

WHO IS IN CHARGE? OPERATIONAL OVERLAPS OF INTERNATIONAL ORGANIZATIONS

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This memo is divided in two parts. The first part discusses the definition of nesting and overlapping, probing the types of phenomena included. Specifically it asks whether the concept of nesting and overlapping is restricted to legal agreements, or whether it can also fruitfully include cases where multiple intergovernmental and regional organizations operate in the same territory and exercise overlapping mandates.

Next, to illustrate this point, I discuss the concurrent roles of the European institutions in advocating and setting standards for ethnic minority legislation in the Baltic and Eastern European transition states during the 1990s. I then discuss the proliferation of international election monitoring organizations, which by invitation of the government operate with some forms of overlapping mandates within the country.

1. When discussing nesting and overlapping institutions, what type of phenomena are we prepared to include?

Legal nesting and overlap

At some level the concept of “nesting and overlapping” appears to refer mostly to cases where there are “agreements,” supposedly of some legal form as several cases refer to choices

between adjudicative forums. Alter and Meunier write that, “We define nesting” as a situation where regional or issue-specific international institutions are themselves part of multilateral frameworks that involve more states or multiple issues..... We define “overlapping” as distinct, but related to, nesting. In an overlapping jurisdiction context, a conflict across agreements does not *per se* mean that one rule is a violation of the other. When institutions are nested, however, conflicting policies of the subsumed regime do constitute a violation of the more encompassing institution. Thus nesting is a subset of the more general problem of overlapping commitments, with the conflicting rules more clearly labeled “violations” of the more encompassing institution.¹

This definition seems to relate strongly to a longer tradition of legal scholarship on the subject of how to resolve conflicts in international law, including questions of hierarchy and concurrent jurisdictions. For example, already in 1953 Jenks bemoaned “conflicting obligations within the same legal system (3)”² and discussed a multitude of different examples and multiple sources of conflicts.³ Its worth noting the similarity of his characterization: “The real difficulties arise when we come to consider conflicts between multipartite instruments which, although concluded between identical groups of parties, operate in different functional orbits and sometimes within the framework of different international organizations, conflicts between a multipartite instrument and another instrument (multipartite or bilateral) to which some but not all of the parties to the first instrument are parties (*inter se* instruments), and conflicts between multipartite instruments the parties to which consists of groups which contain some, and in some case a large majority of, common members but which do not coincide.”⁴

As the legal scholars participating in this conference will surely point out more effectively than me, much has been written on the topic of conflict of law since then. More recently, for example, Pauwelyn has written a book specifically on the issue within the WTO,⁵ there has been considerable attention to the topic of “concurrent jurisdiction” as it pertains to the European Court of Justice, which may increasingly face overlaps with the European Court of

1 Alter, Karen J. and Sophie Meunier. 2005. Literature review on nesting. Excerpt from “Banana Splits: Nested and Competing Regimes in the Transatlantic Banana Trade Dispute.” Northwestern Dispute Resolution Research Center Working Paper # 322, page 1.

2 Wilfred Jenks, Conflict of law-making treaties. 30 BYIL, 401-453.

3 For those interested in the sources of nesting and overlap, Jenks notes several sources including conflicts between, a) instruments of a general or comprehensive character which are regulated in greater detail by other instruments; b) world-wide and regional instruments, c) regional and sub-regional instruments, especially where regions themselves are not consistently defined, d) instruments for the protection of particular groups of people and instruments dealing with subject areas, e) liberalizing instruments and regulative instruments, f) instruments applicable during state of war and instruments of peacetime which may remain in force, g) original and revised instruments. *Ibid.*

4 *Ibid* at 404.

5 Joost Pauwelyn 2003, Conflict of Norms in Public International Law, Cambridge University Press

Human Rights and with the International Court of Justice, for example.⁶ What these studies all have in common is that they examine legal solutions to the phenomenon of nesting and overlap. As Alter and Meunier have rightly identified, however, there is much less focus on the question asked by this conference, namely on what types of politics this engenders. Thus, if the definition of overlapping and nesting were kept to a strict legal character, this would certainly position the concept well within an existing legal tradition and carve out a unique contribution to it.

Operational nesting and overlap

The question is whether there are other relevant and interesting phenomena that could beneficially be included from a political science perspective. Openness to a broader definition seems to exist in some of the background materials for the conference. For example, the opening line of the memo writing instructions for this conference paints an even broader concept of “how the complex, layered nature of international regimes – with overlapping and at times conflicting international norms, commitments or decision rules – is itself influencing international politics.” This framing of nesting and overlapping thus includes norms and decision-making rules and refers more generally to regimes rather than agreements or formal organizations.

