LEGALIZED POWER? THE BOARD OF PEACE AND THE GOVERNANCE OF CONFLICT

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This essay examines the establishment of the Board of Peace as a test case in contemporary peace governance and hegemonic experimentation. While the Board, politically activated in early 2026 and formally anchored in a resolution of the United Nations Security Council, benefits from derivative legality under the UN Charter, its legal foundation remains constitutionally fragile, its mandate ambiguously constrained, and its accountability architecture underdeveloped, notwithstanding explicit Security Council authorization.

Moving beyond a binary assessment of legality versus illegality, the essay situates the Board of Peace within a broader historical pattern of incremental institutional creation in international relations. Drawing on comparative examples such as the G7/G8, the Shanghai Cooperation Organization, and ASEAN's late-stage legal codification, the analysis shows that many influential international arrangements emerged through crisis-driven political practice before hardening into legally constituted organizations, or, in some cases, evolving into parallel governance centers that diluted the authority of their parent institutions.

From a realist perspective—augmented by insights from critical legal realism—the Board of Peace is best understood as a legalized instrument of power management operating through international law while simultaneously testing its limits. Under President Donald Trump's second administration, the Board reflects a broader hegemonic impulse: not an outright rejection of legality per se, but a strategic preference for flexible, sponsor-driven governance mechanisms that can bypass procedural constraints, re-center the agenda-setting power of the United States, and externalize political risk. It is an example of selective implementation of the so called 'rules-based international order'. In this sense, the Board carries an inherent tension: while formally authorized by the Security Council, it has the potential to compete with it, gradually displacing deliberative multilateralism and potentially replacing it with executive-style peace and security management.

Yet the Israeli–Palestinian context, which is the departure point and original rationale of the Board of Peace, imposes non-derogable constraints. Occupation, self-determination, and the two-state framework cannot be neutralized by managerial governance without legal and political consequences. The sustainability of the Board will therefore depend less on its founding moment (adoption of UN Security Council resolution 2803) and more on its capacity to evolve from hegemonic expediency into rule-constrained institutional practice oriented toward ending occupation rather than stabilizing it. Absent such evolution, the Board risks entrenching questionable governance without sovereignty, hollowing out Security Council authority, and accelerating the drift toward fragmented, plurilateral peace and security management under hegemonic sponsorship.

Finally, it is important to clarify that this essay is not a polemical critique of the Board of Peace as a political stunt, nor a personalized indictment of the ad-hoc and visibly fragile governance mechanics surrounding a sui generis leader-centric governance experiment. While the legal and institutional shortcomings of the Board are acknowledged, the purpose of this analysis is neither to dismiss the initiative outright nor to adjudicate its immediate political legitimacy. Rather, the Board of Peace is treated as an analytical entry point: a contemporary case through which to examine the varied pathways by which international groupings and organizations come into being, evolve, and acquire authority. The essay's central concern is structural and comparative: how crisis-driven arrangements, informal clubs, hegemon-sponsored mechanisms, and restraint-based regional orders differ in their relationships to legality, power, and endurance, and what these differences reveal about the changing architecture of international governance in an era of fragmentation.

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1. INTRODUCTION: INSTITUTIONS RARELY ARRIVE FULLY FORMED, OR POLITICALLY NEUTRAL

International institutions are often described as if they were born through constitutional design: negotiated, ratified, and endowed from inception with clearly defined competences, accountability mechanisms, and legitimacy. Empirically, however, much of global governance has evolved in a far less orderly way: crisis-driven improvisation, political experimentation, and the gradual hardening of informal or semi-formal arrangements into more structured bodies. Just as importantly, these processes have rarely been normatively neutral. Institutional emergence has almost always reflected underlying distributions of power, strategic intent, and hegemonic preference.

