Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

What Do Legitimate International Institutions Owe to Citizens in Non-Democratic Countries? *The Case for A Deliberative Global Assembly*

This paper is a draft journal article. I want to develop the last part of this paper into another independent paper to engage further with the Global Assembly.

Abstract

Not much research on international legitimacy is written from the perspectives of ordinary citizens in non-democratic countries. Citizens in non-democratic countries have limited opportunities for political participation and lack the means to hold their representatives accountable in both domestic and international decision-making processes. Meanwhile, international institutions exercise in various degrees their de facto authority over individuals in non-democratic countries. Thus, legitimate international institutions must offer moral reasons for why they are legitimate sources of political authority over individuals in non-democratic countries. This paper argues that legitimate international institutions must grant adequate opportunity for political participation to individuals in non-democratic countries. The image that I have in mind is bringing individuals from non-democratic and democratic countries to sit in the same room and deliberate with each other about the global problems that directly and profoundly affect their well-being.

Keywords: international legitimacy, global assembly, non-democratic countries, transnational deliberation, individual participation

1. Introduction

International institutions exercise various degrees of their de facto authority in governing global issues. Not only do international institutions regulate relations among states but also influence how individuals ought to live their lives (Besson 2009, Buchanan 2010). Just to name a few: international institutions impose duties, confer power or rights, shift political balances, create forums for discussion, and politicize global political issues (Alter 2014). The de facto authority of international institutions raises important and challenging normative questions about the legitimacy of international institutions. It is unclear why international institutions

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

have the moral right to rule over states and individuals, especially, over individuals who do not have a say in the decision-making processes.

There are two strands of traditional justifications for the de facto authority of international institutions. The first one is based on outmoded assumptions of international institutions' effectiveness (O'Connell 2008). The second strand of justification is rooted in varieties of democratic procedural values (Erman 2020, Kumm 2004, Marti 2017, for discussion, see Brinkmann 2023). Both strands of justification, however, do not provide sufficient moral reasons for the continuous de facto authority of international institutions. The main reason, as many have observed, is due to the excessive focus on sovereign states, especially on democratic states, and the neglect of the discussion on individuals' perspectives (Besson 2009). Moreover, to my knowledge, no one has specifically examined the perspectives of individuals from non-democratic. It remains unclear why international institutions are legitimate sources of authority over citizens of non-democratic states, while those citizens do not have the right to participate within both domestic and international decision-making processes. For many, this 'subtle' (but should not be subtle) question of wondering about the individuals in non-democratic countries casts a shadow on the political reality of a global legitimate institution, let alone a global democratic system.

Overall, this article has two main tasks: (i) deepening the moral foundations for Global Assembly and (ii) developing a deliberative participatory account of a theory of international legitimacy. To do so, it first tackles the question: What do legitimate international institutions owe to citizens in non-democratic countries? Owing here simply means if international institutions want to become legitimate, they have a duty of justification. In this case, it is a reason-giving duty to pull agents toward compliance, even if it is contrary to their interests or comprehensive values. A reasonable answer to the first question is that granting adequate opportunity for political participation for individuals from non-democratic countries is what a legitimate international institution should seek to embrace as a necessary condition to exercise its moral authority. In its later part, this article deals with the second question: How should adequate opportunity be approximately realized? Or to put it in different way: What is the possible road map? A proper answer, I argue is to invoke a vision of a liberative global assembly which is normatively attractive and realistically possible.

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

The view of granting individuals in non-democratic countries adequate opportunity for political participation is deeply revisionary due to two main reasons. Firstly, international institutions can provide (at least) one type of adequate opportunity for political participation that the non-democratic countries refuse to grant their citizens in the first place. It provides another reason to justify why international institutions are important and irreplaceable. Secondly, it also implies that international institutions treat individuals as the ultimate moral agents in legitimizing international authority. This account of international legitimacy can establish robust normative relationships between international authorities and their subjects. It enables international institutions to relate directly to individuals, and not only be limited to channelling through state representatives.

It is important to highlight that this article deals with the nonideal and unfavourable conditions in global politics. I take citizens as they are, which means, including the non-democratic countries that they reside in. Since this article considers the interests of citizens in non-democratic states regardless of which category of non-democracy that states may fall into, I seek to remain at a certain level of abstraction. Let us assume that non-democratic countries are non-democratic in the following sense: (i) they grant citizens limited opportunities for political participation, (ii) they provide basic goods to their citizens, and (iii) they do not want to remain isolated in international politics but want to be seen as cooperative members in governing global issues. The upshot of the three assumptions above is that a theoretical account of international legitimacy must take into consideration the role of the states, who themselves exercise power over their citizens and seek to become cooperative members in global politics[i]. These countries will continue to exist and will not be transformed into democratic states in the foreseeable future.

Furthermore, I take international institutions as they should be. The type of institution that the argument applies to, is the institution that aims at solving global issues and requires the inclusion of as many agents as possible within its decision-making process[ii]. A paradigm example is the Conference of the Parties (COP), which is a treaty regime within The United Nations Framework Convention on Climate Change (UNCFCC). I assume that international institutions can adjust and improve their organizational structures. Indeed, due to their fragmented characteristics (Keohane & Victor 2011), it is realistically possible for international institutions to make changes in their decision-making mechanism.

The article is structured as follows: the first part discusses the problem of justifying the de facto authority of international institutions. I argue that international institutions are legitimate if they establish morally significant relationships with their governed agents, namely states and individuals. One possible way to establish morally significant relationships is by granting adequate opportunity for political participation to ensure that agents can track and shape the fundamental requirements of global justice in terms of duties one owes to one another.

