After Life: The Legacy of Discontinued International Organizations in the Twentieth Century

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Life taught Karl Werkmeister a lesson: history sometimes changes its course abruptly and death is never far away.[1] Born in 1898, he attended the Real-Gymnasium in Minden and became a soldier in August 1915. The month he turned 19, in March 1917, he was promoted to lieutenant – a rank with a disproportionally high death rate among German soldiers during the First World War. "Leutnantdienst tun heißt: seinen Leuten vorleben . . . das Vor-Sterben ist dann wohl einmal ein Teil davon,"[2] Walter Flex quipped, and the nationalist German author was soon proven right: a lieutenant just like Werkmeister, Flex was killed in action seven months after Werkmeister's promotion. In contrast to both Flex and the German

2 "Being a lieutenant means setting an example for your people . . . dying first is probably part of that." Walter Flex, *Der Wanderer zwischen beiden Welten. Ein Kriegserlebnis* (München, 1960), 16. On the wider context, see Christian Stachelbeck, *Militärische Effektivität im Ersten Weltkrieg. Die 11. Bayerische Infanteriedivision 1915 bis 1918* (Paderborn, 2010), 294–349.

3 Entry "Werkmeister, Karl," Auswärtiges Amt, ed., *Biographisches Handbuch des deutschen Auswärtigen Dienstes, 1871–1945*, vol. 5 (Paderborn, 2014), 241–243.

4 Politisches Archiv des Auswärtigen Amtes, Berlin (PAAA), B 20 REF. 200/IA2/290, Werkmeister, Handwritten Notes, 423th Meeting of OEEC Council, December 15, 1958; on Erhard: ibidem, Telex Werkmeister, German Delegation Paris to German Foreign Ministry, December 16, 1958.

Kaiserreich, Werkmeister survived the war. In 1918, he started studying law in Berlin; in 1921, he completed his PhD and joined the German Foreign Office. 1933 marked no significant turning point for him. For the Weimar Republic and soon also the state of Lithuania, where Werkmeister was posted that year, it spelled the end, however. Before he turned fifty, Werkmeister had survived two world wars. He had seen three political systems fall in his home country – and many more beyond its shores.[3]

Werkmeister's postwar career saw fewer ruptures, but the world continued to be in turmoil. He rejoined the Auswärtiges Amt, and during the late 1950s, he served as West German ambassador to the Organisation for European Economic Co-operation (OEEC) in Paris, the forum charged with administering the European side of the Marshall Plan. Here, things got rough in December 1958. A meeting of the OEEC Council, the organization's highest decision-making body, had to be interrupted several times. In rapid succession, delegations of various member states accused one another of taking "unacceptable," "unfeasible," and "unreasonable" positions. Early in the meeting, the Portuguese representative saw the "root of the Western alliance at risk" – a formulation that German economy minister Ludwig Erhard echoed during the dramatic culmination many hours later.[4] Werkmeister's handwritten notes, probably the best source for this meeting, show that the OEEC was on the brink of collapse.

While the crisis dragged on for more than a year, Werkmeister regained his cool. The following December, he authored a memorandum that put matters in perspective: "It is undisputed that if the OEEC were to cease its activities, new international organizations would have to be created immediately in order to carry out its tasks."[5] The man who had experienced so many dramatic ruptures knew that an end did not have to be final; that, just like states, international organizations sometimes died – but often lived on in a different form.

I. The Legacy of Dissolved International Organizations

This leads us to the core of this lecture. What happens when international organizations die? We know very little about their legacies: the subsequent role and impact of people, ideas, practices, and objects that once filled these organizations with life and meaning. While existing interpretations and contemporaneous narratives downplay such legacies, new beginnings frequently echo the work of earlier organizations, and in moments of crisis, experts and practitioners often evoke the fate of earlier forums in their search for solutions. In fact, people and their networks, epistemes and knowledge, artefacts and items tend to linger on even if there is, so far, little research on such hidden connections.

As so often, we have more questions than answers. What does this topic tell us about international organizations and questions of governance more generally? In our own times, in which many post-Cold War truths are being challenged and liberal internationalism is in deep crisis, these questions are far from banal. Many people think that the United Nations is no longer fit for purpose. Only a few years ago, Emmanuel Macron called NATO brain dead, while others have argued that the EU finds itself in a state of permanent poly-crisis. Admittedly, Russian aggression has injected new life into NATO and the EU, but most observers agree that the situation is extremely fragile, even more so since the advent of the second presidency of Donald Trump. Hence, the death and afterlife of international cooperation is shockingly relevant in our own times.

6 See, e.g., Martial Libera and Sylvain Schirmann, eds., *La Commission centrale pour la navigation du Rhin. Histoire d'une organization internationale* (Paris, 2018).

