

Alternate Norms: New Contestation Theory on Subsidiary Norms in the Changing World Order

Abstract

International relations scholars note that the liberal, rules-based world order is changing, as the underpinning international norms and institutions face serious contestation from the global West to East and South. Norm dynamic (robustness) scholarships show concerns about norm survival and alternatives. I argue that constructivist norms (contestation) theory has a lapse of research in parallel norms and institutions in the global South that serve as contenders and replacements. I develop the *alternate norms* theory to study such norms. Drawing on concepts of grand strategy and contested subsidiarity, alternate norms theory explains that *claims of the universality of liberal international norms generate enthusiastic contestation and resistance, weakening the world order. Regional powers (and global powers, too) act through regional organizations to make parallel norms and institutions, establishing primacy and dominance of governance of international issues within geographical/spatial boundaries. Alternate norms underpin regional powers' strategic narratives and conceptions of the world and thus structurally more robust and fittest for a transformed and resilient international order.* Consequently, a reformed, stable world order must embrace normative pluralism in which alternate norms and international norms coexist. I probe the alternate theory using parallel norm-making in Africa, African regional powers, and African Union norms and institutions.

Introduction

International relations scholars and practitioners note that the world order is changing (see Kupchan 2013; Katzenstein and Seybert 2018; Acharya, Estevadeordal, and Goodman 2023; Deudney, Ikenberry, Postel-Vinay 2023). The “changing world order” refers to, firstly, the Western-led rules-based, liberal governance system and secondly, the international structure where hard power, such as the preponderance of military and economic resources, translates to primacy and influence in global affairs. The order is changing mainly because various actors contest intensely the accompanying international norms and institutions underpinning the governance system, as power shifts to the world’s regions.

Firstly, bedrock international norms – including those relating to sovereignty, intervention, criminal justice, and nuclear weapons – and institutions like the UN, the International Criminal Court (ICC), and the World Trade Organization that regulate state and nonstate actors’ behavior are weakening. From the global West to East and South, major and minor actors contest international norms they view as inconvenient to policy objectives. The United States disagreements with ICC interventions, Russia’s invasion of Ukraine, China’s land and sea ambitions, Israel’s war with Hamas and Hezbollah, and North Korea’s nuclear weapons tests, are illustrative. Menon (2022) points out that flagrant rejections of liberal international norms suggest that “nobody wants the current world order.” Economy (2024) explains that “the United States is increasingly viewed as operating outside the very institutions and norms it helped create.” The Council on Foreign Relations (2023) notes that the “beating heart [the United States] of the liberal world order has slowed.” Now observers (like Council on Foreign Relations 2023; and The Economist 2024) contemplate the collapse of the current order and potential alternatives. Economy (2024) suggests that while the West rejects China’s alternative order, the global South welcomes the underlying norms and institutions because they accommodate their values and aspirations despite the “illiberal” character.

Secondly, the international structure has been changing since the end of the Cold War (see Ruggie 1989; Buzan and Wæver 2003; Rosenau 2018; Alterman and McElwee 2024). Structural change refers to a power shift – in the sense of “power as right” as opposed to “power as might” (Ruggie 1989) – from the West to “the Rest.” From the power as might perspective, the most notable change is China’s economic and military rise, providing credibility to the alternative world order and accompanying norms and institutions China promotes. Indeed, liberal international norms have been a feature of Western power and thus reflect the aspirations of the most powerful global North actors in world politics. Norm promotion and maintenance require substantial resources, especially from material sources, such as military and economic. On the other hand, power as a right perspective emphasizes various actors, especially the less powerful ones from the global South, playing significant roles in international affairs.

Constructivist norms (contestation) theory (especially Acharya 2011) explains the global South’s, or as the author describes it, the “third world” interactions with the liberal world order, stressing that regional actors engage in norm subsidiarity where they promote preferred international norms and institutions or make regional norms and institutions to protect their autonomy. China’s alternative order complicates this understanding as it seeks to replace the liberal, rules-based order, offering the global South a choice. As Fazal (2024) points out, “The global South...responses [to Russia’s invasion of Ukraine] suggest that the challenges [by China and Russia] to current norms may succeed.” Likewise, in the “Forum: The Russia-Ukraine War and Reactions from the Global South,” Nadkarni et al (2024) examine the implications for the liberal world order, considering what scholars (like Acharya 2017; Duggan et al 2021) call “a post-Western order.” Today, the global South benefits from two competing parallel world orders and associated norms and institutions. However, I argue that the global South enjoys a third choice: to make parallel orders with corresponding norms and institutions.

This research develops the third-choice argument, emphasizing that constructivist norms theory (across the three conceptual trends – norm evolution, norm contestation, and norm constellation) has not fully explored norm-making in the global South where regional powers create parallel orders with complementary norms and institutions. I contend that global South actors, like China, equally make comparable norms and institutions challenging international counterparts they view as inconsistent with their values, policies, and interests. This unexamined dimension of norm-making is a serious lapse or a “blind spot” (Peez 2022) in constructivist norms theory. Accordingly, this study makes course corrections to stimulate a healthier consciousness for studying equivalent norms from the global South that challenge liberal international norms. I name such norms *alternate norms*. This study explains alternate norms’ purposes, examples, and core features. To do this, I develop the alternate norms theory as the new contestation theory on subsidiary norms (for the original norm subsidiarity concept, see Acharya 2011).

The purpose of the theory of alternate norms is to explain the new dimension in the global South’s interactions with the liberal world order and accompanying norms and institutions. The theory explains that *claims of the universality of liberal international norms generate enthusiastic contestation and resistance, weakening the rules-based world order. Regional powers (as well as global powers like China) act through regional organizations to make alternate norms and institutions, establishing primacy and dominance of governance of international issues within geographical and spatial boundaries, or regions. Alternate norms reflect most vividly regional powers’ strategic narratives and conceptions of the world. Alternate norms are structurally and characteristically robust because regional powers enjoy substantive legitimacy. Thus, alternate norms are **fittest** for underpinning a legitimate, just, and resilient world order. As parallels, alternate norms pose a fundamental challenge to the liberal strategic narratives and conceptions of the world. Yet, a stable world order must*

embrace pluralism in the normative architecture and structure in which alternate norms and international norms coexist. Alternate norms challenge international norms in two forms: norm superiority and norm identity. Norm superiority means precedence in addressing common global issues in regional spaces; norm identity concerns the promotion of a region's ideas and values in the international system.