In the second part, I examine the case of individuals living under a non-democratic basic structure which does not grant individuals limited opportunities to participate within both domestic decision-making processes. A non-democratic basic structure undermines individuals' fundamental interests in developing and exercising an effective sense of justice, living the life that they see fit, and relating to others within the society. Although it seems natural to demand non-democratic countries to take care of their citizens, I argue that there are strong reasons to tolerate some non-democratic states and include them in international decision-making processes. These reasons stem from a commitment to respect individuals as they are. Therefore, international institutions must pick up the slack to justify their legitimate authority over citizens of non-democratic states.

Finally, in the third part, I argue that what international institutions should do is grant adequate opportunity (not equal opportunity) for political participation to individuals in non-democratic countries. The adequate opportunity for political participation simply means a meaningful opportunity that priorly did not exist and is specifically offered to individuals in non-democratic countries. I then turn into the Global Assembly initiative and argue that it can serve as an institutional mechanism to facilitate adequate opportunity for political participation for individuals from non-democratic countries. The further development of Global Assembly initiative can consider becoming more in tune with this normative suggestion.

Next, I defend this view against two important objections. The first objection presses on inequality elements embedded into this proposal. The second objection questions the effectiveness of this proposal.

2. The legitimacy of international institutions and opportunity for political participation

As I stated in the introduction, international institutions have proven their significance in global politics. In practice, international institutions exercise their de facto authority over both

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

individuals and states to various degrees. To illustrate further, let us examine the role of international institutions in governing climate change to picture broadly how deeply they influence governed agents. During the Climate Change Conference (COP21) of the United Nations in Paris 2015, 196 parties adopted the legally binding treaty, which is the Paris Agreement, intending to keep "the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels" (Paris Agreement 2015, article 2.1). The Paris Agreement generated goals and duties that did not previously exist and directly influenced the participating countries to change their domestic laws. For example, the Paris Agreement affects how parties regulate access to goods and services. As a result, more countries have started to support and regulate the use of electric vehicles and seek to eliminate fossil fuel vehicles (Boehm et.al 2022). Additionally, participating countries are also subjected to report their national climate action plans (Paris Agreement 2015, article 13.4).

Moreover, the Paris Agreement has enabled countries to influence their citizens' consumption behaviours. For example, citizens have switched to using low-carbon energy resources and engaged in energy-saving behaviours on a daily basis. The climate treaty also has significant political influences such as, citizens joining climate strikes or voting for political parties that have ambitious climate goals on their political agendas. In this case, international authoritative directives encourage citizens to align themselves with climate goals and serve as benchmarks for citizens to evaluate domestic policies. However, the opinions and interests of individuals are mainly transcended through their representatives in the decision-making processes. Often, individuals hardly know what happens during the negotiation process and whether their representatives truly represent their interests. This problem becomes more puzzling in the case of citizens in non-democratic countries.

Based on the above example, international institutions have profound influences on states and individuals while individuals blindly defer to authoritative directives. What, if anything, justifies this de facto authority of international institutions? In other words, what makes international institutions legitimate? And to whom is the legitimacy justification owed?

Without offering a comprehensive defence, I take the standard view that political legitimacy entails two normative relations (Simmons 2001). Hence, to say that an international institution is legitimate in a normative sense is to assert that it has the power right to rule, and the governed

agents have the liabilities to obey its authoritative directives[iii]. Based on this view, a legitimate institution must establish a morally significant relationship with any particular subject that gives the institution the right to rule over these subjects.

To whom the legitimacy justification is owed?

In line with this account, there are two important implications. The first implication is regarding the question: to whom the legitimacy justification is owed? In this case, the subjects of international authority are states and individuals who are both subjects of rights and obligations under the authority of international institutions. It is commonly accepted to include states as governed agents. The primary reason for this acceptance is that states are the most powerful agents in the international system. States are capable of negotiating, drafting, signing, and implementing international treaties. Foremost, the international system is originally designed to regulate relations between states (Wolff 1749, Walzer 1977, 1980, for discussion see Beitz 2009).

Another reason is that states remain the most important institutional mechanism for making large-scale political entities directly accountable for individuals (Christiano 2015). Christiano (2015, p.985-986) states that the legitimacy of international institutions is grounded on states' consent due to their function of giving persons some kind of equal voice. In this paper, I do not reject the importance of states as subjects of international institutions. My intention is perhaps, to argue for the direct inclusion of other governed agents, namely, individuals.

Regarding the role of individuals, one may argue that because of the horizontal relationship between subjects in international politics, it is less likely that (international) authority can directly establish a morally significant relationship with individuals (Besson 2009, p. 366). The convincing aspect of this objection, I observe, is context-sensitive. It considers the reality of the international decision-making process which lacks a centralized and hierarchical structure. Thus, international authority can relate indirectly to individuals by reference to individuals' normative relationship to states or other epistemic actors such as experts and non-governmental organizations (NGOs) (Besson 2009, Buchanan 2010). The normative relationship in this case means that states and epistemic actors represent individuals' interests. The problem with this account is that it conflates between different sources of individuals' normative relationship *qua* representatives that international institutions can rest on to justify their authority. In this case, citizens in democratic countries are represented legitimately by democratically elected

representatives. Meanwhile, citizens in non-democratic countries are represented rather by self-appointed individuals and private organizations which citizens do not vote for and cannot hold them accountable (Anderson & Rieff 2005, p.29). Thus, after all, international institutions cannot rely on any available normative relationship to justify their rule to individuals in non-democratic countries.