7 For various definitions, see, e.g., Lorenzo Gasbarri, *The Concept of an International Organization in International Law* (Oxford, 2021), esp. 1–6; Finn Seyersted, *Common Law of International Organizations* (Leiden, 2008), esp. 37–64.

But what are international organizations (IOs) and since when do they exist? Most scholars agree that modern international organizations were first established after the Napoleonic Wars, with the Central Commission for Navigation on the Rhine presumed to be the oldest such forum.[6] IOs stand for a fixed institutional framework with a stable set of norms and rules that are meant to facilitate the exchange between states and other entities in the international system and aim to coordinate and govern their behavior. IOs can be based on treaties or other instruments governed by international law and have a legal personality in their own right. A particularly interesting sub-type of international organizations are intergovernmental organizations (IGOs). In fact, IGOs are the core pillars of internationalism. They are particularly robust due to their institutional features: Beyond the general definition of IOs, IGOs are organizations of at least three states (or state organs or organizations of states) that have their own organs and hold regular plenary sessions.[7]

What do we know about the history and trajectory of IOs? For IGOs, we have the most precise figures; hence, it is useful to focus on them in order to examine longterm and overriding trends. Ever since the early nineteenth century, the number of newly established IGOs has risen almost continuously, with the cumulative number skyrocketing to more than 350 globally in our own time.

Historians have paid little attention to these changes – and even less to IGO's demise and their legacies and connections to other forms of (international) governance. Notably, not a single IGO was terminated before 1900, but then things started to change. Today, no less than 39 percent of the IGOs established since 1815 (218 out of 561) have been formally dissolved. Spikes of such terminations occurred particularly during the 1910s, the 1930/40s and the 1990s/2000s, broadly in line with major turning points in contemporary history. Prominent examples include Eastern bloc organizations such as Comecon and the Warsaw Pact, but also the European Coal and Steel Community as the earliest predecessor of today's EU. IO deaths occur regularly, even if historical research has paid little attention to them.
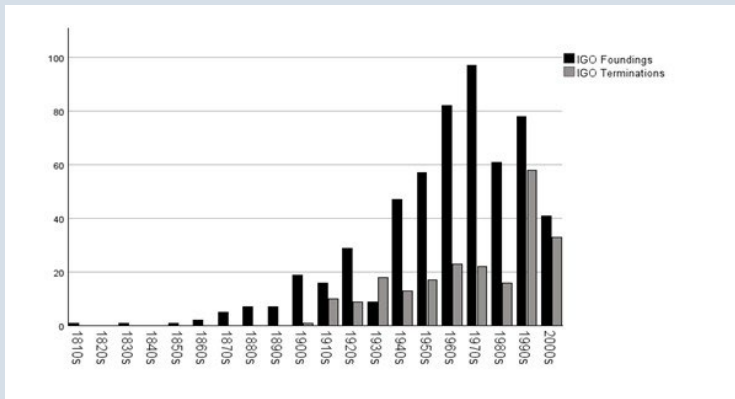
Figure 2. Creation and termination of inter-governmental organizations (IGOs), 1815–2010. Table based on data from: Mette Eilstrup-Sangiovanni, "Death of International Organizations: The Organizational Ecology of Intergovernmental Organizations, 1815–2015," *Review of International Organizations* 15 (2020): 340; Hylke Dijkstra, et al., *The Survival of International Organizations: Institutional Response to Existential Challenges* (Oxford, 2025).

Zooming in a bit further, diagnosing the sheer fact and moment of their demise is more difficult than one might think at first glance. Continuing with the organicist metaphors of life and death, it is possible to distinguish different causes and forms such as suicide, murder, and misadventure along with death as an effect of sudden or protracted illness; moreover, there are dormant organizations (formally alive, but unable to take action)[8] and near-death experiences from which organizations are able to recover. Some institutions seem to drop off the face of the earth but continue to live on under a different name or after having been merged with or integrated into other entities. Finally, there are some for which organicist metaphors may not suffice: these organizations simply expire, having been created by contracting states that only established them for a finite period. However, the body-state analogy and, transposed to our topic, biologistic or organicist metaphors for international organizations remain important, in particular for two reasons: for one, actors in and relevant for modern IOs often built on these narratives; they are ubiquitous in the primary sources as well as the research on IOs.[9] For another, they have a certain heuristic value and help to summarize often highly technical and abstract processes in an illustrative way.

Afterlives are equally complex. There is a wide spectrum including three ideal types: firstly, delimitation, where an organization's connections to earlier IGOs are downplayed or denied. Here, the Warsaw Pact is an example; an organization that ended in 1991 without a clear and obvious successor. Secondly, selective adaptation represents a form of partial transfer where certain connections are emphasized and where earlier IGOs serve as potential

8 See, e.g., Thomas Hale, David Held and Kevin Young, *Gridlock: Why Global Cooperation Is Failing When We Need It Most* (Cambridge, 2013).