This history matters acutely in the case of the Board of Peace, established by United States President Donald Trump. Politically activated in January 2026 by means of a high-profile charter-signing at the World Economic Forum in Davos, and linked to a Gaza transition framework, the Board occupies a liminal institutional space: partially legalized, politically consequential, yet constitutionally thin. Its anchoring in United Nations Security Council action confers authority, but not constitutional completeness. More strikingly, its design reflects a distinctly contemporary logic of governance, which is aligned with President Trump's renewed skepticism toward procedurally dense multilateralism, and his preference for instruments that combine relative legality with maximum political discretion.

According to this logic, institutions are not ends in themselves, but tools: mechanisms to manage outcomes, discipline actors, and project influence without the encumbrances of consensus-based decision-making. The Board of Peace fits squarely within this approach. While formally nested within the UN system, it operates with a degree of autonomy that allows its principal sponsors—chiefly the United States under the Trump administration—to influence international peace and security governance outside the traditional veto-bound, procedurally constrained dynamics of the UN Security Council. In this sense, the Board does not merely supplement the Council; it implicitly challenges it, introducing a parallel locus of authority that aims to normalize executive-style peace management at the expense of collective deliberation.

What distinguishes the Board of Peace from many prior instances of incremental institution-building is the legal density of the context in which it operates. The Israeli–Palestinian conflict is among the most normatively saturated disputes in international law, structured by occupation law, the right of peoples to self-determination, and decades of Security Council practice affirming the two-state solution. In such a context, institutional innovation is never neutral. Governance mechanisms inevitably interact with—reproduce, suspend, or reconfigure—existing legal obligations.

The core question, therefore, is not whether the Board of Peace is formally 'legal', but whether it can evolve into a sustainable institution, without hollowing out the legal principles, and the multilateral authority, that make peace governance meaningful. If the Board becomes a vehicle for hegemonic shortcutting—managing conflict without resolving its legal foundations—it may succeed tactically, while failing institutionally, competing with its own creator and weakening the already fragile architecture of collective security.

2. TRUMPIAN INSTITUTIONALISM AND HEGEMONIC LEGALISM

Trumpian institutionalism reflects obedience to an isolationist domestic constituency, rather than contempt for institutions. International law is instrumentalized when it delivers quick gains, ignored when it constrains power, and reshaped when it limits hegemonic discretion. Institutions are treated not as constitutional orders but as transactional platforms, designed to extract advantage while minimizing entanglement.

The Board of Peace exemplifies this approach. Anchored in a [UN Security Council](#) resolution, it has an ambiguous legal grounding while remaining insulated from the Council's deliberative drag, veto politics, and normative pluralism. This reflects a broader Trumpian preference for **executive-style governance:** small membership, political loyalty over representativeness, flexible mandates, and weak accountability. Legality is preserved at the point of entry, but diluted in practice.

This is hegemonic legalism that challenges multilateral constitutionalism. The aim is not to necessarily to dismantle the UN system, but to **re-center agenda-setting power** within sponsor-controlled structures that operate *through* international law, while hollowing out its procedural core. In this sense, the Board is a governance technique. It is designed to manage outcomes without redistributing authority or accepting legal constraint as binding.

The risk is systemic. Once legality is reduced to authorization rather than obligation, institutions cease to discipline power and instead provide it with juridical vocabulary. Trumpian institutionalism thus accelerates a shift away from formal international law. It moves from rules-based order to permission-based governance, in which law no longer constrains action but furnishes political decisions with the appearance of legality.

3. THE BOARD OF PEACE AND THE U.S. TRADITION OF SIDELINING THE UNSC

The Board of Peace fits squarely within a long U.S. tradition of operating *around* the UN Security Council, while maintaining a thin veneer of legality.

Precedents include NATO's Kosovo intervention, which proceeded without explicit Security Council authorization, relying instead on humanitarian necessity and *post hoc* legitimacy. The Provisional Coalition Authority in Iraq functioned under UNSC recognition, but outside meaningful UNSC control. *Ad-hoc* contact groups—from the Balkans to Libya— were politically decisive yet institutionally informal, marginalizing the UNSC's role without formally displacing it.