Additionally, it is important to highlight that the context-sensitive reason does not ultimately outweigh other strong and valid reasons. There is a persistent gap in legitimacy justification in the case of individuals in non-democratic countries. There are also strong and valid reasons for international institutions to overcome this gap, especially if, one recognizes that the basis of justification for international authority should be ultimately rested in individuals' perspectives. After all, international institutions exist by virtue of individuals allowing them to act to secure fundamental rights, and basic goods, and help individuals to discharge moral duties toward other individuals outside of the border (Dworkin 2013). Hence, though it is challenging, international institutions should seek to justify their authority directly to individuals in non-democratic countries.

What makes international institutions legitimate?

The second implication is on what makes international legitimate. It is important to note that showing that international institutions are effective is not enough to prove their morally significant relationship with both states and individuals. Similar to the reason that John A. Simmons (2001, p.127-128) pointed out for domestic authority, proving that an international institution is a good thing to have around seems to give individuals no moral reasons to accept the authority, unless their failure to act will, in some way, affects the performance of their duties to others. Perhaps, the moral reasons to accept authority are grounded on justice-based considerations.

I suggest that one possible way to establish morally significant relationships with states and individuals is by granting the adequate opportunity for political participation for states and individuals in the international decision-making processes. Since the main target of this article is individuals in non-democratic countries, I shall discuss from now on, the opportunity for political participation for individuals, especially those in non-democratic countries. To avoid confusion, this is not to say that only individuals should participate, rather I treat states' opportunity for political participation via representatives as a separate matter. Opportunity for

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

political participation in international politics refers to the sheer opportunity to have a say in the decision-making processes. This does not entail an equal say. I will explain further the reasons for this restriction in the last section. For now, let us focus on examining how granting opportunity for political participation will help international institutions justify their legitimacy. The normative connotation here is that international decision-making processes should be an inclusive process that enables states' representatives and especially, individuals to engage in mutual justification. Only by then, international institutions will be able to pull agents toward compliance, even if it is contrary to the agents' interests.

The connection between opportunity for political participation and legitimate authority can be explained in two ways, such as the narrow and the broader lines of instrumental rationale. The immediate, but narrow instrumentalist justification is that opportunity for political participation helps to improve the function of international authority. If international institutions want to understand what interests they are serving, they need to ask for input from governed agents.

Another wider instrumentalist justification is that opportunity for political participation ensures that individuals' rights and interests are protected from arbitrary decisions of representatives. It gives individuals a sense of control over their own lives (Mill 1890, for discussion see Thompson 1976, p.39). Moreover, the opportunity for political participation has an educative function (Mill 1890, for discussion see Thompson 1976, p.44-45). It helps individuals to acquire an effective sense of justice, their own plan to live a good life, and how they want to participate in society. I will explain further these values of opportunity for political participation for individuals in the next section while examining the case of individuals in non-democratic countries.

However, both types of justification are based on instrumental values, i.e., the desirable effects of opportunity for political participation. As I stated above, it is not enough to justify the authority of international institutions based on the good that they bring, but rather the characteristics that they possess. The function of opportunity for political participation in this sense, refers to the ability of international decision-making processes to meet certain moral requirements. I suspect the value of opportunity for political participation in international authority is based on the demand of justice. An institution acts legitimately over agents if it ensures that agents can fulfil the requirement of justice in terms of duties one owes to one another.

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

While addressing Simmons's challenge, Quong (2011) emphasizes that "legitimate authority does not track what we have reason to do, it tracks what rights we have, and what duties we may be under" (p. 116). He then argues that people may disagree with each other about what justice requires and they may believe others' opinions are mistaken. However, once opponents' opinions won after a fair procedure, the authority has the moral right to impose policy based on such views. Opportunity for political participation is one of many essential conditions to establish a fair procedure. There are also other substantive requirements (Quong 2011, p.134-135). However, since the main task of this paper is to argue for the direct inclusion of individuals from non-democratic countries in international decision-making processes, I will focus on the opportunity for political participation. The substantive requirements fall into the next discussion on how these individuals should participate.

Those who argue for the right to participate, typically argue that people owe each other certain fundamental duties and since it is my duties, I have a right to have a say in public decision-making processes (Waldron 1999, p.234). Individuals have substantive concerns that the authoritative directives, which they must comply with, do not violate fundamental requirements of justice. Moreover, not only are individuals interested in justice being done, but they also want to be part of that process to see justice being done (Christiano 2008, p.46, emphasizes added).

Let us examine more closely to see if it is adequately fulfilled, how the opportunity for political participation sustains the legitimacy of international institutions. There are profound disagreements regarding rights and duties that global justice requires. For example, there are different and even conflicting views on how the costs of climate action should be allocated. Some believe the polluters should pay, while others argue that those who have the ability should pay (Caney 2005, 2010). International institutions may come up with different plans to allocate climate burdens; however, each and every plan will conflict with the subjects' views of what global justice requires. In this case, opportunity for political participation helps to track the reasonable requirement of justice under the background condition of disagreement, and from there, to determine how agents should act and what kind of goals and commands international institutions may pursue. International institutions may impose a climate burden-sharing plan that individuals may disagree with. Nevertheless, international institutions have a moral right to do so, considering that individuals are required to fulfil what justice reasonably

requires. For individuals, they have a moral reason to accept international authority not because they agree with the authoritative directives, but because this is what justice requires. With the presence of opportunity for political participation, they can simply accept that their conception of justice did not make it to the balance of considering political values (Rawls 1971, p.318).