Under such a broader scope, there are a multitude of international activities that could fruitfully be included in the analysis of overlapping and nested institutions. Such activities could be less concerned with conflicting legal agreements and commitments and instead more concerned with functional overlaps, such as cases where multiple intergovernmental and regional organizations operate within the same territory and perhaps even exercise overlapping authority. For example, mandates of the International Monetary Fund, the World Bank and the European Bank of Reconstruction and Development clearly overlap. Similarly, there are operational overlaps between the United Nations (UN) Development Program and the UN High Commissioner for Refugees, and various development agencies, both national and international. And as demonstrated so vividly in the wake of the December 2004 tsunami, there are overlaps between crises management organizations, such as multiple United Nations agencies including the World Food Program and the World Health Organization, national and regional relief operations.

Sometimes non-governmental actors also contribute to the complex layers of international actors, such as during crises relief efforts, or, as I discuss later, in the capacity of election monitors. It becomes even more complicated when some of these non-governmental

⁶ See Nikolaos Lavranos. (2005) "Concurrence of Jurisdiction between the ECJ and other international courts and tribunals" presented at the European Union Studies Association (EUSA) Biennial Conference Austin, Texas, March 31-April 2, 2005.

actors are practically operating as sub-contractors for other states or for intergovernmental or regional organizations. For example, the Organization for Security and Cooperation in Europe (OSCE) may cooperate with non-governmental organizations to supervise media campaigns during elections in countries where the OSCE is monitoring elections. And UN agencies and states frequently hire non-governmental organizations, or even for-profit agencies to implement part of their programs.

There are many opportunities for these overlaps and nesting situations to generate politics beyond forum shopping. Do these organizations always recommend the same set of reforms or are they at times working at cross-purposes? Do they sometimes lead to confusion about authority, that is, of “who is in charge?” Or may the different international actors have divergent priorities or even biases that pull states in different directions? Are they, even if they are ultimately working towards the same set of reforms, exhausting local resources and administrative capacities through reporting requirements or other needless duplication? And what sorts of politics are generated, not just by states, but also at the level of the international actors themselves? Competition for donors, for example, can lead to sub-optimal outcomes as individual organizations strive to meet artificial goals to impress donors. (This is an area in which considerable work has already been done). Competition for influence may be counterproductive in other ways, although this observation is based only on my own informal and entirely anecdotal interviews with persons engaged in intergovernmental work.

2. What are the origins and effects of operational overlaps between international organizations?

The empirical cases that follow are offered in the spirit of the organizers desire to pool insights from as many possibly relevant areas of experience as possible by asking participants primarily to examine their current areas of knowledge. I focus on two cases, namely the relationship between the OSCE, the Council of Europe (CE), and the European Union (EU) regarding ethnic minority rights in the context of institutional enlargement and on the institutional overlap between the UN, regional IOs and INGOs on international election monitoring. To the extent that nesting and overlapping refers mostly to legal conflicts, the cases may not fall under the definition of nesting and overlapping institutions, but even if they do not, perhaps some of the insights derived may be portable to the broader debate.

Ethnic politics in Europe

In what ways may this be considered nesting or overlap?

The OSCE, the CE and even the EU all encouraged post-communist countries to incorporate a set of standards about the treatment of ethnic minorities into their domestic legislation. These countries therefore were dealing with a set of overlapping institutions to which they either already belonged (the OSCE) or to which they were essentially considered themselves subjects of because they were in the process of joining (the CE and the EU). This situation did not itself result in a set of legally conflicting commitments. However, it did produce a situation where different international organizations all exercised some parallel authority over a given issue.

Why did the overlap between these institutions arise?

As part of its post-Cold war transformation, the OSCE redefined its security mandate to include the issue of ethnic minorities as an issue that could possible lead to instability. This produced a highly active engagement by the then OSCE through country-level missions, and through the creation of the office of the High Commissioner on National Minorities (HCNM) which delineated, more or less unilaterally (that is independent of the OSCE institutional forum), specific recommendations for particular policy changes in individual target countries.