The Board of Peace advances this model one more step. Rather than an outright bypass, it is **born inside the Council**, yet structured to operate beyond its continuous supervision. Where past **institutional bypasses** accepted legal ambiguity, the Board internalizes legality while externalizing accountability. It is neither an alternative to the Security Council nor a subsidiary organ in the classical sense, but a **parallel governance node**—authorized by the Council to oversee the Gaza peace plan, yet insulated from the Council's collective authority.

This creates a latent institutional rivalry. As the Board accumulates operational relevance, it risks normalizing a model in which the Council authorizes or legitimizes, but no longer governs or deliberates. Over time, this dynamic could reduce the Security Council to a gateway institution that confers initial legality while substantive international peace and security governance move elsewhere.

The danger is constitutional erosion. If the *"maintenance of international peace and security"*—the core UNSC mandate—increasingly occurs through sponsor-driven bodies with weak legal constraints, the Council's role as the central organ of collective security could be functionally displaced, *not by defiance, but by design.*

4. THEORETICAL FRAMING: REALISM, CRITICAL LEGAL REALISM, AND ASPIRATIONAL CONSTRAINTS

4.1. The Board of Peace and Classical and Structural Realism: Law as an Instrument of Order

Realism has long rejected the idea that international law autonomously governs state behavior. Yet it has never denied the relevance of the law. For Hans Morgenthau, law was a social institution reflecting power relations, but able to stabilize expectations when aligned with interests. Law mattered not because it transcended politics, but because it structured political contestation.

Structural realism, articulated by John J. Mearsheimer, sharpened this logic: institutions do not override power, but facilitate cooperation when interests converge. They reduce uncertainty, signal commitments, and lower transaction costs. Institutions endure when they serve powerful actors' interests, and erode when they do not.

The Board of Peace fits squarely within this realist tradition. It is a pragmatic response to deadlock, rather than an expression of liberal constitutionalism. It reflects a shift from universalist multilateralism toward selective, coalition-based governance in contexts from which consensus is absent.

Yet realism does not imply an absence of norms. Power-management mechanisms that systematically undermine legitimacy incur strategic costs. Here, realism converges with law.

4.2. Critical Legal Realism: Law as Politics, Politics as Law

Critical legal realism, associated most prominently with **Martti Koskenniemi** and **David Kennedy**, provides the missing analytical bridge.

For Koskenniemi, international law oscillates between **apology** (deference to power) and **utopia** (normative aspiration). Law is indeterminate, but not irrelevant; its meaning is constructed through institutional practice, interpretation, and contestation. Law legitimizes power, but also constrains it, as long as actors continue to invoke law as authoritative.

Kennedy extended this critique by showing how legal vocabularies underpin governance projects that appear neutral while redistributing authority. Law, from this point of view, does not merely regulate power; it **constitutes it**, often masking political choices behind technical language.

Applied to the Board of Peace, critical legal realism exposes a core tension: the Board is neither unlawful nor politically neutral. It operates as a legal instrument of governance, giving institutional shape to specific political priorities. The real risk stems from the use of legality as a veil to depoliticize conflict, manage it procedurally, and postpone (or worse, hide) its resolution, rather than tackling its underlying causes.

4.3. Aspirations as Structural Constraints, Not Moral Preferences

This essay treats aspirations, including Palestinian self-determination, the end of occupation, and the two-state solution, not as moral claims external to realism, but as **structural constraints** embedded in the international legal order.

These aspirations are codified in Security Council resolutions, General Assembly practice, and advisory opinions of the [International Court of Justice.](#) They cannot be ignored or challenged without running the risk of fatally eroding the whole normative system upon which rests the accepted institutional arrangements.

From a realist–legal perspective, institutions that systematically limit these aspirations may function tactically, but will accumulate legitimacy deficits that undermine long-term viability. In this sense, aspirations operate as **prerequisites** for institutional survival.

