

International Nongovernmental Organizations: Globalization, Policy Learning, and the Nation-State

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Abstract: This article discusses the mechanism of “soft law” that facilitates the participation of non-state actors in policy processes traditionally and even exclusively populated by sovereign nation states. I offer a perspective on the impacts of an important set of these of these actors: international nongovernmental organizations (INGOs). By articulating aspects of INGO influence, the article serves as a conceptual map to bridge an emerging question as to whether INGOs are most appropriately placed within or without Westphalia, the traditional worldview paradigm recognizing sovereign nation-states as the primary and legitimate institutions of global policy creation, enactment, and enforcement.

Keywords: globalization, nongovernmental organization (NGO), policy learning, soft law, sovereignty

[Through the world campaign of nongovernmental organizations] ordinary people from around the world articulated their concerns about a global economic injustice ... thereby altering ... policy towards poor countries. Where these people led, politicians began to follow.

—Bono, U2^[1]

In this article I focus on how international nongovernmental organizations (INGOs), as non-state actors, influence and relate to globalization and policy learning. Nye and colleagues defined globalization as “the thickening of the networks of interdependence spanning international boundaries that accompanies

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increasingly rapid and inexpensive movement of information, ideas, money, goods, and people across boundaries".^[2] Following Hecló's work,^[3] Dolowitz and Marsh stated

"policy transfer, emulation, and lesson drawing all refer to a process in which knowledge about policies, administrative arrangements, institutions etc. in one time and/or place is used in the development of policies, administrative arrangements and institutions in another time and/or place."^[4]

The studies of globalization and policy learning are linked in many ways, but few are more notable than the debate that spans and shapes each of these fields. The debate most conspicuously revolves around the role and prominence of the nation-state. The literature on globalization falls across a spectrum with two extremes: those arguing that the forces of globalization increasingly render the nation-state less powerful and less meaningful, and those arguing that the model for "power remains the *Rechtsstaat*, [where] national states are its primary embodiment".^[5] Coleman and Chiasson offered a recent example of empirical work.^[6]

The literature on policy learning similarly suffers and enjoys the same vitality of this debate. Dolowitz and Marsh^[4] described the history of the policy transfer literature as highly state-centered prior to the 1940s, with more emphasis on the interaction between states and civil society up to the 1960s. Despite the work of some authors^[2,4,7,8] drawing attention to the influence of non-nation states in the policy process, the policy learning literature's lexicon still denotes that policy learning is a "cross-national" phenomenon.^[9]

If we are to make progress in resolving this debate, we need to carefully assess the role and influence of non-state actors. In this article I look at the role of INGOs as non-state actors and their relation to nation-states. I draw attention to the impacts of INGOs on the process of globalization, including the role INGOs play in competing global governance models. I focus here on the influences primarily centered in the soft law context of INGOs with potential impact on international, national, and local policy. This discussion is centered in a description of the impacts of INGOs through soft law, or norms that can develop into binding, international law.

Because the debate common to globalization and policy learning will not likely settle at one or the other extreme, I offer a map to conceptually bridge whether non-state actors, INGOs in particular, are most appropriately placed within^[5,10] or without^[11,12] Westphalia, the traditional worldview paradigm recognizing sovereign nation-states as the primary and legitimate institutions of global policy creation, enactment, and enforcement.

Indeed, Keohane and Nye^[13] suggested that the globalization debate is settling into something much more nuanced where the "nation-state is being supplemented by other actors—private and third sector—in a more complex geography." This article is a step towards mapping that geography. Before

turning my focus to INGOs, I begin with a more careful look at the source and terminology of the globalization debate.

TWO WORLD PARADIGMS

Traditional assumptions about governing structures and processes are now suspect.^[14,15] The language once used without discrimination to describe global dynamics has been distinctly refined. Illustratively, internationalization and globalization have come to connote two distinct concepts.

While the former is a form of institutionalized cooperation between States with the aim to complement their national efforts to promote national power and welfare, “globalization” denotes a process of “denationalization” of the production or provision of “public goods” (e.g., security and global climate protection), i.e., the fulfillment of public tasks—sometimes by a transfer of powers to supranational authorities—that by their very nature and dimension transcend national capabilities.^[16]

Represented in the distinction of these terms, two meta-concepts or world-views have emerged to describe modern society. Discussed in greater detail below, these concepts can be thought of, at least simplistically, as covering two ends of a spectrum, with international society on one end and global society on the other. The international society worldview denotes a policy process populated primarily by state actors. On the other hand, a global society worldview introduces a competing understanding: the encouragement and inclusion of nonstate actors in the policy process.

