

ROUTLEDGE RESEARCH ON THE UNITED NATIONS

Reforming UN Decision-Making Procedures

Promoting a deliberative system for
global peace and security

Martin Daniel Niemetz



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The institutional procedures for the UN's decision-making on issues of global peace and security, first and foremost the Security Council (SC), were conceived with the objective of enabling a swift but internationally coordinated response to irregular situations of crises. Today, however, the UN is constantly involved in situations of conflict and has expanded its range of activities.

This book offers a concrete and practically applicable answer to the question of how to reform the UN and increase the legitimacy of the UN's decision-making procedures on issues of global peace and security. In order to provide this answer, it connects the minutia of institutional design with the abstract principals of democratic theory in a systematic and reproducible method, thereby enabling a clear normative evaluation of even the smallest technical detail of reform. This evaluation demonstrates that there is a range of feasible proposals for reform that could improve the SC's accountability both to the General Assembly and to the general public that could increase the opportunities for effective input from the UN membership and NGOs.

This book will be of interest to students and scholars of the United Nations, International Organizations and regional governance.

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Promoting a deliberative system for global peace and security

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First published 2015
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Martin, Daniel Niemetz.

Reforming UN decision-making procedures : promoting a deliberative system for global peace and security / Daniel Niemetz Martin.

pages cm. – (Routledge research on the United Nations ; 3)

Includes bibliographical references and index.

1. United Nations—Decision making. I. Title. II. Title: Reforming United Nations decision-making procedures.

JZ4984.5.M38 2015

341.23'1—dc23

2014040282

ISBN: 978-1-138-82332-7 (hbk)

ISBN: 978-1-315-73894-9 (ebk)

Typeset in Times New Roman
by Wearset Ltd, Boldon, Tyne and Wear

To my family

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Introduction

The necessity of a reform of the United Nations (UN) can be approached from two different but compatible angles. First, political institutions in general need to adapt to changing environments in order to continue functioning appropriately over the course of time. The fact that the most enduring constitutions contain procedures for their amendment testifies both to the wisdom of preparing for unforeseeable future developments as well as to the necessity of institutional adaptation. It could be argued that the creation of the UN was itself such a process of institutional adaptation: at the end of World War II, the founders of the UN used the institutional framework of the League of Nations as the primary point of reference in negative as well as in positive terms and modified it in a way that reflected their perception of the necessities imposed by their contemporary environment. Almost seven decades have passed since then, and today's environment poses a very different challenge to the UN's decision-making bodies.

The institutional procedures for the UN's decision-making on issues of global peace and security, first and foremost the Security Council (SC), were conceived with the objective of enabling a swift but internationally coordinated response to irregular situations of crises. Today, however, the UN is constantly involved in situations of conflict and has expanded its range of activities well beyond the role of an international fire brigade. This is but one example of the remarkable change in demands the UN's decision-making bodies have been facing over the past decades.¹ Opinions vary on how well the organization has managed to adapt to these changing circumstances, but virtually everyone would agree that the need for adaptation remains a constant challenge. Should the UN's decision-making procedures fail to adapt to the requirements posed by their changing environment, the organization could lose its effectiveness and risk becoming irrelevant to global politics. From this perspective, UN reform is a matter of ensuring the effectiveness and relevance of its decision-making procedures.

Second, international organizations play a crucial role in the democratization of global politics. The creation of the League of Nations and the UN were inspired by principles of democratic decision-making, and voting procedures became the key mechanism for collective decision-making in both organizations. Although the establishment of these organizations constituted a considerable

2 Introduction

advance in the institutionalization of democracy in intergovernmental relations, the application of principles of democracy in their design was severely limited by the political and social fragmentation of their respective memberships. The exclusive veto right of the five permanent members of the SC is the most prominent manifestation of this limitation. Opinions vary on whether the political and social environment today is any more amenable to the democratization of institutions of decision-making than in the past, but most commentators would agree that such democratization is desirable in principle. From this perspective, UN reform is a matter of pushing the limits of democratic decision-making in global politics.

The individual UN Member States have, of course, their own interests with regard to the reform of the organization's decision-making procedures on issues of global peace and security. In his many articles, monographs and book chapters on the subject, Edward Luck has applied his in-depth knowledge of the UN, acquired through years of practical engagement, in order to lay bare these interests and to analyze the political dynamics in the UN membership. By infusing the academic debate with a sobering sense of the realities at the UN and by pointing out the political limits that any attempt at reform has to take into account, his work has become fundamental to any systematic treatise on the subject, but it does not provide any concrete and positive direction to UN reform.