5. THE BOARD OF PEACE: AUTHORIZED, YET CONSTITUTIONALLY UNSETTLED

5.1. Resolution 2803 and the Limits of Authorization

UN Security Council Resolution 2803 (17 November 2025) endorsed a two-pillar architecture for Gaza: a Board of Peace as a transitional administrative framework, and a temporary International Stabilization Force under Chapter VII of the UN Charter.

The resolution provides authorization, but not constitutional integration. The Board is described as possessing international legal personality, yet it is not constituted as a UN subsidiary organ. Its leadership design—featuring the head of state of a permanent Council member—raises unresolved questions of delegation, accountability, and responsibility.

From a critical legal-realist perspective, this ambiguity is not accidental. It allows flexibility, but at the cost of blurred responsibility: what David Kennedy would describe as governance through *structured indeterminacy*.

5.2. Occupation, Self-Determination, and the Question of Ultra Vires Authority

The deeper legal fragility of the Board lies in its interaction with law on occupation and self-determination. A Security Council resolution cannot extinguish peremptory norms. Transitional governance is legally tolerable only if it is **clearly oriented toward political resolution.**

Gaza cannot be legally severed from the West Bank. Stabilizing Gaza while leaving the broader occupation intact risks fragmenting the legal unity of the occupied Palestinian territory, and normalizing differentiated rights regimes. This is precisely the kind of outcome that critical legal scholars warn against: legality deployed to stabilize an unjust *status quo*.

5.3. Gaza First, but Never Gaza Alone. The Board of Peace and the Risk of Managed Legality

Gaza may be the most immediate humanitarian and security priority, but international law does not permit—and history does not sustain—a Gaza-only peace. Any framework that isolates Gaza for the purposes of stabilization, governance, or reconstruction, while leaving the West Bank under open-ended occupation, risks entrenching a bifurcated legal and political order. Such fragmentation contradicts the legal unity of the territory and undermines the principle of self-determination.

From a legal perspective, the danger lies in governance without sovereignty. If Gaza is placed under an internationally mediated administrative regime—however well-intentioned—while the West Bank remains subject to prolonged occupation, law is applied selectively. Legal responsibility becomes fragmented, and exceptional arrangements are normalized. What emerges is not a transitional order, but a durably differentiated regime that is difficult to reverse once institutionalized.

It is precisely here that the **Board of Peace** becomes central. As a body designed to coordinate stabilization, security, and reconstruction, the Board risks functioning as a 'legal technology' of conflict management, rather than conflict resolution. Anchored in derivative legality, it may deliver procedural order without political settlement. In doing so, it could inadvertently replicate a familiar pattern of interim arrangements that harden into permanent substitutes for peace.

Historical experience offers sobering parallels. Peace processes that privileged security and administration over sovereignty—from interim autonomy regimes to externally supervised governance structures—have often reduced violence while entrenching asymmetry. The result has been neither peace nor law, but prolonged exception. Institutions became custodians of process rather than engines of resolution.

From a realist standpoint, this outcome is not accidental. Partial settlements stabilize power relations rather than transform them. By separating Gaza from the West Bank, a Gaza-first approach weakens Palestinian political leverage, consolidates asymmetric bargaining positions, and reduces incentives to engage in final-status issues. Stability achieved through fragmentation is inherently brittle; unresolved questions of sovereignty will eventually be reasserted, possibly violently.

Critical legal realism sharpens the warning. Law in this respect does not operate as a neutral constraint, but as an instrument of governance. The Board of Peace may formalize procedures, administer aid, and coordinate security, but in doing so, it risks depoliticizing the core conflict. The danger is not illegality, but the conversion of legality into managerial routine—conflict becomes administrable, injustice procedural, and occupation indefinite.

