious, but there are some gray cases. In such instances we assess institutional continuity, whether the membership remains the same, and how the founders conceive their mission.<sup>16</sup>

The sample, consisting of seventy-six international organizations listed in Appendix I to Part I (Table A.1), encompasses twenty-three IOs that existed in 1950 and fifty-three IOs set up since. The sample is diverse with respect to policy portfolio and membership. Twenty-nine IOs in the sample are responsible for three or fewer policies on a comprehensive list of twenty-five policies; twenty-eight are responsible for more than ten policies. Eighteen IOs in the sample had fewer than ten member states in 2010; twenty-four had more than a hundred.

## Why Formal Rules?

We are concerned with an IO's formal institutions, the persistent structure of articulated rules that transcend particular individuals and their intentions. These rules frame the IO's bodies, who sits on them, what they are empowered to do, how they make decisions, how binding those decisions are for the member states, and how disputes are handled. The rules that underpin an international organization are set out in writing when states set up an organization, but they are often revised or refined in protocols, conventions, declarations, special statutes, rules of

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<sup>15</sup> Between 1975 and 1990, the CSCE was, as its name implies, a setting for the occasional conference, and little more. We detect the metamorphosis to an IO prior to 1995 when it became the Organization of Cooperation and Security (OSCE).

<sup>16</sup> The trickiest case is perhaps the European Union. There is no question that the European Economic Community (EEC), the European Community (EC), and the European Union (EU) are names for one and the same organization, but the transition from the ECSC to the EEC is contested because the ECSC continued to function as a legally distinct organization until 2002, at which point it was absorbed into the EU. However, the founders—government leaders and a small group of influential supranationalists—always considered the ECSC and the EEC as part of an overarching project for a united Europe. The same six states were members of both, and their governance was parallel. They shared a single indirectly elected assembly and Court of Justice, and in 1967 their ministerial councils were merged into the Council of the Communities and their secretariats were merged into the Commission of the Communities. Until 1957, we code only the ECSC; from 1958 our coding encompasses both the EEC and the ECSC.

procedure, and annual reports. Because they are written, the formal rules of an organization can be reliably researched.

We focus on formal rules for several reasons. First, as we argue below, an examination of the formal rules of an organization is essential if one wishes to measure its legal authority. Legal authority is impersonal in that it does not depend on the power or characteristics of office holders. Legal authority is circumscribed in that who has authority over whom in what respects is formally specified. And legal authority is codified in written documents rather than left unspecified in informal arrangements. Whereas the power of actors in getting others to bend to their will depends on charisma, expertise, and resources—authority is formally specified, impersonal, and institutionalized.

Rules, both formal and informal, are prescriptions that signal what actions are required, prohibited, or permitted (<IBT>Ostrom, Gardner, and Walker 1994</IBT>: 38). They are the procedures to which the participants would refer if asked to explain and justify their actions (*ibid.*: 39). Rules are the bedrock of institutions, regularized modes of human interaction that reduce uncertainty and structure cooperation. Because rules rest on shared meaning, they are subject to interpretation. This is why people write down rules that they negotiate. Written rules record prescriptions in a public and intersubjective way in order to constrain subsequent interpretation. In no field is this more important than governance which is concerned with the provision of rules about human behavior.

For these reasons, formal rules of international organizations are rarely taken lightly by the participating states. How IO bodies are constituted, their powers and voting rules are considered to be topics of intense concern to national governments and they negotiate accordingly. When a government signs a treaty of accession to an international organization it establishes an expectation that it will comply with the legal commitments set out in the treaty. Such commitments are public and can be difficult to escape and costly to change (Johnson 2013).

Informal rules are unwritten and express understandings that are shared by the relevant actors. Because they are unwritten, informal rules exist only when there is substantial agreement about what they mean and when they come into play.<sup>17</sup> Whereas a written rule exists in the face of contending interpretations, an informal rule exists only when the participants agree that it exists. This is unproblematic for most informal rules, e.g. rules of the road. Such rules have never been consciously designed, but are omnipresent because they are in everyone's interest to keep (Sugden 1986: 54; North 1990: 41).

The study of formal and informal rules are complementary endeavors. Both kinds of rule serve to coordinate repeated human interaction, and as North (1990: 40) points out, informal rules are “extensions, elaborations, and modifications of formal rules.” Formal rules are the point of departure for the study of informal rules. The formalization of international governance in international law and international organization has opened the door to the development of informal rules that extend, elaborate, or modify formal rules that emerge as the result of

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<sup>17</sup> An informal rule that is recognized to be an international custom can be invoked before an international court. However, the invocation of customary law—one of three sources of international law next to international agreements and general principles of law (Article 38 of the Charter of the International Court of Justice)—hinges increasingly on written evidence in, for example, IO conventions, proceedings of general IO meetings, and IO documents (Alvarez 2005a<>).

bargaining. Formal rules may codify, revise, and extend pre-existing informal practices. Two recent books that make the case for the importance of informal rules in international organizations take pains to detail formal rules on the ground that “The existence of formal rules narrows the range of possible bargaining solutions, provides focal points to coordinate expectations, and reduces transaction costs. ... Formal rules are an indispensable element of social organization” (Stone 2011: 12–13). In the words of Kleine (2013: 11), informal rules are “systematic collective practices that differ from this standard [of formal rules].”