So far, I have shown that opportunity for political participation as part of fulfilling the requirement of justice that can act as a grounding basis for international legitimacy. One fair suspicion is that (i) this view is too minimal since it does not imply equal opportunity for political participation and (iii) it is absent from effective participation. I will examine further and defend this account in section four. Before that, let us turn to examine the case of individuals in non-democratic countries to see why opportunity for political participation in politics matters to them, and which viable pathways allow citizens to participate in tracking and shaping the fundamental requirements of global justice.

3. Individuals in non-democratic countries and opportunity for political participation in international politics

Following Rawls, the basic structure of a society (political constitution, the legal system, and the family) has profound effects on the lives of citizens (Rawls 1996, p.269). The basic structure will influence not only citizens' life prospects, but indeed, their goals, their attitudes, their relationships, and their characters. This follows that the non-democratic basic structure affects (a) citizens' sense of justice as they grow up, (b) how citizens plan to live their lives, and (c) how citizens take part in society (Rawls 1996, p.269- 271, p.280). Noting that the undemocratic basic structure recognizes unequal political participation, such as the unequal right to hold offices and positions, some have more say than others or some do not have any say at all. Let us examine each of these issues in turn with some efforts to disentangle what exactly is the experience of living under non-democratic rules. Although it is an important issue to discuss, it is hardly written compared to the positive imagination of life under democratic rules.

The first issue is (a) developing a sense of justice. Individuals should have an effective sense of justice. They should be able to identify what is just and what is unjust, what is right and what is wrong, and what we owe to others. Most importantly, they can act on the sense of justice (Rawls 1971, p.46). With a weak sense of justice, they would be less capable of mutual trust and affection (Rawls 1963). Imagine the case of Vi who was born and raised in an

undemocratic country. She learns that some severe harm toward others will not be punished, while punishment against other less harmful acts will be excessive. Most of the time, life seems 'unfair', especially when one is not from a salient group in society. However, Vi must adjust to this society and accept her 'fate'. She may think that social hierarchy is justified and that she owes something to the elite. She must act in a way that she can fit in and thrive even if she may sense there is something 'wrong' with the way she acts. Vi cannot complain with other fellow citizens, publicly blame the government, and demand any change within the political system.

Additionally, the undemocratic basic structure also restricts (b) how individuals plan to live their lives. There are types of life plans that are not available for Vi to choose and pursue in a non-democratic society. For example, Vi may want to pursue a political career. However, this career path is only for only those who share the same social position or political ideologies. There are also other types of career paths that she cannot pursue if she lacks certain relevant skills which can only be cultivated if one is in a higher-ranking social position. Her life prospects may not much differ from her parents no matter how hard she may work. She may have no awareness that there exist other ways of meaningful life.

Finally, the undemocratic basic structure also shapes (c) the way individuals take part in society. Vi may ignore politics and other forms of social cooperation as she learns no one will listen to her personal opinions. She fears to talk to others. She does not see the connection with other fellow citizens and the meaning of the world that she lives in. In the worst scenario, Vi cannot even form informed opinions since she has limited freedom of speech and freedom of thought. Meanwhile, there possibly exist benevolent nondemocratic states that let citizens enjoy relative freedom of speech. Vi can openly criticize the leaders for failure to act in mitigating climate effects. However, restriction is a tool for stabilizing the non-democratic system that seeks to maintain a social and political hierarchy. As a result, she cannot express a full range of criticism. She can criticize a particular policy, but not the whole political system.

Meanwhile, individuals, regardless of which political context they reside in, have fundamental interests in developing and exercising an effective sense of justice, living the life that they see fit, and relating to others within the society. A non-democratic political structure with unequal political participation restricts all three aspects that I have illustrated above. Therefore, I conclude that individuals in non-democratic countries have a claim of justice for political

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

participation opportunities. The next question is who should be responsible? Non-democratic states or international institutions?

Non-democratic states' responsibilities

It is natural to demand non-democratic states to take care of the fundamental interests of their own citizens. Hence, non-democratic states should reform their basic structure and grant opportunity for political participation to their own citizens. In the best scenario, they should become democratic, i.e., granting equal opportunity for political participation. Following from there, perhaps the best way for international institutions to justify their moral right to rule is through individuals deferring political participation to their representatives. The legitimacy of international institutions relies on the existence of democratic countries.

However, I do not think this is a plausible strategy. There is a strong reason to tolerate some non-democratic states and include them in international decision-making processes. This reason is based on the core commitment to treat individuals as they are, including the political context that they reside in. Individuals should be able to express their desires, convictions, values, and attachments (Kymlicka 1996). As J.S. Mill (Mill & Elshtain 2003, p.123) emphasizes:

> "…it would be absurd to pretend that people ought to live as if nothing had been known in the world before they came into it; as if experience had as yet done nothing towards showing that one mode of existence, or of conduct, is preferable to another. Nobody denies that people should be so taught and trained in youth as to know and benefit by the ascertained results of human experience. But it is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way. It is for him to find out what part of recorded experience is properly applicable to his own circumstances and character."

Meanwhile, the existence of most contemporary non-democratic states is the result of historical injustices. Many are former colonies, and many were invaded by so-called liberal democratic countries. During the colonial period, democratic liberty and equality were only for the settlers, individuals in colonies were excluded, dominated, and mistreated (see more in Kohn & Reddy 2023, Lu 2011, Ypi 2013). Democracy was not available as a choice for many countries even if their leaders affirmed democratic values. Hence, individuals have valid reasons to resist democracy, even if democracy is imposed with benevolent intention. Individuals will resist because they value their social arrangements as much as individuals in democratic countries value theirs (Walzer 1980, emphasize added). They may pursue their own project, namely,

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

searching for a political arrangement that stems from their own values (Gandhi 1997) or mix with other conceptions of democratic ideals (Bai 2019). This is not to say that non-democratic countries should not become democratic. Rather, democratization should come from within, not be imposed by external forces. Indeed, democratizing all non-democratic countries is a long-term phenomenon, and it will not happen in the foreseeable future.