9 See, e.g., Kiran Klaus Patel and Kenneth Weisbrode, "Vanished Institutions: Life and Death of Europe's International Organisations – Introduction," *Journal of Modern European History* 23 (2025): 116-128; Maria Josepha Debre and Hylke Dijkstra, "Institutional Design for a Post-Liberal Order: Why Some International Organizations Live Longer than Others," *European Journal of International Relations* 27 (2021): 311–339.

learning opportunities. This is the dominant form, underlining the role of legacies, with the transition from the League of Nations to the United Nations serving as an important example. Thirdly, there is direct adoption, where links or continuities to earlier IGOs are essential. Here, two post-Soviet organizations come to mind, the Eurasian Economic Community (2000–2014) and the Eurasian Economic Union, established in 2015; but this type is rather rare.

Assessing institutional deaths and afterlives is not a mere act of historical necrophilia. It helps to move the analysis beyond the dominating focus on individual forums and raises some more general concerns regarding the afterlife of IOs: Which vectors connect the dead with the living? How robust is international cooperation?

II. From Crisis to Metamorphosis: From the OEEC to the OECD

With this, let us return to Werkmeister and a more detailed example – the transition, in the late 1950s and early 1960s, from the aforementioned Organisation for European Economic Co-operation (OEEC) to today's Organisation for Economic Co-operation and Development (OECD). During this period, the OEEC experienced a near-death experience resulting in a metamorphosis, for which the legacy of an earlier, dissolved IO – the League of Nations – turned out to be crucial. The League served as a reference in three concrete ways: it was the deterrent counterexample in the context of the key question of the organization's legal personality; it was an inspiration to deal with a specific set of legal issues; and it was a cautionary tale preempting more radical alternatives. One of the best guides to understanding metamorphoses continues to be the Roman poet Ovid, in this case particularly his account of the fate of Daphne – to which we will return later.

To understand this metamorphosis and the triple role that the League of Nations played in it, some context on the OEEC's history until the late 1950s is necessary. The Organisation for European Economic Co-operation was set up in April 1948, during the early Cold War, in the context of the Marshall Plan. Based in Paris, it

was responsible for allocating the $13 billion in aid provided by the United States under the Marshall Plan. By 1952, the OEEC had fulfilled its original mission but this did not lead to its discontinuation. By then, the organization had started to acquire several new roles, mostly in the fields of trade liberalization, education, and development. This dynamic growth of powers is typical for IOs: Once instituted, their secretariats often push for an expansion of their roles, not least because of their interest in institutional self-preservation.

By 1958, however, the OEEC had entered a potentially lethal crisis. The main reason for this development was a conflict among its member states about Western Europe's future economic governance. During the second half of the 1950s, the alphabet soup of Western European IOs thickened, and the OEEC with its eighteen member states risked getting lost in the fog. The first challenge came from a new organization established by some of the OEEC's own members. In 1957, the Benelux countries, France, Italy, and West Germany created the European Economic Community (EEC) and Euratom. The EEC especially raised fundamental questions for the OEEC. Not only were their acronyms confusingly similar, but the EEC was also all about trade liberalization – just like the OEEC. But the EEC's ambitions were larger, aiming to establish a common market with external tariffs. The six EEC countries thus formed an exclusive mini club within the club, comprising more than half the population and economic output of all the OEEC countries.[10]

Fragmentation did not end there. In response to the formation of the EEC, seven other OEEC member states (Austria, Denmark, Norway, Portugal, Sweden, Switzerland, and the United Kingdom) planned an institutional alternative – a strictly intergovernmental free trade zone that was constituted on January 1, 1960, under the name of European Free Trade Association (EFTA). Iceland, Ireland, Greece, Spain, and Turkey remained outside of both the "Inner Six" and the "Outer Seven." If one adds these "forgotten five," the OEEC found itself straddling three camps.[11] Instead of one Western European organization in charge of trade, there were now sev-

Figure 3. The OEEC's eighteen member states: The six, the seven, and the five, 1960. EEC: dotted areas; EFTA: diagonally striped areas; OEEC: vertically striped areas plus the other two markings.

12 Richard T. Griffiths, "'An Act of Creative Leadership': The End of the OEEC and the Birth of the OECD," in: idem, ed., *Explorations in OEEC History* (Paris, 1997), 235–256; Matthew Broad and Richard T. Griffiths, *Britain, the Division of Western Europe and the Creation of EFTA 1955–1963* (Cham, 2022).

13 Burton I. Kaufman, *Trade and Aid: Eisenhower's Foreign Economic Policy, 1953–1961* (Baltimore, MD, 2019).

eral with partly overlapping membership and competing profiles. Trade, often considered a glue between nations, became a bone of contention threatening the OEEC's very existence.