In the absence of consensus about its meaning and implications, an informal rule may appear arbitrary or self-serving. An informal rule may appear to guide collective behavior only until it is broken by disagreement. Those who are party to it may have different recollections of its purpose or they may bend those recollections to their interests. Perhaps the most noted informal rule in an IO is the Luxembourg Compromise (1966) which raised the barrier to reform in the EU from majority rule to consensus by allowing a member state to veto a decision it regarded as in its “vital national interest.” However, when in 1982 Prime Minister Thatcher sought to veto a deal on farm prices in order to reduce the UK’s contribution to the EC budget, this was rejected by the other member states on the ground that “the Compromise could only be invoked if the ‘interest’ at stake related directly to the substance of the proposal being considered” (Teasdale 1993: 571; Bomberg 1999). The episode led member states to negotiate a formal rule that could provide clearer guidance. The following year, in 1983, the ten Heads of State signed a “Solemn Declaration on European Union” for expanded cooperation and streamlined decision making, and this was followed in 1986 by the Single European Act which extended qualified majority voting to areas immediately affected by the single market.<sup>18</sup>

Formal rules may be legitimated by informal rules. When the British prime minister, David Cameron, called for a special meeting of the Council of Ministers in the Fall of 2014 after the UK received an additional bill of £1.7bn in EU contributions, the Council president refused: “I respect that the UK wants to discuss this among ministers, but there are rules that must be kept. Countries must follow the rules as they are.”<sup>19</sup> In this case the informal rule of sticking to the formal rules prevailed over the informal rule of accommodating a government under intense domestic pressure. All rules are prone to ambiguity; unwritten rules are particularly prone to ambiguity.

Formal rules constrain behavior, but they do not uniquely determine behavior. A formal rule that permits a decision to be taken by majority does not compel the participants to form minimal winning coalitions. There may be several reasons why participants seek consensus. Consensus might indicate the presence of an informal rule, but before one can conclude that the absence of majority voting results from an informal rule, one must consider the alternatives. If decisions are implemented by the voters themselves, then it may make little sense to take decisions by majority if those who oppose do not have to put those decisions into effect. This applies to any

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<sup>18</sup> Member states are understandably reluctant to rely on informal understandings about the national veto and have, time and again, put the conditions in writing, as in the Ioannina compromise of 1994 and the emergency brake provisions in the Treaty of Amsterdam, the Treaty of Nice, and the Lisbon Treaty (Hayes-Renshaw and Wallace 2006: 164).

<sup>19</sup> Helle Thorning-Schmidt, prime minister of Denmark, quoted in *The Guardian*, Tuesday 28 October 2014; <<http://www.theguardian.com/politics/2014/oct/28/double-blow-for-ferguson-over-eu-referendum-and-payment-demand>>.

decision that requires national ratification. The appearance of an informal consensus rule may result from logrolling in which those who oppose a particular decision decide not to register their opposition because they get something in return. Another possibility is that voters may avoid majority voting because they fear its consequences. If preferences are structured in sticky coalitions, voters in the losing coalition may become disaffected with the organization and may exit.

The formal rule casts a long shadow even in the presence of an informal rule. It may be costly for states that are in a minority to appeal to an informal rule that they should not be outvoted. They must hope that the value of the informal rule to the winning coalition is greater than the value of making the decision by majority. Following the Single European Act, there was an informal rule for consensus when a member state government was under intense domestic pressure. However, for the informal rule to kick in, a member state had to plead extenuating circumstances. The UK government under Prime Minister Cameron repeatedly sought to block EU legislation on this ground—the domestic pressure was real enough—but the response on the part of other member states was typically unyielding. From the time of the Single European Act to the present, between 10 and 20 percent of all EU legislation has been opposed in formal votes by losing minorities (Kleine 2013; Hayes-Renshaw and Wallace 2006; Heisenberg 2005; Mattila 2009; Thomson 2011).

If one expects an analysis of the formal rules of an IO to point-predict its decision making, one is clearly asking too much. However, one must pay close attention to the formal rules of an IO—how its bodies are constituted, how they interact, and how they make decisions—to assess its authority. The written word has, for millennia, provided the means to preserve memory, and today representatives of states choose words with care when they are establishing and reforming an IO. It is worth stressing that this is perfectly consistent with the claim that informal rules can be important. No set of formal rules can interpret itself, and there are always ambiguities. But there is no substitute for written rules in contracting relations of authority in the international domain.<sup>20</sup>

### III. Dimensions of International Authority: Delegation and Pooling

Our first step in disaggregating IO authority is to break it into two parts, delegation and pooling.<sup>21</sup> This distinction provides the conceptual frame on which our measurement is built.

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<sup>20</sup> And, one might add, within states.

<sup>21</sup> The distinction between delegation and pooling has been kicking around for some time (Keohane and Hoffmann 1991: 7; Lake 2007: 220; Marks, Hooghe, and Blank 1996; Moravcsik 1993). Keohane and Hoffmann (1991: 16, 7) observe that “the EC has recently been continuing, even accelerating, its practice of ‘pooling sovereignty’ through incremental change: sharing the capability to make decisions among governments, through a process of qualified majority rule. ... Yet authority is not transferred to a supranational body because the crucial decision-making role is taken by an interstate body (the EC Council of Ministers).” Moravcsik (1993: 509) refers to the concepts “delegation and pooling” in tandem: “The EC differs from nearly all other international regimes in at least two salient ways: by pooling national sovereignty through qualified majority voting rules and by delegating sovereign

Delegation is a conditional grant of authority by member states to an independent body, such as a general secretariat that can set the agenda for decision making, an executive that takes day to day decisions, or a court that can impose a sanction on a non-compliant state. Delegation comes from the noun “legate,” the authorized representative of the Pope who handled “Matters which the governor and ruler of the Roman Church cannot manage to deal with by his own presence” (Gregory 1077: 56; quoted in Rennie 2013: 3). The concept is taken up in the principal-agent literature which makes the conditions under which principals delegate its chief puzzle. Delegation is designed to overcome issue cycling, sustain credible commitments, provide information that states might not otherwise share and, in general, reduce the transaction costs of decision making (Lake 2007: 231; Brown 2010; Hawkins et al. 2006; Koremenos 2008; Pollack 2003; Tallberg 2002). The delegate—in this case, the non-state actor—gains some influence over decision making; the principals—the member states—gain a capacity for governance that does not depend on their active presence.