As Luck writes with regard to the SC in general, "few institutions have generated so much commentary yet so little systematic analysis."² This situation is amplified if the subject of inquiry is narrowed down to the question of institutional reform. Dimitris Bourantonis' work is a remarkable exception: with *The History and Politics of UN Security Council Reform* he provides a detailed and extraordinarily well-researched historic analysis of the subject.³ He does not, however, point out the direction for present attempts at reform. With his extensive knowledge and succinct analysis of the wider UN system, Thomas Weiss has shaped much of the academic debate on UN reform. But while, for example, his monograph *What's Wrong with the United Nations and How to Fix It* clearly identifies the underlying trends and root problems regarding institutional change and categorically elaborates a conceptual foundation for successful attempts at reform, it does not provide the type of concrete and directly applicable guidance the title alludes to.⁴

Essentially, the reason for this lack of practical-minded and specific advice on how to reform the UN's decision-making procedures on issues of global peace and security is that the relevant literature does not take an explicitly normative approach to the subject and does not, therefore, engage in a thorough elaboration of a theoretical standpoint from which to evaluate the desirability of specific proposals for reform. The fact that, as Kimberly Hutchings points out, "international relations theory is not only about politics, it also is itself political"⁵ is not openly addressed. Conversely, this book will provide an approach to the evaluation of reform proposals that bridges theory and practice and connects the minutiae of institutional design with the abstract principles of democratic theory in a systematic and reproducible method, thereby enabling a clear normative evaluation of

even the smallest technical detail of reform. It will offer a concrete and practically applicable answer to the question of how to increase the legitimacy of the UN's decision-making procedures on issues of global peace and security.

In bridging the gap between theory and practice, this book also contributes to the "practical turn" in the academic debate on deliberative democracy. One of the most salient criticisms of deliberative democracy has been that it gives no practical guidance on how to design political institutions.⁶ In fact, Jürgen Habermas, the main proponent of the theory, is himself skeptical as to its ability to inform institutional design: theoreticians should not prescribe institutional setups, but instead the determination of public institutions should be left to those whom they will govern. According to Habermas, institutional design depends on situational insight and practical judgment, not on abstract theory.

The criticism of lack of guidance brought about what John Dryzek terms the "practical turn" in deliberative democracy, "where the emphasis is on the strengthening or introduction of deliberative democracy in the real world of politics."⁷ Today much work has been done with regard to the application of principles of deliberative democracy in the institutional design of national parliaments and mini-publics such as citizens' juries. But although Dryzek *et al.* outlined the design of a "Global Deliberative Citizens' Assembly,"⁸ previous attempts to address the question of how to reform already existing international organizations have not led to any concrete and readily implementable recommendations.⁹ In addressing this gap, this book will give further evidence that it is perfectly feasible to take a Habermasian approach to questions of institutional design.

This book will review and evaluate all those proposals for UN reform that concern exclusively its decision-making procedures on issues of global peace and security. Such limitation of scope is necessary in order to guarantee a focused and coherent analysis. As a result, all proposals aiming at a reform of the composition and procedures of the Security Council will be included and, naturally, since it bears the "primary responsibility for international peace and security,"¹⁰ much of the analysis will focus on this institution. Proposals to reform other institutions of the UN will only be considered if they are directed either at the relationship of these bodies with the SC or at internal procedures and responsibilities exclusive to decision-making on issues of global peace and security.

This generous limitation of scope will entail the evaluation of a multitude of proposals for reform. This book will, therefore, produce an unprecedented comprehensive and categorical overview of all such proposals put forward at the UN and in the academic debate. Reflecting the book's focus on an improvement of the normative legitimacy of the UN as such, rather than on the interests of its Member States, this overview will be structured in terms of the institutional target of the reform proposal, rather than according to its origin, and will serve as the schematic skeleton of the evaluation. As such, it also provides the reader with easy selective access to information on specific institutional issue areas within the wider reform debate.

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Since such a comprehensive outlook on reform entails a wide array of proposals, it is necessary to fashion methodological tools that enable a systematic and comparative evaluation of the many individual proposals. This book will elaborate criteria for the evaluation of both the normative desirability and the political feasibility of the proposals and quantify their level of fulfillment of these criteria, producing two comprehensive indicators: the “Desirability Score” and the “Feasibility Score.” Although these indicators are developed against the specific background of the UN’s decision-making procedures on issues of international peace and security, they are transferable and may be applied in or inspire the evaluation of efforts at reform of decision-making procedures in other institutional contexts.