Faced with this challenge, the OEEC's secretariat launched several attempts to find a solution and overcome this division within Western Europe, but these efforts were of no avail. They deepened the conflict instead of mending it, revealing that the OEEC had overplayed its hand. The OEEC managed neither to avert the creation of new blocs among its members nor to retain the role of a meaningful mediator between diverging interests. The members' inability to come up with a solution threatened its very *raison d'être*. While tariffs and trade were the concrete issues leading to the OEEC's crisis, the fundamental matter was more profound: It was about the very nature of economic governance and cooperation in Western Europe.[12]

There was also an important transatlantic dimension to the situation. The late 1950s saw a discussion on how the Western world might be able to counter what was then called the "Soviet economic challenge," i.e. Moscow's aid programs for the Global South.[13] The global Cold War forced the West to come up with a meaningful response, and while debates initially gravitated towards NATO, eyes soon turned to the OEEC. Many pundits and politicians in

Washington felt that the United States and Canada should become full members; they wanted to repurpose the OEEC and turn it into a global development organization. This added further pressure on the OEEC.[14]

These debates formed the backdrop of the Council session in December 1958 mentioned at the beginning of this lecture. While Werkmeister was busy taking notes, the British diplomat Paul Gore-Booth called it "the worst conference I have ever attended."[15] The United States Mission in Europe reported home that a "disastrous breach in Europe" was avoided by a whisker.[16] The OEEC Council, which brought together top representatives from the member states, did not reach any decision, and for many months its chairman Hugh Ellis-Rees did not convene another meeting, trying to avoid "another display of disunity."[17]

As the crisis lingered, the major Western powers finally sprang into action, with Washington taking the lead – though formally, the United States was not even a member. After careful preparation, the heads of state and government of France, West Germany, the United Kingdom, and the United States issued a joint communiqué in late December 1959, i.e. roughly one year after the organization's near-death experience. They called for an "informal meeting" to discuss the organization's fate.[18] The following January, the member states adopted a resolution containing good news for the organization: the idea was not to discontinue it but to define precise ways "to ensure the continuities of cooperation in the fields where no change is called for," while also considering new directions. Moreover, a group of experts was installed to explore future options and to come up with recommendations.[19] Finally, there was a roadmap on how to overcome the crisis.

A "Group of Four Wise Men," as they soon came to be called, was charged to rethink the OEEC: Randolph Burgess (US Permanent Representative to NATO), Sir Paul Gore-Booth (Deputy Under-Secretary at the British Foreign Office), Bernard Clappier (Director of Foreign Relations at the French Ministry of Economics and Finance), and Xenophon Zolotas (Director of the Bank of Greece). All four were seasoned experts of international economic governance and

14 Griffiths, "An Act of Creative Leadership".

15 Paul Gore-Booth, *With Great Truth and Respect* (London, 1974), 251.

16 Foreign Relations of the United States (FRUS), *1958–1960,* Western European Integration and Security, Canada *(WEISC)*, vol. VII, part 1, doc. 43, Telegram US Mission at NATO and the European Regional Organizations to State Department, December 16, 1958.

17 FRUS, *1958–1960, WEISC*, vol. VII, part 1, doc. 87, Telegram from the US Mission at NATO and the European Regional Organizations to the US State Department, December 13, 1959.

18 OEEC, *A Remodelled Economic Organization. A Report by the Group of Four* (Paris, 1960), 7.

19 OEEC, *A Remodelled Economic Organization*, 8.

Figure 4. The "Four Wise Men" Visiting the OEEC, March 1960. © OECD

20 This built on a 1950 debate about associating the United States and Canada to the OEEC when similar issues had been discussed, see Historical Archives of the European Union, Florence (HAEU), OEEC–425.

21 OEEC, *A Remodelled Economic Organization*, 67.

diplomacy. Their work from late January to early April 1960 was crucial for the OEEC's fate. At this technical level, the legacy of the League of Nations as an earlier, discontinued International Organization came to play a crucial role.

III. The Threefold Legacy of the League of Nations

During the reform debate, the depth of the rupture between the old and the new was one of the most controversial points. Paris and Washington insisted on a clear cut-off. Both governments wanted all existing OEEC decisions and resolutions to expire. The successor organization should build only on those stipulations that all member states explicitly agreed to. A single objection would therefore suffice to veto any aspect, and the organization should be under the full intergovernmental control of its members.