International Society: Westphalian Paradigm

The model traditionally associated with an international society is the Westphalian model based on the still-predominant idea that sovereign nation-states comprise the global arena’s central, if not exclusive, actors.^[17] Significantly, the name and the birth of the concept stem from the Westphalian Peace Treaty, which, in 1648, officially recognized the principle of a sovereign nation-state:

“The present-day international system, national policies, and the policies of international organizations appear to be determined by factors deeply rooted in and informed by the historical and cultural experiences and the political socialization of the nation-state era . . . , distinguished by its fixation on sovereign, national interest.”^[16]

The process of globalization, however, suggests the necessity of considering a different concept of society.

Global Paradigm

This paradigm has various names but, like Delbruck's discussion of the word globalization, it suggests the presence of other, non-national actors. Global society,^[18,19] open constitutional state,^[20] transnational society,^[21] and world community^[22] all describe the concept of "a society of State actors and non-State actors like NGOs, multinational corporations, and individuals on a global scale, which is characterized by a multitude of decentralized lawmaking processes in various sectors, independent of nation-states."^[19]

Some have suggested that the Westphalian model is inadequate,^[16,17] missing arenas where economic, political, and social operations are energized by actors other than sovereign nation-states. Nowrot^[19] suggested that we have not yet fully transformed from an international into a global society, but that such a change is inevitable. However, "from a more critical angle ... internationalization is a more ... appropriate concept to describe the variety of economic, cultural, and political processes unfolding beyond the state level, [as such] we are seeing a continuation of ... internationalization rather than a radical change".^[11]

Rather than couching the INGO analysis in the categorical terms of a mutually exclusive debate that seems to be centered on the affirmation or rejection of the Westphalian model, I argue that the question is largely impact-dependent. In other words, certain categories of INGO influence would appear to demand a world paradigm accommodating non-sovereign actors, while other INGO influences are better-accommodated by the Westphalian paradigm.

SCOPE OF FOCUS: INGOs

Definitional work is especially critical in the analysis of INGO issues because failure to do so can contribute to the already existing political confusion concerning the roles of INGOs.^[23] This article focuses nongovernmental organizations that operate beyond state boundaries, usually with participation from several countries, and have an international mission. Those organizations operating beyond state boundaries do not necessarily distinguish a subclass of nongovernmental organizations (NGOs), but do emphasize the context of this paper: state vs. non-state actors involved in international policy making.

Salamon iterated that NGOs are “organizations that operate outside the state apparatus.”^[24] Indeed, this is one of the requirements articulated in the international legal arena, reinforced by the definitions of the United Nations Economic and Social Council (ECOSOC) and Union of International Associations. NGOs “must be founded by private individuals; be independent of states; be oriented toward the rule of law; pursue public rather than private interests as an objective; demonstrate a transnational scope of activities; and possess [at least] a minimal organizational structure.”^[20]

As indicated in Hobe’s summary of international NGO definitions, all NGOs are not necessarily involved in international activities. A subclass of NGOs, commonly referred to as international nongovernmental organizations (INGOs), are, adopting the ECOSOC definition, “[a]ny international organization which is not established by intergovernmental agreement.”^[25] From a legal perspective, and by definition, NGOs “(are capable of playing a role in international affairs by virtue of their activities.”^[26,p. 276] Notwithstanding the requirement of international orientation, INGOs can be significant actors in local and national as well as international arenas.^[20,27]

Although not sovereign entities, INGOs possess a vast potential to influence international, national, and local policy and have demonstrated that potential in many instances. In an effort to bring coherence to current and future research on this topic, I categorize the various impacts of INGOs and conclude that among these, some are more responsible than others in motivating the need for a global model accommodating a broader host of primary global actors. As INGO impacts are demonstrated to be complicated and diffuse, ultimately this inquiry is impact-specific.

Relevant to policy learning, describing the mechanisms by which INGOs influence world paradigms is prerequisite to an understanding of the development of institutional arrangements affecting world, national, and local policy. “To an increasing degree, a government’s success in pursuing domestically defined national objectives depends on how effectively it can act within changing institutional contexts, including new transnational institutions.”^[10] The mechanisms by which INGOs might affirm a paradigm of globalization are important inasmuch as globalization “is relevant to any framework used to analyze the evolution of different policy fields and emerging forms of institution building.”^[11]

CONTEXT OF INGO GROWTH

Several considerations demand the supply of predominantly lacking analysis^[28] of the impacts and roles of INGOs in international law and, more generally, on worldview paradigms. First, scholars have suggested that at least for the foreseeable future the wave of NGO influence and involvement, even if cyclical as some have suggested,^[29] is still cresting.^[19] Second, because of the “increasing

tendency to enact and enforce individual responsibilities under international law,"^[19] parties previously considered ancillary in the international policymaking process, namely INGOs, are of increasing importance and should be analyzed.

Since the first INGO was formed in 1839^[1], the most recent decades have witnessed remarkable growth in numbers of these organizations, with nearly one-sixth of today's approximately 37,000 INGOs being formed in the 1990s (see Figure 1). The substantive foci of these organizations range from economic development and policy advocacy to research and education (see Figure 2).

