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**Regionalization, Transnational Democracy and United Nations Reform:
How Can Regions Contribute to the Strengthening and Democratization of the
United Nations?**

Viewpoint

prepared for Volume III of the World Report on Regional Integration

“The UN and the Regions”

published by

United Nations University / Comparative Regional Integration Studies (UNU-CRIS)

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V2/03-V-2008

Regional organizations can contribute to the reform and, in particular, democratization of the United Nations Organization in two distinct ways: (a) *through their very existence* – since regional co-operation across national borders, especially in its institutionalized form, strengthens the tendency towards global multipolarity, the only form of world order in which the UN can properly function as intergovernmental organization that is built on the philosophy of collective action (“collective security”); and (b) through the development of procedures of *democratic decision-making* in a transnational space – as in the case of the European Union – that can serve as exemplary standards for intergovernmental co-operation and the rule of law at the global level. These procedural matters include, *inter alia*, regulations for the separation of powers; the distinct role of legislative (parliamentary) branches in transnational structures; weighted voting, etc.

(A)

During the first four decades of its existence, the United Nations had to act within the framework of an essentially bipolar balance of power. Because of the veto right of the Security Council’s five permanent members, including the two major players of that era, the organization was unable to act efficiently on important issues of its mandate, especially in the field of international security. The UN’s “forced inaction” in major conflict situations has been widely regretted as a sign of paralysis of the world organization due to the East-West Conflict.

This structural problem could not be addressed in the existing statutory framework, with the special voting rights under Art. 27 of the Charter that allowed the two great powers to neutralize each other. There is hardly any disagreement that the veto principle in and of itself is not compatible with the sovereign equality of states, one of the basic norms of the UN Charter. More specifically, the provision according to which all decisions of the Security Council on other than procedural matters require the consent of the five permanent members cannot be reconciled with democratic decision-making; decisions reached under this provision constitute – to put it mildly – a rather inadequate form of “weighted voting.”

The structural change of the international order that has taken shape within the last one and a half decades (i.e. since the end of the Cold War) has further aggravated the situation. In

matters of war and peace, the United Nations Organization has, if only temporarily, to operate in the absence of a balance of power, a state of affairs that has made the veto rule even more detrimental in terms of the efficacy as well as legitimacy of the international order. Within a unipolar system, there are very few, if any, incentives for the most influential member state not to resort to the veto power whenever that country deems it advantageous for its national interests – and there are almost no impediments to unilateral action (outside the framework of the United Nations) in situations where other permanent members might be prepared to object a certain enforcement action under Chapter VII.

Under these circumstances, it appears to be the predicament of the world organization that it has to act multilaterally – according to the Charter’s doctrine of collective security – in an actually unilateral (political) framework. It is not surprising that this contradictory mission has led not only to a loss of efficiency, but a serious erosion of legitimacy of the world organization.

The only antidote to this constellation – in which the UN is prevented from carrying out its mandate in a consistent manner, i.e. is actually incapacitated – will be the gradual emergence of a *new balance of power*. The formation of regional groupings – and the strengthening of existing ones – may be an essential contribution to such a development. Ideally, regional structures in all corners of the globe could be the pillars of a multipolar world order for the 21st century, in which the United Nation Organization is enabled to accomplish its mission in conformity with the Charter’s idealistic mandate (“that armed force shall not be used, save in the common interest”).

As part of a major reform of the organization – that has to be aimed at making it more representative and democratic at the same time –, regional organizations (such as the European Union) could eventually take the place of the traditional veto-wielding nation-states. It goes without saying that such a restructuring of the organization, and in particular of the permanent membership in the Security Council, has to be undertaken on the basis of geographically balanced representation. This will imply the redefinition of the very notion of “permanent membership” in the sense of a *collective membership of regions* – an organizational model that will ensure a global distribution of power that is substantially more fair than the present one, which is a legacy of the power constellation of 1945. (In the case of Europe, this would mean the replacement of two individual permanent members [nation-states] by an intergovernmental and partly supranational entity, namely the EU that includes the two.) Regional organizations in other parts of the world – such as the African Union –

may assume a similar role when they will have achieved sufficient internal cohesion. This development will have special importance on those continents that, so far, have been totally unrepresented in the category of permanent membership – namely Africa and Latin America.