The existing studies on the reform of the UN’s decision-making procedures and those on the legitimacy of international organizations in general tend to single out a decision-making body and treat it as a unitary actor. Even though Allen Buchanan and Robert Keohane, for example, go one step further and consider an organization’s links to external actors and institutions, they elaborate these links only with regard to “contestation and revisability,” i.e., they focus on the question of how the latter can give feedback to the decision-making of the former instead of considering external input in the decision-making itself.¹¹ By approaching the UN’s decision-making procedures in terms of a deliberative system, this book will emphasize the interconnections between individual institutions and explore the opportunities and challenges inherent in inter-institutional input. This systemic outlook will bring into focus the relations between the SC and the General Assembly (GA) as well as those between the SC and non-governmental organizations (NGOs).

The latter relationship, particularly, has been largely disregarded in the academic literature, leaving a lacuna in the study of the UN’s decision-making. The only exception to this is James Paul who provides a historical overview of the relationship between the SC and NGOs. However, while Paul offers an enlightening introduction to the subject and convincingly explains why and how this relationship has become more important since the end of the Cold War, he does not offer a systematic analysis of the institutional procedures involved.¹² Others, such as Jonathan Graubart, have analyzed this relationship in terms of policy implementation, but not in terms of decision-making.¹³

The comprehensive and systemic approach will entail not only a broadening but also a deepening of the outlook on the reform of the UN’s decision-making procedures. So far, the academic literature has largely focused on the debate regarding an expansion of the membership of the SC and the modification of its voting procedures. But, as Thomas Weiss and Karen Young point out, the area in which reform is the most likely is in its working methods: “The potential to foster them and to invent new ones is a more promising way to improve Security Council accountability and effectiveness than overly optimistic notions about amending the Charter.”¹⁴

There are two exceptions to the dearth of systematic analyses of the Council’s working methods: Sydney Bailey and Sam Daws’ monograph, *The Procedure of*

the UN Security Council,¹⁵ and Susan Hulton's chapter on Council working methods and procedures in David Malone's *The UN Security Council: From the Cold War to the 21st Century*.¹⁶ Both of these contributions to the literature are, however, somewhat outdated. Not only has the political context of the debate on working methods changed, but it is also the one area of reform in which there is a palpable dynamic of institutional progress. Ian Hurd and Jochen Prantl have elaborated on particular phenomena of this progress, but a comprehensive and up-to-date analytical overview of the dynamics in the Council's working methods is lacking.¹⁷ By shedding light on this progress, this book counters the impression that the UN is incapable of adjusting its decision-making procedures, and it thereby also attempts to defuse the correlated danger of a reform fatigue among both practitioners and academics that could hamper further progress altogether.

As its audience, this book addresses both, academics as well as practitioners, and makes specific policy recommendations. In this regard, it attempts to provide useful insights and may prove to be helpful to the process of setting priorities in efforts for reform. This book is, in general, action-oriented and offers a particular take on the future of the UN's decision-making procedures on issues of global peace and security.

Since there is scarce academic literature on many of the issue areas touched upon, primary sources will play a salient role. On the one hand, the book will make extensive use of the meeting records and other reports in the UN's archives; on the other hand, it will integrate various perspectives and insights gathered in a number of interviews with practitioners as well as some of my personal UN work experience. While some of the interviews with NGO representatives will be attributed directly, all of the interviews with UN staff and representatives of the Member States are off the record. The interviews were conducted in person in the UN Secretariat as well as in various permanent representations and NGO offices in New York in the course of October and November 2010 and in June 2012.

The first part of the book will establish a framework for the evaluation of the reform proposals. On the one hand, it will conduct an inquiry into democratic theory and its applicability to international organizations such as the UN, resulting in the elaboration of an analytical tool for the evaluation of the normative desirability of individual reform proposals: the Desirability Score. On the other hand, it will scrutinize the political dynamics of the reform debate at the UN, crystallize the challenges and opportunities that reform efforts face in this environment, and create an analytical tool for the evaluation of the feasibility of individual reform proposals: the Feasibility Score. The second part of the book will apply these analytical tools to the full range of relevant reform proposals in order to determine their desirability and their feasibility. It will begin with those proposals that concern the membership and the voting procedures of the SC, continue with those targeting its working methods, then move on to those that aim at the Council's relationship with the GA, and conclude with the evaluation of those proposals that address the SC's relationship with civil society.

