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INTRODUCTION TO SYMPOSIUM ON INTERNATIONAL INSTITUTIONAL BYPASS

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The concept of an institutional bypass—that is, creating a parallel institution that performs exactly the same function of the dysfunctional institution—has already proven useful for analyzing institutional reforms undertaken at the domestic level.[1] However, it has only recently been suggested as potentially applicable to the global governance context as well.[2] To explore this possibility further, this project brought together a group of researchers who specialize in international governance and asked them whether the concept could be applied to their respective areas of expertise.[3]

Among other things, these discussions revealed at least one major challenge with the use of institutional bypasses in the international context: while the possibility of "bypassing" existing institutions may be counterintuitive in the domestic sphere, it may actually constitute the norm, rather than the exception, in international governance. This is because sovereign states are often assumed to hold a monopoly in the provision of certain services and the performance of certain functions at the domestic level, as is notably the case with policing. Thus, recognizing that states can operate parallel institutions side by side, and in some cases even make them compete with each other, may constitute a paradigm shift for those concerned with institutional reforms and good governance in the domestic sphere. However, this same assumed monopoly does not exist in international governance, where academic researchers have extensively documented the related phenomena of institutional proliferation and duplication.

Accordingly, a question arises as to what value, if any, the concept of institutional bypasses can provide to the existing international governance literature. This is the first—and perhaps the main—challenge in applying the concept of institutional bypasses at the international level, especially since the phenomenon of institutional proliferation and duplication has already been extensively described and scrutinized across multiple disciplines, including law, political science, and sociology. The framing essay in this symposium attempts to provide an answer to this question by presenting a definition of international institutional bypasses, all the while articulating why this concept may prove useful to work on global governance.[4]

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[1] Mariana Mota Prado, *Institutional Bypass: An Alternative for Development Reform* (2011); Mariana Mota Prado & Ana Carolina da Matta Chasin, *How Innovative was the Poupatempo Experience in Brazil? Institutional Bypass as a New Form of Institutional Change*, 5 BRAZILIAN POL. SCI. REV. 11 (2011); Graham Denyer Willis & Mariana Mota Prado, *Process and Pattern in Institutional Reforms: A Case Study of the Police Pacifying Units (UPPs) in Brazil*, 64 WORLD DEV. 232 (2014).

[2] Steven J. Hoffman & John-Arne Røttingen, *Dark Sides of the Proposed Framework Convention on Global Health's Many Virtues: A Systematic Review and Critical Analysis*, 15 HEALTH & HUM. RTS. J. 117 (2013).

[3] We organized two workshops with the generous funding of the Norway Research Council, and are currently preparing a publication with all contributions to the project.

[4] Mariana Mota Prado & Steven Hoffman, *The Concept of an International Institutional Bypass*, 111 AJIL UNBOUND 231 (2017).

Having framed the scope of our project, the other essays in this symposium provide three sets of examples that illustrate the application of international institutional bypasses. The first takes the form of the New Development Bank and the Asian Infrastructure Investment Bank, which serve as bypasses of the World Bank and the Asian Development Bank, respectively.[5] The second set of examples are regional swap lines and regional central banks, which are presented as bypasses of the International Monetary Fund (IMF).[6] Finally, regional institutions in West Africa, and particularly those providing health services, are framed as bypasses of domestic institutions that serve the same functions.[7]

Taken together, these three sets of examples offer interesting illustrations of what we call "horizontal" and "vertical" international bypasses. The former refers to those bypasses that operate within the same jurisdiction as the dominant institution, as in the case of the China-led multilateral development banks that serve as international bypasses of a dominant international institution. By contrast, a vertical bypass means that the dominant institution and the bypass are located at different jurisdictional levels. This notion includes a domestic or a regional institution that tries to bypass an international one, or vice-versa. The international institution can thus be either the dominant institution being bypassed, as illustrated by the IMF essay, or the bypassing one, as illustrated by the West African Health Organization essay.

In summary, our aim in this symposium is to introduce readers to the concept of international institutional bypasses, provide concrete examples, and show that this concept can be of great value in attempts to understand and analyze changes and innovations in global governance. That being said, this is only the first step in a much larger and more ambitious project. Thus, we hope it will also serve as an invitation for readers to further explore the many interesting questions and implications of institutional bypasses in the international context.

[5] Oliver Stuenkel, *New Development Banks as Horizontal International Bypasses: Towards a Parallel Order?*, 111 AJIL Unbound 236 (2017).

[6] Rohinton P. Medhora, *Monetary Unions, Regional Financial Arrangements, and Central Bank Swap Lines: Bypasses to the International Monetary Fund*, 111 AJIL Unbound 241 (2017).

[7] Edefe Ojomo, *Regional Institutions as Bypasses of States in the Provision of Public Goods: The Case of West Africa*, 111 AJIL Unbound 247 (2017).