It is obvious that a redrafting of the United Nations Charter along the principles of “regional representation” is an elusive task under the present distribution of power and authority. As we know by now, even the less ambitious reform proposals of the Secretary-General’s High Level Panel (2005) have no chance of realization. (The Charter’s Art. 108 is in fact an insurmountable procedural obstacle.) It is important, however, to highlight the impact that regional groupings could have in a future scenario in which a way out may have to be sought of the impasse resulting from the Charter’s incorporating a balance of power of an earlier era. In case of a major reform of the Charter, which will have to include reform of the Security Council as a top priority, regional structures – whether intergovernmental or supranational or both – will present a viable organizational alternative to the singular nation-state membership in the Council.

Absent such a structural change, even the mere existence of regional groupings, at different levels of cohesion and organizational density, will have a positive impact on the United Nations’ day to day functioning, helping to reduce, at least informally, the often regretted “democratic deficit.” The more forms of regional co-operation and regional organizations exist, the better able will individual UN member states – belonging to those regional groupings – be to avoid being marginalized in matters affecting their national interests, not only in the field of security and peace, but also regarding economic and social development. The same holds true for measures of peace and security under Chapter VIII of the UN Charter (“Regional Arrangements”). The more structures of efficient regional co-operation and decision-making are in place, the less likely will it be that the Security Council will have to act – or be tempted to intervene – under the provisions of Chapter VII (which are essentially measures of last resort). As recent history has documented, compulsory measures (including the use of force) under Arts. 41ff may jeopardize an often delicate regional balance of power and lead to long-term destabilization of “geographical” regions that, would they have been able to act as “political” regions (i.e. would there have been an effective regional organization), might have escaped that fate. It is here where the principle of subsidiarity, often overlooked in international affairs, comes to play. Supranational regions could indeed breathe new life into the provisions of Chapter VIII and give concrete meaning to the principle of subsidiarity, particularly in matters of international security.

Furthermore, membership within a regional structure often provides an opportunity of a *de facto*, if not *de jure*, collective representation at the global level, something which smaller and medium states can ill afford to neglect under the conditions of an uneven distribution of power and wealth. At the same time, the debates and decision-making procedures in the fora of the United Nations Organization will be more balanced in terms of the Charter's idealistic commitment towards "sovereign equality" – since otherwise isolated member states can voice their concerns more effectively within a regional framework.

Generally speaking, only genuine multipolarity in terms of power relations can finally introduce elements of an urgently needed *separation of powers* into a system where, so far, the Security Council in many instances not only acts as supreme executive, but legislative organ as well. The only realistic method by which, under the present circumstances, such a multipolar order can be promoted is through the intensification of regional co-operation at all levels and the strengthening of regional organizations on all continents. Such a process will also give new relevance to the "transnational paradigm" which is incorporated in the Preamble to the United Nations Charter and which should be taken as a guideline for the restructuring of international relations in the 21st century.

(B)

As regards decision-making procedures at the transnational level and the contribution regional organizations can make to the democratization of international relations, the experience of the European Union may, to a certain extent, also be relevant for the United Nations or at least provide some ideas for the ongoing reform debate. It is safe to assume that, as far as organizational aspects are concerned, the methods practiced by a regional organization comprising 27 states with over 490 million citizens may, in principle, also be applied to a worldwide organization.

The fundamental challenge faced by any intergovernmental organization, whether regional or global, lies in finding a formula which is doing justice to the principle of *equal rights* of all citizens in an environment which is determined by the sovereign equality of states (as collective units of citizens). How can the democratic maxim of equality (in the sense of equal voting rights at the domestic level) be adapted to the *transnational* level?

The principle of "one state – one vote" expresses the sovereignty of states; only rather indirectly can it be related to the sovereignty of the citizen (insofar as "individual

sovereignty” is mediated by the state as the citizen’s international agent). As is obvious in the structure of the United Nations General Assembly, this creates a huge imbalance and raises questions of democratic legitimacy – since a vote on behalf of a community of over a billion citizens will have the same weight as that made on behalf a few thousand. In view of the Preamble’s solemn exclamation – “We the peoples of the United Nations” – there is no doubt that a body thus composed is faced with the question as to how to be truly representative of the *citizens of the world*. The imbalance in terms of popular representation is further exacerbated by the veto power of only five member states in the Security Council, the supreme executive organ of the organization.

