

# NGOs and the Retreat of the State?

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ANDY JONES, FEB 29 2008

Assess the cooperative and antagonistic aspects of the relationship between NGOs and states. Select a specific policy area for illustration, and discuss the prospects for either NGOs or states to lead the relationship or gain the upper hand in a cooperative relationship.

In *Leviathan*, Thomas Hobbes describes the life of man as 'solitary, poor, nasty, brutish, and short.' [1] Meanwhile, Alexander Hamilton views man as 'ambitious, vindictive, and rapacious.' [2] Without a strong central government, Hobbes' *Leviathan*, to maintain order, a state of nature exists as violence is primordial within man. In a state of nature, anarchical competition for scarce resources will ensue as there is no state to serve as arbiter. [3] The emergence of an altruistic third sector, a global civil society led by NGOs that promotes universal values thus constitutes a myth. In this sense, NGOs are guilty of what Reinhold Niebuhr terms man's 'inclination to transmute his partial and finite self and his partial and finite values into the infinite good. Therein lies his sin.' [4] The relationship between states and NGOs is a predominantly one-way relationship in which the state retains control and power. This essay therefore rejects the thesis of liberal triumphalists such as Jessica Matthews, who assert that 'international standards of conduct are gradually beginning to override claims of national or regional singularity.' [5] State power has not been diminished by the arrival of NGOs, rather states have sought to use NGOs as a tool in the furtherance of their own agendas. To the extent that NGOs uphold this agenda, a cooperative relationship will ensue. This essay contends that states will continue to hold the upper hand over NGOs because the international system remains the preserve of nation-states, and nation-states remain the most adequate guarantor of human security. To be sure, the 1990s alliance between NGOs and international institutions 'was never more than a minor affair with a minor mistress.' [6] When stakes are high, ultimate power in the international system resides with states. The essay will begin by debunking the claim that the erosion of state power will result from the emergence of NGOs on the global political scene. From there, potential for cooperation and antagonism are discussed before the essay moves to discuss the environment as a case study of NGO-state relations.

### The Rise of Global Civil Society?

Matthews uses the end of the Cold War as a pretext to announce the 'novel redistribution of power among states, markets, and civil society,' [7] in which 'increasingly, NGOs are able to push around even the largest governments.' [8] Matthews takes a bottom-up perspective on NGO-state relations, and uses the examples of the environment and humanitarian relief efforts to make her case. She notes that at the 1992 Earth Summit, NGOs took a lead role in negotiation and mobilising public opinion, as well as deeply penetrating official decision-making. Further, increasing NGO activity and influence in humanitarian relief efforts, according to Matthews, is demonstrative of the fact that 'states are often the junior partners' [9] in the coordination of humanitarian aid. Matthews appears to believe that these examples are evidence of a zero-sum shift, in which an increase in NGO power is matched by an inevitable concomitant decline in state power. It is this claim that worries the political right, who fear a 'hegemonic leftist movement that undermines capitalism, democracy and the sovereign rights of states.' [10] However, a conspiracy theory approach to NGO-state relations and NGO-IO relations is unnecessary. As Kenneth Anderson and David Rieff counter, the state-IO marriage is the hegemonic relationship in international relations, with NGOs as the sideshow. [11]

Matthews' celebratory style masks several presumptuous leaps of faith. Ole Sending and Iver Neumann contradict

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Matthews' zero-sum framework. They see NGO growth from a top-down perspective, where states have deliberately encouraged the emergence of NGOs. Thus, NGO growth can be seen as 'an expression of a changing logic or rationality of government.'<sup>[12]</sup> In this regard, civil society ceases to be a passive actor. In essence, Sending and Neumann use Foucault to suggest that the task of government is the welfare of its people. By harnessing NGOs and civil society, government is still pursuing this task without losing its authority. Individuals are defined as 'objects of government and subjects with rights and autonomy,'<sup>[13]</sup> and this recognition of individual preferences and rights is seen as vital for governmental efficacy. This description paints states in a much more paternal sense, by trusting NGOs with some flexibility of action in service of the state. Sending and Neumann's interpretation contrasts the view of Matthews, who seems to picture NGOs kicking down the doors of government as they spread their 'universalist' agenda. Further, Matthews uses the European Union as a positive example of the 'weaken[ing] [of] the internal bonds of its member states.'<sup>[14]</sup> But this analogy has two flaws. First, the European Union is a voluntary union of states, created by states. Second, the idea that the European Union is a foreshadowing of a global movement is premature. As Anderson and Rieff opine, the European example constitutes 'the unjustified universalising of a particular historical and cultural experience.'<sup>[15]</sup>