A key virtue of the concept is that it provides a way to compare “completely dissimilar acts of delegation” (Brown 2010: 144). It highlights an underlying functional coherence among institutions—IO secretariat, executive, assembly, and court—that otherwise play contrasting roles. In each case, member states may grant authority to a non-state body to make decisions or take actions on their behalf (Bradley and Kelley 2008: 3).

However, international bodies are unlike most other delegated actors in one important respect: the member states are themselves part of the decision making process. The divide between voters and members of parliament or between Congressional representatives and bureaucrats in federal agencies does not exist in an international organization. The principals do not stand apart from an IO; they operate within it. They may monopolize the IO’s assembly, they may dominate the IO’s executive, and they may play a pivotal role at every stage of decision making.

This has a fundamental implication for international authority. It requires that we consider decision making *among* states as well delegation to independent IO bodies. An authoritative body may be composed of the principals themselves. It is perfectly possible to conceive an authoritative international organization in which non-state actors play no role at all if the principals collectively make decisions that are binding on individual states. This mode of authority we call *pooling* and we believe it to be at least as consequential as delegation.

Delegation and pooling are sharply distinct phenomena (Lake 2007: 220; Kahler and Lake 2009; Lake and McCubbins 2006; Hooghe and Marks 2014).<sup>22</sup> Delegation describes the autonomous capacity of international actors to govern. Pooling describes collective governance

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powers to semi-autonomous central institutions. These two forms of transferring national sovereignty are closely related.” Subsequent literature also refers to “delegation and pooling” as a holistic phenomenon (Hooghe and Marks 2001; Kohler-Koch and Rittberger 2007; Schimmelfennig et al. 2006).

<sup>22</sup> The distinction between delegation and pooling is parallel to the distinction between self-rule and shared rule in Volumes I and II (Hooghe et al. 2016; Hooghe and Marks 2016<). Self-rule, like delegation, describes the authority of non-central state actors. In Volumes I and II these non-central state actors are subnational governments; in this book they are independent international bodies. Shared rule, like pooling, describes the authority co-exercised by state actors. In Volumes I and II these state actors are central states; in this book they are national governments.



by states themselves. The strategic problem in delegation is the trade-off between the benefit of international governance and the cost of shirking when an international agent pursues its own agenda. The strategic problem in pooling is the trade-off between the benefit of finessing the national veto and the cost imposed on a government when it is on the wrong end of a decision.

To what extent do non-state actors exercise delegated authority in an IO? To what extent do member states pool authority? To make headway in answering these questions one must model decision making in an international organization.

## IV. Indicators

Delegation and pooling describe which actors make decisions, the rules under which they make decisions, and the kinds of decisions they make. This section explains how we disaggregate IO decision making and how we put the pieces back together. While we can learn from studies of decision making in individual IOs, the challenge here is much different. Our task is to develop a general model that can apply to any IO and so allow systematic comparison, cross-sectionally and over time. At the same time, we seek to model decision making in an IO as a step from the abstract to the concrete so that we can produce indicators for delegation and pooling.<sup>23</sup>

The model cuts three ways: by IO body; by decision stage; and by decision area.<sup>24</sup>

- **IO body.** We distinguish six kinds of IO body. Besides member states, an IO consists of one or more assemblies, executives, secretariats, consultative bodies, and dispute settlement mechanisms.
- **Decision stage.** We distinguish five stages of decision making: agenda setting, final decision making, opt-out, ratification, and dispute settlement.
- **Decision area.** We distinguish six decision areas: accession, suspension, constitutional reform, budgetary allocation, financial compliance, and up to five streams of policy making.

<COMP: INSERT FIGURE 1.2 NEAR HERE>

Figure 1.2 proposes a model summarizing IO decision as follows: What role does each IO body, having a particular mode of state or non-state composition, appointment, and representation, play at each stage of decision making in each decision area? This produces a

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<sup>23</sup> Chapters Two and Three set out the indicators and the algorithm for delegation and pooling.

<sup>24</sup> When we began this project in 2005 we divided into two teams—Liesbet Hooghe/Catherine de Vries and Gary Marks/Henk-Jan van Alphen—that independently coded decision areas for each IO on an aggregate supranationalism scale (Hooghe, Marks, and de Vries 2006). Statistical measures of reliability were reasonably good. We could all agree that the EU was more supranational than Mercosur which was more supranational than NAFTA. However, we came to realize 1) that we were confounding the scope of an IO's policy portfolio with the depth of its authority vis a vis its member states; 2) that in order to engage extant theories of international relations our coding needed to be more refined; and 3) that our judgments lacked transparency and were correspondingly difficult or impossible to refute. The present book is an effort to rectify these shortcomings.

matrix where the unit of observation is the *IO body at a decision stage in a decision area in a year*.