The resulting equilibrium may appear functional: institutions operate, violence is contained, and humanitarian needs are addressed. But legitimacy erodes beneath the surface. When law is used to manage conflict without addressing its structural causes, it loses both moral authority and political effectiveness.

The lesson for the Board of Peace is therefore stark. A Board that consolidates some kind of governance in Gaza, without anchoring it to a unified legal and political framework encompassing the West Bank, risks institutionalizing fragmentation. If the Board is to contribute to durable peace, rather than managed instability, it must align stabilization with sovereignty, administration with self-determination, and legality with political resolution. It

should not mistake institutional process for peace, or mistake a political deal for durability without legal anchoring.

5.4. The Paradox of Incrementalism

The history of international institutions suggests that many enduring bodies did not begin with clean legal foundations or comprehensive mandates. They emerged pragmatically, often in response to crises, political deadlock, or power asymmetry. In this sense, institutional success has rarely depended on initial purity. What has mattered instead is *institutional conversion*: that provisional arrangements evolved into structures that command broader ownership, have codified meaningful constraints on power, and progressively align practice with widely accepted legal and normative standards.

Incrementalism can therefore be a virtue. It allows states to cooperate under conditions of uncertainty, to test arrangements before formalizing them, and to avoid the rigidity that premature legalization can impose. Many institutions that now enjoy legal authority gained legitimacy only after years of informal practice, monitoring, and political socialization. Law followed use; legality consolidated politics.

Yet incrementalism has an inherent paradox. It is not neutral or reversible. Institutional development is path-dependent, with early design choices shaping incentives, expectations, and sharing of authority in ways that become difficult to unwind. Procedural shortcuts, asymmetric governance rights, and weak accountability mechanisms, once embedded, tend to harden over time. What begins as a temporary accommodation can become institutional DNA.

When this happens, later legalization does not necessarily correct imbalances. Instead, it may entrench them. Formal rules can stabilize unequal power relations, normalize exceptional arrangements, and cloak asymmetry in the language of legality. Rather than converting provisional authority into legitimate governance, law can lock in the distortions incrementalism was meant to overcome.

This dynamic is especially pronounced in conflict-management institutions. Bodies created to manage instability often prioritize effectiveness and speed over representation and accountability. If these priorities dominate early design, institutional evolution may favor control over consent, and administration over political resolution. The result is a governance structure that functions procedurally while remaining normatively fragile.

The paradox of incrementalism, then, is that the same flexibility that enables institutions to emerge under adverse political conditions can also limit their capacity to transform those conditions. Incrementalism succeeds only when early informality is deliberately oriented toward future inclusion, constraint, and legal coherence. Without that orientation, institutional growth can accumulate without correction, resulting in an expansion of form without convergence of legitimacy.

For institutions such as the Board of Peace, the implication is clear. The question is not whether incrementalism is unavoidable—it often is—but whether its trajectory is designed for conversion rather than entrenchment. Institutional durability depends less on how an organization begins, than on whether its evolution narrows or widens the gap between authority, legality, and consent.

6. COMPARATIVE PATHWAYS OF INCREMENTAL INSTITUTION-BUILDING

6.1. Informality, Power, and the Mirage of Neutrality

A Critical Legal-Realist Reading and the Lessons of Failed Informalism

The appeal of informal institutional arrangements in contemporary global governance lies not only in their flexibility or speed, but in their ability to **exercise authority while remaining structurally evasive**. From a critical legal-realist perspective, informality is not an absence of law. It is a **mode of governing through law's indeterminacy**. The experience of informal clubs that successfully morphed into viable institutions—and those that never did—reveals how power operates most effectively when it is least formalized, and why such arrangements are inherently unstable, unless legitimacy is eventually anchored.

Informality as a Technique of Governance

Drawing on the work of Martti Koskenniemi, informal groupings can be understood as exploiting the structural oscillation of international law between *apology* and *utopia*. By not taking on a binding legal form, informal clubs avoid the charge of illegality or treaty violation. Simultaneously, by invoking shared values—peace, stability, responsibility, pragmatism—they borrow the moral authority traditionally associated with law.