The EU, on the other hand, became involved in ethnic minority issues because the war in Yugoslavia made it very clear to EU member states that ethnic division in post-communist states posed a threat to EU stability, and that the EU needed to formulate ethnic minority rights as part of the admission criteria, developed in Copenhagen in 1993. Under the vague heading of “respect for minorities”, the European Commission thus achieved a mandate to set out specific requirements for candidate states wishing to obtain the Commission’s vital stamp of approval for progress towards EU membership.

The CE involvement in ethnic minority issues was an extension of its human rights mandate. Like the EU, it formulated its mandate to comment on ethnic minority issue as part of the process of joining the CE, and, to a lesser extent later as part of the membership package. The CE therefore sent several rapporteurs and actively reviewed legislation in these states. The overlap of these three organizations was thus all based in the overlap in membership (or desired membership and the coinciding concern with ethnic minority issues as a topic for security, human rights and European integration.

What were some of the effects?

These overlaps had effects, both positive and negative. In some cases the organizations *reinforced* each other by advocating the same behavioral changes by target governments. In another case the organizations *ignored* each other. That is, one institution would advocate a change in policy, while the other would be silent. Finally, in some cases the organizations worked at cross-purposes, almost *contradicting* each other.

Reinforcing behavior was clearly the most prevalent. Sometimes organizations were even relying on each other's expertise to make their own case for advocating domestic changes by target governments. This is particularly true of the EU which did not itself have elaborated ethnic minority standards and therefore relied greatly on recommendations elaborated by the OSCE HCNM. Examples of reinforcing behavior include efforts by all three organizations to push for legislative changes in Latvia's language law and Latvia's citizenship law. The reinforcement was particularly evident in the case of Estonia's language law which produced intense and productive collaboration between the EU and the OSCE. Both organizations communicated extensively with local law makers, but extensive exchanges of drafts and comments also circulated between the OSCE, the EU and the Estonian government in the summer and fall 1999. As one Estonian official noted, "There has been fierce consultation between us and the EU on the law and the regulations... Just today, we sent the regulations on the private sector to the EU. We have followed all [OSCE High Commissioner on National Minorities] Van der Stoep recommendations on the law. We worked closely with him in drafting the regulations/decrees. We discussed every single word with him."⁷

Perhaps because there was such productive collaboration in some areas, it was noticeable when one or more of the organizations were silent on a given issue. If the issue was seen as also falling within the activities of other international institutions, then government politicians could interpret the absence of support by the other external actors as a tacit endorsement. In such a case, the presence of overlapping institutions made it more difficult for any one institution to act alone than if it had been the only authority.⁸ This happened on several occasions, typically where the OSCE took a more extensive interest in the issue than either the EU or the Council of Europe. Examples include the lone OSCE effort to address the issue of Estonia's language requirements for local and national candidates⁹ and to reform Latvia's education law.

At times the overlap also led to *contradicting behavior*. In 1993 and 1994 the OSCE HCNM undertook fairly intensive diplomacy and made a number of very specific suggestions about legislative changes to the Estonian citizenship law and especially pertaining to its treatment of stateless children. However, in an "Opinion on the application of Estonia for membership of the

7 Kelley, 2004, Judith. *Ethnic Politics in Europe: The Power of Norms and Incentives*. Princeton, New Jersey, , 101

8 Kelley 2004, 78-79

9 Kelley 2004, 59. Ironically, this issue was eventually addressed through the European Court of Human Rights.

Council of Europe,” a Council of Europe rapporteur actually praised Estonia, stating that “the law on citizenship is extremely liberal.”¹⁰ Such outright conflict is rare, but when it happens, it naturally undermines external efforts to push for reforms.¹¹

The effect of overlapping institutions in this context therefore was not so much one of forum shopping – if they wanted to be part of these institutions, the countries had little choice between the actors. However, the cases suggest there are other effects. Mutually reinforcing behavior multiplies the effectiveness of the organizations in achieving their goals. In contrast, when one institution, which would normally be expected to be in the mix, stays out, this may be interpreted as tacit approval. Outright contradictions are even more apt to be used by governments in their defense of inaction.

Election monitoring

As I have discussed elsewhere,¹² by the early 1990s, competitive elections were increasingly becoming an international norm, albeit one without any central enforcement. Since then the number of actors involved in international election monitoring has exploded.¹³ Multiple organizations are involved in election monitoring, most notably the UN (and within it both the Unit for Democracy as well as the UNDP), regional organizations such as the Organization of American States (OAS), the Commonwealth Secretariat (CS), the EU, the OSCE, the CE, and international non-governmental organizations (NGOs) such as the Carter Center (CC), the national Democratic Institute (NDI), and the International Republican Institute (IRI).