At the left of the figure the member states and their representatives compose the assembly, executive, and other IO bodies. The dashed arrows represent the simplest set-up. Most IOs have more than one assembly, executive, or general secretariat. In many IOs, the assembly has an independent role in the composition of the executive and general secretariat, and the dashed arrow connections among the bodies can be diverse. Indicators for each IO body assess its composition, member state representation, appointment, and removal procedures.

The solid arrows in the figure traverse stages of decision making in a single area, member accession. The full model treats all six decision areas. For agenda setting and the final decision we code the relevant voting rule for each IO body at each stage in each decision area. The subsequent decision stage taps the depth of member state obligation, i.e. how binding a decision is in each decision area. To use a domestic analogy, our focus is on the rules specifying the speed limit rather than on the incidence of speeding. We indicate bindingness on a scale of distinct institutional alternatives. A decision is non-binding if there is a voluntary provision or if objections by one or several countries can postpone or annul a decision. A decision is partially binding if there is a procedure for an individual member state to opt out or postpone a decision which does not affect its binding character for other member states. Finally, a decision is coded as binding if there is a legal provision to this effect or if there is no provision for a member state to opt out or postpone implementation.

Beyond this, there is the possibility that a collective decision is subject to ratification by individual member states before it becomes binding. We distinguish four possibilities: the decision comes into force for all states if ratified by all; the decision comes into force only for those member states that ratify; the decision comes into force for all states after ratification by a subset of states; the decision comes into force without ratification.

We assess legal dispute settlement as a distinct stage of decision making and because it is essentially a field-in-itself, we discuss it separately below.

Delegation depends on the extent to which IO bodies are institutionally independent of state control and the role of these bodies in IO decision making. Independence from state control can arise in several ways, most commonly because those who sit in an IO body are not selected by or responsible to member state governments. The model includes several indicators relating to the role of an IO body in agenda setting and the final decision, which are aggregated across decision areas.

Pooling refers to the joint exercise of authority by member states in a collective body to which they have ceded the national veto. These are the assemblies and executives composed of member state representatives who are directly responsible to the member states that select them. Pooling depends on the extent to which member states collectivize decision making in one or more IO bodies, the role of such bodies in agenda setting and the final decision, and the extent to which the decisions made by these bodies are binding on member states.

## **Dispute Settlement**

We assess the authority of an IO to take on legal disputes concerning the constitution, principles, or policies of an international organization and that involve at least one public authority, most

often a member state government, but sometimes an IO body or office holder (Merrills 2011: 1; Romano, Alter, and Shany 2014; Alter and Hooghe 2016). The measure of international authority is concerned with arbitration and adjudication, forms of *legalized* dispute settlement. We exclude diplomatic or political forms of dispute settlement, such as negotiation, mediation, or conciliation by a third party. We also exclude labor disputes within an IO or disputes that involve only private actors. Arbitration and adjudication share similar institutional features which jointly shape the depth of transnational legalization (McCall Smith 2000; Abbott et al. 2000).

The notion that international law can create legal obligations is intensely debated, and the position one takes has implications for measurement (Alvarez 2005a,b; Boyle and Chinkin 2007: ch.1; Dunoff and Pollack 2012; Posner and Yoo 2005). The classical positivist position is that law must be deposited in treaties, custom, and general principles of law—the three sources cited in Article 38 of the Statute of the International Court of Justice—to generate legal obligations on states. Rules are established through express or tacit consent among sovereign states. While states are free to back out of a treaty consistent with its terms, they are not free to proclaim that treaties are not binding (Koh 1996). This position is state-centric because it views international law as a product of states, for states. National governments are the gatekeepers. They may allow compulsory third-party dispute resolution and they may accept a ruling to be binding on themselves, but governments retain ultimate control by mediating or prohibiting access to non-state actors and by monopolizing implementation of international rulings (Hooghe et al. 2014).

A growing number of scholars argue that international law can emerge from sources beyond those in Article 38. International law derives from a “complex process of institutional interaction whereby global norms are not just debated and interpreted, but ultimately internalized by domestic legal systems” (Koh 1996: 2602). This view is transnational because it conceives international law as substantively affected by non-state actors. Some scholars emphasize that international organizations may generate international law by clarifying ambiguities, standardizing treaty negotiations, and making customary law traceable for a wider range of actors (Alvarez 2005a; Chayes and Chayes 1998). A more frontal critique of the state-centrist position comes from those who document how direct links between international courts and domestic actors can embed international rules in domestic processes (Helfer and Slaughter 1997). Several mechanisms facilitate this, chief among which are a) direct effect, which binds domestic institutions to enforce international rulings; b) non-state access, which enables private interests to initiate proceedings against a state; and c) preliminary ruling, which allows or compels domestic courts to seek legal guidance from the international court on conflicts between domestic and international law (Alter 2011). Alter (2014) labels courts that possess some or all of these features “new-style” or “supranational.” The prototypical example is the European Court of Justice, but she identifies more than twenty international courts in this category. They contrast with “old-style” or state-centric courts that may have some levers to generate binding commitments but also leave one or more doors ajar for national governments to protect national sovereignty (Alter and Hooghe 2016; Hooghe et al. 2014).