This dual positioning allows informal bodies to govern without fully assuming the burdens of legality. They **produce norms without naming them as law**, shape expectations without codification, and influence outcomes without formal accountability. Informality thus becomes a deliberate design choice: a way to retain discretion while claiming necessity.

In this sense, informality is not a transitional weakness but a **strategic asset**. It permits selective application, differentiated obligations, and calibrated ambiguity. These features would be politically contentious, or legally challengeable, if embedded in treaty form. Authority is exercised through coordination, agenda-setting, and reputational pressure, rather than adjudication or enforcement.

Managerialism and the Disappearance of Politics

David Kennedy's critique of international *"managerialism"* further sharpens this analysis. Informal clubs routinely frame their decisions as technical responses to complex problems, rather than as political choices with distributive consequences. Conflict is labeled as coordination failure; power asymmetry as capacity constraint; coercion as incentive alignment.

This framing performs an important depoliticizing function. By presenting outcomes as the product of expertise, urgency, or inevitability, informal groupings obscure the underlying allocation of costs and benefits: who is constrained, who is exempted, who sets the agenda, and who merely adapts. The absence of formal legal process is recast as efficiency, while the concentration of decision-making authority is justified as realism.

Seen through this lens, informality does not reduce power; rather, it **renders power less visible.**

Legitimacy Laundering and Borrowed Authority

A recurring feature of successful informal clubs is their proximity to formal institutions. Informal bodies frequently invoke UN language, align themselves rhetorically with UN

Charter principles, or operate alongside established international organizations. This allows them to **borrow legitimacy without submitting to institutional discipline.**

Critical legal realism would describe this as legitimacy laundering: the symbolic capital of international law is used to validate decisions taken elsewhere, by smaller and less representative groups. As long as outcomes appear aligned with broadly accepted norms, this strategy can be effective. But it is inherently fragile. Once distributional effects become important—or bias becomes visible—the absence of formal accountability mechanisms turns flexibility into vulnerability.

Why Some Informalisms Institutionalize and Others Fail

Experience shows that informality is not a guaranteed pathway to institutionalization. Many informal groupings never evolve beyond coordination clubs, while others collapse under their own contradictions. The contrast between successful and failed informalisms is instructive.

Successful informality institutionalizes when:

1. It fills a clear functional gap left by formal institutions (speed, crisis response, coordination among pivotal actors);

2. It possesses financial, economic, security, or reputational leverage that makes participation consequential;

3. It routinizes practice: regular meetings, working methods, predictable outputs;

4. It gradually addresses the legitimacy gap through transparency, linkage to formal bodies, or controlled inclusion.

By contrast, **failed informalisms exhibit recurring patterns:**

- **The talk-shop trap:** meetings proliferate, declarations multiply, but commitments remain non-operational. Informality substitutes for decision-making rather than enabling it;

- **The single-issue sunset:** once the triggering crisis fades or mutates, the grouping loses relevance and dissolves because of lack of institutional incentives to persist;

- **Membership incoherence:** expansion undertaken to gain legitimacy erodes cohesion, producing paralysis without universality;

- **Forum-shopping redundancy:** without a unique value proposition, actors migrate to alternative venues with greater leverage or visibility;

- **Legitimacy backlash:** perceived as unaccountable cartels, informal clubs provoke resistance, non-compliance, or the creation of rival formats.

These failures underscore a central realist insight: **power without legitimacy can coordinate, but it cannot endure indefinitely.**

Implications for the Board of Peace

Applied to the Board of Peace, this analysis yields a sobering but clarifying conclusion. The Board's legal fragility is not, in itself, fatal. Many durable institutions began life in ambiguity. The greater risk lies in **the dissonance between claimed neutrality and visible distributional bias.**

If the Board operates primarily as a managerial forum—coordinating peace through expert language while sidestepping accountability—it may be effective in the short term but contested in the long term. If it relies excessively on borrowed legitimacy without developing its own procedural safeguards, it risks being perceived as a peace cartel, rather than a peace institution.