Possibly more significant than the expanding number of these organizations, Lindenberg and Bryant^[30] observed that where nongovernmental organizations handled \$1 billion in world development funds in 1970, by 1997 these organizations handled more than \$7 billion.

Accordingly, our understanding the circumstances encouraging INGO growth and variety is as important as defining what an INGO is. Many believe that the growth of INGOs, both in number and impact, is spurred by the following factors:

- most significantly, the *decline of the state* (eroding trust in government, decline in public sector resources, privatization, failed states),^[31,32]
- *articulation of global problems*, where for example, transnational environmental problems require transnational action,^[19]

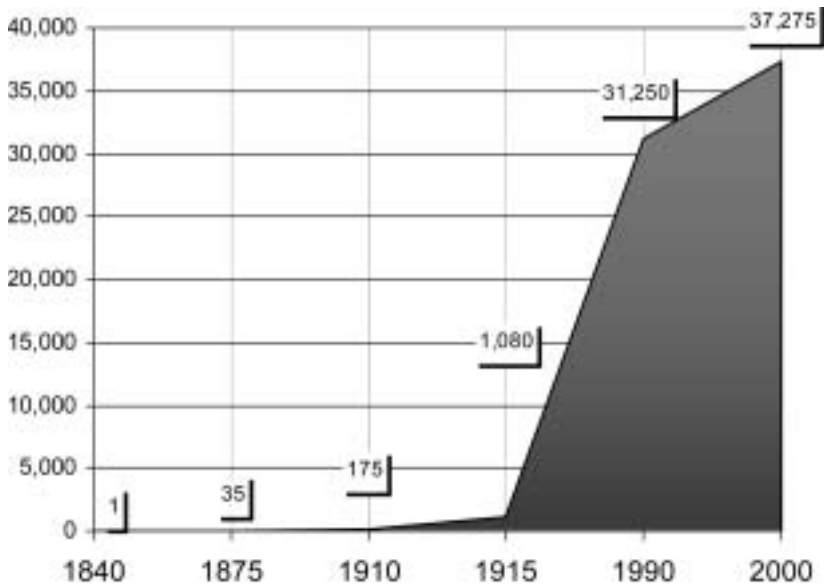


Figure 1. INGO Growth: Number of Registered Organizations. Adapted from: Anheier, Glasius, and Kaldor^[62]; Held and McGrew^[35].

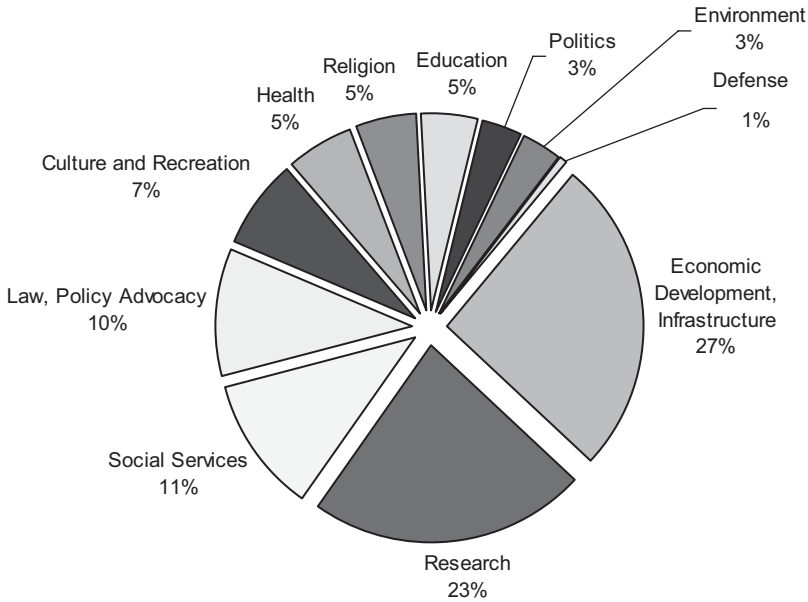


Figure 2. Range of INGO Activities: Based on approx. 37,000 INGOs registered in 2000. Adapted from: Anheier, Glasius, and Kaldor^[62].

- denationalization of multinational corporations,^[19,33] and
- developments in communications/information technologies.^[28,33,34]

International NGOs are not a new phenomenon, some dating back as early as 500 A.D.^[19] Notwithstanding, the recent proliferation of INGOs and increasing attention on the potential impacts of NGO involvement in national and world policy^[35] suggest the need for analysis focusing on these organizations in relation to policy making and administration and, more generally, world paradigms.