This counter to the supposed rise of global civil society relates back to Hobbes, Niebuhr and Waltz in two ways. First, it affirms that states remain the principal actor in international relations. Second, this state-centrism is a reflection of human civility, and the irrelevance of universalist or global norms. In this regard, man is not altruistic but naturally demonstrates attributes of self-preservation and power. It is only within the nation-state system that these flaws can be contained. According to Waltz, the possibility of violence is heightened when two or more actors seek to promote a set of interests, with 'no agency above them upon which they can rely for protection.'<sup>[16]</sup> This is absolutely the case with global civil society – there is no global government or parliament within which men can air their grievances. As Niebuhr states, 'all human life is involved in the sin of seeking security at the expense of other life.'<sup>[17]</sup> This appears to rule out a bottom-up, altruistic, universalist NGO-constituted global civil society.

### Cooperation or Confrontation?

Where does this leave us? If we reject the notion of NGOs overtaking states in a zero-sum race for power, is there still room for a cooperative relationship? Kal Raustiala takes a rationalist neo-liberal institutional approach that highlights the benefits of NGO-state cooperation. While taking a role in 'negotiation, monitoring, and implementation,'<sup>[18]</sup> NGO inclusion in the decision-making process 'does not come at the expense of state centrality; rather it is to the advantage of states.'<sup>[19]</sup> Raustiala's top-down perspective emphasises that the state is the dominant partner; states control the rules of engagement through the state-centric nature of international relations and international law. However, as international regulatory frameworks expand, so the complexity increases. To this extent, NGOs become useful due to their access to information on the ground, which states can use for accurate and efficient policy advice. In turn, this 'maximize[s] policy information and research while minimizing expenditures.'<sup>[20]</sup> Raustiala's argument therefore hinges on NGOs acting as a supplement to the state. In this sense, NGOs can act as a bridge between the people and the state by assisting state regulation through their undoubted knowledge and expertise. Importantly though, state acceptance of NGOs focuses on utility. NGO access to international organisations is not an inalienable right, and thus 'NGO participation remains a privilege granted and mediated by states.'<sup>[21]</sup>

Kim Reimann supports Raustiala's top-down perspective. Reimann alleges that a symbiotic relationship between states, IGOs and NGOs has emerged due to a pro-NGO norm, pushed by states, that has created an expansion of global governance institutions. This shift has not been a 'societal response to socio-economic factors'<sup>[22]</sup> or due to 'compelling international public opinion,'<sup>[23]</sup> but rather has been a state-led and state-stimulated change. Reimann's article suffers from a lack of clarity amid shifting definitions of top and bottom, but her general point remains. States have pushed NGOs to prominence in two distinct ways. First, states have dramatically increased funding and permitted greater political opportunity for political access for NGOs. Data shows that OECD official aid channelled through NGOs rose from 1% in 1975 to 5% in 1994.<sup>[24]</sup> This has resulted in greater scope for NGO activity in developing countries, specifically in the role of service providers, and greater NGO presence in IGOs such as the UN, enabling a clear NGO voice in an advocacy sense. Second, Western states have helped the growth of NGOs through the development of a pro-NGO norm. Increasingly, Western states saw NGOs as useful service providers

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and sound vehicles for democratisation, allowing a 'new mix of neoliberal economics and democratic theory.'<sup>[25]</sup> States thus espoused the view that a flourishing civil society was necessary for successful democratic transition in developing states.

Although Reimann and Raustiala both view NGO-state cooperation as mutually beneficial, it is necessary to reiterate a clear hierarchy of action. Lyal Sunga has demonstrated this lingering reality in a case study of US government-NGO relations in post-war Iraq. Sunga posits that the Bush Administration pressed NGOs 'to work almost as an arm of the U.S. government, forcing them either to refrain completely from any criticism of U.S. policy on Iraq, or risk being cut off from U.S. government funding and support.'<sup>[26]</sup> As Reimann notes, 'ultimately it is the decisions of states and politics amongst states that determine which opportunities are opened and which remain closed.'<sup>[27]</sup> In sum, a cooperative relationship between states and NGOs can only be countenanced on the basis of state approval. In this way, states maintain the upper hand in relations because the relationship is run on state terms in the context of a nation-state dominated international system.

### Environmental NGOs: Towards Cooperation?

Matthews uses the Earth Summit in Rio de Janeiro in 1992 as an example of NGO influence. She concludes that NGO-led pressure 'force[d] through a pact that virtually no one else thought possible when the talks began.'<sup>[28]</sup> Meanwhile, Bas Arts contends that 'the environmental domain is a sector par excellence to study new modes of governance.'<sup>[29]</sup> Thus, the essay will now move on to a case study of the influence of environmental NGOs. As such, the environment will be used as a test case to try and prove this essay's thesis that states control the terms of NGO influence.