The Board thus faces a structural fork:

- **An institutionalization pathway,** in which informality is progressively disciplined by routine, restraint, and legitimacy-building mechanisms; or

- **A failed-informalism pathway**, in which flexibility hardens into arbitrariness, authority remains conditional, and relevance dissipates once political alignment weakens.

Critical legal realism does not condemn informality. It insists, however, on seeing it clearly: not as neutrality, not as inevitability, but as **power exercising choice under the cover of pragmatism.** Whether the Board of Peace becomes a durable institution or another transient club will depend less on its legal pedigree, and more on how it manages this tension between authority, legitimacy, and accountability.

6.2. Incremental Institutions and the Politics of Legitimacy

Across a range of cases, including the G7, the Conference on Security and Co-operation in Europe/Organization for Security and Co-operation in Europe (CSCE/OSCE), the Shanghai Cooperation Organization (SCO), and the Association of Southeast Asian Nations (ASEAN), a common pattern has emerged. International institutions rarely begin as fully legalized organizations. They originate as informal arrangements to manage immediate political problems among states that are unwilling or unable to bind themselves through law. Practice precedes legality; coordination comes before codification.

The G7 illustrates how power can operate effectively **without formal legal personality**. It governs through convening authority, agenda-setting, and norm signaling, rather than through binding legal instruments. Its influence derives from the economic weight, financial leverage, and policy coordination capacity of its members, not from treaty-based authority.

Crucially, informality has been a source of resilience rather than weakness. The absence of rigid legal structures has allowed the G7 to act quickly, adapt its agenda, and respond decisively to crises—from global financial instability to sanctions coordination and development finance. Continued strategic alignment among its core members has enabled the G7 to remain a central node of global economic governance, despite the proliferation of alternative forums.

However, the G7's effectiveness remains **contingent**, not guaranteed. Its authority rests on sustained political cohesion and shared strategic priorities. When alignment is strong, informality amplifies power. When alignment weakens, informality provides no institutional buffer to preserve coherence or manage divergence. The G8 episode illustrates this boundary: informality did not prevent rupture when political consensus became untenable.

Lesson for the Board of Peace: effectiveness without embedded legitimacy and accountability can be powerful, but is conditional. Informal authority can shape outcomes as long as political alignment holds. Without mechanisms to anchor legitimacy beyond power, such arrangements risk becoming instruments of coordination, rather than durable institutions of governance.

The CSCE's evolution into the OSCE highlighted a different pathway in which sustained practice—monitoring, confidence-building, and peer review—gradually generated norms that justified institutionalization. Crucially, durability followed inclusivity. Legitimacy was anchored in broad participation across ideological divides, not in coercive capacity or legal rigidity.

The Shanghai Cooperation Organization **(SCO)** illustrates a third model of institutional emergence, distinct from both liberal multilateralism and *ad-hoc* informalism. In this third model, **operational coordination among a limited set of like-minded states gradually hardens into legal form within a deliberately narrow political bloc**. Originating in pragmatic security cooperation between China, Russia, and Central Asian states, to manage border stability, counterterrorism, and regime security, SCO did not begin as a normative project. Instead, **functionality preceded legality:** repeated coordination created habits of cooperation, shared threat perceptions, and procedural routines, which were only later codified through charters, secretariats, and legally framed mechanisms.