Next, let us recall the three basic assumptions of non-democratic states to examine further reasons for this acceptance.

(i) non-democratic states grant citizens limited opportunities for political participation.
(ii) non-democratic states provide basic goods to their citizens.
(iii) non-democratic states do not want to remain isolated in international politics but want to be seen as cooperative members in governing global issues.

According to the second assumption, the non-democratic states in this picture are not failed states. They function properly and provide individuals with public goods such as education, health services, infrastructure, national defence, etc. Such public goods are instrumentally valuable for individuals' development and well-being. Without the role of such non-democratic states, international institutions cannot provide public goods to individuals in the same manner.

Finally, these non-democratic states are also willing to help individuals discharge duties toward others outside of their borders by recognizing the rule of international institutions based on the third assumption. In the real world, non-democratic states turn to international institutions with various intentions. They may seek to generate new norms and stabilize their system (Cai 2019). Nevertheless, if non-democratic states accept the rule of international institutions, they accept not only the gains, but also the concerns of global justice embodied in international authoritative directives such as human rights, environmental protection, and peace advancement. The commitment to these values rests on the fundamental responsibilities that individuals have toward one another, not on leaders' self-interests. One remark is that if a non-democratic state does not recognize the authority of international institutions, international institutions still owe these individual citizens certain duties, but not the duty to offer adequate political participation opportunities that this paper seeks to address.

To sum up, there are valid reasons to accept the existence of some non-democratic states without forcing them to become democratic and seek to include them in international decision-

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

making processes. Noting that non-democratic countries are still subject to criticism outside of the decision-making processes because of the way they treat their own citizens.

International institutions' responsibilities

Meanwhile, the acceptance and inclusion of non-democratic states lead to the legitimacy deficit for international institutions. International authoritative directives imposed through non-democratic domestic laws are nothing more than manifestations within the undemocratic basic structure which prevents individuals from developing and exercising an effective sense of justice, living the life that they see fit, and relating to others within the society. Let us go back to the Paris Agreement example. Non-democratic countries may implement progressive climate actions. But for individuals as the receiving ends, these good policies are tools to reinforce the non-democratic basic structure to make them accept their 'fate', change their behaviour, and fit in. They may not even know that they are heavily under-exposed to climate hazards and that they deserve much more protection and compensation.

Additionally, without granting political participation opportunity directly to individuals in non-democratic countries, international institutions cannot establish a morally significant relationship that gives them the right to rule over those individuals. This issue is more puzzling when considering the case that international authoritative directives ask individuals to bear the unpleasant costs and consequences and be liable to comply. Here, it is important to recall that I take international institutions as they should become (see again on page 3). International institutions can reform their decision-making processes and create additional mechanisms. Thus, international institutions cannot avoid taking this matter into their own hands and leave it to NGOs, transnational social movements, and other private actors.

To sum up, international institutions should seek to grant opportunity for political participation to individuals in non-democratic countries due to dual requirements. Firstly, it stems from the claim of justice for political participation from those individuals. As I have argued throughout this paper, individuals in non-democratic countries have fundamental interests in developing and exercising an effective sense of justice, living the life that they see fit, and relating to others within the society. Secondly, the opportunity for political participation grounds international legitimacy based on the moral relationship that international institutions establish with individuals in non-democratic countries. To justify their moral authority, international

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

institutions must allow individuals to participate in tracking and shaping the fundamental requirements of global justice.

4. Adequate opportunity for political participation in international decision-making processes for individuals in non-democratic countries

So far, I have argued that international institutions should grant direct opportunity for political participation to ordinary citizens in non-democratic countries. What I have not discussed is the degree of this opportunity. My intention in this paper is rather a modest one because I only argue for *the adequate opportunity for political participation*, not equal opportunity for political participation. The adequate opportunity for political participation simply means the meaningful opportunity that did not priorly exist but now it is specifically offered to individuals in non-democratic countries.

To illustrate further, my account is closely connected with a recent practical development in reforming international institutions. In 2021, the world's first Global Citizens' Assembly took place. This project was initiated with the hope of giving everyone a chance to have a say (Dryzek, Bächtiger & Milewicz 2011). In this experiment, 100 ordinary citizens were chosen following the principles of stratified random selection (Curato et.al 2023). They formed a Core Assembly to deliberate with each other via digital space and face-to-face about climate and ecological crisis (Curato et.al 2023). Alongside the Core Assembly, there were Community Assemblies that took place in local communities around the world (Curato et.al 2023). The Global Citizens' Assembly seeks to connect existing international institutions, civil society, and grassroots communities (Caney 2022). One may find that the actual effect of this experiment is rather limited. However, because it is an early stage, the highlight of this experiment is to prove that granting political participation opportunity to individuals is not completely a utopia. This idea perhaps connects with tendencies and inclinations of the international political circumstances.

Taking this innovation as a practical motivation, adequate opportunity for political participation implies that individuals from non-democratic countries are randomly selected and demographically stratified. Individuals are rotated to participate in political deliberation with other individuals from democratic countries. They form a Global Assembly which is a permanent and constitutive mechanism within decision-making processes of international institutions. The final resolution is still decided by states' representatives. However, the

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

minimum requirement is that states' representatives must take the Global Assembly's recommendations seriously. States' representatives are obliged to reply to criticism raised by the Global Citizens' Assembly and justify if they are not incorporating the recommendations into international resolutions.