International election observation missions by multiple organizations can operate in two different ways. Sometimes they work under an umbrella system, such as when the UN is charge of supervising all the monitoring organizations present. There may also be umbrella arrangements between multiple international NGOs and regional organizations. For example, many organizations may operate under the aegis of the OSCE and together help formulate an OSCE position, although these organizations at the same time may issue individual reports. More commonly, however, multiple organizations accept individual invitations or respond to an open

¹⁰ “Opinion on the application of Estonia for membership of the Council of Europe,” Doc. 6824, 5 May 1993, Rapporteur: Mr. Bindig.

¹¹ Kelley 2004, 104

¹² Kelley 2005, “The Rise of Monitoring”, manuscript.

¹³ Kelley, 2005.

invitation from the government. They thus operate independently of each other and the degree of cooperation depends on the relationship between organizations.

Why did this diverse network evolve?

Originally the OAS was the only regional organization that conducted some nominal election monitoring. The Commonwealth Secretariat also entered the election observation field relatively early, though it monitored mostly British colonies, with the exception of a 1980 Ugandan mission. Meanwhile, of course, the UN supervised and observed elections in non-sovereign territories throughout the 1950s-1980s, gaining increasing expertise.

When the demand and supply of monitoring rose rapidly with the end of the Cold War,¹⁴ an intense debate arose within the UN over the extent to which the UN should take a leading role.¹⁵ Western States in particular favored enhancing UN capacity (interestingly enough, as proposed by the US). However, many states were hesitant. They concurrently stressed the need for a country to make a request to the UN before the UN could become involved and often referred to the principles of non-intervention and sovereignty. Latin American countries were especially reluctant to endorse increased UN activity and expressed greater concerns about sovereignty and non-intervention than the US and European countries. Thus, while the UN capacity to assist in elections was expanded, the mandate remained very restricted, applying almost exclusively to technical assistance.

Regional organizations therefore increasingly came to see it as their responsibility to monitor elections in their regions and sometimes in other regions as well. Several regional organizations declared free elections in member states as an organizational concern. The 1989 Commonwealth meeting in Kuala Lumpur issued a communiqué: “In affirming these principles and in reviewing the international political scene, Head of Government agreed with the Secretary General’s proposal that one of the Commonwealth’s contributions to strengthening democracy might be the provision of Commonwealth assistance in helping member countries to reinforce their election and other constitutional processes through a facility for mounting observer missions at the request of member governments.”¹⁶ In June 1990, the CSCE member states issued a standing invitation to election monitors, effectively obligating themselves to accept monitors

¹⁴ I explore the reason for this in Kelley 2005

¹⁵ Kelley 2005

¹⁶ cited in General Elections in Malaysia 20-21 October 1990, The Report of the Commonwealth Observer Group, Commonwealth Secretariat, London, 1990.

indefinitely,¹⁷ and the OAS called for the creation of the Unit for Democratic Development.¹⁸ A few months later, in November 1990, the CSCE established the Office of Free Elections, and in June 1991, the OAS adopted the Santiago Commitment to Democracy.¹⁹ The European Union eventually got onboard with its first monitoring mission to Russia in 1993. Meanwhile, multiple NGOs, mostly US based organizations also began to operate globally, rather than mostly within the Americas.

In what sense may election monitoring be a case of nesting or overlapping?

With this web of institutions, sometimes the invited monitors do represent overlapping institutions to which the states belong (such as the OAS and the UN, or the Commonwealth Secretariat and South African Development Community) but frequently it is mix of institutions of which the country is a member, and others, which the country invites, and thus gives a mandate for a given election. Regardless of membership status, when states invite international election observers, they grant them authority to access domestic polling booths, voting lists and a whole host of other legal matters in their state. While they do not grant them the authority to make a final binding judgment of their elections, by virtue of the invitation and the access (and other collaboration) provided, they do invite them to assess the election process, and that judgment may have several important implications in terms of their perceived legitimacy, their ability to attract investment, or to join an international institution. Thus, monitors can be influential and the presence of multiple organizations simultaneously creates distinct effects from what we would expect if a more unified regime existed.

What are some of the effects of this nesting and overlapping?