Arts assigns special significance to the environment in his analysis of non-state actors as 'the globe can be considered one interrelated web of ecosystems'<sup>[30]</sup> and 'many environmental problems are not limited to the territories of individual states, but – in contrast – are transboundary in nature.'<sup>[31]</sup> In this sense, the environment seems ripe for non-state actors to influence as the state becomes less significant in response to a transnational issue. However, Arts contests Matthews' argument on the retreat of the state. Rather, Arts posits that increased NGO activity in the environment sector can be seen as a 'transformation of the state,'<sup>[32]</sup> rather than a diminution of the state. To this extent, the inclusion of NGOs into the environment sphere can be seen as a means to an end by states, as a means of dealing with an increasingly complex issue that is transnational in nature. This fits with Reimann's earlier image of NGOs as 'dependent on the support and cooperation of states.'<sup>[33]</sup>

Therefore, Arts presents a typology of different environmental NGOs, concluding that all NGOs and all issue areas are very different. Thus, Arts observes a 'multirule'<sup>[34]</sup> system in which states, NGOs and business are all involved in issue negotiation. However, this is not characteristic of a 'diachronic shift from government to governance.'<sup>[35]</sup> Again, it would appear that Matthews' zero-sum analogy is misplaced. Arts' analysis seems to support the neo-liberal institutionalism of Raustiala. Like Arts, Raustiala notes the increasing role of NGOs in the environment sector, specifically within international environmental institutions. Yet this does not allude to the retreat of the state. Raustiala argues that NGO participation and cooperation 'provides policy advice, helps monitor commitments and delegations, minimizes ratification risk, and facilitates signalling between governments and constituents.'<sup>[36]</sup> NGOs are thus conceived as acting in service of the state, with the state depicted as masters. Raustiala confirms this hypothesis, noting that 'states have incorporated NGOs because their participation enhances the ability, both in technocratic and political terms, of states to regulate through the treaty process.'<sup>[37]</sup> This supports the top-down perspective of this essay.

Environmental NGOs can be seen as a state-cultivated supplement to the state, going beyond the state in order to strengthen state power and state regulatory power. As Raustiala surmises, NGO participation has not 'inexorably resulted in the diminution of central governments' importance, centrality, or power.'<sup>[38]</sup> This contrasts strongly with Matthews' conclusions. Indeed, Matthews appears premature in her assertion that 'the clash between the fixed geography of states and the nonterritorial nature of today's problems and solutions, which is only likely to escalate, strongly suggests that the relative power of states will continue to decline.'<sup>[39]</sup> This section has demonstrated that NGO participation in the international environment discourse is a positive development, but one that does not

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jeopardise state power or interests. As Arts sensibly opines, 'all too often, it is (implicitly) assumed that an increase of (new) governance practices is accompanied by a 'retreat of the state' or 'a hollowing-out of the state'.'<sup>[40]</sup>

In this sense, NGO participation takes place at the behest of states. NGOs may have an increasing role, but they remain a junior partner in an international framework that has developed in the context of the nation-state. Though the environment and climate change is a transboundary problem, it is states and state-created international institutions that are at the forefront of the solutions. NGOs provide information, knowledge, advocacy and advice in a way that augments state regulatory power. A final example of the unequal relationship can be found in the recent protests at Heathrow Airport and the Houses of Parliament by Greenpeace.<sup>[41]</sup> In highlighting the effects of airport expansion on climate change, Greenpeace's protests targeted a change in government policy. This antagonistic approach serves to confirm that NGOs wanting change can only do so through appeals to state government. In this sense, states retain the final say on environment policy.

In conclusion, this essay has highlighted that increasing NGO-state cooperation is not demonstrative of the usurpation of the state. Rather, a top-down explanation has been used to show the state role in the cultivation of NGO power. NGOs act as service providers, through their unparalleled information and expertise while states retain the upper hand in a largely cooperative relationship. As Arts has maintained, 'this does not imply equal power relations...Formal decision making is still in the hands of governments.'<sup>[42]</sup> States remain the principal actors in the international system because they are the primary guarantor of order. Thus, Matthews' excited pronouncement of the rise of non-state entities that 'greatly empower individuals, [and] weakens the relative attachment to community' misses the point in two ways. First, the nation-state is not retreating, even if NGO influence is increasing, and second, this would not be a positive development anyway. Matthews appears to prematurely assume a global civil society built on universalist aspirations. This essay argues that human nature does not and cannot act in this way. It is for this reason that states were conceived, and it is for this reason that states will remain. Thus, a 'top-down explanation is more reflective of the international political dimensions behind the global promotion of NGOs.'<sup>[43]</sup> Using the example of Mercosur, Jean Grugel states that the institutional matrix limits civil society intervention, while 'decision-making actually remains firmly in the hands of national political leaders.'<sup>[44]</sup> The NGO-state relationship can be a mutually beneficial cooperative relationship, but one that is run on state terms. NGOs can provide information and push policy agendas, but states remain the final decision-makers in the international system.

