International NGOs, State Sovereignty, and Democratic Values

Daniel C. Thomas
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For centuries, international diplomacy was predominantly an affair of states. Neither private actors nor even parliaments had much influence on the goals that governments pursued abroad, the commitments they undertook, or the extent to which their behavior conformed to their international commitments. This environment was ideally suited to the shifting alliances of balance of power politics, and to the doctrine of unconditional sovereignty that governments (especially dictatorships) have always found convenient. During the mid- to late-twentieth century, though, a new set of actors—international non-governmental organizations ("NGOs")—began to assert their voice in international diplomacy. As a result, both inter-governmental organizations like the United Nations and the foreign ministries of individual states are now increasingly accustomed (however reluctantly) to the presence of NGOs wherever diplomatic agendas are being set, foreign policies implemented, treaties negotiated, and compliance monitored.

After summarizing the nature and activities of international NGOs, this paper responds to the two principal forms of skepticism typically engendered by their increasing salience in international diplomacy. First, I rebut the analytical claim that NGOs are like the background noise of world politics—present, and perhaps annoying, but inconsequential. I then contest the normative claim that the activity of NGOs threatens the processes of popular accountability that sustain representative democracy. Instead, I argue that NGOs have been effective in helping to place certain conditions on the exercise of state sovereignty, and that this effect has advanced, rather than undermined, democratic values worldwide. However inconvenient this development may sometimes be in the short-term, the American people and government should recognize that the spread of international NGOs is helping to create an international order that is consistent with America's long term interests in the rule of law and respect for human rights throughout the international system.

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I. THE NATURE AND ACTIVITIES OF INTERNATIONAL NGOs

International NGOs are private organizations whose membership and support come from more than one country and whose political activities cross national borders. NGOs are thus distinct from supra-national and inter-governmental organizations, such as the World Trade Organization or the UN, which are created by states. (Some NGOs have formal "consultative status" at inter-governmental organizations, which allows them to participate in certain activities without voting, while others frequently provide counsel to national governments.) The definition also excludes other types of non-state actors, such as multinational corporations or crime syndicates motivated by a quest for profit, and missionaries who are motivated primarily by a desire to "save souls." Some observers would exclude any non-state actor that uses violence in pursuit of its goals.

International NGOs typically derive their influence from two sources. First, they often gain legitimacy by identifying with the language and purposes of international law. For example, while Amnesty International has hundreds of chapters and thousands of individual members worldwide, it does not rely on electoral pressure to accomplish its aims. Instead, it bases its campaigns on the general principles of the Universal Declaration of Human Rights, which was approved by the UN General Assembly in 1948, plus additional international and regional conventions related to human rights. Some of these documents explicitly endorse the monitoring functions of NGOs. The legitimacy that international acceptance has conferred upon these documents enables Amnesty International (and other human rights "watch groups") to pressure states for compliance. The second typical source of NGO influence is their expertise regarding actual economic, environmental, political, or social conditions, including states' compliance with their international commitments. For example, Amnesty International's reputation for objectivity and careful fact-checking ensures that governments and media listen when the organization publicizes a state's non-compliance with its obligations under international human rights law.

In fact, individual NGOs often find that they are more effective when they link together with other sympathetic private and public actors to form what Margaret Keck and Kathryn Sikkink have called "transnational advocacy networks." These networks are distinguished by their members' shared commitment to the realization of a normative belief or principle (rather than the pursuit of power or financial gain).

and by dense exchanges of information among their members. They employ a mixed repertoire of pressure techniques, including:

"1. information politics, or the ability to quickly and credibly generate politically usable information and move it to where it will have the most impact; 2. symbolic politics, or the ability to call upon symbols, actions, or stories that make sense of a situation for an audience that is frequently far away; 3. leverage politics, or the ability to call upon powerful actors to affect a situation where weaker members of a network are unlikely to have influence; and 4. accountability politics, or the effort to hold powerful actors to their previously stated policies or principles."

These forms of pressure may be targeted at the behaviors, policies, or institutional structures of states or inter-governmental organizations.