I frame alternate norms theory in studies on grand strategy (Freedman 2013; Brands 2015; Gaddis 2018; Balzacq and Krebs 2021). Liberal international norms and institutions are components of the Western (especially the United States) grand strategy for world transformation. I draw particularly on Gaddis's (2018, 151-181) insights on the role of ideas in "new worlds" in developing the assumption that claims of universality or "uniformity" of liberal international norms generate enthusiastic contestation and resistance, undermining the liberal world order. I buttress this conceptual insight with Slaughter's (2009) conception of contested subsidiarity/authority in the changing world order, clarifying that various actors now contest primary decision-making authority in the modern international system, and this contestation is accelerating world division into regions, blocs, or globes, lacking a unifying authority. I then focus on norms originating from the global South, specifically from Africa. I explore norms adopted by regional powers and enshrined in the African Union (AU)'s legal and official documents. (This study replicates data from Ifediora [2021].) The data show that regional powers have created alternate norms and institutions to establish primacy and dominate the governance of international issues, including in the following thematic areas of international studies and policy concerns: trade, health, humanitarian intervention, international criminal justice, and international organization authority/sovereignty. All this illustrates the emerging African order in the changing world order.

This study contributes to constructivist norms research. The alternate norms theory shows that constructivist norms studies, which focus on international norms and institutions of

the US-led liberal, rules-based world order, are incomplete. China's alternative world order with accompanying norms and institutions and the evolving African order with complementary norms and institutions, demonstrate parallels. The struggle over the current world order was never bipolar (the United States versus China). If it were, then victory – in the sense of winning the support of the global South – would depend on a grand strategy of normative and institutional alignments with “the Rest.” The contestation is multipolar, in which the survival and stability of world order hangs on a grand strategy of pluralism. The normative architecture and structure of the new, transformed, resilient world order must be pluralistic.

This study completes the theoretical trends of norm contestation and norm constellation. The norm contestation trend explains norm dynamics (change and survival) but the exclusive focus on liberal international norms severely limits norm studies and understanding. The existence of alternate norms in a world where primary decision-making authority (or subsidiarity) has dispersed to the regions and regional powers hold different strategic narratives and conceptions of the world and the governing rules. Alternate norms theory recasts norm contestation as a fundamental challenge to liberal international norms, instead of strengthening and solidifying their structural foundations (Wolff and Zimmerman 2016). The profound implication is that in the changing world order, deeply divided into regions or blocs, international norms take even more regional relevance where such norms have had the greatest resonance. As Deudney, Ikenberry, and Postel-Vinay (2023, 10) observe, “These [international] norms commonly cast themselves as universal, but their actual sway was never more than regional.” Norms scholars (for example Fehl and Rosert 2020) recognize diversity in the global order vis-à-vis international norms and subsidiary norms, so this study demonstrates the regional limits of international norms in the changing world order.

The norm constellation trend explains the complex structure of liberal international norms and the activation problem of collision. Existing accounts of norm collision center on

competing liberal international norms. Norm collisions between alternate norms and international norms are unexamined. Just as regional powers activate alternate norms, global powers look to activate international norms, and concurrent activations cause collisions. This leads to contestation over norm priority between alternate norms and international norms. Such contestation is becoming prevalent and pronounced. Given that the subsidiarity principle situates authority in organizations and institutions closest to those most affected by an action, alternate norms would increasingly enjoy primacy. Powers outside a region may challenge alternate norms but such contestation is less likely to result in “norm impasse” but more likely in “norm clarification” (Stimmer 2019) because external powers would progressively appreciate the significance of alternate norms in the emerging new world order. This dimension of contestation and collision is a promising new area for future research and theory innovation.

This article has four main sections. The first section reviews the literature to illustrate the limitations of constructivist norm theory and research programs. The second section discusses the theory of grand strategy and the concept of subsidiarity that frames the alternate norms theory. The third section uses the African example to illustrate alternate norms theory. The fourth section focuses on the core features of alternate norms – robustness, making such norms more suitable for a transformed, stable world order.

A Lapse in Constructivist Norms Research

This section reviews the literature and highlights the lapse in constructivist norms theory. It focuses on the norm contestation concept. Norm contestation encompasses norm subsidiarity, which explains norm-making in the global South vis-a-vis liberal international norms and institutions. However, norm subsidiarity does not account for the creation of parallel norms and institutions in the global South that challenge the liberal, international counterparts.

I argue that such unexplored norms and institutions constitute a significant slip in constructivist norms theory.

Three landmark trends encapsulate theories and innovations in constructivist norms research. These are norm emergence, norm contestation, and norm constellation. The first trend scholars (Finnemore and Sikkink 1998; Stimmer 2019) explore the emergence and internalization of international norms, otherwise known as the life cycle of norms. The second trend scholars (Florini 1996; Wiener 2014, 2018) study genetic and social factors causing international norms to change over time. The third trend scholars (Winston 2018; Lantis and Wunderlich 2018; Fehl and Rosert 2020) examine norm structure or clusters and the hierarchical arrangement that often results in norm activation problems, such as norm collisions (Kreuder-Sonnen and Zürn 2020). Among these three research waves in constructivist norms theory, the norm contestation trend is invariably the most significant conceptual innovation. However, like Peez (2022), I note that the almost exclusive focus on liberal international norms has created a lapse where parallel norms originating from the global South that challenge the primacy of international norms are unexplored.

In many ways, norm contestation theory's compelling accounts of norm endurance or disappearance in the face of sustained challenges underpin its innovative appeal. Indeed, the stability of world order depends on the persistence of norms and institutions supporting it. So, understanding why international norms persist is extremely important. Florini's (1996, 367) "neo-Darwinian" theory presents an evolutionary explanation of a norm's survival over its rivals. It argues that 'norms, like genes, are "contested" – that is, they are in competition with other norms that carry incompatible instructions.' The result was that "one of the contestants prevails absolutely and the other disappears." Wiener's (2018) more popular theory relates to social conditions affecting a norm's progression like when state or nonstate actors dispute a norm's validity or application. Through this Darwinian-like process of social selection "unfit"

norms eventually die and robust ones survive, if in one shape or another (Panke and Petersohn 2016). In this sense, the study of norm persistence or demise is more interesting. Yet, a serious lapse exists where global South norms that challenge liberal international norms and underpin power dynamics in the world order are unexamined. Contestation theory has not cultivated even earlier research (such as Katzenstein 1993) – and a growing number of studies (for instance Chen and Yang 2022) – that underline such challenge and establish the absence of a unified normative order and structure. This is a significant omission in constructivist norm research programs, severely limiting understanding of norm contestation, especially in an era of power transformation in the world order.