INGO IMPACTS

Because authors, scholars, and practitioners are increasingly focusing attention on INGOs, it is important to develop our understanding of the nature of this influence. Identifying and organizing factors of INGO influence can further this understanding. I conceptualize the influences of INGOs on international/global society by offering the following categories of INGO impact factors: input strategies, pursuits, output forums, and constitutional/national competition. These INGO impact factors broadly represent the

various points and means of INGO influence on international, national, and local policy. Following a short introduction and presentation of the model, each category is discussed in turn below. The discussion on output forums also includes a description of how international law is made and sets forth the implication that INGOs influence international, and often national and local, law.

Although referring specifically to Third World INGOs (Southern NGOs) Julie Fisher's work,^[36] used here more generally to consider the impacts of all INGOs, offered the seed for the first set of impact factors, the categorization of three types of NGO input strategies: isolation, advocacy, and cooperation. I refer to these strategies as input strategies because they describe how INGOs inject their ideas and influence into society. By employing these strategies, INGOs can engage in a myriad of pursuits including policy creation and modification, monitoring, and enforcement—the second set of impact factors. Commensurate with INGO input strategies, INGO influence manifests itself in several forums: local, national, and international. Of these three, the international forum is of particular interest because of its potential to circumscribe national and local policies. Illustrative of international influence, the role of INGOs in the creation of soft law is a central discussion in this article. Finally, depending on the policy focus of a particular INGO, its impact on the world paradigm may be greater if it competes with state or national policy actors in their existing policy or constitutional agendas.

This article theorizes that the worldview paradigm, whether Westphalian or global society, is determined, at least in part, by INGO impact factors. The theoretical considerations, discussed in the final paragraphs of each of the following descriptions of the INGO impact factors contemplate how INGO strategies, pursuits, output forums, and constitutional/national effects might challenge or affirm the Westphalian paradigm. I summarize these discussions in Figure 3.

Input Strategies

Fisher's strategy categorizations intuitively conceptualize INGO activities in relation to the sovereign nation-state, for example, government operations. A strategy of isolation marks those INGOs that would "steer clear of the state for some time, build a mass base, strengthen independent-sector networks, and develop alternative approaches to development that can influence policy over the long run."^[36]

The strategy of advocacy also involves avoiding the risk of government control by working too closely with state actors. However, unlike isolationist organizations, INGOs using advocacy strategies communicate with governments about policy through a variety of techniques: protest, negotiation, friendly and high-pressure lobbying activities, litigation,

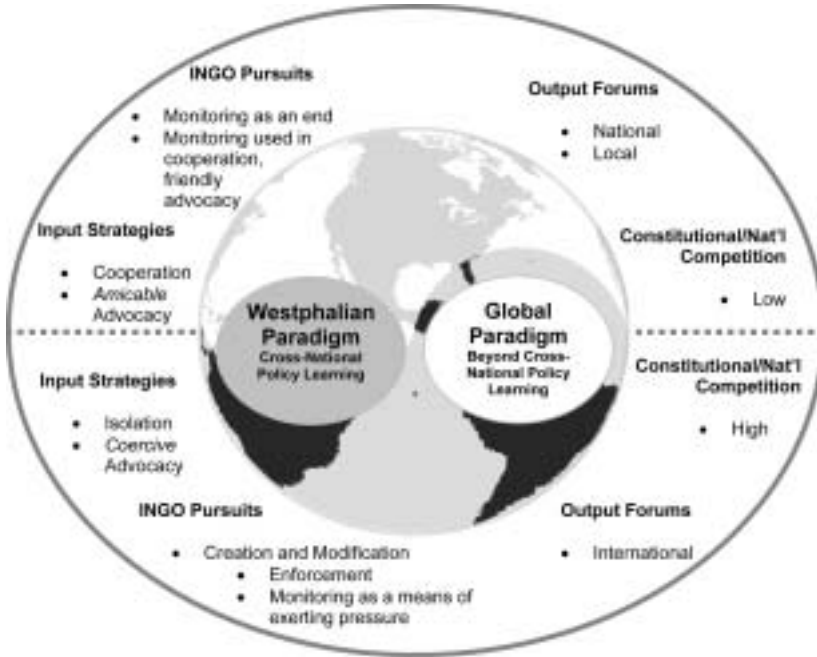


Figure 3. INGO Impact Factors: Conceptual Framework.

network/alliance building, and mass advocacy.^[36] Cooperation can exist simultaneously with advocacy strategies, but indicates a more obvious move towards INGOs working with governments in “everything from parallel cooperation to full field collaboration,”^[36] where the former marks working with state actors, but at a safe distance, and the latter denotes a more involved, joint relationship.

Theoretical Considerations

INGO strategies of cooperation and friendly advocacy affirm the Westphalian paradigm. By cooperating with and amicably working closely with sovereign nations in advocacy campaigns, INGOs confirm the more traditional notion of nations as the dominant, if not sole, vehicles by which policy is created and maintained (see Figure 3).