Our measure operationalizes the tension between state-centric and supranational conceptualizations of international dispute settlement. We break third party dispute settlement into seven indicators that assess the authority of an IO’s legal dispute settlement mechanism (Haftel 2013; Helfer and Slaughter 1997; Jo and Namgung 2012; Keohane, Moravcsik, and Slaughter 2000; Kono 2007; Tallberg and McCall Smith 2014). This refines McCall Smith’s

(2000) coding scheme and extends it to task-specific alongside general purpose IOs. In addition to five indicators adapted from McCall Smith, we assess coverage, whether the dispute settlement mechanism is obligatory or optional for IO members, and preliminary ruling, whether domestic courts can, or must, refer cases to the international court. The first four indicators evaluate the extent of state-control and the final three indicators evaluate the supranational character of dispute settlement.

- **Coverage.** How inclusive is international dispute settlement? Can member states opt out of the dispute settlement system or is it obligatory for all member states?
- **Third party review.** How compulsory is international dispute settlement? Is there no recourse to third party judicial? Can a member state initiate litigation only with the consent of a political IO body? Or is there an automatic right for third-party review of a dispute over the objections of the litigated party?
- **Tribunal.** How institutionalized is international dispute settlement? Are ad hoc panels selected to hear particular cases or is there a standing tribunal that can build precedence?
- **Binding.** How binding is international dispute settlement? Is dispute resolution merely advisory? Is dispute settlement binding only on condition that a state consents ex ante to bindingness. Can a state register a derogation or exception? Does a court decision require post hoc approval by a political body? Or are rulings unconditionally binding?
- **Access.** How accessible is international dispute settlement? Is litigation closed to non-state actors or can the general secretariat litigate? And what about other non-state actors?
- **Remedy.** How enforceable is international dispute settlement? Is no remedy available? Are states authorized to take retaliatory sanctions? Can a remedy be imposed by direct effect that binds domestic courts to act?
- **Preliminary ruling.** How domestically integrated is international dispute settlement? Is preliminary ruling an option for domestic courts? Is there a compulsory system of preliminary ruling in which domestic courts must refer cases of potential conflict between national and international law to the court or must abide by international rulings?

These indicators form a cumulative scale from weak to strong international authority beginning with coverage and ending in preliminary ruling. To the extent that the indicators form a Guttman scale, an IO will be expected to meet the first threshold in order to meet the second, the second in order to meet the third, and so on. A Mokken analysis finds this is a reasonable approximation to the data (Van Schuur 2003). An IO dispute settlement system that has automatic third party review but fails to have comprehensive coverage produces a Guttman error. We find 33 such errors (the first row in the second column of Table 1.2), revealing that this is the weakest link in the Guttman scale. The extent to which a population avoids Guttman errors is expressed in the Loewinger's H-statistic (Mokken 1970; Mokken and Lewis 1982). With an overall H-index of 0.76 in 2010, the dispute settlement scale is quite strongly hierarchical.<sup>25</sup>

<COMP: INSERT TABLE 1.2 NEAR HERE>
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<sup>25</sup> An H-index above 0.5 (more than half of the population avoids errors) is usually considered strongly Guttman.

A perfectly symmetrical Guttman scale would reveal the steps to be roughly equally paced. However, the proportion of IOs meeting the steps in the scale does not increase linearly (the mean score in [Table 1.2](#)). There is a break, as we expect, between the first four indicators, which are features of state-controlled dispute settlement, and the final three indicators, which are features of supranational dispute settlement.

## The Policy Portfolio

The policy responsibilities of an IO—its policy portfolio—is an important feature of international governance. We assess an IO’s policy portfolio across a list of twenty-five policies, and this data is available in the MIA dataset. However, we do not build it into the measure of international authority for two reasons. First, we wish to make a conceptual distinction between an IO’s policy portfolio and the authority of an IO vis à vis its member states in its core functions—letting members in, suspending them, reforming the organization, allocating its budget, paying up, and deciding policy. This may be a topic on which more is actually less if one ends up mixing concepts that do not really belong together. The diversity of an IO’s purpose or policy is one thing; the capacity of an IO to oblige member states to do things they would not otherwise do is another thing entirely. Hence, it seems conceptually loose to equate the authority of an authoritative task-specific IO, such as the World Bank or the International Monetary Fund, with a weak but diverse IO, such as the Nordic Council or the Shanghai Cooperation Organization.<sup>26</sup> Second, we wish to avoid compounding the measure with concepts that one might wish to investigate empirically. We do not know whether the authority of an IO is related to its policy portfolio. Are IOs that specialize in particular tasks more authoritative than those that are general purpose? Do they tend to pool more authority? Do they delegate more? To answer questions such as these, one needs to conceptualize and measure these variables separately. This is the principle of minimalism, the effort to avoid contaminating a measure by including too much.

Our approach renders it unnecessary to legislate on this matter. We break down the overarching concept into discrete but conceptually coherent dimensions that are independently measured. This Lego block approach makes it possible for users to make their own decisions regarding the variables that they wish to encompass to suit their purpose.

<COMP: INSERT TABLE 1.3 NEAR HERE>

We estimate the scope of an IO’s policy portfolio across a list of twenty-five policies ([Table 1.3](#)) adapted from [Lindberg and Scheingold \(1970\)](#) and updated by [Schmitter \(1996\)](#) and [Hooghe and Marks \(2001\)](#). We identify eight indicators for assessing whether an IO’s portfolio encompasses a particular policy:

- The policy features in the name of the organization;
- The policy is highlighted as a central purpose of the IO in the opening paragraphs of its foundational contract;

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<sup>26</sup> To equate such cases rests on the strong assumption that a change in one dimension—international authority as measured here—is equivalent to a change on the other dimension—the diversity of the policy portfolio. One consequence is that observations are unlikely to be *wellordered* (Hooghe, Marks, and Schakel 2010: 10f).