Acharya's (2011, 2018) "norm subsidiarity" concept that explains norm-making in the "third world" or global South (particularly in Asia and Africa) is the closest thing to a sustained attempt to apply the contestation method to study norms arising from the world's regions. The concept casts regional powers as weak actors who are more concerned with their sovereignty than making rules and norms that parallel and challenge liberal international norms and the world order that supports such norms. To be sure, Acharya (2011, 96-6) explains that norm subsidiarity is "a process whereby local actors create rules with a view to preserve their autonomy from dominance, neglect, violation, or abuse by more powerful central actors." Elsewhere, Acharya (2018, 61) clarifies that norm subsidiarity is 'a response to the "tyranny" of higher-level institutions (including multilateral organizations or great power management) in global rule-making.' Acharya's work has a dominant influence in understanding the global South's contributions to the dynamics of international norms, as various research (see, for instance, Kenkel and De Rosa 2015; Lee and McGahan 2015; Mohamed Ali 2021; Sun and Yu 2022) illustrates.

Uniquely, though, Fehl and Rosert (2020, 7) employ norm subsidiarity to study "norm hierarchy," in which "one norm carries greater social weight than another norm and therefore

takes precedence over the other norm in its application.” The interesting proposition is that norm subsidiarity may resolve contestations over norm primacy between international and regional norms in favor of the latter. Studies focusing on issues of hierarchy between Western and non-Western powers (such as Zhang 2016; Öniş and Kutlay 2020) suggest that claims of the preeminence of liberal international norms over regional norms within complex, hierarchical governance systems, like the UN’s relations with regional organizations, such as the AU, persist. Actors who claim primacy insist subsidiarity – the primary decision-making authority in multilateral, supranational organizations, including the UN – is in higher/bigger institutions. In other words, the norm subsidiary points to hierarchy resolution without settling priority claims. Norm subsidiarity has another important function. Critiques of constructivist norms theory (such as Wolff and Zimmermann 2016; Zimmerman, Deitelhoff, and Lesch 2018) note that norm subsidiarity is simply the mechanism for including global South voices in the evolution of international norms and institutions.

Particularly, Wolff and Zimmermann (2016, 525, 533) note that “contestation leads local actors to reject specific external ideas and try to establish ‘subsidiary’ norms to counter outside influences or promote other international norms they consider more universal.” So, contestation has been just a “fairly conventional... means to achieve better dialogue and a more legitimate global order,” which “supports the consolidation of a liberal paradigm in a more comprehensive form.” In other words, contestation research is yet to explore alternate norms that challenge, rather than strengthen, international norms and the liberal rules-based order amidst deepening divisions in the current world order into what scholars have described as “globes,” “regions,” or “blocs,” each representing a group of countries within a geographical or spatial boundary and coalescing around shared norms, values, principles, cultures, histories, or geopolitical interests, such as the BRICS+ grouping (Patrick 2024). Contestation through the production of alternate norms contributes significantly to transformations in liberal

international norms and institutions, culminating in what scholars are discerning as the postliberal world order (Acharya 2017; Duggan et al 2021; Nadkarni et al 2024). Yet norm subsidiarity and contestation research have not incorporated parallel norms and institutions in this changing world order, and this omission, I contend, is a critical lapse in constructivist norms theory. The alternate norms theory addresses this slip and completes the constructivist norms research program.

Theory and Concept

In this section, I draw on studies in grand strategy and contested authority/subsidiarity to frame the alternate norms theory. My central conceptual thesis is that notions and practices of liberal international norms universalism, grounded in the rules-based order and underpinned by Western power and authority, have been a feature of the United States grand strategy for Western security, dominance, and world transformation. However, ideas and practices of liberal norms and universalism are inconsistent with a stable, robust world order, because it produces enthusiastic resistance and contestation. Instead, a healthier, stronger, legitimate world order requires norm pluralism, as the alternate norms theory sets out. Resistance to norm multiplicity underscores the changing world order: the division of the world into regions, blocs, or globes, culminating in the making of alternate norms by regional powers to consolidate primacy and dominance over governance of global issues within their geographical or spatial spaces. In short, subsidiarity – the decisive decision-making authority – is irrevocably situated in such spaces in the emerging new world order.

Grand Strategy

Scholars (such as Freedman 2013; and Brands 2015) trace grand strategy to military and war studies but note the concept's broader application in contemporary international affairs. Gaddis (2018, 21) defines grand strategy as “the alignment of potentially unlimited

aspirations with necessarily limited capabilities,” noting that “Alignments are necessary across time, space, and scale.” Grand strategy is the culmination of a state’s resources (military, economic, values, norms) to realize national goals, or as Balzacq and Krebs (2021, 1) put it, ‘a state’s “theory of victory,” explaining how the state will utilize “diverse means to advance and achieve national ends.” The point is that, on the one hand, national goals, and ambitions worth pursuing are often infinite. On the other hand, resources and means are frustratingly finite, forcing states to limit their ambition, choose fewer goals to advance, and make success more likely. Aligning limited resources with unlimited objectives is a basic condition for a successful grand strategy.

The requirement for a successful grand strategy, not the least the development of a policy that would survive across time, space, and scale, spur the debate on the practicality of grand strategy as a viable policy tool (see contributions to *The Oxford Handbook of Grand Strategy* 2021, Part VI, especially Richard Betts’s chapter). Notably, no serious scholar questions the idea that the United States-led liberal hegemony and the rules-based world order, comprising a variety of interconnected international norms and institutions, has been the grand strategy that undergirds Western security, dominance, and theory of world transformation across time, space, and scale. Rather, the pertinent question revolves around the survival of the liberal international order (Ikenberry 2024; Alterman and McElwee 2024; Fazal 2024). Simply put, the question is, can the global West align its limited capabilities with the aspirations of universalizing international norms and institutions, and sustaining the current rules-based, liberal world order amidst growing challenges from “the Rest” – that is, from the global East to the South?