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The key findings will be that there is, first of all, a range of feasible proposals for reform that could improve the SC's accountability both to the GA and to the general public, that could increase the opportunities for effective input from the UN membership and NGOs and that would thereby promote the UN's decision-making procedures on issues of global peace and security as a more inclusive, coherent and decisive deliberative system. In addition, there are several significant improvements that are unlikely in the immediate future, but that might be possible in the mid-term. This process of promoting a deliberative system is not one of revolutionary change, but a sequence of incremental innovations.

Second, the analysis will demonstrate that the SC is not the static and torpid institution of the past as it is often portrayed,¹⁸ but a highly adaptable and vivid decision-making body, i.e., the "Polymorph Security Council." Since the prospects for a formal reshaping of its membership and voting arrangements are very low, the Council has learned to use informal procedures in order to adapt to the changing demands of its institutional and socio-political environment.

Third, much as with the common perspective on SC reform, this book will show that there is too much emphasis on the formal inclusion of civil society in the UN's decision-making procedures on issues of global peace and security as opposed to more flexible informal arrangements. Instead of overregulating the channels for input by establishing civil society assemblies, it would be more appropriate to multiply and diversify the opportunities for interaction. There are some feasible innovations through which the SC itself could enhance its engagement with civil society, but the greatest potential for improvement lies in the NGOs' own hands.

Notes

- 1 For an overview of the changing context of global peace and security, see, e.g., United Nations General Assembly, "A More Secure World: Our Shared Responsibility," UN Doc No. A/59/565, 2004, pp. 16–22.
- 2 Edward Luck, *UN Security Council: Practice and Promise*, London; New York: Routledge 2006, p. xv.
- 3 Dimitris Bourantonis, *The History and Politics of UN Security Council Reform*, London; New York: Routledge 2005.
- 4 Thomas Weiss, *What's Wrong with the United Nations and How to Fix It*, Cambridge; Malden, MA: Polity Press 2009.
- 5 Kimberly Hutchings, *International Political Theory: Rethinking Ethics in a Global Era*, London: Sage 1999, p. 69.
- 6 Anthony McGrew, "Transnational Democracy," in: April Carter and Geoffrey Stokes (eds.), *Democratic Theory Today*, Cambridge: Polity 2002, p. 279.
- 7 John Dryzek, *Foundations and Frontiers of Deliberative Governance*, Oxford; New York: Oxford University Press 2010, p. 9.
- 8 John Dryzek, André Bächtiger and Karolina Milewicz, "Toward a Global Deliberative Citizens' Assembly," *Global Policy*, 2 (1), 2011, pp. 33–42.
- 9 See, e.g., Patrizia Nanz and Jens Steffek, "Global Governance, Participation and the Public Sphere," *Government and Opposition*, 39 (2), 2004, pp. 314–335; Joshua Cohen and Charles Sabel, "Global Democracy?," *NYU Journal of International Law and Politics*, 37 (4), 2005, pp. 763–798.

- 10 *Charter of the United Nations*, Chapter V, Article 24: www.un.org/en/documents/charter/chapter5.shtml.
- 11 Allen E. Buchanan and Robert Keohane, "The Legitimacy of Global Governance Institutions," *Ethics & International Affairs*, 20 (4), 2006, p. 432.
- 12 James Paul, "Working with Nongovernmental Organizations," in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder, CO; London: Lynne Rienner 2004, pp. 373–390.
- 13 Jonathan Graubart, "NGOs and the Security Council: Authority All Around but for Whose Benefit?," in: Bruce Cronin and Ian Hurd (eds.), *The UN Security Council and the Politics of International Authority*, London; New York: Routledge 2008, pp. 154–172.
- 14 Thomas Weiss and Karen Young, "Compromise and Credibility: Security Council Reform?," *Security Dialogue*, 36 (2), 2005, p. 152.
- 15 Sydney Bailey and Sam Daws, *The Procedure of the UN Security Council*, Oxford: Clarendon Press 1998.
- 16 Susan Hulton, "Council Working Methods and Procedures," in: David Malone (ed.), *The UN Security Council: From the Cold War to the 21st Century*, Boulder, CO; London: Lynne Rienner 2004, pp. 237–251.
- 17 Ian Hurd, "Security Council Reform: Informal Membership and Practice," in: Bruce Russett (ed.), *The Once and Future Security Council*, New York: St. Martin's Press 1997, pp. 135–152; Jochen Prantl, *The UN Security Council and Informal Groups of States: Complementing or Competing for Governance?*, Oxford: Oxford University Press 2006.
- 18 For a compilation of these opinions, see Ian Hurd, "Myths of Membership: The Politics of Legitimation in UN Security Council Reform," *Global Governance*, 14 (2), 2008, p. 201.

