Cooperative and Antagonistic NGO-State Relations

https://www.e-ir.info/2008/08/20/cooperative-and-antagonistic-ngo-state-relations/

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Utilizing the cases of 'regionalist governance and transnational collective action in Latin America' and the International Campaign to Ban Landmines (ICBL), this essay assesses the cooperative and antagonistic aspects of NGO-state relations and discusses the prospects for either NGOs or states to gain an upper hand. In doing so, this essay asserts that although NGO participation appears to remain a privilege mediated and granted by states, NGO-state relations cannot be reduced to a zero-sum game with NGOs undermining the political power of states. Rather, NGO engagement, *self association,* and *political will formation* is central in revealing how power must now be understood in the global order – that is to say that political power "operates through rather than on civil society" (Sending and Neumann 2006: 651).

Cooperative and Antagonistic NGO-State Relations

Since the end of the Cold War the number, scope and impact of NGOs has grown exponentially, as international organizations (IOs) have been increasingly receptive and inclusive of NGOs; as states have sought to work with NGOs to address new realities and threats that transcend territorial and political boundaries; and, as citizen groups and technologies have enhanced their capacities for interconnectedness (Mathews 1997; Arts 2006). Indeed, their financial resources and expertise often exceeds that of small governments; they deliver more official development assistance than the UN system; they harness the advantages of ICT[1]; they engage as important decision making actors in IOs; and, they provide individuals with new channels of influence (Reimann 2005: 54).Although accounts of the impact of the proliferation of NGOs are diverse – as the demise of the state, growing interconnectedness of state power, and the possibility of a global polity – they all converge on the point that this has far reaching implications for the state and political power, as the ability to affect perceptions, intentions and actions is no longer specific to states (Kaldor 2003: 11). Unlike states – whose authority is derived from legal and formal systems of rule supported by coercive capacities – the legitimate authority of NGOs is derived from the successful performance of functions necessary for its existence and the voluntary acceptance and consent of the majority (or at least by the most powerful actors in the system of rule) (Rosenau 1992).[2] NGO-state relations have the capacity to be cooperative and antagonistic.

Cooperative NGO-State Relations

Given that states are linked with the societies within which NGOs operate, there are considerable incentives for states to engage and cooperate with NGOs; including, contributing a different type of legitimate authority to actions; facilitating international momentum towards the attainment of conventions and treaties; increasing awareness, capacity, technocratic and political ability; assisting to monitor commitments and delegations; maximizing policy information and resources while minimizing expenditures and risk; and, effectively facilitating linkages and exchange between governments and constituents to facilitate ratification (Raustiala 1997; Price 1998; Kaldor 2003; Matthews 1997). Given that NGOs help to cultivate norms from the bottom up, assert previously absent priorities onto the international agenda, provide new standards of accountability, afford citizens with unprecedented channels of influence, are agency-based, consensus-oriented and premised upon the struggle for emancipatory gains, their engagement may influence norms that empower states vis-à-vis society (Kaldor 2003: 142). Proponents assert that NGO engagement would render international institutions more adaptable and capable of responding to new demands and opportunities presented by the burgeoning list of global problems than would states alone, and that

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harnessing the resources, skills and authority of both NGOs and states has the potential to "enhance the capacity of states to regulate globally" (Raustiala 1997).

Antagonistic NGO-State Relations

However, NGO-state relations may also be antagonistic when objectives and interests clash. In controversial and divisive policy areas where there are severely opposing perspectives, states may prevent NGO engagement by restricting NGO access to decision making structures and ceasing NGO funding. NGOs, on the other hand, have at times been able to push around even the largest of governments by harnessing their international linkages and their large budgets[3] (Matthews 1997). Indeed, NGO participation may harm regime effectiveness, generate policy gridlock, contribute to poor outcomes, and may push forward or prevent international frameworks despite the opposition of powerful states[4] (Raustiala 1997; Matthews 1997). Opponents assert that NGOs are special interests and single-issue voters that suffer from tunnel vision and excessive pluralism; possess a limited capacity for large scale endeavors; produce a weakened sense of common identity; and, exacerbate democratic deficits. Indeed, they are said to be doing more harm than good in humanitarian crises[5] as they are seen to be fueling conflict and reinforcing divisions by providing resources to and legitimating warring sides, contributing to market distortions, freeing external resources for conflict, and creating dependency (e.g. Somalia and Rwanda) (Reimann 2005: 40). Thus, antagonistic NGO-state relations may have the effect reducing the capacity of states to regulate globally by undermining the legitimacy of both states and NGOs.