Most other governments disagreed. They preferred a continuation of the OEEC's existing legal personality: all its acts were to live on, unless a new decision was taken to change them.[20] In the end, and after intense consultation with the various sides, the Group of Four proposed a compromise on this issue. Article 15 of their draft convention stipulated that the "legal personality possessed by the Organisation for European Economic Co-operation shall continue in the Organisation, but decisions of the Organisation for European Economic Co-operation shall require approval of the Council to be effective after the coming into force of this Convention."[21]

Revealingly, the Group of Four spoke neither of full continuity nor a new start, neither rebirth nor metamorphosis. Instead, they used the more technical term "reconstitution." Their report stressed that any of the alternatives might lead to "practical difficulties."[22] During the thorny intergovernmental negotiations that followed the Group's work, draft Article 15 was particularly controversial. In the end, however, the Group's proposal paved the way for future developments: The final version of Article 15, on which today's OECD has been based since 1961, retained this key sentence and adopted the Group's term "reconstitution." It merely added that the need for approval did not pertain only to the OEEC's decisions, but also its "recommendations and resolutions" – a minor amendment.[23]

The experience of the League of Nations was key to this approach, which provided the bridge from the OEEC to the OECD. The Group of Four, as well as legal experts at the time, insisted that the OECD was not the OEEC's successor. In 1962, Hugo J. Hahn, at the time a consultant at the OECD and soon to become its legal advisor, maintained that the transition did not involve the "suppression" of the earlier organization but rather "its reconstitution while maintaining its moral personality." This approach "permits to avoid the well-known succession problems which arose at the time of the creation of the UN with regard to certain tasks as well as the rights and burdens inherent in the League of Nations' patrimony."[24] In a memorandum dated January 28, 1960, the OEEC's legal advisor Alexander Elkin had already suggested taking that route.[25] Avoiding the technical problem that had haunted the League became the procedural vehicle of the OEEC's metamorphosis into the OECD.

Upholding the OEEC's legal personality through its transformation helped to avoid financial complications, and the same held true for other issues, such as the ownership of the Château de la Muette as the OEEC's seat, and even more mundane questions such as its energy and water supply. More importantly, this approach allowed all the agreements the OEEC had concluded under international law to simply live on. There was direct continuity for the personnel, too.[26] On the other hand it was also easy to end redun-

22 OEEC, *A Remodelled Economic Organization*, 55.

23 https://www.oecd.org/about/document/oecd-convention.htm#Text (last accessed February 2, 2025).

24 Hugo J. Hahn, "La reconstitution de l'O.E.C.E. et sa continuation dans l'O.C.D.E.," *Annuaire français de droit international* 8 (1962): 751–762, here 756.

25 HAEU, OEEC–425, Memorandum Elkin to Sergent, January 28, 1960.

26 Hahn, "La reconstitution de l'O.E.C.E. et sa continuation dans l'O.C.D.E.," 756–758.

27 See the various minutes in HAEU, OEEC–436; also ibidem, OEEC–240.

28 HAEU, OEEC–425, Memorandum Cahan to Sergent, March 1, 1960.

29 See for example HAEU, OEEC–425, Cahan to Ellis-Rees, February 4, 1960, and, most importantly, ibidem, Secretariat, Reform of the O.E.E.C., March 2, 1960.

30 HAEU, OEEC–425, Memorandum Black to Sergent, March 23, 1960.

dant aspects and introduce new elements. This flexible transition was considered preferable to the League's more definite end. The term "reconstitution," etymologically encompassing the return to an original order and change through re-establishment, appeared to be a perfect choice.

Technical legal expertise from an IO prevailed over political interests of the Western superpower. For all the knowledge they could mobilize from their home countries, especially from Washington, the Four Wise Men depended on the OEEC's bureaucracy. As internal documents show, it provided them with the technical knowledge they lacked.[27] Already in early March 1960, Burgess was "complaining that nobody had made any suggestions for changing the present structure of the O.E.E.C., and that all the witnesses who had appeared before the Group of Four had seemed to be rather satisfied with present arrangements."[28] This, indeed, was the *cantus firmus* from the Château de la Muette. Even the most measured papers, weighing all the pros and cons of new start or continuity, emphasized the legal and practical superiority of the latter.[29] Providing endless lists of what would have to be reinvented in the event of a completely fresh start helped win the argument. In the end, the Americans and the French changed their minds and allowed the OEEC's legal personality to live on. This was clearly a David v. Goliath moment: Archival records show that in a meeting in late March 1960, Alexander Elkin managed to change Burgess' mind. This choice was extremely controversial but in the end, knowledge made the decisive difference.[30]