Nevertheless, it is not within the scope of this paper to explain the empirical design of this Global Citizens' Assembly proposal, i.e., how individuals are going to deliberate, and what kind of authority the Global Citizens' Assembly should have in variety of different cases. Before advancing such details further, the adequate opportunity for political participation needs to be justified against two decisive objections. The first objection presses on inequality elements embedded into granting adequate opportunity for political participation for individuals in non-democratic countries. The second objection flags concern on actual effectiveness of granting adequate opportunity for political participation for individuals while accepting the political standing of non-democratic countries.

Unequal opportunity for political participation

Let us examine the first objection. In its best form, the first objection emphasizes that international legitimacy should rely on the principle of equality. Individuals in non-democratic countries have fundamental interests in acquiring an effective sense of justice, developing their conception of the good, and discharging duties one owes to another. Therefore, if the opportunity for political participation grounds on this strong justice-based claim; then, not only should individuals have a say, but indeed, they should have an equal say. Thus, adequate opportunity for political participation is too narrow. Since individuals from non-democratic countries are randomly selected and rotated, only a few participate in the Global Citizens' Assembly. It appears that opportunities may be available for all in principle, but not equally distributed at a given time. Therefore, many voices will not be heard, and international institutions cannot prove that they are legitimate sources of authority over those who are not participating. From there, one may have strong reasons to support granting one person one vote in the process of selecting representatives in international politics (Falk and Strauss 2001, Archibugi and Held 2011) to increasing voices rather than votes (Charnovitz 2006, Besson 2009).

To reply, I argue that even equal opportunity for political participation does not require that individuals must participate in every political decision. In many cases of democratic

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

arrangements, typically individuals defer political participation to their representatives (Lafont 2020, p.23). This condition is, of course, absent in the case of individuals in non-democratic countries. It creates an asymmetry in the way international authorities justify their moral right to rule different groups of individuals. International institutions can increase votes by neither imposing democracy on non-democratic countries (see again page 12) nor granting votes to individuals directly while bypassing non-democratic countries (Dryzek, Bächtiger & Milewicz 2011, Kuyper 2015). Furthermore, increasing voices through self-appointed unelected actors cannot replace political participation done by individuals, precisely because of political participation's values for individuals' moral development and how it ties to international institutions' legitimacy as I have explained in the previous section. Hence, international institutions should identify other relevant ways that individuals in non-democratic countries may participate in tracking and shaping the fundamental requirements of global justice. Understood in this way, the proposal of granting opportunity for political participation to individuals remains feasible.

Along this line, the Global Citizens' Assembly should act as a participatory mechanism that facilitates adequate participation of individuals in non-democratic countries. It provides a political opportunity that is not available in domestic politics but secured in international politics. What international institutions should provide to individuals in non-democratic countries, perhaps is not equal opportunity for everyone to actually participate, but a participatory People Chamber that articulates a morally significant relationship with those individuals for them to be part of a process to see global justice being done. This idea also marks the main difference between my account and arguments from defenders of the Global Citizens' Assembly experiment. Typically, as I observe, defenders of the Global Citizens' Assembly experiment refer to representation and the instrumental view of participation as cores of its normative values (Dryzek & Niemeyer 2008, Dryzek et.al 2020).

Certainly, in the future, there may exist other alternatives that seek to advance opportunity for political participation for individuals. As long as these alternatives can fulfil the requirement for international legitimacy regarding the conditions of individuals in non-democratic countries I have laid out, they are also worth considering. Meanwhile, the ultimate goal is to argue for a workable and applicable proposal in the ongoing political arrangements. There are serious global issues that require not only immediate actions but also agents acting in concert.

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

Moreover, there are a vast majority of individuals living under non-democratic rules that require attention. Until another alternative emerges, the adequate opportunity view attains its normative and practical attractiveness.

Absence from effective participation

Next, let us turn to the second objection which casts doubts on the normative persuasion of granting adequate opportunity for political participation for individuals while accepting the political standing of non-democratic countries. Critics may argue that non-democratic states will not accept the proposal of granting adequate political participation to their citizens in international politics. The main reason is that even though this proposal claims to not impose democracy, it implies indirect democratization. Once citizens 'taste' political participation as they experience in international institutions, they will demand democratic changes within their countries.

Another line of this objection worries that even if non-democratic countries accept this proposal, ordinary citizens will not dare to participate sincerely. After all, citizens must go back to their home countries and live under a non-democratic basic structure. They may get punished because of what they say in international decision-making processes. Hence, adequate political participation only has artificial effects.

I do not deny the pragmatic concerns of both lines. Non-democratic countries may or may not accept this proposal in real-world politics. However, at its heart, this proposal takes seriously the role of non-democratic states by respecting and including the majority of them in the global decision-making process. It does not demand that non-democratic states become democratic. It seeks to establish a condition for a country to be considered a faithful member of the international order: if non-democratic states want to prove to be faithful members, they must be willing to send their citizens to participate in the Global Citizens' Assembly and commit to not punishing these citizens for expressing honest opinions. In practice, it is the case that a majority of existing non-democratic states do subject themselves to the de facto authority of international institutions to be seen as faithful members. Moreover, experiments similar to citizens' assemblies have taken place in non-democratic contexts (Tong & He 2018, He & Warren 2011, He & Thøgersen 2010). Perhaps, a 'taste' of political participation is actually not that troubling.

It is important to highlight that here, I follow Rawls's (1999) remark on the realistic utopia method: our hope for the future rests on the belief in a possible scenario that reconciles with tendencies and inclinations of the social world. As long as one has good reason to believe in this possibility, one can reasonably hope to achieve it and do something to make it happen (Rawls 1999, p.128). Similarly, non-democratic countries and international institutions have good justice-based and context-sensitive reasons to believe and grant adequate opportunity of political participation for individuals in non-democratic countries.