In short, although NGOs are far more active and common in international institutions and politics than ever before, their activities and the nature of NGO-state relations – as being either cooperative or antagonistic – are systematically circumscribed in time and place, as the benefits to states of NGO participation are unevenly dispersed and received (Raustiala 1997: 725).

Prospects for Either NGOs or States to Gain the Upper Hand

This section utilizes the cases of 'regionalist governance and transnational collective action in Latin America' and the International Campaign to Ban Landmines (ICBL) to demonstrate antagonistic and cooperative NGO-state relations respectively, and to ascertain the prospects for either NGOs or states to gain the 'upper hand'.

Case I: 'Regionalist Governance and Transnational Collective Action in Latin America'

The FTAA Summit of the Americas and Mercosur are two models of regional governance in the Americas that present opportunities for transnational civil society engagement and grassroots collective action. While the FTAA is a hemispheric model premised on trade, Mercosur was developed as an alternative sub regional model and based on intergovernmentalism and Latin American common values. According to Grugel (2006), these models function as ordering frames of civil society activism (210). Although they both have stimulated new forms of collective action and provided opportunities for activism by civil society groups concerned with influencing the trade agenda and the welfare consequences of trade liberalization, civil society movements have been much greater at the hemispheric level. This may be explained in part because Mercosur structures of regional governance are closed and do not provide space for civil society engagement, so that input from non state actors depends on the initiative of member states. Given this limited access, Mercosur has not become a target for large scale social mobilization. Hemispheric regionalism, on the other hand, has been widely contested as a reassertion of US hegemony in Latin America and has generated significant protests and targeted social movement action in opposition to this regionalist project. Grugel finds that although civil society activism is more pronounced in hemispheric regionalism than sub regionalism, as consultations with civil society actors are part of the formal structures of FTAA Summits, engagement and policy influence in both models remains limited as neither creates "genuine" opportunities for influence and engagement, in part because of institutional barriers to inclusion and weak formal structures of representation (e.g. civil society groups are invited to discuss pre-existing agendas); patterns of elitist, undemocratic and closed government control over regional governance; difficulties pertaining to the coordination of heterogeneous groups and challenges of "scaling up" to the transnational level; and, the absence of international norms supporting civil society engagement in regional governance (Ibid: 211).

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Case II: International Campaign to Ban Landmines

The ICBL – which demonstrates cooperative NGO-state relations – began with the *CCW Review Conference*, where NGOs used their official monitoring status as a platform to launch a special report that emphasized the disproportionate effects of landmines on civilians and challenged their presumed military utility to stigmatize the issue and generate state and public political support for a ban on landmines (Ibid: 87). They tapped into the universal value of human security by grafting landmines as a weapon of mass destruction, comparing them with inhumane and indiscriminate chemical and biological weapons that caused unnecessary suffering and were more likely to kill civilian – creating a new issue previously invisible. Supported by high profile moral entrepreneurs – i.e. Princess Dianna and the Dali Lama – the ICBL was a catalyst for state learning, moral persuasion, and critical normative and ideational change (Price 1998: 62). During the 1996 Ottawa *Conference toward a Global Ban on Anti Personnel Landmines,* the advocacy campaign "transformed into a strategic action between non state actors and core pro ban states" (Hubert 2004: 88), which resulted in the Ottawa Process – a "fast track" diplomatic undertaking to negotiate an international convention through the *Conference on Disarmament* (CD). The result was the landmark *Landmines Convention* of 1997 signed by 122 countries. Hubert (2004) attributes the success of the campaign to the post Cold War context, fortuitous circumstances pertaining to the low profitability of the industry and new political leaders in Britain and France, the grass-roots nature of the ICBL campaign and campaign values, relations with the International Council of the Red Cross and UN agencies, and efforts by a coalition of a core group of states.