The theory of grand strategy suggests the survival of the liberal, rules-based world order and accompanying international norms and institutions depends on norm pluralism: the acceptance of alternate norms and institutions. As Gaddis’s (2018, 154) “New Worlds” chapter

explains, “the price of imposing uniformities [universalities] on peculiarities [regions] was shallow roots, which allowed adversity [contestation] to shake authority.” In short, pluralism is the cornerstone of a stable order. To borrow Gaddis’s (2018, 155) metaphor, “the earth’s irregularities reflect its nature: continents move, slide, collide, and override.” Therefore, in developing a grand strategy, these are the “reasons for respecting topography, for resisting uniformity.” Indeed, differences are characteristic of humankind and human societies, so scholars must treasure variations. Nevertheless, over the past three decades after the end of the Cold War, the global West sought to impose the liberal, rules-based international order and the accompanying norms and institutions on the Rest, ignoring variations across the world’s regions. The rise of the Rest and the emergence of alternate norms show the “shallow roots” of liberal international norms. The West’s unlimited aspiration to impose the liberal international order across time, space, and scale is misaligned with limited capabilities. Liberal authorities and the institutions that sustain order are weakening, even as subsidiarity diffuses across regions or blocs.

Subsidiarity

Subsidiarity is a simple but controversial concept. Subsidiarity means the authority to make decisions. For instance, the Cambridge English Dictionary defines subsidiarity as “the principle that decisions should always be taken at the lowest possible level or closest to where they will have their effect, for example in a local area rather than for a whole country.” In practice, however, subsidiarity has become controversial because of different uses and interpretations (for helpful overviews of contending perspectives on subsidiarity, see Follesdal 2014; Barber and Ekins 2016; Cahill 2017). The issue is that subsidiarity is highly context-dependent, with different meanings in the catholic church doctrine (Murray 1995), regional governance (Kersbergen and Verbeek 2004; Knight and Persaud 2018), global governance (Jachtenfuchs and Krisch 2016; Reinold 2019) and the world order (Slaughter 2009). Barber

and Ekins (2016, 5) express the general sense in which scholars and practitioners understand subsidiarity in the world order, where actors with superior material resources dominate: "...at its core [subsidiarity] requires higher (larger) group to aid lower (smaller) groups, rather than to obliterate or subsume them." The liberal world order as embodied in the UN system is illustrative.

Viewed through the lens of the realist tradition (Waltz 2010), scholars link subsidiarity in the international order as represented in the UN system to the economic and military resources of the five permanent members of the Security Council. From this understanding, regional powers and organizations like the AU are subordinates expected to adopt, adapt, and implement norms created by global powers and enshrined in global organizations and institutions (Hass 1971; Douhan 2016). Liberal international norms tend to reflect the preferences of actors possessing material power. So, subsidiarity in this context concerns relations between UN institutions, especially the Security Council, and regional organizations or "arrangements" under Chapter VIII of the UN Charter. Here, regional organizations such as the AU, Association of Southeast Asian Nations (ASEAN), and Organization of American States (OAS) are subordinate actors or agents of the UN, who must implement decisions adopted through or mandated by UN institutions (Barnett 1995; O'Brien 2000; Baert, Felício, and Lombaerde 2012; Mingst, Karns, and Lyon 2022). Subsidiarity relates to the role of regional arrangements in helping the UN Security Council to fulfill its primary responsibility for the maintenance of international peace and security. The idea was that the UN – the larger organization enjoying considerable material resources (military and economic) of the five permanent members of the Security Council – should empower regional organizations – the smaller groups closer to sources of threats to international peace and security – to manage such threats. The UN Secretary-General, Boutros-Ghali, elucidated this conception and practice of subsidiarity in his famous report, *An Agenda for Peace*:

Regional arrangements or agencies in many cases possess a potential that should be utilized in serving the functions covered in this report: preventive diplomacy, peace-keeping, peacemaking and post-conflict peacebuilding. Under the Charter, the Security Council has and will continue to have primary responsibility for maintaining international peace and security (United Nations 1992, 64).

Regional organizations function as “agents” of the Security Council and should adopt or adapt and implement liberal norms created by global powers and enshrined in UN institutions. To the extent subsidiarity is associated with the distribution of authority, burden-sharing, and division of labor (Mingst, Karns, and Lyon 2022), it is only in the sense that the bigger group (UN) empowers smaller groups (AU, ASEAN) and delegates tasks to be performed per norms developed by the former.

The existing theory of norm contestation and subsidiarity (Acharya 2011), which focuses on the global South (Asia and Africa), has captured the above understanding of subsidiarity in the world order. Norm contestation and subsidiarity have not explored and incorporated parallels norms originating from the world’s regions like Africa that challenge liberal norms and institutions. Even earlier research showing norms that reflect the changing structure of world order are uncultivated. Katzenstein’s (1993, 65) research on norm-making in Europe, East Asia, and America concluded that:

... these changes in world politics tend to reinforce a new political regionalism that expresses different norms, which, in the foreseeable future, are unlikely to be assimilated fully into one normative global order.

Interestingly, Katzenstein’s observation appeared at a time when most scholars considered the peak for liberal norms. The problem was that constructivist norms theory vastly omitted parallel norms emanating from the regions that challenged international norms, thereby gravely limiting understanding of norm dynamics. To inspire a stronger cognizance for studying such

norms, I turn to a contemporary, alternative reading of subsidiarity that encompasses the changing world order.

I follow Slaughter's (2009) reading of subsidiarity in the "new world order." Unlike the subsidiarity discussed, Slaughter's conception does not assume correlations between material power, dominance, and subsidiarity. Instead, subsidiarity as a principle of locating authority to make decisive decisions on interventions is a matter of feasibility based on rational choices to achieve the best decisions toward the desired outcomes. In this new understanding, powerful and less powerful alike contest subsidiarity so that the determinism inherently expressed in the "old world order" with the focus on material power and authority was no longer significantly correlated. As Slaughter (2009, 30) explains:

[Subsidiarity] is a principle of locating governance at the lowest possible level—that closest to the individuals and groups affected by the rules and decisions adopted and enforced. Whether this level is local, regional, national, or supranational is an empirical question, dictated by considerations of practicability rather than a preordained distribution of power.