[1] Thomas Hobbes, *Leviathan*, 1651, Ch. XIII.

[2] Alexander Hamilton, 'Federalist Paper No. 6,' in Paul Viotti, *American Foreign Policy and National Security: A Documentary Record*, New Jersey, 2005, p.44.

[3] Kenneth Waltz, *Man, the State and War: A Theoretical Analysis*, New York, 1959, p.34.

[4] Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation*, Volume I Human Nature, London, 1941, p.131.

[5] Jessica Matthews, 'Power Shift,' *Foreign Affairs*, 76:1, 1997, p.50.

[6] Kenneth Anderson and David Rieff, "'Global Civil Society': A Sceptical View," in Helmut Anheier, Marlies Glasius and Mary Kaldor (eds.), *Global Civil Society 2004/5*, London, 2005, p.36.

[7] Op.cit. Matthews (1997): p.50.

[8] Ibid. p.53.

[9] Ibid. p.63.

[10] Kim Reimann, 'Up to No Good? Recent Critics and Critiques of NGOs,' in Oliver Richmond and Henry Carey (eds.), *Subcontracting Peace: The Challenges of NGO Peacebuilding*, Aldershot, 2005, p.49.

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[11] Op.cit. Anderson and Rieff (2005): p.36.

[12] Ole Sending and Iver Neumann, 'Governance to governmentality: analyzing NGOs, states, and power,' *International Studies Quarterly*, 50:3, 2006, p.652.

[13] Ibid. p.661.

[14] Op.cit. Matthews (1997): p.61.

[15] Op.cit. Anderson and Rieff (2005): p.32.

[16] Op.cit. Waltz (1959): p.227.

[17] Op.cit. Niebuhr (1941): p.194.

[18] Kal Raustiala, 'States, NGOs, and International Environmental Institutions,' *International Studies Quarterly*, 41, 1997, p.719.

[19] Ibid. p.720.

[20] Ibid. p.727.

[21] Ibid. p.724.

[22] Kim Reimann, 'A View from the Top: International Politics, Norms and the Worldwide Growth of NGOs,' *International Studies Quarterly*, 50, 2006, p.45.

[23] Op.cit. Matthews (1997): p.50.

[24] Op.cit. Reimann (2006): p.52.

[25] Ibid. p.60.

[26] Lyal Sunga, 'Dilemmas Facing NGOs in Coalition-Occupied Iraq,' in Daniel Bell and Jean-Marc Coicaud (eds.), *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations*, Cambridge, 2007, p.99.

[27] Op.cit. Reimann (2006): p.64.

[28] Op.cit. Matthews (1997): p.55.

[29] Bas Arts, 'Non-state Actors in Global Environmental Governance: New Arrangements Beyond the State,' in Mathias Koenig-Archibugi and Michael Zurn (eds.), *New Modes of Governance in the Global System: Exploring Publicness, Delegation and Inclusiveness*, 2006, p.178.

[30] Ibid. p.182.

[31] Ibid. p.182-3.

[32] Ibid. p.180.

[33] Op.cit. Reimann (2006): p.63.

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[34] Op.cit. Arts (2006): p.196.

[35] Ibid. p.196.

[36] Op.cit. Raustiala (1997): p.720.

[37] Ibid. p.720.

[38] Ibid. p.737.

[39] Op.cit. Matthews (1997): p.65.

[40] Op.cit. Arts (2006): p.180.

[41] BBC News, 'Parliament rooftop protest ends,' 27/02/2008, [http://news.bbc.co.uk/1/hi/uk\\_politics/7266512.stm](http://news.bbc.co.uk/1/hi/uk_politics/7266512.stm).

[42] Op.cit. Arts (2006): p.188.

[43] Op.cit. Reimann (2006): p.64.

[44] Jean Grugel, 'Regionalist governance and transnational collective action in Latin America,' *Economy and Society*, 35: 2, 2006, p.221.

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