

“in the contemporary world, democratic norms are increasingly applied to international institutions as a test of their legitimacy.” Democratic governments, they maintain, “are judged both on the procedures they follow (inputs) and on the results they obtain (outputs).”¹¹ With respect to inputs, they argue that the key issues are accountability and the transparency of decision-making procedures. The legitimacy of international organizations, as of governments, also depends upon substantive outputs—that is, on their effectiveness. Although Keohane and Nye recognize that domestic (or even EU) models of democracy do not apply to international organizations (in particular, because there is neither a coherent world polity nor are there institutional arrangements linking the public to those governing these organizations), they recommend that formal political channels be established between international organizations and constituencies within civil society.¹²

Any examination of the legitimacy of an institution, therefore, must be based on both inputs and outputs. On the input side, the institution must be accountable to its constituencies (however defined) and transparent. On the output side, the institution must be effective. Furthermore, because the *perceptions* of constituents and observers can be more important than the objective realities, the institution must also be *perceived* to be effective.

Robert E. Hudec, a renowned legal scholar on the GATT and WTO, has questioned whether the WTO *is* an institution of governance, separate from the governments which comprise it.¹³ He maintains that the WTO is, first and foremost, an international organization and, as such, definitions of legitimacy applied to it cannot be the same as definitions applied to national governments. Grounding discussions of legitimacy in relation

¹¹ Keohane and Nye, *supra*, note 10, page 281-282.

¹² *Ibid.*, 290-291.

¹³ Comment by Robert E. Hudec, in Porter, Sauve, Subramanian and Zampetti, *Efficiency, Equity, Legitimacy: The Multilateral Trading System at the Millenium*, *supra*, note 10, 295-300, 298.