- The policy is the primary subject of a separate treaty section;
- The policy is the primary subject of an annex or protocol;
- The policy is explicitly tied to budgetary resources in a convention, constitution, protocol, annexes, or ancillary document;
- The policy is the primary subject of an IO policy instrument or body policy instrument, IO organization, IO directorate, IO court specifically charged with the policy;
- An IO committee, council, working group or equivalent is specifically charged with the policy;
- The policy features as the functional specialization of the national representatives who sign the IO's foundational document.

## V. Scoring Cases

Scoring cases consists of obtaining and processing information in order to place numerical values on objects (Bollen and Paxton 2000). One perennial challenge is that information is unevenly available. IOs are formally constituted bodies negotiated and established by states, but their rules are not always at hand. All IOs have some kind of founding document, but they are uneven. Our first step is to compile IO manuals, official webpages, fact sheets, meeting minutes, committee reports, rules of procedure, and annual reports, alongside secondary sources, news reports (e.g. on accession or suspension), and information from the Yearbook of International Organizations. The Union of International Associations library in Brussels is useful for less prominent organizations, as is inquiring directly from the relevant IO.

Our strategy in using the information we collect can be described as interpretation through dialogue. Interpretation is the act of explaining meaning among contexts or persons. When measuring international authority, we are interpreting the concept *political authority* in the context of particular international organizations at particular points in time. As one moves down the steps of measurement in Figure 1.1, the concept becomes less abstract, but even apparently simple concepts, such as assembly, executive, or majority voting rule, are not directly observable. “The bridge we build through acts of measurement between concepts and observations may be longer or shorter, more or less solid. Yet a bridge it remains” (Schedler 2012: 22). Our intent is to make the link between indicators and scores both plausible and transparent.

Dialogue—sustained, open-ended discussion—is intended to increase the validity of our judgments. Dialogue among coders makes it impossible to assess inter-coder reliability, but we consider this a sacrifice worth making. There are two reasons why. The first is that the principal challenge in estimating an abstract concept such as international authority is validity rather than reliability. Validity concerns whether a score measures what it is intended to measure. Do the dimensions really capture the meaning of the concept? Do the indicators meaningfully pick up the variation on each dimension? Do the scores accurately translate the characteristics of individual cases into numbers that express the underlying concept? Reliability concerns the random error that arises in any measurement. How consistent are scores across repeated measurements? Would a second, third, or nth expert produce the same scores? If the error one is

most worried about is systematic rather than random, then validity may best be achieved by dialogue among coders than by combining independent judgments.<sup>27</sup>

All scoring decisions were discussed by two or more members of the research team, often at length. Difficult cases were usually discussed on several occasions. Divergence of interpretation led us to soak and poke by going back to the sources or finding additional sources. Interpretation through dialogue frequently led us to revisit the indicators and sometimes impelled us to rethink the dimensions on which we assess international authority.

No matter how well designed a measure, there will always be ambiguities in applying rules to particular cases. There will also be gray cases that lie between the intervals. Our approach is to clarify the basis of judgment and, where necessary, devise additional rules for adjudicating such cases that are consistent with the conceptual underpinnings of the measure. Chapter Two sets out our rules for coding ambiguous and gray cases and is, not uncoincidentally, more than twice as long as this chapter.

The lynchpin of our measure is transparency, and this leads us to explain coding decisions in extended profiles. These profiles make our scoring assessments explicit so that researchers familiar with individual IOs may revise or reject our decisions. At the same time, the profiles are intended to remove the curtain that protects the cells in a dataset from cross-examination.

## Conclusion

Our purpose in this book is to produce a measure of international authority that allows cross-sectional comparison and comparison over time. The impetus comes from the efforts of IR scholars over the past two decades to study international organizations with analytical tools used to examine institutions in comparative politics (Haggard 2011: 1; Abbott and Snidal 1998; Bradley and Kelly 2008; Goldstein et al. 2000; Hawkins et al. 2006; Keohane 1984; Koremenos, Lipson, and Snidal 2001; Martin and Simmons 1998; Zürn 2000; Tallberg 2002). Our premise is that the production of comparative information on a fundamental phenomenon can pose new puzzles and new lines of inquiry as well as discipline existing hypotheses.

The Measure of International Authority covers seventy-six IOs from 1950 (or the year of founding) to 2010. Our substantive focus and unit of analysis is the international governmental organization, an organization contracted among three or more states to structure their cooperation. Such organizations are immensely diverse. Some specialize in a narrow task, such as the waterway problems of the river Rhine; some are so broad and authoritative that they begin to resemble national governments. However, all IOs are institutionalized by rules that prescribe the purpose of the organization, the composition of its decision-making bodies, and how they make decisions.

In order to assess their authority, we model the composition of IO bodies, their roles in decision making, the bindingness of IO decisions, and the mechanisms through which they seek to settle disputes. Our approach breaks down the concept of international authority into discrete, conceptually coherent, dimensions. We conceive two ways in which an international

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<sup>27</sup> An expert survey allows one to estimate the reliability of a measure, but the information we require goes far beyond the information that any expert commands.

organization can have authority. States can *delegate* authority to non-state bodies to facilitate decision making, e.g. by collecting information, crafting deals, setting the agenda, monitoring compliance, or overseeing implementation. And they can *pool* authority among themselves by making collective decisions that finesse the national veto. The distinction between delegation and pooling underpins our measurement. We suspect that delegation and pooling are causally as well as conceptually distinct.