5. Conclusion

I have argued that given the non-ideal political circumstances, international institutions must grant adequate opportunity for political participation to individuals in non-democratic countries to offer moral reasons for why they are legitimate sources of political authority. The adequate opportunity for political participation in international politics serves as a necessary condition for individuals in non-democratic countries to fulfil their fundamental interests and be part of a joint process to track the reasonable requirements of global justice. Hence, the further development of Global Assembly initiative can consider becoming more in tune with this normative suggestion.

Nevertheless, I acknowledge the limitation of this proposal is that there are some groups of unrepresented individuals that this proposal cannot directly address, such as individuals in non-democratic states that do not recognize the rule of international institutions, stateless people, and individuals residing in unrecognized or occupied territories.

---

[i] Readers may find that these three assumptions are very similar to Rawls's ideal of a decent hierarchical society (see more in Rawls 1999). The difference between these three assumptions and Rawlsian non-liberal but well-ordered society is that these three assumptions are much less ideal. Hence, this category non-democratic countries can cover the vast majority of current non-democratic states that is existing and possibly continues to exist in the foreseeable future.

[ii] I leave open the possibility that the same arguments can be applied to other types of international institutions.

[iii] There are other understandings of institutional legitimacy, but I endorse this specific conception as my starting point in this paper. Here I subscribe to the understanding of international authority as the power right to rule and liability to comply. See more in Reglitz, M. (2015). Political Legitimacy without a (Claim-) Right to Rule. *Res Publica* 21 (3): 291–307. https://doi.org/10.1007/s11158-015-9267-0. and Scherz, A. (2023). Applying Different

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

Concepts and Conceptions of Legitimacy to the International Level: Service, Free Group Agents, and Autonomy. *Moral Philosophy and Politics*. https://doi.org/10.1515/mopp-2022-0046

References

Alter, K. J. (2014). *The New Terrain of International Law: Courts, Politics, Rights*. Princeton University Press.

Anderson, K. & Rieff, D. (2005). 'Global Civil Society': A Sceptical View', in Anheier, H., Glasius, M. and Kaldor, M. (eds), *Global Civil Society 2004-5*. London: Sage, pp. 26-39.

Archibugi, D., & Held, D. (2011). Cosmopolitan Democracy: Paths and Agents. *Ethics & International Affairs, 25*(4), 433-461. doi:10.1017/S0892679411000360

Bai, T. (2019). *Against Political Equality: The Confucian Case*. Princeton: Princeton University Press

Beitz, C. (2009). The Moral Standing of States Revisited. *Ethics & International Affairs, 23*(4), 325-347. doi:10.1111/j.1747-7093.2009.00227.x

Besson, S. (2009). The Authority of International Law—Lifting the State Veil. *The Sydney Law Review, 31*, 343–380.

Boehm, S., Jeffery, L., Levin. K., Hecke, J., Schumer, C., Fyson, C., Majid, A., Jaeger, J., Nilsson, A., Naimoli, S., Thwaites, J., Cassidy, E., Lebling, K., Sims, M., Waite, R., Wilson, R., Castellanos, S., Singh, N., Lee, A. & Geiges, A. (2022). *State of Climate Action 2022.* https://doi.org/10.46830/wrirpt.22.00028.

Brinkmann, M. (2023). The Asymmetry Between Domestic and Global Legitimacy. *Critical Review of International Social and Political Philosophy*.doi: 10.1080/13698230.2023.2216044

Buchanan, A. (2010). The Legitimacy of International Law. In S.Besson & J.Tasioulas (eds), *The Philosophy of International Law* (p. 79-96). Oxford University Press

Cai, C. (2019). *The Rise of China and International Law: Taking Chinese Exceptionalism Seriously*. New York: Oxford University Press

Caney, S. (2005). Cosmopolitan Justice, Responsibility, and Global Climate Change. *Leiden Journal of International Law*, *18*(4), 747-775. doi:10.1017/S0922156505002992

Caney, S. (2022). Global Climate Governance, Short-Termism, and the Vulnerability of Future Generations. *Ethics & International Affairs*, *36*(2), 137-155. doi:10.1017/S0892679422000181

Caney, Simon (2010). Climate change and the duties of the advantaged. *Critical Review of International Social and Political Philosophy 13* (1):203-228.

Charnovitz, S. (2006). Nongovernmental Organizations and International Law. *The American Journal of International Law*, *100*(2), 348–372. http://www.jstor.org/stable/3651151

Christiano, T. (2008). *The* Constitution of Equality: Democratic Authority and Its Limits. Oxford: Oxford University Press

Christiano, T. (2015). Legitimacy and the International Trade Regime. *San Diego Law Review* 52: 981.

Cristina, L. (2020). *Democracy without Shortcuts. A Participatory Conception of Deliberative Democracy*. Oxford: Oxford University Press.

Curato, N., Chalaye, P., Conway Lamb, W., De Pryck, K., Elstub, S., Morán, A., Oppold, D., Romero, J., Ross, M., Sanchez, E., Sari, N., Stasiak, D., Tilikete, S., Veloso, L., von Schneidemesser, D., & Werner, H. (2023). *Global Assembly on the Climate and Ecological Crisis Evaluation Report*. University of Canberra.

