

Membership in international organizations: inequality among equals

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SUMMARY

The principle of equality of states originated from the municipal law ideal and legal principle of equality of men which, by analogy, transformed into the legal principle of equality of states in international law. As a principle of international law, the principle of equality of states applies to the law of international organizations, as the latter is a branch of international law. In international organizations, the principle of equality of states evolved through international conferences which adopted unanimity decision-making and the principle of one-state one-vote. Over time, the principle became part of the constitutions of international organizations. Before World War II, the principle of equality of states was present through the unanimity rule in the Covenant of the League of Nations and the equality of voting powers and representation in the Assembly. After World War II, the principle of equality of states became part of the UN Charter.

The aim of this book is to explore the meaning, the role, and the application of the principle of equality of states in international organizations (IGOs). The question of whether or not the principle of equality of states is applied in international organizations is important. The (non)application of the principle of equality of states influences state behavior, inclusiveness, effectiveness and the will of states to participate fully in the efficient functioning of any international organization.

According to the principle of equality of states, regardless of their differences, all states are considered to be equal in international law. The fact that there are overwhelming differences between states does not make the application of the principle of equality of states in international organizations easy, or at times, viable and realistic. Therefore, the application of the principle of equality of states in international organizations is, and will most probably remain, a continuous challenge for states and international organizations. As Kooijmans noted, equality is a mathematical notion which when drawn into the legal sphere results in a doctrine at odds with reality which by necessity involves opposition.

While it is clear that the principle of equality of states in IGOs requires equality in rights and obligations of states, the difficulty in reviewing the application of the principle of equality of states in IGOs is to find out how much states are equal in their rights

and duties in international organizations. Due to the fact that the principle of equality of states is an “umbrella” type of principle, it covers a wide range of matters. Therefore, the review of its application in international organizations requires a comprehensive approach that would include a number of important aspects. The discussion on the application of the principle of equality of states in international organizations includes the following sets of questions: 1. acquisition of membership; 2. the rights and duties of members; and 3. the processes limiting or terminating membership rights (suspension, expulsion and withdrawal of membership).

Having in mind that there are hundreds of international organizations with various membership policies, any endeavor of this nature cannot possibly cover all of them as, even if research is limited to the most important international organizations, no scholar can cover on his own the field of law. In such a variety of hundreds of international organizations, there can always be reasons for including or excluding certain international organizations.

The selection criteria of the international organizations discussed in this book are based, first, on the relevance of the international organizations in question, and second, more importantly, whether they represent an important model of the application of the principle of equality of states. Having said this, due to the reasons explained in this section, and throughout this book, the application of the principle of equality of states will be reviewed in the following three international organizations: the United Nations, the World Trade Organization, and the International Monetary Fund. Each of these international organizations is important and relevant and, as such, represents a principle model of how the principle of equality of states is applied in international organizations.

In terms of the structure of the book, the evolution and the meaning of the principle of equality of states from municipal law to international law will be discussed in Chapter I; the evolution and the meaning of the principle of equality of states in international organizations will be discussed in Chapter II; and the relevant aspects for review of the principle of equality of states in international organizations are discussed in Chapter III. The application of the principle of equality of states in the United Nations is discussed in Chapter IV; the application of the principle of equality of states in the World Trade Organization is discussed in Chapter V; and the application of the principle of equality of states in the International Monetary Fund is discussed in Chapter VI. Finally, Chapter VII provides for general conclusions on the principle of equality of

states in international organizations as well as specific conclusions applicable to the UN, WTO and the IMF.