

# Membership in international organizations: inequality among equals

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**Membership in International Organizations:  
Inequality Among Equals**

Ardit Memeti

Maastricht, 13 November 2013

1. 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 and international organizations.
2. In international law, the principle of equality of states is defined either as equality before the law or as equal capacity for rights and obligations. In international organizations, the principle of equality of states means equality of rights and duties of member states of international organizations.
3. The principle of equality of states is an “umbrella” principle which in international organizations requires a comprehensive review of 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).
4. With regard to the acquisition of membership, it should be examined whether the process results in (in)equality between member states, regardless of whether membership is acquired through original membership or through the admission or accession process.
5. Although decision-making processes of IGOs are central to many discussions on the principle of equality of states, in fact, they are irrelevant. It is not the decision-making process itself, but the (in)equality in representation and voting power that determines whether the decision-making process used is in compliance with the principle of equality of states.
6. All decision-making processes, whether unanimity, consensus or majority decision-making are in line with the principle of equality of states if there is equal representation and voting powers of member states.
7. If equality of representation and voting power of all states is applied in international organizations, it results in inequality between men as individuals on the world scale. This is a paradoxical result as obviously men are

considered equal under municipal law and international law alike but are not equal in representation and voting power in IGOs. The greater the size of the population of a state, the greater is the inequality of representation and voting power compared to states that have smaller population size.

8. With regard to suspension, expulsion or withdrawal of membership, it is important to examine whether all member states are equal in the decision-making process both when the related rules are applied to them, and when these rules are applied to other members of the IGO.
9. International organizations have similar but not identical institutional frameworks and membership policies due to their empirical evolution. Therefore, the application of the principle of equality of states should be reviewed separately in each and every IGO. This determines the path of inquiry to be not of general theory alone, but also one of a practical review of the application of the principle of equality of states in specific organizations.
10. The United Nations enshrines the principle of sovereign equality of states as its first principle. However, the composition, voting powers and the functions of the Security Council represent arguably the most significant deviation from the principle of equality of states. As discussions on the Security Council reform suggest, even a reformed Security Council would be in deviation from the principle of equality of states although it may ameliorate some of the inequalities by increasing participation of UN members in the Security Council.
11. In any component of decision-making (representation, voting powers and majority or consensual decision-making), the WTO at least formally is in line with the principle of equality of states. The fact that the WTO was established at a time of relative world peace (unlike the UN and the IMF) seems to have played an important role for such an outcome.
12. The IMF system of weighted voting represents a deviation from the principle of equality of states. The latest reforms enhancing representation can be observed as amelioration of some of the inequalities between IMF members. However, they can also be seen as reforms that update the existing weighted voting system to reflect the changes in the relative economic strength of IMF members due to the fact that they do not introduce equality in representation and voting powers between members.