As in the previous example, the organizations may complement or *reinforce* each other. They may for example coordinate to expand their coverage of polling stations, and hold joint conference to discuss the election process and even seek to arrive at mutually supporting conclusions and aligned public statements. This is mostly the relationship one can use to describe the Carter Center and the National Democratic Institute, and most of the time also the relationship between the Council of Europe and the OSCE election missions.

¹⁷ Document of the Second Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, Copenhagen, 1990. Paragraphs 7- 8

¹⁸ OAS General Assembly AG/RES.1063 (XX-0/90) UNIT FOR THE PROMOTION OF DEMOCRACY

¹⁹OAS AG/RES. (XXI-0/91)

Alternatively, the organizations may *contradict* each other. This may be because organizations have different biases and political agendas, different capabilities, different methodologies, and different standards for what constitutes a free and fair election. This is the most interesting case with respect to the politics engendered by overlapping institutions. Examples of contradiction this include the 1998 election in Azerbaijan, but also several others, such as the elections in Cambodia in 1998, Kenya in 1992, and Zimbabwe in 2002. The Council of Europe election report sums up the contradictions in Azerbaijan:

Their [other elections monitoring missions] comments on the elections the day after polling day ranged from the positive 'in keeping with national legislation and international standards' (the delegation of observers of the Interparliamentary Assembly of the Commonwealth of Independent States); 'not a single violation in an polling station' (observers from the Central Election Commission of the Russian Federation) to more negative comments: 'an improvement over the 1993 and 1995 elections but a missed opportunity falling short of international norms' (International Republican Institute).' (6). In the same report the Council of Europe states 'the *ad hoc* committee feels that overall the presidential elections of 11 October 1998 were marred by serious shortcomings and that the a good many improvements still need to be made before a genuinely democratic climate can reign in Azerbaijan.' (7).

A European Election Observation report which criticized the 2003 Nigerian election similarly sums up differences between different organizations:

The Commonwealth called the elections "historic...a landmark transfer of power from one civilian administration to another" and praised the elections as a step forward for Nigerian democracy and Nigerians for their dedication to the process. ... ECOWAS, the African Union and IDASA also gave a broad stamp of approval although they looked for improvements in logistics for future elections. While the IRI "recognised the Nigerian people are on a journey to democracy", it nevertheless felt the elections suffered as a result of administrative and procedural errors, as well as electoral manipulation in some parts of the country. ... The NDI was also cautiously critical, citing "serious concern about the legitimacy of results in certain constituencies" ... The findings of domestic observation groups were broadly similar to those of the EU EOM."²⁰

One effect of contradiction is that governments may anticipate possible biases and essentially forum shop.²¹ While most organizations have prerequisites for when they will

²⁰ European Union Election Observation Mission, Final Report, at 46-47.

²¹ The multiple references to forum shopping literature are excluded here since they are well covered in background materials for this conference.

monitor an organization, it is often possible for a government to find organizations that are more favorable than others. For example, in Kenya's election in 1992, President Moi's government had clear reasons to invite certain monitors and thwart the work of others. The Commonwealth Secretariat may have been invited because Moi saw it as strongly influenced by Britain's policy towards Kenya that was seen as favorable to the ruling party.²² The Commonwealth may also have been invited because, compared to other election monitoring organizations, it had a history of positively evaluating elections. In contrast, Moi denied entry to NDI and the Carter Center because they had made critical statements about the elections earlier and because Moi's relationship with the US had "cooled" since late 1989.²³ On the other hand, Moi may have allowed IRI because of its affiliation with the Republican party. Similarly, for the Zimbabwe 2002 elections, President Robert Mugabe carefully chose whom he wanted to invite, issuing a very specific list. The Justice Minister justified this in a parliamentary debate that, "Those countries and organizations who come with the prejudicial view that ZANU PF will not win the election will not get the privilege to tread on our soil."²⁴

The overlap of institutions may also result in *spin and manipulation*, particularly when the organizations render contradicting assessments. In that case, political parties in the host country can benefit from playing the groups against each other or quoting the assessment they prefer.

One of the clearest examples of this occurred in Cambodia in 1998, when multiple organizations arrived with different stakes in the outcome. The EU, for example, had contributed almost half of the cost of the entire elections, had a clear interest in seeing a return on their investment, and EU's allegiance was further complicated when the EU's chief long term observer accepted to be chair of the UN Joint International observer group which was to act as an umbrella organization. (Here we not only had overlapping institutions, but an individual wearing two different organizational hats!) In the end, European Union and ASEAN, The Committee for Free and Fair Elections, Volunteer Observers for the Cambodian Elections ended up supportive of the election process, while International Crisis group (ICG), the International Republican Institute (IRI), the National Democratic Institute (NDI), Human Rights Watch, Amnesty International, and others were critical. The JOIG came out with an early positive assessment, but then disintegrated and never followed up with a final assessment.