One feature of the measure is that it is built up from coherent ingredients—the composition and role of individual IO bodies at each stage in policy making, constitutional reform, the budget, financial non-compliance, membership accession, and the suspension of members. This produces a flexible tool for investigating international governance and testing theory.

Each indicator specifies institutional alternatives that can be reliably assessed using publicly available information. Chapter Two discusses the ambiguities and gray cases that inevitably arise. Chapter Three shows how we aggregate scores and reviews some results. Part Two contains profiles that detail our scoring for forty-six IOs.



**Table 1.1: Conceptualizing variation in international authority**

<b>Supranationalism</b>	<p>“Supranationalism symbolizes the proposition that certain international organizations have achieved substantial emancipation from the control of national governments and acquired an autonomous role in international affairs” (Claude 1968).</p> <p>“States pool or share sovereignty at the regional or global level by creating a collective unit” and “delegate authority to a supranational agent or IO” (Kahler and Lake 2009: 246).</p> <p>“The distinguishing feature between supranational and international organizations is . . . the former’s ability to penetrate the surface of the state” by “recognizing rights for nonstate actors and granting them distinct and independent status before supranational institutions” (Helfer and Slaughter 1997: 272–3).</p>
<b>Autonomy</b>	<p>“Ability to operate in a manner that is insulated from the influence of other political actors—especially states” (Haftel and Thompson 2006: 256).</p> <p>Autonomous institutional arrangements are “freestanding and distinct both from the states parties to a particular agreement and from existing IGOs ... they have their own lawmaking powers and compliance mechanisms” (Churchill and Ulfstein 2000: 623).</p>
<b>Independence</b>	<p>“Independence means the ability to act with a degree of autonomy within defined spheres. It often entails the capacity to operate as a neutral in managing interstate disputes and conflicts” (Abbott and Snidal 1998: 9).</p> <p>Institutional independence is a function of whether an IO possesses autonomy, neutrality, and delegation (Haftel and Thompson 2006; Haftel 2013).</p>
<b>Centralization</b>	<p>“Important institutional tasks [are] performed by a single focal entity” (Koremenos, Lipson, and Snidal 2001: 771).</p> <p>“A concrete and stable organizational structure and a supportive administrative apparatus managing collective activities” (Abbott and Snidal 1998: 5).</p>

<b>Control</b>	“Changes in the voting rules within a quasi-legislative component of an international institution represent changes in control that do not affect the level of centralization” (Koremenos, Lipson, and Snidal 2001: 772).
<b>Delegation</b>	<p>International delegation is defined as “a grant of authority by two or more states to an international body to make decisions or take actions” (Bradley and Kelley 2008: 3).</p> <p>“The delegation of state authority to international organizations or courts” is “a conditional grant of authority from a principal to an agent in which the latter is empowered to act on behalf of the former” (Hawkins et al. 2006; Hawkins and Jacoby 2008: 1–2).</p>
<b>Institutionalization</b>	Estimates the extent to which international organizations have “an ability to alter state behavior.” One may distinguish between minimal, structured, and interventionist organizations (Boehmer, Gartzke, and Nordstrom 2004: 291).
<b>Depth</b>	“The extent to which (an agreement) requires states to depart from what they would have done in its absence” (Downs, Rocke, and Barsoom 1996: 383).
<b>Legalization</b>	<p>“Legally binding obligations that are precise (or can be made precise through adjudication or the issuance of detailed regulations) and that delegate authority for interpreting and implementing the law. ... hard law restricts actors’ behavior and even their sovereignty” (Abbott and Snidal 2000: 421–2).</p> <p><i>Legalization</i> refers to a particular set of characteristics that institutions may (or may not) possess (Goldstein et al. 2000: 387): (a) obligation: whether states or other actors are legally bound; (b) precision: extent to which rules unambiguously define the conduct they require, authorize, or proscribe; and (c) delegation: extent to which third parties have been granted authority to implement, interpret, and apply the rules and resolve disputes.</p>
<b>Pooled sovereignty</b>	“Sovereignty is pooled, in the sense that, in many areas, states’ legal authority over internal and external affairs is transferred to the Community as a whole, authorizing action through procedures not involving state vetoes” (Keohane 2002: 748).

**Table 1.2: Mokken scale analysis**

<b>Item</b>	<b>P</b>	<b>Observed Guttman errors</b>	<b>Expected Guttman errors</b>	<b>Loevinger H coefficient</b>
Coverage	0.63	33	66.6	0.50
Automatic third party review	0.62	15	63.0	0.76
Standing tribunal	0.62	20	66.8	0.70
Binding ruling	0.57	22	65.9	0.67
Non-state access	0.26	15	63.0	0.76
Remedy	0.26	8	35.7	0.78
Preliminary ruling	0.16	5	20.5	0.76
<b>Scale</b>		<b>58</b>	<b>181.5</b>	<b>0.76</b>