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Part I

Framework

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1 Promoting a deliberative system

The Desirability Score

Introduction

How can one evaluate the potential of reform proposals to increase the legitimacy of the United Nations' decision-making? In this chapter, I will lay out my Habermasian approach to conceptualizing the UN's decision-making procedures on issues of global peace and security as a deliberative system. The promotion of such a system is both normatively desirable and empirically feasible. The fundamental argument is that, rather than considering the Security Council (SC) in isolation, a comprehensive evaluation of the potential of reform proposals to increase the democratic legitimacy of the UN's governance of issues of international peace and security must be based on its conceptualization in terms of a deliberative system. On the basis of this argument, I will elaborate a procedure to determine the "Desirability Score" of individual reform proposals.

The chapter will begin with a discussion of the public sphere and democracy, continue with an explanation of how deliberative synergy can create deliberative systems that increase the democratic legitimacy of a decision-making process, proceed to a conceptualization of the UN as a deliberative system and, finally, determine how to evaluate the potential of proposals for institutional reform to promote the UN as a deliberative system of decision-making.

The public sphere and democratic legitimacy

According to Jürgen Habermas, every society is based on the construction of communicative coherence in the lifeworld, which is the domain of informal and unmarketized life. The unregulated everyday communication with family and friends ensures a repository of meaning and understanding that serves as the glue of society. The default modus of communication in the lifeworld is a consensus-oriented coordination of collective action, i.e., communicative action. The latter is based on discourse, the rational give and take of reasons, which is, in general, the only alternative to coercion in bridging a breakdown of consensus between members of a society. As with the syntactics of a language, the practice of discourse requires the implicit and often unconscious acknowledgment of certain rules of discourse. Just as much as it is impossible to effectively communicate

linguistically without adherence to a system of syntax, it is impossible to successfully engage in discourse without adherence to its pragmatic presuppositions.

Habermas identifies the following pragmatic presuppositions for discourse: First, there are logical rules, such as the principles of non-contradiction and consistency that structure discourse. Second, there are procedural rules including the requirement for truthfulness and accountability, i.e., the readiness to justify one's assertions by providing adequate reasons. Finally, there are the rules that guarantee the exclusion of coercion from the process of deliberation: everyone has to be allowed to freely participate in the discourse by asking questions, by introducing assertions as well as by expressing attitudes, desires and needs.¹ The aim of reaching a completely uncoerced consensus is an idealization of empirical processes that are usually only approximations to this ideal.

I shall return to the full range of pragmatic presuppositions further below. At this point, the focus must be on the third set of presuppositions that immunize discourse against coercion. In this regard, the question of equal participation takes on special significance in the context of international organizations. As mentioned above, societal consensus must be rooted in communicative action; the behavior of individuals has to be coordinated by the discursive creation and affirmation of norms. In the traditional case of decision-making within the political framework of the state, the objective of norm-setting is the coordination of the social interaction of the state's citizens, which is why only said citizens need to be afforded the opportunity to participate in the discourses that shape the decision-making within the state. It is only they who have to be safeguarded against coercion: since outsiders will not be affected by the decisions being made, there is, logically, no danger that they might be coerced. Consequently, Habermas' discourse principle states that "only those action norms are valid to which all possibly affected persons could agree as participants in rational discourse."²

The case is, of course, not as straightforward with respect to the decision-making of international organizations. Most international organizations are limited legally in the reach of their governance: the International Criminal Court, for instance, has no jurisdiction over citizens of the United States and other non-state parties to the Rome Statute (that is, unless they commit crimes within the territory of a state party), and its decisions, therefore, can only legally affect a defined population. In the case of the UN's decision-making procedures on global peace and security, the situation is different. Since the decisions of the Security Council are binding upon all the Member States of the UN and since, at present, there is virtually no internationally acknowledged state outside the UN framework, its decisions are imperative to all of humanity. Consequently, when dealing with such an international organization whose decisions potentially affect all of humanity, the question must be how to determine whether all of humanity could agree to these decisions as participants in rational discourse.