Prospects for NGOs to Gain the 'upper hand'

Learning from these two cases, the prospects for NGOs to gain the 'upper hand' requires concerted cohesive agency, the presence (or generation) of international values and norms, enabling institutions, and critical alliances. NGOs must work toward *concerted cohesive agency* by mobilizing grassroots activities and political elites and developing transnational action networks (TANs) and coalitions of actors and groups bound together by the centrality of principled ideas and values and a common discourse. Such networks develop, and are legitimated, through their epistemic functions and their strategic use of information, which contributes to issue creation, agenda setting, swaying the perspectives of states and IOs, developing social and cultural norms, changing institutional procedures, and impacting policy change (Keck and Sikkink 1999; Grugel 2003). According to Kaldor (2003) it is the job of civil society to leverage their authority to *promote norms, values and social consciousness.* Possible tactics of influence involve harnessing the advantages of ICT[6]; generating and disseminating information; strategic issue framing; grafting new norms onto existing norms; employing personal testimonies and graphic images; placing the burden of proof on states; soliciting the support of high profile moral entrepreneurs; and, employing moral suasion and shaming techniques (Price 1998; Hubert 2004: 78). Moreover, in order to gain leverage, NGOs must develop *critical alliances* with a core group of states and IO agencies, and must utilize existing institutional opportunities for engagement and make efforts to further *promote the opening up of institutions to increase opportunities for participation* . In order to enhance their prospects, NGOs must seek to set the agenda and assert the terms of their engagement from the onset and ought to generate and utilize informal channels of engagement.[7] Nevertheless, as the international system is based upon the sovereignty of state, NGOs must bring states onboard if they are to affect international law.

Prospects for States to Gain the 'upper hand'

As states are the architects of the international system and are the only legally legitimate actors in that system, they can utilize their delegated authority to gain the 'upper hand' and can strategically engage NGOs where opinions align – to harness their added resources, expertise and legitimacy – and develop barriers to inclusion where they interests diverge (Raustiala 1997). In developing international institutions, states can act as gatekeepers by *developing closed structures* and configuring the terms of engagement so as to prevent NGO participation, and may go so far as to exclude them bluntly from certain negotiation tables, particularly for meetings concerning sensitive and divisive issues (Grugel 2003). As in the case of the FTAA Summits, should states choose to engage civil society groups, they can constrict engagement by pre-determining the agenda for discussion or allowing NGOs to observe or monitor meetings rather than contribute. States can *co-opt, utilize and tame* NGOs through establishing domestic policies and international conditions for engagement that exploit their asymmetrical access to resources and *withdrawing funding* from NGOs that are opposed to their policies; thus removing advocacy resources.[8] States may also take

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efforts to *portray NGOs as being uncivil and a source of insecurity* – a perspective that has gained salience since 9/11 – and emphasize the burgeoning criticisms pertaining to NGO accountability, representation, effectiveness, asymmetries, transparency, accountability, autonomy, commercialization, etc.; providing a counter discourse to pro-NGO norms. Thus, states can gain the upper hand through constricting NGO political access and funding, and mobilizing anti-NGO norms. Such activities are not without their implications, however, as they may be seen to be illegitimate, undemocratic and oppressive by citizens. Moreover, although they were developed by states, IOs are increasingly autonomous from states, with their own personalities, mandates and authority that can function to counteract state interests (Reimann 2006).

NGO-State Relations in Global Governance

Having considered the prospects for either NGOs or states to gain the 'upper hand', it becomes evident that even while one might possess more leverage at a certain point in time, NGO-state relations cannot be reduced to a zero-sum game with power shifting between state and non state actors. NGOs operating in the international system require the cooperation of states to pursue international objectives. Although states do not 'require' the cooperation of NGOs, fervent NGO opposition can, as aforementioned, greatly harm regime effectiveness, generate policy gridlock, and contribute poor outcomes. Indeed, in the case of the ICBL, NGOs working with states enabled policy goals to be achieved, whereas constraints to Latin American NGO participation in regional structures continues to generate resentment amongst civil society and ongoing questioning as to the legitimacy of FTAA Summits and Mercosur. Rather than undermining state sovereignty, active NGO participation may enhance the capacity of states to regulate globally. That is not to say that NGOs and states must always cooperate, rather that NGO participation is informed by time, context, mutual goals, functional capabilities, and institutional and functional interdependence based on the convergence of government incentives and NGO comparative advantages and resources (Raustiala 1997; Reimann 2005).