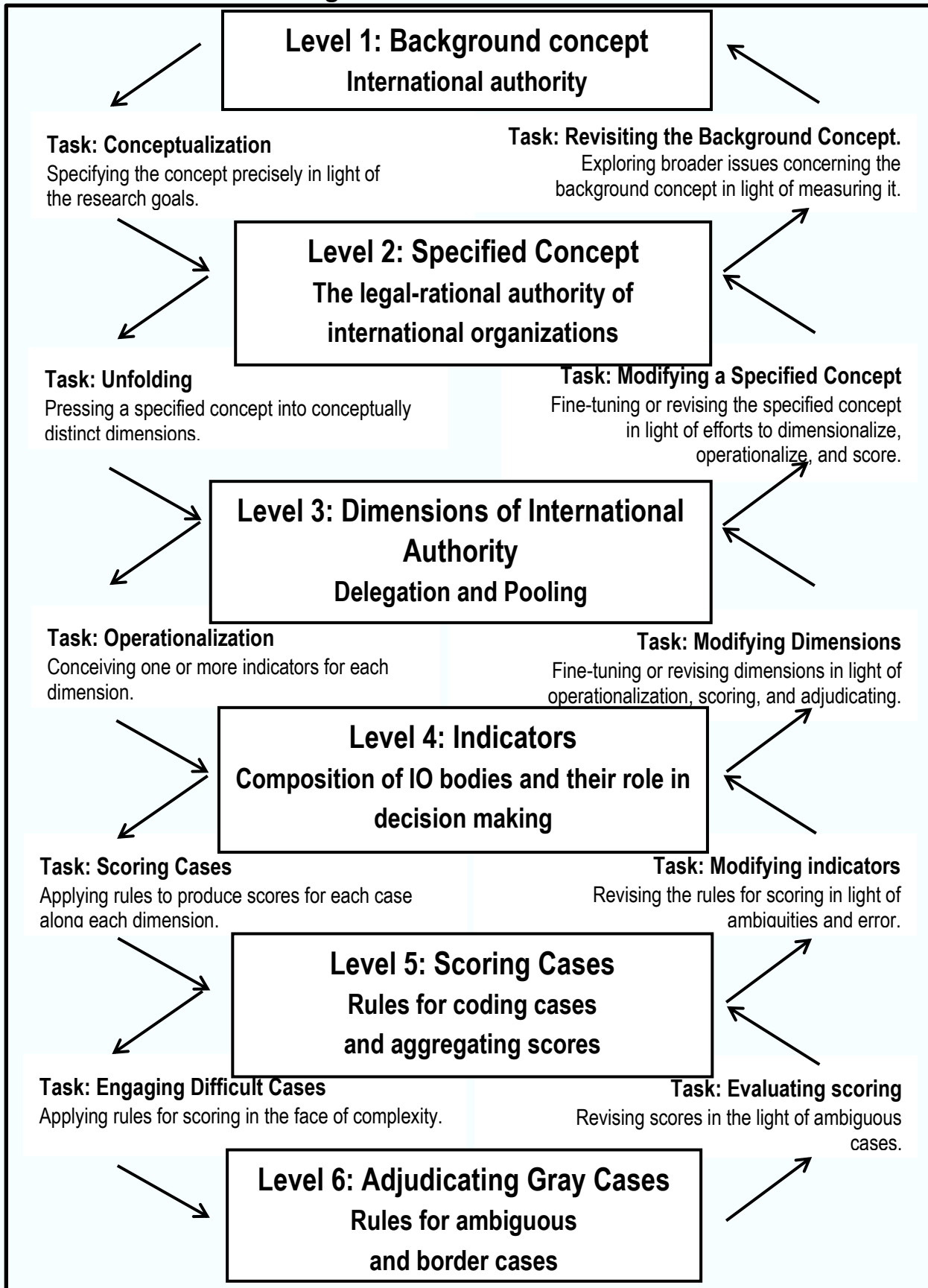
*Note:* N=76 for 2010. The table shows the proportion of observations scoring positively on each dimension of dispute settlement on a scale of zero to 1, the observed Guttman errors (number of IOs that deviate from the Guttman scale), expected Guttman errors (number of deviations that are expected if items were stochastically independent), and Loevinger's H (ratio of the total sum of observed vs. expected errors).

**Table 1.3: Policy portfolio**

1.	Agriculture
2.	Competition policy, mergers, state aid, antitrust
3.	Culture and media
4.	Education (primary, secondary, tertiary), vocational training, youth
5.	Development, aid to poor countries
6.	Financial regulation, banking regulation, monetary policy, currency
7.	Welfare state services, employment policy, social affairs, pension systems
8.	Energy (coal, oil, nuclear, wind, solar)
9.	Environment: pollution, natural habitat, endangered species
10.	Financial stabilization, lending to countries in difficulty
11.	Foreign policy, diplomacy, political cooperation
12.	Fisheries and maritime affairs
13.	Health: public health, food safety, nutrition
14.	Humanitarian aid (natural or man-made disasters)
15.	Human rights: social & labor rights, democracy, rule of law, non-discrimination, election monitoring
16.	Industrial policy (including manufacturing, SMEs, tourism)
17.	Justice, home affairs, interior security, police, anti-terrorism
18.	Migration, immigration, asylum, refugees
19.	Military cooperation, defense, military security
20.	Regional policy, regional development, poverty reduction
21.	Research policy, research programming, science
22.	Taxation, fiscal policy coordination, macro-economic policy coordination
23.	Telecommunications, internet, postal services
24.	Trade, customs, tariffs, intellectual property rights/patents
25.	Transport: railways, air traffic, shipping, roads

Note: Adapted from Lindberg and Scheingold's classification (1970) as updated by Schmitter (1996) and Hooghe and Marks (2001).

**Figure 1.1: Measurement model**



Note: Adapted from Adcock and Collier (2001).

Figure 1.2: A model of IO decision making