In order to answer this question, it is necessary to first review Habermas' conception of the public sphere and its role in modern societies. The public sphere is a communicatively constructed and reproduced social space in which societal

problems are identified, analyzed and discussed. It is the space in which people communicate with each other on matters of public concern, be it directly or via media such as newspapers or the Internet. As it grows out of the lifeworld, the public sphere is characterized by communicative action unrestrained by the imperatives of monetary and administrative systems. Although there is an implicit aim to reach common judgment, the public sphere is not the locus of definitive decision-making. Its main purpose, instead, is to remain constantly flexible and open to any input from the lifeworld that it filters through a process of public reasoning.

Ultimately, it is from the public sphere that political institutions gain their legitimacy: the more open the decision-making procedures of these institutions are to the input of the public sphere, the more legitimate they are. This input must be ensured through the institution's proactive engagement with the arguments put forward in the public sphere and with decision-making that is rationally coherent with these debates, on the one hand, and, on the other hand, through a process of decision-making that is transparent to the public, so that the latter can check the institution's decision for consistency with the respective discourse in the public sphere. It is the public sphere that affords every potentially affected person the opportunity to engage in the discourses that – via public institutions – produce the laws that govern society.

With regard to the concept of the public sphere in the specific context of international organizations, I agree with Hauke Brunkhorst's case for the existence of a rudimentary global public sphere that is comprehensive in the sense that it includes multitudes of spheres within itself and addresses virtually all of humanity as an audience as well as attempting to be open to input from all of humanity.³ For both legal and social reasons, however, today's global public sphere must definitely be categorized as weak. Even though Brunkhorst argues that there is "a strong global public in the making," he also points out that the legal prerequisites for a strong public sphere are far from being fulfilled. Opinion formation within the global public sphere has virtually no direct legal linkages to the decision-making procedures of institutions such as the UN Security Council.⁴ Although some of the social prerequisites – "a diverse network of public debates, publications, advertising, television talk-shows, teach-ins, political demonstrations, protest movements, associations, political parties, unions, cooperative public administration and the like"⁵ – exist on the global level and justify the argument for a weak public sphere, cumulatively they do not live up to the requirements of strong public spheres as they exist in the domestic societies of constitutional states.

More importantly, the global public sphere is weak in the sense that access to it, although worldwide, is partial rather than universal. This fact is very tellingly visualized by a map created by Facebook of the global interconnections of its users⁶: Whereas there are glowing connections between most of the world's urban centers, two black spots catch the eye. One of them is China, where Facebook is confronted with political obstacles, and the other is Central Africa, where access to the Internet is sparse. There are still immense political and

technological/economic obstacles preventing the global public sphere from being truly inclusive in principle.

The weakness of the global public sphere brings with it the problem that the legitimacy that it could bestow on institutional decision-making procedures whose outcomes affect all of humanity is still very limited, especially when compared to the legitimacy that strong domestic public spheres – reproduced by a plethora of fora for inclusive public debate, rooted in constitutionally guaranteed rights, and with institutionalized linkages to authoritative decision-making – bestow upon the respective states. Habermas points out furthermore that

[t]oday any conceptualization of a juridification of world politics must take as its starting point individuals and states as the two categories of founding subjects of a world constitution. The (as we would like to assume) legitimate constitutional states qualify as founding members already in virtue of their current role in guaranteeing the political self-determination of their citizens. In addition to the potential world citizens, the states represent possible sources of legitimation because patriotic citizens (in the best sense of “patriotic”) have an interest in preserving and improving the respective national forms of life with which they identify and for which they feel themselves responsible – in a self-critical way that also extends to their own national history.⁷

At the same time, Habermas acknowledges that at present only a limited number of states qualify as “legitimate constitutional states,” which means that the legitimacy that international organizations can indirectly derive from strong domestic public spheres via the state is also inherently limited. Consequentially, when conceptualizing the legitimacy of international organizations whose decision-making potentially affects all of humanity, one is left with two partial but inadequate streams of legitimacy. On the one hand, such an organization can derive legitimacy from a weak global public sphere; on the other hand, it can derive legitimacy from a limited number of strong domestic public spheres via the respective states.

This means that in the present context of global politics, these organizations cannot rely exclusively on one or the other source of legitimacy, but instead they must process the input of both in their decision-making. But how can the input from these two sources be combined and reconciled with each other? Since global referenda are infeasible in the near future,⁸ it is impossible to assign numeric values to the input received from the global public sphere, which means that it cannot be weighted quantitatively against the input received via the states. In fact, weighing the input of different states against each other is itself already a somewhat arbitrary exercise.

The best solution for a process of decision-making that in principle is equally open to the input both from states and from the weak global public sphere, without categorically favoring one over the other, is a deliberative screening. Rather than focusing entirely on the nature of the source, the input received