Contested subsidiarity underscores the rationale for situating subsidiarity – that is, efficiency. The salient point is that subsidiarity means, quite simply, that states and nonstate actors place the decisive decision-making authority in organizations, institutions, or people nearest to the impact of the decisions or rules they seek to implement. In this new formulation, when contextualized within the UN and its institutions, especially the Security Council, subsidiarity at the global level is not a given; rather, subsidiarity is a matter for discussion and negotiation between larger/higher and smaller/lower organizations. This model of subsidiarity reflects deliberations between the UN and the AU on their partnership in peace and security. For instance, the Joint UN-AU Framework for an Enhanced Partnership in Peace and Security emphasizes the importance of "contrasting their respective doctrines, policies, and practices [as well as norms] with a view to a more systematic complementarity" (United Nations 2017,

3; see also United Nations 2022). Both organizations recognize their differences and seek to reconcile them, although studies (such as Nathan 2017; and Reinold 2019) suggest the inevitability of subsidiarity in the regions.

I hold that powerful and less powerful actors contest subsidiarity, reflecting the changing world order, as shown in the deep division already underway in the international system (Hurrell 2007; Rosenau 2018; Deudney, Ikenberry, and Postel-Vinay 2023; Ikenberry 2024). In other words, subsidiarity (or authority) in the region is now a structural fact, and the essence of this *fact*, I stress, is what scholars have captured when conceptualizing the changing world order in the following terms: “regions as globes” (Ruggie 1989), “a world of regions” (Katzenstein 1993), “many worlds” (Hurrell 2007), “world of blocs” (Friedberg 2023), “multiplex world order” (Acharya, Estevadeordal, and Goodman 2023), and “three worlds” (Ikenberry 2024). In this spatial, boundary-less world of regions, powers occupy, dominate, and advance their rules, norms, or policies to influence the evolution of the international structure. The “three worlds” – the global West, the global East, and the global South – Ikenberry (2024, 123) describes puts the changing world order in a sharper perspective:

... world order may be defined by the struggle between these three groupings, but no one will ‘win’ this struggle. This is because each of these groupings carries with it deeply held political ideas and projects, rooted in its global position and developmental circumstances, that will not disappear any time soon. Each, in effect, has its own set of conceptions about how modernity will and should unfold. In other words, it is hard to imagine another ‘global liberal moment’ like the 1990s, when states and societies around the world all agree on a common vision of modernity or universal conceptions of human rights.

As Katzenstein (1993) demonstrated, regional actors contested the liberal, rules-based order since the 1900s, except that constructivist norms theory did not fully account for it. In this changing world order, or what I describe as *alternate world orders*, regional powers make alternate norms that reflect their strategic narratives and conceptions of the world. Alternate

norms underpin regional powers' ideas, doctrines, policies, and practices, and setting up subsidiarity in regional organizations and institutions. Differences in interpretations of the world perpetuate the notion of alternate worlds, causing competition, or what Deudney, Ikenberry, and Postel-Vinay (2023, 2) call “struggles over world order” or as Ikenberry (2024, 123) notes, fights “over the basic rules and norms of world order.” In a divided world, there is no universal normative order, and there have never been such universal norms uniting or binding the world (Katzenstein 1993).

My core conceptual proposition is that in the changing world order, subsidiarity at higher-level organizations and institutions (including the UN) is not a given; rather, lower-level actors, such as regional organizations, contest subsidiarity, making authority open to negotiation with higher-level actors like the UN. This reflects accurate changes in the evolving new world order. Smaller/lower groups or regional powers and organizations, mostly associated with the global South but certainly including the global East and West, have always enjoyed subsidiarity in norm-making as set out by Acharya (2011, 2018). Such groups and powers also make alternate norms to govern global issues despite higher/larger groups who may have created liberal international norms to govern the same issues. In this sense, regional powers are not necessarily “weaker” players in the international system – their weaknesses are transient, showing in lesser material power to project norms and institutions beyond regional domains; rather, regional powers make alternate norms to establish priority and dominate governance within their regional worlds in which they apply alternate norms.

To recap, successful grand strategies avoid universalism and support pluralism, respecting the variety of centers of subsidiarity. The changing world order reveals the “shallow roots” of the grand strategy of liberal universalism, the mismatch between the West’s unlimited objectives of homogenizing norms and institutions, and the limited capabilities to achieve them. The changing world order is evidence of the global South’s growing authority, and

regional powers make alternate norms to establish primacy and present their conceptions and narratives of the world. Alternate norms challenge liberal international norms alongside the West's conceptions and narratives of the world. Normative pluralism must underpin the transformed, stable, and resilient world order.

Alternate Norms

This section uses the African region – a part of the global South grouping – and the continent's premier organization, the AU, and its institutions, to illustrate the alternate norms theory (for an example of alternate norms and China's alternative world order, see Economy 2024). It examines the AU's norm-setting instruments, which show Africa's conceptions and narratives of the world. It provides African examples of alternate norms by focusing on three major subject areas of international studies and policy interests. These are humanitarian intervention, international criminal justice, and international organization authority/sovereignty (other important subject areas include public health and economy/trade, which future studies may explore). The data show that regional powers have made parallel norms and institutions challenging international equivalents in these areas.

As discussed above, the alternate norms theory describes the new global South's interactions with the liberal world order and associated norms and institutions. Regional powers (as well as global powers like China) act through regional organizations to make alternate norms and institutions, establishing primacy and dominance of governance of international issues within geographical and spatial boundaries, or regions. Alternate norms reflect most vividly regional powers' strategic narratives and conceptions of the world. Alternate norms are structurally and characteristically robust because regional powers enjoy substantive legitimacy. As parallels, alternate norms pose a fundamental challenge to the liberal strategic narratives and conceptions of the world. I will now offer specific African examples of alternate norms.

Norms of International Criminal Justice

The part of international criminal justice of interest is the prevention and punishment of genocide and atrocities as outlined in the Genocide Convention and the Geneva Conventions vis-à-vis norms of Heads of State immunity permissible under customary international law. However, around the turn of the century, scholars, practitioners, activists, and advocates entertained the idea that the immunity norm was enabling senior government officials to avoid accountability for genocide and atrocities committed while in office, in what became known as the anti-impunity movement to change relevant legal instruments or create new laws that would remove the immunity. The movement succeeded and the Rome Statute, which established the ICC, dropped the immunity norm. Article 27 of the Rome Statute provides that:

This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute...