On the other hand, strategies of isolationism or of more coercive advocacy promote the notion that states as sole policy makers can or should be bypassed or manipulated – a step in the direction of a global society paradigm where the number of policy actors is open and subject to competition. These are the INGOs who see “international law and international agreements ... as

a means of doing an end-run around domestic democratic processes.^[37] For example, because sovereign states were not involved during much of its process,^[38] the formation of the international treaty to ban land mines illustrates NGOs acting in isolation, without the consent or cooperation of nation-states. Nevertheless, the finished treaty has the weight of international law and deep impact on national and local policies worldwide.

INGO Pursuits

Another useful classification in charting INGO impacts on international/global society concerns their primary activities. Authors have recently classified such activities as service-provision, capacity-building, and policy/institutional influence.^[27] The lattermost category is echoed in a modification of Dichter's classification of development organizations,^[39] or those organizations seeking a permanency of results from their work as the primary focus of their activities. These concepts, encompassing those INGOs advocating or pressing "claims against national and international institutions,"^[27] are related to a rise in other INGO activities such as policy monitoring^[40] and enforcement.

By employing strategies such as isolation, advocacy, and coordination, INGOs can pursue activities divisible into the following conceptual categories: policy creation and modification, monitoring, enforcement and implementation, service provision, and capacity-building. In terms of Brown and Moore's classification,^[27] with particular relevance to policy learning, organizations pursuing the first three categories can be thought of as policy- and institutional-influence INGOs, while the latter two categories are less oriented towards policy-influence.

Policy Creation and Modification

INGOs engaged in policy creation and modification act with the goal of producing "effective political demands for action on others."^[27] Illustrative of policy creation are those INGOs involved in campaigns to regulate the commercial activities of international corporations such as Nestlé,^[41] or those organizations working to establish new international institutions, for example, the International Criminal Court.^[42] INGOs involved in the policy modification process work to alter extant policies, such as those INGOs working to change the policy of the World Bank concerning indigenous peoples.^[43]

The number and effect of non-state organizations involved in these activities is growing as illustrated by the "the increasing and formalized position of NGOs in the United Nations, which permits these nongovernmental groups to have a place in some official meetings. In 1948, 41 NGOs played an official consultative role; in 1993, 978 did so."^[44]

Monitoring

Well-known organizations such as Greenpeace and Amnesty International typify a host of organizations monitoring states' progress on various issues, for example, environmental protection and human rights.^[20, 45] These activities can serve as the foundation for the information gathering and research required to create or modify a policy, or to enforce policy.

Accordingly, INGO monitoring pursuits potentially yield multiple impacts. The world paradigm affirmed depends on whether the monitoring activity is an end unto itself, where information is not explicitly introduced into the policy process, or is more means-oriented, where gathered information can either be injected in a manner of friendly advocacy or cooperation with states, or to manipulate and bypass states, that is, manifest strategies of isolationism, coercive advocacy.

Illustrative of this latter, more manipulative approach are the whistle blowing activities of Traffic International, which have ensured the viability of the 1972 Convention on International Trade in Endangered Species of Flora and Fauna^[46] and the almost 1,500 nongovernmental organizations that achieved the Mine Ban Treaty.^[1]

Enforcement and Implementation

From a global policy perspective INGOs also fill enforcement and implementation roles.^[20,46,47] For example, from the field of environmental law, the International Union for the Conservation of Nature and Natural Resources (IUCNNR), has been given the power to directly implement environmental policy.^[20] Courts facilitate other examples of INGO enforcement as national courts increasingly allow nongovernmental organizations to intervene litigiously in areas such as environmental protection.^[46]

Service Provision and Capacity-building

Service provision INGOs are instruments of service and product delivery; their goals center on benefiting clients and satisfying/attracting donors.^[27] Capacity-building organizations are related but differ in that they follow the old adage of teaching how to fish (capacity building) rather than providing fish (service provision). Most significantly, capacity-building organizations "impl[y] a commitment to strengthening clients' abilities to carry out their own purposes and aspirations rather than to achieving those purposes specified by the INGO or its contributors."^[27] Yamin^[46] noted that capacity-building is mandated in most post-1992 conventions and international organization work programs.

Theoretical Considerations

As summarized in Table 1, those INGOs involved in the creation or modification of policy encourage a worldview that would accommodate non-state actors filling the part of policy creation and modification, a part normally reserved for sovereign states under the Westphalian paradigm.

Similarly, INGOs involved in policy implementation or enforcement would join nation-states as independent global actors in the policy process—affirming a global society paradigm. Non-state activity influential in policy enforcement and implementation evidences a broader context for “cross-national” policy learning as well. For example, the nongovernmental organization IUCNNR has been integrated into the implementation and enforcement roles within the domain of environment law that are traditionally fulfilled by states or state agencies acting through “cross national” channels.