This is consistent with the *governmentality* perspective – which focuses on socio-political functions and processes of governance and is informed by Foucault's conception of power – wherein actors are 'harnessed' to governing tasks and their goals and operations are impacted by power relations inherent in processes of governing (Sending and Neumann 2006: 658). Thus, the role of NGO engagement, *self association* and *political will formation,* and the role of NGOs in shaping and undertaking global governance functions NGO engagement, does not undermine the political power of the state, rather is central in revealing how power must now be understood in late modern society – that is to say that political power "operates through rather than on civil society" through *subjectivation* and *responsibilization* (Sending and Neumann 2006: 651).

Although states remain the dominant player in this multi-directional relationship in global power politics, NGOs have the capacity to strongly assert themselves on the basis of broadly held norms to shift the course of global politics. This moves us beyond a 'top down'/ 'bottom up' dichotomy to assert the significance of mutual interests to determine the most efficient, sustainable and meaningful ways to achieve political objectives in the global order (Reimann 2005: 63). Thus, antagonistic NGO-state relations represents the working out of those objectives in a system of global *governance*, wherein NGO engagement provides for deliberation and the parcelization of authority on the basis of contexts, issues and functions (Kaldor 2003; Arts 2006). Moreover, our discussion of how each actor can gain the 'upper hand' would more appropriately be framed as how NGOs and states may hold each other to account through global mechanisms of accountability that they possess to varying degrees; which, as we have seen, may be hierarchical, supervisory, fiscal, legal, market, peer and public (Grant and Keohane 2005). Therefore, we have not observed a diachronic shift from government to governance, rather the development of a multi-rule system in which governance arrangements emerge, interact and partially fuse, and wherein states have more or less authority in different areas, yet remain the dominant global actor for the time being because of persistence of the association of delegated authority to legitimacy. However, the primacy of the state and this dominant conception of authority are not static and are increasingly contested, as norms pertaining to the inclusion of NGOs and other non state actors are becoming more diffused, and as more appropriate mechanisms of accountability are being explored.

Conclusion

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In sum, through exploring regional governance and transnational collective action in Latin America and the ICBL to assess the cooperative and antagonistic aspects of NGO-state relations and the ascertain the prospects for either to gain an 'upper hand', it appears that NGO-state relations exhibit a paradox between a world that is more adaptable and capable of responding to new demands and opportunities and a world where there is more conflict and less problem solving. Nevertheless, NGO-state relations cannot be reduced to a zero-sum game wherein NGO engagement undermines the political power of states, rather NGO engagement reveals how power is played out in the global order – that is through, rather than on, NGOs based on the confluence of particular contexts, government incentives and NGO comparative advantages and resources (Raustiala 1997).

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[1] For instance, the Chiapas rebellion can attribute much of its success to harnessing the advantages rendered by ICT.

[2] In fact, Grant and Keohane (2005) assert that legitimacy in the global realm ought to be norms based – i.e. human rights norms, norms associated with democracy, and normative pressure on patterns of extreme economic inequality.

[3] For instance, Amnesty International has been effective in pressing for changes in domestic legislation to free political prisoners through its extensive international advocacy, lobbying and shaming tactics that mobilize international pressure.

[4] E.g. the Earth Summit in Rio de Janeiro in 1992, wherein NGOs that served on government delegations penetrated deeply into decision making, tightly organized into global action network backchannel leading the climate framework to be completed in 16 months over the opposition to three superpowers.

[5] This criticism is largely oriented toward service NGOs, although not exclusively.

[6] Harnessing ICT can fracture hierarchies, diffuse power to decentralized networks, reduce the importance of proximity, and facilitate changing perceptions of community by linking identities/interests around the world (Matthews 1997: 51)

[7]In fact, Dodds and Straus (2004) provide practical suggestions on how develop alternative means of engaging (e.g. floor managers, delegate photos, dinners and governmental consultations among others).

[8]E.g. The Bush Administration forced NGOs to work as an arm of the US government and cease criticism of US policy in order to secure funding and support (Sunga 2007).

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