In this sense, **law followed power and practice**, not aspiration. Legalization served to stabilize an already effective coordination framework, rather than to universalize norms or invite external participation. The result is an institution that has **delivered operational effectiveness—particularly in security coordination and political signaling—without pursuing integration into the broader liberal international order**. Yet this effectiveness has come at a systemic cost. By institutionalizing cooperation explicitly outside Western-led frameworks, and without claims to universality, SCO has **contributed to the fragmentation of global governance**, reinforcing a plural and competitive security architecture rather than an integrated one. It stands as the clearest contemporary example of how institutions can consolidate power and coordination while **deepening the structural segmentation of the international system.**

The Association of Southeast Asian Nations **(ASEAN)** represents a fourth institutional logic: **stability through restraint, rather than integration through ambition**. From its inception, ASEAN has prioritized informality, consensus-based decision-making, and strict non-interference as deliberate design choices, reflecting the political diversity, regime sensitivity, and post-colonial vulnerabilities of its membership. Cooperation is structured not to transform state behavior, but to **prevent escalation, manage mistrust, and preserve sovereign autonomy.**

This approach has produced **endurance rather than depth**. ASEAN has survived regional wars, ideological divides, and great-power competition precisely because it has avoided binding commitments that could fracture consensus. Legalization arrived late and lightly—through framework agreements and a modest charter—serving primarily to codify existing practices, rather than to empower supranational authority. The result is an institution that has **preserved trust and continuity**, but at the cost of limited collective action, weak enforcement capacity, and a constrained ability to respond decisively to crises. ASEAN thus exemplifies how **institutional minimalism can sustain order**, while simultaneously capping the transformative potential of cooperation.

Lesson for the Board of Peace: incremental institution-building is neither inherently virtuous nor inherently flawed. Informality can deliver speed, inclusivity can confer legitimacy, and codification can entrench cooperation, but each choice involves trade-offs. A Board that acts effectively without legitimacy risks fragility; one that seeks inclusivity without capacity risks paralysis; one that codifies prematurely risks freezing political asymmetries into institutional form. The central challenge is not legality itself, but whether institutional design aligns authority, legitimacy, and political reality over time.

6.3. Transformation Rather Than Accretion: OAU → African Union and the Arab League

The transition from the Organization of African Unity (OAU) to the African Union illustrates a rare but decisive institutional pathway: replacement rather than incremental reform. The OAU's rigid adherence to sovereignty and non-interference preserved state autonomy, but rendered the organization ineffective in the face of internal conflict, unconstitutional changes of government, and humanitarian crises. Incremental adjustments failed to restore credibility. Legitimacy required reconstitution, which involved the introduction of new norms, expanded mandates, and enforcement mechanisms, including peace and security instruments that the OAU could not sustain politically.

The Arab League offers a contrasting cautionary case. Despite repeated reform initiatives, it has remained largely anchored in consensus-driven diplomacy and strict non-interference. Incrementalism has preserved formal unity but at the cost of relevance. Without structural transformation, the Arab League has struggled to act decisively in moments of regional fracture, revealing the limits of accretion when political divergence is deep and persistent.

Lesson for the Board of Peace: when institutional design no longer matches political realities, incrementalism may entrench dysfunction rather than cure it. Legitimacy does not always emerge from gradual adjustment; in some contexts, it requires redefinition of purpose, authority, and norms. A Board that becomes a procedural substitute for political settlement risks irrelevance, unless it remains open to recalibration, or, if necessary, fundamental redesign.

7. CONCLUSION: INCREMENTALISM WITH DIRECTION, OR MANAGEMENT WITHOUT JUSTICE

The Board of Peace exemplifies contemporary peace governance: pragmatic, adaptive, and legally anchored, yet normatively fragile. Resolution 2803 provides a scaffold, not a foundation.

Realism explains why the Board exists. Critical legal realism explains why its legality is not self-justifying. Aspirational norms explain why its sustainability depends on orientation, not only effectiveness.

The decisive question is not whether the Board can function, but whether it can evolve into a **rule-constrained, broadly owned institution that is oriented toward ending occupation and enabling Palestinian self-determination**. Without that orientation, it risks becoming a durable mechanism of management and a symbol of law's instrumentalization in a fragmented world order.

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