22 Throup, David and Charles Hornsby. 1998. *Multi-Party Politics in Kenya*. James Currey Ltd: Oxford, England, at 269.

23 Ibid, at 72.

24 Government to bar poll observers from 'hostile states', says Chinamasa, Daily News, 26 November, 2001, cited in Dorman, Sara Rich. 2004. 'Make Sure they Count Nicely this Time' *The Politics of Election Observing in Zimbabwe*. Working Paper. Edinburgh Research Archive. www.era.lib.ed.ac.uk/bitstream/1842/491/1/Make+Sure+They+Count+Nicely.pdf

The varying assessments were ripe political fodder. Most misused was an offhand comment by a US observer, former Congressman Steve Solarz, that the elections were the “miracle of the Mekong.” The statement found its way into papers and colored the perceptions of the elections. Cambodian Prime Minister Hun Sen specifically latched onto this isolated statement to support his country’s admission to the ASEAN, noting in a speech to the organization that: “our elections have been heralded as free, fair and credible by more than 700 international and 20,000 well trained local observers as well as by the international community. They were described as ‘a miracle on the Mekong’”²⁵ Meanwhile, witnesses before the US Senate Foreign Relations Committee relied on critical election observer statements to undermine the credibility of the election,²⁶ while the Australian press used the positive assessments to criticize the cries of foul play by the opposition.²⁷

Another example of conflicting assessments being used by domestic actors was the aforementioned 2002 Zimbabwe election. Most observers, declared the election fraudulent and that was the generally accepted view by Western Countries, many of whom imposed new or left in place existing sanctions. When the Commonwealth Secretariat suspended Zimbabwe’s membership for a year, based on a report by the organization criticizing the election, the opposition argued that this validates “our own refusal to accept the result as legitimate.”²⁸ Mugabe, however, clung to the fact that the observer team from the Organization of African Unity and observers from South Africa and Nigeria called the election legitimate.

Thus, in the realm of international election monitoring, the availability of multiple organizations may be good because they may reinforce each other’s work, magnifying their effectiveness and their collective influence through their agreement. However, there is also a clear downside of having so many different international as well as regional and sub-regional organizations, all of which may claim a mandate in evaluating an election. First of all, it may lead to forum shopping. Secondly, different actors can play the conflicting assessments against each other. If a unified regime existed, this could possibly decrease opportunities for such manipulation, but, on the other hand, it could also lead to paralysis similar to that of the UN Security Council in many politically divisive situations.

Conclusion

25 Text of report by the Vietnamese news agency, Hanoi, 16th December

26 Federal News Service, October 2, 1998

27 Fraud claim smacks of sour grapes , The Australian, August 11, 1998

28 Zimbabwe suspended from Commonwealth, Agence France Presse, March 19, 2002.

I have probed the definition of overlapping and nesting and suggested that we consider operational overlaps between institutions with related mandates, be they granted via membership or through invitation by states. Through case examination I have explored the origins of some of the operational overlaps, and some of their effects, namely that they may be reinforcing or undermining each other, and that states may not only forum shop, but also attempt to manipulate and spin the output of different organizations.

I want to discuss briefly a few other points that I could not address in depth.

One point is that nesting and overlapping may not only lead to politics at the level of states – as so frequently identified with the forum shopping behaviors. In addition, nesting and overlapping can also lead to politics at the level of the organizations themselves. The organizations are actors with interests and preferences, and therefore their overlap may lead to politics – both cooperative and conflicting in nature. This includes competition for resources and influence.

Another unexplored point is that overlapping and nested institutions may sometimes provide opportunities for *avoiding deadlock and paralysis*. If we imagine that there had been only one organization in charge of election monitoring, for example, (perhaps because this capacity had been bestowed more fully to the UN), then we certainly would avoid the forum shopping and the spin and manipulation that overlapping institutions produces. However, we might also find it impossible to operate because various countries would wish to block decisions to send monitors to different countries. Thus, in the same way that the use of NATO provided the West with an alternative organ for taking action in the Balkans, the availability of multiple institutions within the regime of election monitoring or other fields may facilitate desirable action.