Today, this provision is widely known as the international norm of anti-impunity or “anti-impunity norm.” However, attempts by the UN Security Council and the ICC to apply this norm in Africa resulted in severe contestation, with the AU spearheading the challenge prompted by African states (Dembinski 2017; Iommi 2020a).

African regional powers had stressed that the Heads of State immunity still applies in that part of the world despite the anti-impunity norm. In furtherance of this conception and strategic narrative of the world, African regional powers have made an alternate norm, which I describe as the *temporal immunity norm*, to show the primacy and dominance of international criminal justice. The Heads of State and Government of the AU adopted the Protocol on the

Amendment to the Protocol on the Statute of the African Court of Justice and Human Rights (widely known as “The Malabo Protocol”) in 2014. Article 46 provides that:

No charges shall be commenced or continued before the Court against any serving AU Head of State and Government, or anybody acting or entitled to act in such capacity, or other senior state officials based on their functions, during their tenure of office (African Union 2014b).

From the norm contestation perspective, the Malabo Protocol and the alternate norm of temporal immunity constitute a fundamental challenge to the Rome Statute and the international norm of anti-impunity. Moreso, in a crucial policy document entitled the ICC “Withdrawal Strategy” that illustrates regional powers’ contestation over the applicability of anti-impunity norm, the AU outlined the rationale and goal of the Malabo Protocol: to “Enhance the regionalization of international criminal law” (African Union 2017, 2). Indeed, other studies (Sirleaf 2017; Ba 2023) note that the Malabo Protocol is a crucial mechanism for the regionalization of international criminal justice. Significantly, unlike the Rome Statute where the UN Security Council enjoys the authority to refer situations that pose threats to peace and security or suspend cases started by the ICC on grounds that such prosecutions may undermine international peace and security, the Malabo Protocol sets up authority in the Assembly of the AU. Consequently, the Peace and Security Council of the AU now demands the UN Security Council’s cooperation in implementing the temporal immunity norm:

The UN should support the AU in the latter’s efforts to articulate more fully the intersection and prioritising of peace, justice and reconciliation as it obtains on the African Continent... The UNSC should treat with the seriousness they deserve the AU’s decisions and requests to defer cases before the ICC in order to ensure that peace efforts are not undermined (African Union 2015b, para 28).

As the new contestation theory on subsidiary norms holds, the salient point is that regional powers created the alternate norm of temporal immunity to prove primacy for decision-making on international criminal justice in regional organizations and institutions – that is, the AU and

the Assembly. I hold also that the “AU’s decisions” on “cases before the ICC” as shown in the above-quoted text issued by the AU Peace and Security Council represents the implementation of the alternate norm of temporal immunity as opposed to the UN Security Council efforts to apply the international norm of anti-impunity. This contestation between alternate norms and liberal norms in the changing world order signifies the new dimension of norm contestation and innovation for future research.

Norms of Humanitarian Intervention

Intra-state, as well as inter-state conflicts, tend to create conditions for genocide and atrocities like crimes against humanity, and the impetus for external interventions to prevent the escalation of these crimes. These objectives encapsulate the norm of humanitarian intervention. The central issue was that humanitarian interventions without the consent of the target state would breach the norm of state sovereignty, but the absence of intervention would mean that the state could violate human rights norms without accountability. So, the puzzle was how to reconcile the tension between the two international norms of state sovereignty and human rights or, as Annan (1991) aptly put it, “individual sovereignty.”

By the twilight of the 1990s, global and regional powers initiated diplomatic efforts through the UN and the AU, respectively, to resolve the conflicting norms of state sovereignty and individual sovereignty (for a fuller account of both global and regional multilateral diplomatic endeavors, see Ifediora 2021). Both the regional and global multilateral initiatives succeeded: the regional multilateral initiative was led by the Organization of African Unity (OAU), the predecessor to the AU, and concluded in the year 2000 with the legal provision enshrined in Article 4(h) of the Constitutive Act of the AU, which provides for the “Right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity.” Article 4(h)

enacted into law the diplomatic resolution to the conflict between the norms of state sovereignty and individual sovereignty. In Article 4(h), the OAU made the right of intervention, what Ifediora (2021) conceptualized as the “right to protect” concept. For this study, I conceptualize Article 4(h) as the *right to protect* norm.

The global multilateral initiative under the auspices of the UN resulted in the political/diplomatic commitment known as the R2P norm, which the UN General Assembly adopted in 2005 (United Nations 2005, paras 138-40) – five years after the OAU made the alternate norm of the right to protect. Earlier research (for example Williams 2009; Murithi 2007; Kuwali 2011) have used the norm contestation concept of localization to understand and contextualize Article 4(h) and R2P, while others (Aning and Edu-Afful 2016) have employed the concept of agency to explain Africa’s support for the R2P norm. The outcome was the subordination of the right to protect to R2P, completely missing the significance of Article 4(h) in the changing world order.

As the new contestation theory on subsidiary norms holds, regional powers made the alternate norm of the *right to protect* to show primacy and dominate the governance of humanitarian interventions based on their conception and strategic narrative of the world. As Kioki’s (2003) first-hand account of the rationale for creating Article 4(h) explained, OAU/AU adopted Article 4(h) to obviate the need for consultation with the UN Security Council, the institution that enjoyed international authority under Chapter VII of the UN Charter. This explains why regional powers did not refer to the Security Council while considering whether to activate the right to protect norm in the case of Burundi (for an insider account of the deliberations, see Dersso 2016). Pertinently, the AU now contends that Article 4(h) is the only legal basis for authorizing the use of force for humanitarian intervention in the world:

... the Constitutive Act of the African Union, in its Article 4 (h), authorises intervention in grave circumstances such as genocide, war crimes, and crimes

against humanity. Consequently, any recourse to force outside the framework of Article 51 of the UN Charter and Article 4 (h) of the AU Constitutive Act, should be prohibited (African Union 2005, 6).