II. THE EFFECTIVENESS OF INTERNATIONAL NGOs

Given the anarchic nature of international politics, some observers have doubted the effectiveness of international NGOs, which generally do not have significant economic or military resources at their disposal. Such skeptics would concede, of course, that NGOs could be effective when their objectives coincide with those of powerful states. For example, NGOs involved in "humanitarian assistance," such as the distribution of food or medicine to refugees, often enjoy the tacit approval, if not the overt support, of state authorities. But if "Realist" theory's portrayal of international politics as a self-help system where states seek to secure themselves against competitors were accurate, then few (if any) NGOs would succeed in influencing governments (or inter-governmental organizations) that define their interests in a manner incompatible with NGO goals.

New research nonetheless demonstrates conclusively that NGOs have been more than a highly visible presence in the international system; legitimated by international law and armed with accurate information, they have been a powerful force for institutional innovation, compliance monitoring, and policy change since the mid-twentieth century. For example, in the immediate aftermath of the Second World War, early human rights NGOs played a crucial role in convincing states to draft and approve the Universal Declaration of Human Rights. Other NGOs have succeeded in getting governments and inter-governmental organizations to address a wide range of previously unrecognized problems, including issues of environmental protection, anti-personnel landmines, human trafficking, and violence against women.

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2. Id at 9.
3. Id at 16 (emphases in original).
5. See William Korey, NGOs and the Universal Declaration of Human Rights (St Martin's 1993). For other examples of early NGO effectiveness, see Keck and Sikkink, Activists Beyond Borders at ch 2 (cited in note 1).
6. On the environment, see Paul Wapner, Environmental Activism and World Civic Politics (SUNY 1996); on landmines, see Richard Price, Reversing the Gun Rights: Transnational Civil Society Targets Land
Without NGO pressure, the diplomatic taboo that long prevented states from directly criticizing each other's internal behaviors might still be in place.

Many NGO successes can be attributed to the power of the "boomerang effect," when local activists engage the external influence of international NGOs, foreign governments, and international organizations to circumvent blocked or non-responsive domestic channels of representation or protest. Human rights activists in Eastern Europe and the Soviet Union used this technique to support the mobilization of opposition movements across the Communist bloc in the late 1970s and 1980s, and thus precipitated the demise of one-party rule in 1989–91. Other human rights NGOs have played a similar role in countries across Africa, Asia, and Latin America.

The emergence of non-governmental organizations has thus opened international diplomacy to voices and interests that once would have been stifled by repressive or non-responsive states. Not surprisingly, such effectiveness has sparked debate about the normative implications of international NGOs for state sovereignty and democratic values.

III. CONDITIONAL SOVEREIGNTY AND DEMOCRATIC VALUES

Since the Treaties of Westphalia in 1648, the doctrine of unconditional state sovereignty has been a central pillar of international law—states were not to interfere with each other's handling of matters within their jurisdiction, including their treatment of individuals within their borders. The evolution of democracy since the late eighteenth century, followed by the decolonization movements of the nineteenth and twentieth centuries, reinforced the principle of international non-interference by linking it to the principle that government should be accountable to the popular will, rather than to self-appointed or foreign powers. In recent decades, though, NGOs have played a major role in making non-interference conditional upon a state's compliance with international human rights law. For example, the NGOs of the transnational "Helsinki network" transformed East-West relations during the Cold War by insisting that Western governments monitor the Soviet Union and its allies'...
compliance with Principle 7 ("Respect for human rights and fundamental freedoms") of the Helsinki Final Act. Other human rights NGOs did the same for American and West European relations with dictatorial regimes in Latin America. The widespread (albeit often purely formal) acceptance of international human rights conventions has thus made states more vulnerable to transnational pressures for political change from local activists linked to international NGOs, foreign governments, and international organizations.

The salience of international NGOs and the ensuing conditionalization of sovereignty by human rights law have provoked a range of normative critiques. Some of these critics are ruling elites from repressive regimes who resent any limitations on their domestic autonomy. To bolster their position, they often portray international NGOs as agents of foreign influence who use human rights law to attack non-Western cultures. However, the fact that philosophers, religious leaders, and grassroots activists in every corner of the world have embraced international human rights law fundamentally undermines the skepticism voiced by ruling elites in the name of cultural integrity. In addition, international law has long held that constraints on a state's domestic behavior are consistent with sovereignty if voluntarily accepted by a legitimate government, as is the case for human rights conventions. Not all critics of international NGOs, though, come from non-Western cultures or repressive regimes.