The League became an important reference in a second way, too. An update was necessary for those parts of the OEEC that were to be discontinued or modified, as in case of the association treaties with Yugoslavia. Distinguishing between the living and dead parts of the OEEC was a precondition for a swift and frictionless "start" of the OECD. The legal footwork made all the difference, and here the devil was in the detail. In this choice over life and death, experts knew their history well. One category concerned measures that decision-makers did not want to continue formally, but where the OECD signatories were reluctant to renounce the underlying political or legal principles.
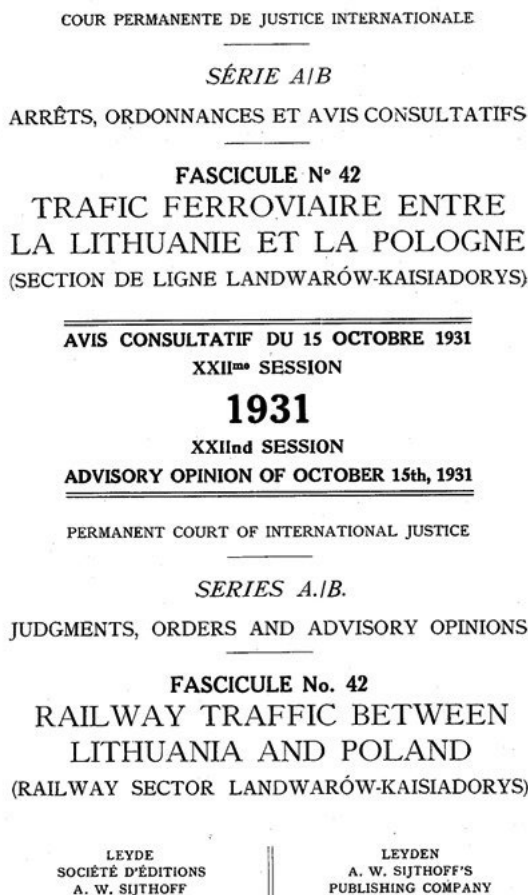
COUR PERMANENTE DE JUSTICE INTERNATIONALE

SÉRIE A/B

ARRÊTS, ORDONNANCES ET AVIS CONSULTATIFS

FASCICULE N° 42

TRAFIC FERROVIAIRE ENTRE
LA LITHUANIE ET LA POLOGNE
(SECTION DE LIGNE LANDWARÓW-KAISIADORYS)

AVIS CONSULTATIF DU 15 OCTOBRE 1931
XXIIᵐᵉ SESSION

1931

XXIInd SESSION
ADVISORY OPINION OF OCTOBER 15th, 1931

PERMANENT COURT OF INTERNATIONAL JUSTICE

SERIES A./B.

JUDGMENTS, ORDERS AND ADVISORY OPINIONS

FASCICULE No. 42

RAILWAY TRAFFIC BETWEEN
LITHUANIA AND POLAND
(RAILWAY SECTOR LANDWARÓW-KAISIADORYS)

LEYDE
SOCIÉTÉ D'ÉDITIONS
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LEYDEN
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Figure 5. The PCIJ's *Railway Traffic between Lithuania and Poland* Advisory Opinion. Public domain.

In this case, the preparatory committee "resorted to a technique that the League of Nations had already used to obtain, by extra-contractual means, a legal commitment that corresponded to a contractual commitment," as Hahn put it.[31] More precisely, experts were referring to the work of the Permanent Court of International Justice (PCIJ). The PCIJ was an institution provided for in the Covenant of the League of Nations; later, it became the predecessor of the UN's International Court of Justice.[32] In its 1931 *Railway Traffic between Lithuania and Poland* Advisory Opinion, the League's Court had stressed that the two states were obliged not just to start negotiations to improve their bilateral relationship, but also to conduct them in a meaningful way. The PCIJ thus highlighted the "principle to comply with the obligation to pursue and to conclude negotiations in accordance with the basic principle of good faith" – an

31 Hahn, "La reconstitution de l'O.E.C.E. et sa continuation dans l'O.C.D.E.," 760–761.

32 Publications of the Permanent Court of International Justice, Series A/B: *Judgements Orders and Advisory Opinions: No. 42, Railway Traffic between Lithuania and Poland,* October 15, 1931, here 116.

33 Eglė Bendikaitė, "Interwar Lithuania as a Laboratory of International Law," *Ius Gentium* 2 (2017): 555–580, quote 577; also see Cezary Mik, "*Pactum de negotiando* and *pactum de contrahendo* as International Obligations in the Present International Law," *Polish Yearbook of International Law* XL (2020): 39–59.

34 HAEU, OEEC–425, Cahan, Memorandum, February 18, 1960.

35 Luke A. Nichter, *The Last Brahmin: Henry Cabot Lodge Jr. and the Making of the Cold War* (New Haven, CT, 2020).

approach that the International Court of Justice reconfirmed in a judgement in the late 1960s and again more definitively in a 1996 landmark decision.[33] The duty to negotiate in good faith, in Latin legalese the *pactum de negotiando*, codified in the League context, thus rubbed off on the transition from the OEEC to the OECD and later also on many other issues in international law.