A solution to this dilemma may lie in the introduction of a kind of *weighted-voting* formula – especially in the form of *double majority* provisions – for decisions to be taken by the delegates as the representatives of states (whether in the General Assembly or in the Security Council), similar to the voting regulations practiced in the European Union – the refinement of which has been debated extensively in the course of the reform process of the latter. To “measure” the “weight” of a (state) vote in relation to the population represented in that vote is an appropriate democratic procedure (since the very rationale of democracy is the preservation of the dignity of the human being as citizen with equal rights). Ideally, a weighted voting formula of some sort, in combination with a double majority requirement, could open a way out of the present impasse in terms of Security Council reform. The veto rule of Art. 27 of the UN Charter has, in actual fact, been an undemocratic formula of “weighted” voting according to which the individual votes of five member states are given precedence, not in terms of their population, but of the power which they enjoyed in a particular historical constellation.

Should a voting model in analogy to the double majority regulations in the EU Council of Ministers (that would imply the effective abrogation of the unanimity requirement among the five permanent members) not be feasible for reasons that lie in the genesis of the organization, the United Nations member states may consider to redefine the Charter’s veto provision in the sense of a *unanimity requirement among the global regions*. In the case of the region covered by the European Union, this would entail that the two “European” seats are merged into one permanent seat, to be occupied on the basis of rotation among all member states, large or small, of this regional group. Similar procedures could apply to other regions once they have reached a sufficient state of cohesion and visibility as international actors (e.g. the Association of Southeast Asian Nations or, eventually, the African Union).

A further measure that may be considered is the creation – in analogy to the European Parliament – of a “parliamentary assembly” of the United Nations with the number of deputies, within certain margins, being proportional to the population size of the respective member state or, where adequate arrangements exist, the respective region (comprising smaller member states that would otherwise be left out of the equation). Such an arrangement would be more in conformity with democratic representation than the present state-centered structure. However, such an assembly will have to be more than a deliberative (consultative) organ if it is to fit into a system of a transnational *separation of powers*, something which is indispensable for the international rule of law and, thus, for the legitimacy and long-term prospects of the United Nations Organization.

All these elements of a “grand” reform of the world organization have regard to the vision of a genuine multipolar world order – that is to emerge in the future – and are expression of an approach that goes beyond traditional forms of intergovernmental co-operation among nation-states, seen as isolated entities, towards transnational and supranational forms of organization. The supranational element has first been introduced into the international system by regional groupings that saw in it an important means of effective representation of their member states’ “national” interests. This is even more so in the “globalized” environment at the beginning of the 21st century. Although the supranational paradigm is being implemented, at varying degrees, by regional organizations, in particular the European Union, it is still lacking in the world organization. International *realpolitik* – more specifically: an imbalance in power relations – has prevented any reform measures in that regard.

It goes without saying that, under the present conditions, the blueprint of a “regional” reorganization of the United Nations – in the sense of (a) structure and composition of membership (including regional groupings) and (b) regionalization of the decision-making, in particular in the Security Council – is only an idealistic vision. However, the absence of a global balance of power – one of the factors that have made major reform efforts elusive – is only a transient stage of world affairs. At the social, cultural (or civilizational), and economic levels, the global reality is undeniably *multipolar* even now.

Under the condition that no catastrophic military confrontation between the major global players occurs (the avoidance of which is the *raison d’être* of the United Nations), sufficiently coherent regional groupings (such as the European Union) could become the catalyst of change within the global system, providing new impetus to the democratic reform

of the United Nations and, thus, ensuring the organization's long-term viability. As new actors on the international scene – in addition to the traditional nation-states – they may (a) gradually introduce an element of political multipolarity into an otherwise unipolar order and (b) demonstrate that the paradigm of democracy can also be implemented, albeit with modifications, in the framework of large transnational, virtually universal, organizations such as the UN. Successful “regionalization” of the global system could not only provide a much needed impetus to the emergence of a multipolar balance of power, but also contribute to the solution of one of the most difficult problems of international order, namely how to reconcile the requirements of state sovereignty with the sovereign status of the citizen.