Article 51 of the UN Charter deals with the use of force in self-defense. The quoted text above underlines the new dimension of contestation as regional powers specifically refer to the alternate norm of the right to protect to demonstrate primacy and dominance, not just in Africa but potentially beyond and across different worlds in the changing international political structure. Moreover, as the quoted text showed, the alternate norm of the right to protect norm expresses regional powers' strategic narrative on the use of force in the changing world order and thus constitutes a major challenge to the international norm of R2P and the global West's conception of the world.

Norms of International Organization Authority/Sovereignty

International organizations (IOs), like the UN, the European Union (EU), and the AU, perform state-like functions (Wendt 1994) in various areas such as development, trade, finance, peace, and security, among others. The performance of such functions has been based on the norm of international authority. In the world order as exemplified by the UN system, Chapter VII of the UN Charter predetermined international authority (subsidiarity), and the UN Security Council enjoys primacy.

Scholars (such as Barnett and Finnemore 1999; Cronin and Hurd 2008) have noted that IOs receive authority from sovereign states and there is an ongoing debate about whether IOs possess sovereignty just as territorial states (Wendt 1994; Wæver 1995; Werner and Wilde 2001; Krasner 2016; Ifediora 2023). If so, then IOs should enjoy the norm of state sovereignty, including territorial integrity and independence. The emerging consensus is that IOs have “sovereignty as transferred authority” (Ifediora 2023) – that is informal sovereignty, in the sense that IOs did not claim sovereign status like modern states. However, the claim of

sovereignty by the AU has upended this academic consensus, changing the understanding of IO sovereignty as transferred authority to formal sovereignty, like modern states. The significance is that IOs could enjoy sovereign status without necessarily undermining sovereign states.

As alternate norms theory maintains, the sovereignty claim by regional powers on behalf of the AU establishes primacy and dominance over decision-making on global issues in that part of the world. Regional powers have created the alternate norm of international organization sovereignty despite the international authority invested in the UN Security Council under Chapter VII of the UN Charter. Regional powers' claim of IO sovereignty underpins the alternate norm of IO authority and the idea that the AU enjoys the decisive power to make decisions on peace and security on the continent. The Assembly of the AU expresses the AU's sovereignty as *the right of decision* on governance of global issues in the region:

the African Union and its Member States... reserve the right to take any further decisions or measures that may be necessary in order to preserve and safeguard ... sovereignty and integrity of the continent (African Union 2014a, paras 8-9; African Union 2015a, para 17c).

Like the norm of state sovereignty, the alternate norm of IO sovereignty signifies respect for organizations and institutions in the world of regions. The alternate norm of IO sovereignty expresses strategic narratives and conceptions of the world by regional powers in the sense of how they govern global issues within that part of the world.

The foregoing illustrations of alternate norms in the changing world order underpin the parallel norms of global governance that challenge liberal norms and world order. Table 1 below summarizes the three parallel norms and subjects where regional powers have created alternate norms to set up primacy and dominate the governance of global issues despite international organizations like the UN.

Table 1. Parallel Norms of Global Governance in the Changing World Order

Subject Areas	Alternate Norms	International Norms
International Criminal Justice	Temporal Immunity	Anti-impunity
Humanitarian Intervention	The Right to Protect	The Responsibility to Protect
International Organization Sovereignty	Formal Sovereignty	Transferred (informal) Sovereignty

These three are examples of alternate norms in the changing world order. Subsequent research may find, explore, and conceptualize other norms. One promising subject area is the protection of refugees and internally displaced persons, as the Cartagena Declaration on Refugees in Latin America and the Kampala Convention on Refugees and Internally Displaced Persons in Africa provide legally stronger and broader protection for refugees. Both norm-setting legal and policy documents are instances of regional powers' norm-making to establish primacy, dominance, and challenge international norms and the liberal world order (for a contrary perspective, see Dieng 2017).

Norms Robustness

This section explains why alternate norms are conceptually and structurally robust and fit for a transformed, more legitimate, just, pluralistic world order. The central reason is that regional powers, organizations, and institutions enjoy substantive legitimacy based on structural factors like the inclusiveness of decision-making mechanisms.

Norm robustness refers to the ability of a norm to survive challenges or contestation (Zimmerman et al 2023), which brings us back to the idea of the Darwinian process of norm selection discussed in the Introduction to this article. There are propositions that contestation can lead to either death or disappearance (Ben-Josef Hirsh and Dixon 2021), or to change or

replacement (Sandholtz 2019) if the norm is not strong enough to withstand opposition or rivals. Scholars have linked norm strength to structural factors like legality (Finnemore and Sikkink 1998) and institutionalization (Ben-Josef Hirsch and Dixon 2021), but robustness can also relate to what Deitelhoff and Zimmerman (2019, 3) described as “validity” and “facticity”—the former refers to “the acceptance of the norm’s claims by the addressee and the latter concerns the norm’s ability to influence the “addressee behavior.”

The new contestation theory on subsidiary norms focuses on norm features and stresses that alternate norms are conceptually and characteristically robust because of the structural factor of the “substantive legitimacy” of regional powers. As various contending studies on regional legitimacy (Moravcsik 2002; Lotze 2013; Rittberger and Schroeder 2016; Schmidt and Wood 2019; Agné and Söderbaum 2022) have noted, substantive legitimacy is based on factors like inclusiveness, consensus voting rules, or decision-making, and narrower mandates, particularly in the sense of the scope of authority, among others. These are salient elements of the principles of legitimation. The most important of these elements are inclusiveness and unanimity, as these components conceptualize the core idea that member states of regional organizations enjoy equal participation, which produces what the AU describes as a “sense of ownership” member states have in the Organization’s institutions (see Ifediora 2021b). Such features and understandings of legitimacy elude IOs like the UN because, as scholars (such as Hurd 1999; Keohane 2011) have shown, its institutions, especially the Security Council, are characteristically exclusive. For instance, the decision-making mechanism in the Security Council allows the five powerful permanent members out of fifteen to veto resolutions that undermine their interests, thereby precluding equal participation and a sense of belonging. Such factors drain the legitimacy of IOs and make international norms tenuous.