There was a third context where the League's experience loomed large. The 1960 reform debates were haunted by the ghost of Henry Cabot Lodge. Some forty years earlier, Lodge had been extremely successful in his crusade against the Treaty of Versailles and President Woodrow Wilson's plan to create a League of Nations. As the Republican majority leader in the U.S. Senate, Lodge defeated Wilson: the United States never joined the League. Other, similar instances included the failure of the Havana Charter in 1950, when Washington quietly dropped its own attempt to create an international trade organization in view of resistance in Congress. In 1960, such specters were invoked by those who argued against a completely new start with a new convention. In April the OEEC's Deputy Secretary-General Cahan argued that:

> European countries, who have in the past placed their faith upon the promises of different United States Administrations, must feel somewhat reluctant to embark again on the risky business of drafting an international Convention, giving up prepared positions, and giving in to American demands, only in the end to find that all that effort was wasted.[34]

Lodge's specter and later difficulties in negotiations with the U.S. government thus impacted the negotiations. Oddly, Lodge had a revenant. At the time of the reform debates, his own grandson, Henry Cabot Lodge, Jr., was the U.S. ambassador to the United Nations, and the grandfather's name thus haunted meetings and files across the North Atlantic.[35] Beyond such strange coincidences, this dimension demonstrates that the U.S. was both the towering hegemon of the Western world and highly fragile in its international commitments due to the threat of domestic resistance insisting on unqualified national sovereignty. Both factors ultimately added weight to Washington's word.

In sum, the League of Nations as an earlier, discontinued IO provided guidance on how to save the OEEC in three different ways: first, it served as a counterexample for decision-makers who preferred a metamorphosis – or, in their own parlance, reconstitution – to a fresh start. Second, and only seemingly in contradiction to this first point, the League served as a positive reference for administrative details such as the *pactum de negotiando*. This was not about the OEEC's overall trajectory, but about concrete lessons learned from League-related legal reasoning. Third, the ghost of the United States' failure to join the League and other similar incidents explains why so many precautionary measures were taken. Most importantly, U.S. sovereignty remained uncompromised by joining the OECD. This issue proved crucial in the process in which the U.S. Senate gave its consent to the Convention; it was the only case in the Senate's first two hundred years in which it attached a formal explanation to its ratification, stressing that U.S. sovereignty remained unimpaired.[36] The stakes could hardly have been higher.

IV. A Daphnian Metamorphosis

There are many forms of metamorphosis, in literature as in real life. The way the OEEC morphed into the OECD resembles the fate of Daphne, whom Ovid describes as a beautiful naiad who innocently becomes the object of a conflict between two gods, Cupid and Apollo. Chased and caught by Apollo, Daphne beseeches her father, the river god Peneus, to help her – which he does by transforming her into a laurel tree. Daphne continues being Daphne, just as the OECD is legally identical with the OEEC. And there are further parallels: the OEEC was also saved by a transformation strongly guided by its (American) father figure; and while not immobile and completely removed from the ardor of worldly and otherworldly creatures, the OECD was also much less the object of passionate projections than its predecessor. And while in Ovid's account, Daphne implored her father "*mutando perde figuram*," to spoil her shape by changing it,[37] similar things happened to the OEEC: Its core remained, but its outer appearance was transformed.

36 Kevin C. Kennedy, "Conditional Approval of Treaties by the U.S. Senate," *Loyola of Los Angeles International and Comparative Law Journal* 19 (1996): 89–172.

37 Ovid, *Metamorphoses, P. Ovidi Nasonis Metamorphoses*, ed. R.J. Tarrant (Oxford 2004), 22. Own translation.

Figure 6. Bernini's Apollo and Daphne (1622–1625). Wikimedia. Public domain.

The analogy only goes so far of course. The world of postwar Western IOs was far removed from the toxic masculinity of the ancient myth. Highly controversial political questions were put in the hands of experts, who then proposed rational solutions and who believed in the added value of multilateral cooperation and international organization. The metamorphosis served the pursuit of legitimate interests through technocratic expertise and legal reasoning. The drama of Daphne, famously captured in Baroque artist Gian Lorenzo Bernini's marble statue, epitomizes the very opposite of the OEEC's fate. Karl Marx, who reserved a special place for metamorphosis in his vocabulary and produced lovely German words such as *Metamorphosenverschlingung* [intermingling of metamorphoses], would have been the first to see such differences.[38]

What did the OECD's metamorphosis lead to? From a "rather heavy" entity, it morphed into a lighter vessel.[39] In accordance with the new division of labor across Western Europe's IOs, the OECD was a less muscular organization than the OEEC had been. The OEEC had been born of American money and know-how, and it never turned into a progenitor of European federation.[40] The 1960/61 metamorphosis sealed its transformation into a branch of transnational governance building on soft power, into its present role as a global standard-setter and "creator, purveyor, and legitimator of ideas,"[41] while other forums take the lead in negotiating and implementing binding decisions. The OECD focuses on a mode of governance best described as nudging.[42] On important issues it operates as a consultative body, working mostly through agenda-setting and monitoring mechanisms.

The metamorphosis impacted the OECD's policy fields as well as its way of doing things. It continued to focus on economic progress. Even more than before, growth became its mantra.[43] Overall, it kept its role as warden of the West and of liberal capitalism in particular. It provided a durable, non-military institutional forum for the idea of the West.