Both monitoring as an end activity and monitoring as a means of amicable cooperation and advocacy affirm the Westphalian paradigm. Monitoring information used to exert pressure upon the state affirms a strong role for non-state actors, accommodated in the global society model. Amnesty International, for example, has a large monitoring component to its pursuits and leverages information gathered against sovereign state policies to effect change in such issues as human rights.

Service delivery, more a product of the policy process than an input, is also a potentially neutral pursuit as it contributes largely indirectly to the international policy agenda. Similarly, INGOs that are solely involved in capacity-building conceivably have a little or no direct effect on the world paradigm, but might have an indirect effect by helping to develop globally potent policy and institutional influence organizations.

Soft Law and Output Forums

The impact of the INGO pursuits can range across seeding an idea in a populace, facilitating a minority voice, changing a political atmosphere, and ultimately having an impact on regulation and law. Depending on the emphasis of the INGO, these impacts manifest themselves in public policy at various levels of society and government including local and national sovereignties, and/or international governance bodies.

Much has been written about the impact of INGOs on the local, (e.g., encouraging and supporting grassroots organizations^[36]) and national (e.g., developing special interest groups^[27]) levels. Although this article focuses on the international forum, the emphasis does not exclude INGO impact on local and national levels, for in many cases international law greatly impacts local and national policy forums. This is true, for example, to the extent that

Table 1. INGO Pursuits: Summary of Impacts and Implications

INGO Pursuit	Description	Example	World Paradigm and Policy Learning Implications
Policy creation and modification	INGOs that work to establish new policies and institutions, or change extant policies and institutions.	Those INGOs involved in establishing the International Criminal Court.	Affirms a global paradigm and suggests that policy learning reaches beyond “cross-national” constructs when non-states create and modify state policy.
Monitoring	INGOs that monitor nations’ activities, usually limited to a particular substantive area like environmental issues.	INGOs like Amnesty International involved in monitoring and reporting human rights issues.	Implications for world paradigm and policy learning depend on whether information is used in conjunction with (Westphalian paradigm), or to compromise (Global paradigm), state sovereignty.
Enforcement and implementation	INGOs that seek or are granted power to implement and enforce policy.	INGOs like IUCNNR given authority to implement environmental policy.	Affirms a global paradigm and suggests that policy learning reaches beyond “cross-national” constructs when non-states enforce and implement policies that may be intervene in a nation’s policy agenda.
Service provision and capacity-building	INGOs that provide services or seek to build state capacity.	Lindenberg and Bryant (30) noted the seven-fold increase in monies handled by development/capacity building organizations over the last decades.	Effects on world paradigms are likely to be indirect at most. Note that the definition of capacity building subjugates the mission and agenda of the nongovernmental organization to those of the state.

national courtrooms have been used as venues to promote and apply international law against national and local policies.^[48]

Although there is no sovereign international government body or constitution on which INGOs can focus their efforts *per se*, there are a variety of forums constituting the organic arena from which international law arises. These venues of international law are generally held to derive from Article 38 of the Statute of the International Court of Justice and include “international conventions establishing rules expressly recognized by the contesting states; international custom, as evidence of a general practice accepted as law; the general principles of law recognized by civilized nations; judicial decisions and the teachings of the most highly qualified publicists of the various nations.”^[49]

In the variety of Article 38 venues comprising international law INGOs have, whether intentionally or not, found a place to exert influence. To understand the potential extent of these pursuits a few general observations about international law are necessary. Until recently, “most rules of international law could be found in one of two places: treaties—binding, written agreements between states, or customary law—uncodified, but equally binding rules based on long-standing behavior that states accept as compulsory.”^[50] While much of international customary law has been codified into international hard law, a third level of international law, known as soft law, has grown commensurate with the present multitude of international actors and policy areas and the general reluctance of states to adopt binding rules outright.^[50]

Soft law constitutes those “statements intermediate between law and the merely hortatory . . . international norms still in the process of formation.”^[51]

Soft law is not binding upon states as hard treaties and international customary law are, but is significant because of its potential to become binding customary or hard international law.

“Normative expectations are built more quickly than they would through the evolution of a customary-law rule, and more gently than if a new treaty rule were foisted on states. Soft law principles . . . represent a starting point for new hard law, which attaches a penalty to noncompliance.”^[50]

From a legal point of view, the line between soft law and binding customary or hard law is often very thin. Soft law principles are considered international “rules in statu nascendi [and] may be advanced by their commitment to paper. . . . Over time, if endorsed by further instruments and by practice, such statements can become binding *erga omnes*”^[51] or universally binding. In other words, sovereign nation-states cannot legally exclude themselves thereafter.