Alternate norms are structurally and conceptually robust because they tend to be clearer, thereby reducing contestation. Unlike international norms, alternate norms are less contested,

and their meanings are finer because the processes of norm-making in regional worlds are more inclusive and transparent, often leading to the enactment of alternate norms in legal instruments with the complete support of regional powers. For instance, first-hand accounts (Kioki 2003; Tiekü 2004) of the making of the alternate norm of the right to protect show the inclusive process in which member states of the OAU/AU clarified and reconciled competing conceptions on humanitarian intervention canvassed by regional powers (Nigeria, South Africa, and Libya) as well as non-state actors (civil society groups). Today, there are no outstanding normative or conceptual questions about the right to protect norm, although there are remaining operational matters such as the AU's capacity (Cilliers and Sturman 2002) and the moment of activation (Dersso 2016). This illustrates norm robustness. In contrast, state actors contest the normative status of R2P (Badescu and Weiss 2010; Zähringer 2013; Welsh 2019). However, this dispute existed since its emergence because of the lack of widespread regional support (Annan 2005). Now, Deitelhoff and Zimmermann (2020, 64) note that R2P is already "weakening," and its robustness may still "vary significantly over time." In other words, R2P may not survive the social selection process of norm contestation, especially in those parts of the world's regions (global South and global East) where R2P has had the greatest opposition.

The alternate norm of temporal immunity also illustrates robustness because it is clearer. It simply provides that Heads of State and Government, and other senior officials enjoy immunity whilst in the office. The temporal immunity norm shows a time-based criminal justice order, so immunity expires once the official leaves office. The alternate norm of temporal immunity does not immune government officials from criminal liability incurred when in office. The Assembly of the AU, comprising all 55 Heads of State and Government of the Organization, adopted the Malabo Protocol that sets up the temporal immunity norm by consensus. All this makes the alternate norm of temporal immunity robust. Contrast this with

the international norm of anti-impunity. Article 16 of the ICC Statute provides for temporal immunity that only the UN Security Council can authorize for 12 months with the option of renewal when the Council decides that pursuing criminal proceedings may jeopardize international peace and security. Article 16's provision of temporal immunity is an inherent contradiction of the anti-impunity stance of the liberal world order, injecting a considerable lack of clarity in the normative architecture. Global/regional powers still contest the anti-impunity norm for reasons, ranging from withholding signatures to the ICC Statute by major UN Member States to the lack of diversity (Iommi 2020b). This illustrates the instability and fragility of the anti-impunity norm – a constant feature of liberal norms that spurred constructivist research and innovation through the contestation theory.

Lastly, the alternate norm of IO sovereignty shows norm robustness as it establishes clarity to the puzzle of IO “sovereignty as transferred authority” (Ifediora 2023) – a framing that conceptualizes the normative basis for understanding the exercise of authority by IOs. The central puzzle was whether IOs can have sovereignty like modern states and, if so, then what processes of change can IOs acquire sovereignty? It was an academic conundrum that centered on the practical exercise of state-like authority by IOs, especially the EU (for an accessible review of the literature, see Ifediora 2023). Here, scholars considered normative clarity and robustness in international norm architecture, in the sense of potential sovereignty claims by IOs or state members on behalf of IOs. The African regional powers assert the continent's sovereignty and declare that the AU reserves the right to defend continental sovereignty. This sovereignty claim suggests the formalization of IO sovereignty, underpinning norm clarity, and pointing to the robustness of alternate norms based on substantive regional legitimacy.

Conclusion

This study argued that constructivist norms theory has a serious lapse of unexplored parallel norms and institutions in the global South. It diverged from previous norm contestation theory on subsidiary norms that explained norm-making in the global South as a means to protecting independence or promoting preferred international norms, which culminated in the consolidation of liberal norms, institutions, and conceptions of world order, creating the slip where norms emerging from the world's regions that challenge international norms were unexamined in constructivist research on norms dynamics and (d)evolution. Instead, this study developed the alternate norms theory as a new contestation theory on subsidiary norms in the changing world order, explaining that regional powers make alternate norms to establish primacy in regional organizations and institutions and dominate the governance of global issues in spatial boundaries. Thus, alternate norms parallel international norms, and rather than consolidate the liberal international order, they stand for a fundamental challenge to the liberal world order. Alternate norms encapsulate regional powers' strategic narratives and conceptions of the world and therefore capture the changing world order in which regions have become pivotal in the evolving international system.

This study stimulates a healthier consciousness of alternate norms that originate from the world's regions and challenge international norms, and in doing so, steers a fresh innovation in constructivist norm contestation theory. Alternate norms' significance becomes clearer as "the Rest" (the global South) surge in power," as "the [global] West recedes" (Deudney, Ikenberry, and Postel-Vinay 2023, 1), just as the imperative of liberal international norms and institutions that have undergirded global governance weakens because of enthusiastic contestation and resistance. Indeed, international norms have had regional importance (Deudney, Ikenberry, and Postel-Vinay 2023). The salient point is that the world will progressively separate into different orders – the global West's rules-based liberal system will

not disappear; China's alternative order represents the global East; and the AU is the most organized and advanced order in the global South. Liberal international norms and institutions will increasingly have little sway across distinct orders. In this divided world, in the absence of overarching universal norms, alternate norms become the centerpiece of future norm studies, setting the stage for innovations in constructivist norm scholarship. So, the transformed, robust, and stable world order must embrace norm pluralism.

From the grand strategy perspective, this study's insight has been that a more stable, resilient, and legitimate world order depends on whether global powers, especially Western powers like the United States, embrace and encourage normative and institutional differences as the alternate norm theory outlines. This is a matter of policy as well since a grand strategy is about aligning infinite ambitions with finite resources. Notions of universalities are infinite aspirations amidst widespread particularities, which necessarily limits resources. The alternate norms theory encapsulates one example of particularity. So, a grand strategy policy for the changing world order must respect specificities and even inculcate distinctions. After all, the ultimate purpose of a grand strategy is to live with contradictions.

Finally, additional promising areas for future studies on alternate norms include i) the protection of refugees and internally displaced persons; ii) the regulation of artificial intelligence and technology in general; iii) trade and economic governance; iv) public health governance; and v) climate governance, especially in the context of ongoing contestation over acceptable normative standards as observed in various failed meetings of the conference of parties. The Paris Agreement, the closest to a universal norm-setting standard, is now mostly redundant; iv) cyberspace governance, which has seen more regional initiatives from the EU and ASEAN. This list is not exhaustive, and the next research may identify and explore other areas.

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