Dryzek J., Nicol D., Niemeyer, S., Pemberton, S., Curato, N., Bächtiger, A., Batterham, P., Bedsted, B., Burall, S., Burgess, M., Burgio, G., Castelfranchi,Y., Chneiweiss, H., Church, G., Crossley, M., de Vries, J., Farooque, M., Hammond, M., He, B., Mendonça, R., Merchant, J., Middleton, A., Rasko, JEJ., Van, Hoyweghen I & Vergne, A. (2020). Global Citizen Deliberation on Genome Editing. *Science* 369 (6510):1435-1437. doi: 10.1126/science.abb5931.

Dryzek, J., & Niemeyer, S. (2008). Discursive Representation. *American Political Science Review*, *102*(4), 481-493. doi:10.1017/S0003055408080325

Dryzek, J., Bächtiger, A. and Milewicz, K. (2011) 'Toward a Deliberative Global Citizens' Assembly'. *Global Policy* 2 (1), pp. 33–42.

Dworkin, R. (2013). A New Philosophy for International Law. *Philosophy & Public Affairs*, *41*(1), 2–30. https://doi.org/10.1111/papa.12008

Erman, E. (2020). A Function-Sensitive Approach to the Political Legitimacy of Global Governance. *British Journal of Political Science*, *50*(3), 1001–1024. https://doi.org/10.1017/S0007123417000850

Falk, R., & Strauss, A. (2001). Toward Global Parliament. *Foreign Affairs*, *80*, pp. 212.

Gandhi, M. (1997*)*. Gandhi: 'Hind Swaraj' and Other Writings. In A. Parel (ed.), *Cambridge Texts in Modern Politics*. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511558696

He, B. & Thøgersen, S. (2010). Giving the People a Voice? Experiments with Consultative Authoritarian Institutions in China. *Journal of Contemporary China* 19 (66): 675-692.

He, B. and Warren, M. (2011). Authoritarian Deliberation: The Deliberative Turn in Chinese Political Development". *Perspectives on Politics* 9, 269–289.

Keohane, R.O. & Victor, D.G. (2011). The Regime Complex for Climate Change. *Perspectives on Politics*, 9(1), 7–23

Kohn, M. & Reddy, K. (2023) "Colonialism", *The Stanford Encyclopedia of Philosophy*. Retrieved from https://plato.stanford.edu/archives/spr2023/entries/colonialism/

Kumm, M. (2004). The Legitimacy of International Law: A Constitutionalist Framework of Analysis. *The European Journal of International Law*, *15*(5), 907–931. https://doi.org/10.1093/ejil/15.5.907

Kuyper, J.W. (2015), Against Global Parliament. *Swiss Political Science Review*, 21: 158-179. https://doi.org/10.1111/spsr.12133

Kymlicka, W. (1996). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford, UK: Oxford University Press.

Lu, C. (2011). Colonialism as Structural Injustice: Historical Responsibility and Contemporary Redress. *Journal of Political Philosophy 19*: 261-281. https://doi.org/10.1111/j.1467-9760.2011.00403.x

Martí, J. L. (2017). Sources and the Legitimate Authority of International Law: Democratic Legitimacy and the Sources of International Law. In S. Besson & J. d'Aspremont (Eds.), *The Oxford Handbook of the Sources of International Law* (p. 724–745). Oxford University Press.

Mill, J. S. (1890) *Considerations on Representative Government*. [New York, H. Holt and Co. 189-?] [Pdf] Retrieved from the Library of Congress, https://www.loc.gov/item/04004612/.

Mill, J. S., & Elshtain, J. B. (2003). *On liberty*. Yale University Press.

O'Connell, M. E (2008). *The Power and Purpose of International Law*. Oxford: Oxford University Press.

Paris Agreement to the United Nations Framework Convention on Climate Change. Dec. 12, 2015. T.I.A.S. No. 16-1104.

Quong, J. (2011). *Liberalism Without Perfection*. Oxford: Oxford University Press

Rawls, J. (1963). The Sense of Justice. *The Philosophical Review*, *72*(3), 281–305. https://doi.org/10.2307/2183165

Rawls, J. (1971). *A Theory of Justice: Original Edition*. Harvard University Press.

Rawls, J. (1996). Political Liberalism. Cambridge, MA: Harvard University Press

Rawls, J. (1999). *The Law of Peoples: With "The Idea of Public Reason Revisited".* Cambridge, Mass: Harvard University Press

Simmons, A. (2000). *Justification and Legitimacy: Essays on Rights and Obligations*. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511625152

Simmons, A. J. (1999). Justification and Legitimacy. *Ethics*, *109*(4), 739–771. https://doi.org/10.1086/233944

Thompson, D. F. (1976). *John Stuart Mill and Representative Government*. Princeton, N.J: Princeton University Press.

Tong, D. & He, B. (2018). How Democratic are Chinese Grassroots Deliberations? An Empirical Study of 393 Deliberation Experiments in China". *Japanese Journal of Political Science* 19(4): 630-642.

Waldron, J. (1999). *Law and disagreement*. New York: Oxford University Press.

Hong Do
Doctoral School of Political Science, Public Policy and International Relations
Central European University, Vienna, Austria
Contact: do_hong@phd.ceu.edu

Walzer, M. (1977). *Just And Unjust Wars.* New York: Basic Books.

Walzer, M.(1980). The Moral Standing of States: A Response to Four Critics. *Philosophy and Public Affairs 9* (3):209-229.

Wolff, C. (1749). *Jus gentium methodo scientifica pertractatum.* Trans. J. H. Drake. (1934). Oxford: Clarendon Press

Ypi, L. (2013). What's Wrong with Colonialism. *Philosophy & Public Affairs*, *41*(2), 158–191. https://doi.org/10.1111/papa.12014