The major implication of the soft law discussion is that because INGOs are frequently involved, and often demand a voice in international conferences

and other world legal processes,^[50] their influence is not diminished by the fact that they are not sovereign bodies under the Westphalian model. In practice, their influence can be considerable. One observer has evidenced that because there is little public scrutiny in international law making and because there are few incentives for international law actors to enlighten the general public by reporting on their activities, “smaller interest groups enjoy a disproportionate influence over the state’s external policies through their involvement in the process of treaty negotiation and ratification.”^[17]

As hinted in the introductory quote many INGOs have utilized soft law techniques, such as coordinating global issue campaigns and committing ideas to paper, to promote their agendas in international law. In fact, many nongovernmental organizations “accredited to ECOSOC have the right to formally state their views and participate in ... a global conference or meeting. They can, for example, make their views known in position papers circulated via UN distribution channels along with the other official documents.”^[52] Recent changes, including the bestowal of consultative status,^[53] have allowed even more NGOs, credited and non-accredited alike, to have access to international lawmaking forums. In 1948, for example, 40 nongovernmental organizations had consultative status with ECOSOC.^[54] Fifty years later over 1,500 organizations had such status and presently there are almost 2,400 non-sovereign organizations with consultative status.^[54]

The preceding discussion does not make the assumption that all INGOs are pressing for a voice in international law forums. Nevertheless, the nature of soft law and past experience suggest that INGOs have the potential to shape international law, including that which impacts national and local policies, by influencing the agenda of statements and norms that become practice and then law. Examples of this influence are seen in the formation of the international treaty banning land mines and the drafting of the Rome Statute, which created the International Criminal Court (ICC). In both instances national and local policies are affected by these international laws seeded, if not largely energized, by international nongovernmental organizations.^[38,55]

Theoretical Considerations

The more global the activities of the INGO, the more likely their impacts will run counter to a Westphalian worldview. For example, facilitated through soft law mechanisms, those INGOs participating at the international level, particularly those advancing their ideas via papers and consultative avenues, are more likely to affect the worldview than those INGOs whose activities surface primarily on the local level. The former have the effect of developing practice and custom by which nation-states can eventually be bound, while the latter, more locally focused activities, do not.

Constitutional/National Competition

The preceding examples illustrate the importance of the final category used to conceptualize the nature of INGO influence: constitutional and national competition. The impact of INGOs on a world paradigm may be great or small depending on whether their specific tasks occupy the same substantive policy space reserved or explicitly articulated in national or constitutional policy. Both the land mine treaty and the ICC realistically overlap many rules and other legal structures already delineated in local or national policy, particularly with adjudication that may be issued ICC, even codified in a national constitution. I refer to this impact factor as national/constitutional competition.

An example where the constitutional/national competition would not be as great as the ICC would be the International Olympic Committee (IOC). Although the activities of the IOC can implicate many constitutional issues, such as denying a country the right to participate in Olympic games,^[20] the IOC poses limited national competition because its narrow domain, amateur-Olympic sports, has been widely ceded to the IOC by countries worldwide. On the other hand, those institutions, like the ICC, potentially involved in a broad scope of issues from human rights to environmental protection, extensively target substantive legal territories likely to be claimed by existing national constitutional, legislative policy agendas, and even legal traditions.^[56]

Theoretical Considerations

Those INGO activities that co-occupy a good deal of national policy or constitutional domain are more likely to promote a shift in the worldview towards global society. Again, the example of the IOC is useful to illustrate an organization with low national/constitutional competition. In a context such as one implicated by the IOC, Nowrot's statement that INGOs' impact is minimal due to narrow sectoral focus may be most applicable.^[19] However, it is difficult to minimize, at least conceptually, the impact of organizations promoting a broad range of issues already spoken to in national policy or codified in constitutions. Such activities detract from the relevancy of the Westphalian paradigm.

CONCLUSION

The normative debate continues as to whether the global paradigm should be the current and proper worldview, some attempting to entirely neutralize the question by arguing that globalization is little more than a mythical manifestation of an increasingly sophisticated concept of internationalization.^[5] As this article is a conceptual and descriptive endeavor, understanding the dynamics undergirding the affirmation of a particular world paradigm is important for different, non-normative reasons. As suggested by O'Toole and Hanf,^[10] the

success of domestic policy execution rests upon the ability to respond to changing international/global contexts. Accordingly, whether INGOs pursue activities that affirm a paradigm of globalization over Westphalian internationalization is very relevant to a current understanding of policy learning.

Some have minimized the import of INGO involvement by arguing that INGO influence is disaggregated and issue-specific^[57] and consequently does not challenge the sovereignty of state actors.^[19] The IOC is arguably an example of the political narrowness of INGO influence. On the other hand, the example of the International Criminal Court, with its potential to have world jurisdiction over a variety of constitutional issues, contradicts observations that would minimize INGO impacts. Ali Farazmand^[58] observed that “[m]any states have surrendered their national policy-making ability to regional or international organizations for collaborating with globalization efforts.” This article contends that INGO activities, even if sectoral and disaggregated in the main, give rise to the phenomenon highlighted by Farazmand: states’ policy-making ability is being redefined by non-sovereign entities. How that ability is altered is discussed below in the context of articulating the implications of INGO influence.