Kenneth Anderson claims that there is a dangerous, symbiotic relationship between inter-governmental organizations (which he calls "international organizations"), such as the UN, and international NGOs, such as Amnesty International or the World Wildlife Fund. In his view, inter-governmental organizations aspire to supra-national authority but know that they are limited by their obvious lack of democratic legitimacy. Meanwhile, international NGOs seek to achieve certain goals at the international level (many of which Anderson describes as "annoying") and bolster their campaigns by claiming to represent "the peoples of the


15. See id at 382.
world.”¹⁶ International organizations and NGOs are thus cooperating, he says, in an unacceptable pincer attack on American sovereignty in domestic and foreign affairs.¹⁷

Though distinct from the “cultural integrity” position, Anderson’s argument is equally unpersuasive. First of all, his use of the term “international organizations,” rather than the more precise “inter-governmental organizations,” obscures the fact that such institutions are almost entirely dependent upon the financing and political initiative of member-states, without which they cannot act. It is also not the UN, but national governments that negotiate, sign, and ratify international treaties. Among those governments that finance the UN, draft its mandates, and negotiate treaties, none is more influential than the United States. The US government may be unhappy with the content of certain international treaties or the mandates of particular inter-governmental organizations, but that is a problem with the compromises necessitated by multilateralism, not with the supposed supranationalism that concerns Anderson.

Second, contrary to Anderson’s arguments, the activities of international NGOs closely resemble those of the domestic lobbies and pressure groups that are commonplace in democratic society. Both international NGOs and domestic lobbies have policy preferences and seek to enlist the power of government in pursuit of those preferences. Both rely on a mixture of moral and scientific arguments, access to relevant data, and the instrumental mobilization of popular pressure, including demonstrations and letter-writing campaigns. Both tend to make exaggerated claims about the breadth or depth of popular support for their goals. Both provide technical expertise and informal policy advice to governments. It is, therefore, entirely legitimate for a government to invite NGO representatives to join its delegation to international negotiations, or to participate in some other, non-voting capacity. And finally, the fact that NGOs operate within an international system that lacks a democratic constitution does not in any way reduce the decisionmaking autonomy of national governments. If anything, it enables the sovereignty that Anderson seeks to protect.

Comparative research provides further reason to believe that democratic values are served, rather than threatened, by international NGOs and the conditionalization of sovereignty. On the one hand, as discussed above, the role of NGOs in international agenda-setting and compliance monitoring has substantially undermined the ability of repressive or non-responsive regimes to stifle or ignore their political opponents while seeking legitimacy and other resources abroad. Repressive regimes generally find it difficult to resist making concessions to NGO pressure for greater respect for human rights, and thus open the door to democratic transformations like those in South Africa and the former Communist bloc. On the other hand,

¹⁶. Id at 378.
¹⁷. See generally id.
established democracies that respect human rights and the rule of law are relatively sheltered from NGO campaigns—both because their records do not invite NGO pressure, and because such pressures would be diffused amidst the multitude of voices and systems of checks and balances generally found in a healthy democracy.\textsuperscript{15}

IV. CONCLUSION

The activity of international NGOs has placed the issue of human rights at the center of modern international diplomacy. International NGOs have also contributed significantly to the transitions from authoritarianism toward democracy that swept across Africa, East Asia, Latin America, Eastern Europe, and the Soviet Union in the 1980s and 1990s. For some observers, these developments portend the emergence of a transnational civil society that will diminish the political importance of national frontiers and compensate for the coercive powers of repressive states. Whether or not that occurs, NGOs have made international society more conducive to the spread of democracy and the protection of human rights than ever was true in the past. It is thus clearly in the long-term interest of the United States to ensure that NGOs retain their voice in international diplomacy, even if they sometimes take positions at odds with US foreign policy.

\textsuperscript{18} On democracies' relative invulnerability to transnational campaigns, see Thomas Risse-Kappen, ed. \textit{Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions} (Cambridge 1995).