Beyond the myths and metaphors, three principal factors explain how the OECD emerged out of the OEEC. Firstly, the United States and France, in particular, searched for a new venue to fulfill international tasks that had become pressing by the late 1950s, especially global development. Contrary to their original intentions, they let themselves be convinced that refurbishing an existing vessel was easier than building a new one. This leads directly to the second point: Many other governments wanted the OEEC to live on and argued there was a functional need for it. In this sense, Werkmeister's 1959 memorandum, stressing this functional dimension, really got to the heart of the matter. Both he as well as his deputy, Adolf Sonnenhol, had made careers as diplomats during the Nazi era and reinvented themselves as democrats after 1945. So they obviously knew something about institutional new beginnings and metamorphoses. Thirdly, the self-interest of the OEEC machinery was a crucial factor. Despite stiff resistance from

39 FRUS, *1958–1960, WEISC*, vol. VII, doc. 89, Memorandum of Conversation, December 13, 1959.

40 Matthieu Leimgruber and Matthias Schmelzer, "The Historical Transformations of the OECD," Fabrizio de Francesco and Claudio M. Radaelli, eds., *The Elgar Companion to the OECD*, (Cheltenham, 2023), 9–22.

41 Quote: Rianne Mahon and Stephen McBride, "Introduction," ididem, eds., *The OECD and Transnational Governance* (Vancouver, 2008), 3–22, here 15; also see their volume more generally.

42 In OEEC, *A Remodelled Economic Organization*, 16; on nudging, see Rüdiger Graf, *Vorhersagen und Kontrollieren. Verhaltenswissen und Verhaltenspolitik in der Zeitgeschichte* (Göttingen, 2024).

43 Schmelzer, *The Hegemony of Growth*.

44 Hugo J. Hahn, "Continuity in the Law of International Organization," *Duke Law Journal* vol. 1962, 2 parts (1962): 379–422 & 522–557, here 554.

45 This also holds true for the situation within multilateral institutions, see Julia C. Morse and Robert O. Keohane, "Contested Multilateralism," *Review of International Organizations* 9 (2014): 385–412.

Washington and Paris, the interest in reconstitution ultimately won the day. The continuity of the OEEC's legal personality, combined with substantial changes in its powers, therefore reflected more than political and economic circumstances and the will of the member states. It also revealed the *Eigenlogik* [internal logic] of IOs and underlined the "flexibility of the law of international organisation,"[44] which was more elastic than that of most states in analogous cases of transition.

Conclusion

All this underlines the fragility as well as the resilience of international organizations. Some forty percent of all IGOs no longer exist and the figure for the broader category of the even more vulnerable IOs is probably much higher. For all the attempts to avoid teleological, "whiggish" accounts, research mostly focuses on successful and durable organizations with visible impact. Quite a few IOs die, however, and many of them develop a meaningful afterlife. Research on the League has qualified earlier accounts stressing the organization's deficits and ultimate failure. The hidden and indirect but highly meaningful continuities and references discussed here add an important, hitherto overlooked angle to this conversation, especially if the canvas is widened beyond single organizations to consider the wider landscape of international organizations and political governance.

Secondly, it is particularly the knowledge of past IOs that matters a lot. Alexander Elkin, the OEEC's Russian-born legal advisor, insisted on keeping the OEEC's legal personality intact. He was able to convince U.S. and French ambassadors Burgess and Clappier, representatives of the two most powerful nations involved in the negotiations. The *Eigenlogik* of legal and administrative knowledge and practices came to play an important role. In our own times, international organizations have increasingly come under pressure, also in Europe and the transatlantic world. Unilateral action, coercive measures, and war are regaining importance; multilateralism is increasingly contested.[45] The work of IOs – including their legacies – can be a source of unexpected hope. Their experience

is hardly ever forgotten – and sometimes lives on or reappears in unexpected ways.

Having said this, there is a third and final point that needs to be considered. Even if the media did cover the OEEC's crisis and even if national archives are full of documents, the negotiations and their eventual result had a strong technocratic bent. This technocratic dimension goes a long way in explaining why the knowledge generated by IOs, but also their personnel often have long lives, despite political ruptures, institutional endings, and massive changes in the international landscape. Werkmeister is an obvious example, and the nexus between liberal and illiberal organizations, as well as the history of illiberal IOs more generally, deserve further attention.[46] Overall, the afterlife of IOs offers important insights into international history, questions of governance, and problems of continuity and contingency in history. Looking at the world we are living in today, it is not risky to predict that this topic will only become more important in the future.

46 See, for instance, Evgeny Vinokurov and Alexander Libman, *Re-Evaluating Regional Organizations: Behind the Smokescreen of Official Mandates* (Cham, 2017).

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