The first implication has already been covered with the explanation of output forums: INGOs influence international, national, and local policy processes through the soft law process. Related to the first, the second implication is that certain aspects of INGO activity are motivating a transition from the Westphalian, international society paradigm to a global society paradigm. As soft law is becoming a more prominent feature of international law, INGOs are effecting a worldview that accommodates and legitimizes non-state actors as global lawmakers.

A third implication deals with policy learning. While the majority of the literature still supports talking about policy learning as a cross-national phenomenon, the preceding discussion on INGO impacts suggests that, at least in some respects, the cross-national model is as inappropriate as the Westphalian paradigm. Those INGO impacts that affirm a global paradigm (see Figure 3) would similarly affirm a model of policy learning that accounts for learning beyond the constructs of nation-states.

Among other reasons, understanding the dynamics behind such a shift is significant for its potential to affect political efficacy and accountability. As INGOs “are not elected, [and] not accountable to any body politic,”^[59] they are not solidly integrated into a political process with such features as democratic accountability. Under the global society paradigm where policymaking would be an open marketplace, some predict a lack of protections for transparency and accountability.^[60]

While such challenges are not absent under a more centralized Westphalian model, public lawmaking with the nation-states as primary actors has typically been associated with more “formal mechanisms designed to enhance the accountability of decision makers as well as the transparency of the process itself, both ultimately designed to increase the optimality of regulatory

results”.^[60] Furthermore, the geographic permanence of the nation-state has the potential to support greater attention on systemic features producing problems, as opposed to a focus on treating the symptoms alone.

These final observations on efficacy and accountability notwithstanding, one must be mindful of Karsten Ronit’s observation that a holistic discussion of the consequences of globalization is problematic in that “globalization is an evolutionary and complex process that does not penetrate all states and does not reach them at the same time, nor affect them to the very same degree.”^[11] As the framework offered in this article relies upon an impact-specific analysis, Ronit’s observation is in harmony with that which is recommended in this piece.

Recalling the debate over whether civil society has a home in the Westphalian paradigm, this article conceptualizes a framework supporting the argument that the complexities of INGO influence do not justify a categorical placement of INGOs either within or without a single worldview model. Similarly, the rise of international, non-sovereign organizations neither entirely affirms nor rejects a cross-national policy learning model. This article offers a conceptual framework which can found future theoretical and empirical work analyzing the impacts of INGOs. Such a map encourages a more detailed understanding of how INGOs are affecting law, policy learning, and world governance paradigms.

Because of the impact of INGOs on globalization, the implications offered here suggest that INGO activities can actually be a source of the very competition that decreases the efficacy of the national collective decisionmaking process. In other words, democratic stability, at least on the national level, may actually decrease, depending on INGO strategies, pursuits, output forums, and national competition. On the other hand, to the extent that the Westphalian paradigm encourages national democratic stability, the model presented in this piece identifies several INGO activities, for example, cooperation and friendly advocacy, that would affirm national stability.

I conclude that although certain aspects of INGOs necessitate a more global society perspective, much can be accommodated within the Westphalian model. Thus the question becomes not whether INGOs are within or without, but an impact-specific inquiry in order to understand whether the developing institutional arrangements are best understood in a state-centric world paradigm. Thus, O’Toole and Hanf’s enmeshment theory rests, by in large, on whether the impact, if accorded by the Westphalian paradigm, is subject to enmeshment. For example, INGOs engaging in strategies of isolation are not likely to be as “enmeshable” as advocating, or even better, cooperating INGOs.

The significance of the theoretical model presented in this piece is several-fold. Many nonprofit scholars have explored the impact of globalization on nongovernmental organizations. However, theory elucidating how nongovernmental organizations affect globalization needs further development if we are to truly understand the potency, potential, and role of these institutions. To

nonprofit scholars and researchers, the theoretical model offers the beginnings of an empirical research agenda through which observational analysis could discover the strengths and directions of INGO impacts. It is hoped that future research will innovate ways to operationalize and measure the INGO impact factors. To INGO supporters and practitioners, the model suggests potential, if not counterintuitive, impacts, for example, decreasing political efficacy and accountability, of organizational outcomes that may not have previously been considered or intended.

If we are to understand the processes and effects of globalization we must advance research focused on global actors—their actions and impacts on each other and their effect on the world. To this end, the discussion and model presented in this article serve as a point of departure for developing a more current and contextualized understanding of the impact of international nongovernmental organizations. Although particularly challenging in the global context where there are multitudes of potentially intervening variables, future research should focus on more detailed, impact-specific theories and the operationalization and measurement of the INGO impact factors.

Almost 10 years ago, Lester Salamon noted that the expansion of the global third sector could be “permanently altering the relationship between states and citizens, with an impact extending far beyond the material services they provide.”^[61] Now is the time to better understand the nature of that impact.

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