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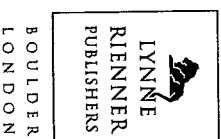
THE DYNAMICS OF DIPLOMACY

Jean-Robert Leguey-Feilleux



2009

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To the memory of my mother

To my wife, Virginia

To my children,

Michèle

Monique and Joe

Suzanne

Christy and Ken

Published in the United States of America in 2009 by
Rienner Publishers, Inc.
4841 34th Street, Boulder, Colorado 80301
www.rienner.com

Printed in the United Kingdom by
Rienner Publishers, Inc.
Street, Covent Garden, London WC2E 8LU

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Index of Congress Cataloging-in-Publication Data

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5 The Role of Nonstate Actors

One important structural change affecting the conduct of diplomacy is the emergence of new actors in world affairs.¹ The world used to be known as the "nation-state" system. This notion was so well established that the term is still in use today, and many nation-states remain critical players in world affairs. Day in, day out, however, they interact with a large variety of potent actors that are not nation-states—the events of September 11, 2001, will long be remembered, especially in the United States, the mightiest of nation-states. And even if nonstate actors do not compare with nation-states in shaping world events, they increase the complexity of diplomacy and diversify the way in which it is carried out.

International Organizations

In the nineteenth century, states created a number of international organizations to do specialized tasks or administer international projects (see Chapter 2). For example, they created the European Danube Commission in 1856 to develop that river as a major trade artery. Following World War I, states experimented with more complex international structures, such as the League of Nations and the International Labour Organization. But it was not until World War II that international organizations proliferated and became major players in world affairs. The World Court gave formal recognition to their status in 1949. In the Court's own words:

The Organization was intended to exercise and enjoy, and is in fact exercising and enjoying, functions and rights which can only be explained on the basis of the possession of a large measure of international personality and the capacity to operate upon an international plane.

Accordingly, the Court has come to the conclusion that the Organization is an international person. That is not the same thing as saying that it is a State, which it certainly is not, or that its legal personality and rights and duties are the same as those of a State. Still less is it the same thing as saying that it is a "super-State," whatever that expression may mean. It does not even imply that all its rights and duties must be upon the international plane, any more than all the rights and duties of a State must be on that plane. What it does mean is that it is a subject of international law and capable of possessing international rights and duties, and that it has capacity to maintain its rights by bringing international claims.²

International institutions were endowed with international authority, rights, and duties a long time before such status was officially acknowledged. This landmark decision, however, clearly identifies their international status. These organizational actors do not all have the same roles and powers, but neither do states. They, too, engage in diplomacy, at times with critically important consequences (the kind of diplomacy they conduct, which is substantially different from that of the nineteenth century, is discussed in Chapter 8). The number of international organizations increased considerably following World War II (see Table 5.1).

It is difficult to provide an accurate count of international organizations because of their diversity. The 244 "conventional" organizations cited in Table 5.1 for 2006 include universals as well as regional organizations. However, also provided in 2006 statistics are "other international bodies" such as intergovernmental banks and funds. They add another 1,593 organizations that are de-

Table 5.1 Conventional International Organizations, 1909–2006

| | Number of Organizations |
|------|-------------------------|
| 1909 | 37 |
| 1951 | 123 |
| 1964 | 179 |
| 1972 | 280 |
| 1978 | 289 |
| 1985 | 378 |
| 1991 | 297 |
| 1995 | 266 |
| 1999 | 251 |
| 2001 | 243 |
| 2006 | 244 |

Sources: Union of International Associations, *Yearbook of International Organizations* (Munich: Saur, various years), <http://www.uiaa.org/instats>.

Note: These are organizations whose members are national governments (otherwise called intergovernmental organizations).

pendent upon the diplomatic process for their operations. "Subsidiary and internal bodies," many of which function autonomously, provide another 499.³

These institutions have a considerable impact on the conduct of diplomacy, making it more complex, and adding to the burden of interaction. On the positive side, of course, international organizations help to cope with interdependence and the problems facing international society. Though some of these organizations are very specialized and regionally circumscribed, diplomatic representation in all of them presents personnel issues hardly experienced fifty years ago. Diplomacy is conducted on a vaster scale. Many of the poorer countries cannot afford to maintain delegations large enough for effective participation in the more complex organizations, such as the United Nations; even affluent states are occasionally constrained.

Not only is the international process affected by the larger number of actors, but a number of these actors have unprecedented roles as well—for example, the deployment of peacekeeping forces—thus requiring much more extensive diplomatic involvement. The European Union, an organization of sovereign states rather than a federation, enjoys some supranational powers in speaking for its twenty-seven members. This, in itself, requires an unusual amount of diplomacy on the part of its member states within the Union, in addition to the diplomatic work of each of the twenty-seven outside the Union. International organizations thus create new layers of diplomatic interaction, making the global political process much more complex.⁴

Transnational Innovations

Transnational relations occur between private individuals, associations, and organizations of the private sector working together across national boundaries without involvement on the part of national governments or the intervention of public authorities.⁵ Transnational relations can be traced as far back as records of human activity can be found. People have always moved about the world, however politically organized their domestic societies. Even before classical antiquity, merchants were sending their goods as far as their boats or caravans could carry them, establishing thriving business relationships. Explorers and adventurers were establishing contacts with people around the globe. Artists worked for patrons outside their home borders. Philosophers were maintaining lively dialogues in foreign lands, and so were the scientists of the day.

Cross-border relations of this kind were so natural that they were taken for granted. No one was surprised that exotic products would reach local markets and that merchants would provide this kind of valuable service. And as technology made it easier to move about, transnational relations expanded.⁶ What is different today is the scale on which it is taking place.⁷ The real revolution

public-private relationships
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is that of instant, cheap communication by means of computers and the development of the Internet. The world is only beginning to see the consequences of this incredible breakthrough—although it is already taken for granted. Transnational relations clearly impact society, even if the public is still primarily focused on the actions of states and their governments, which is natural enough given how these institutions can mobilize support and resources and use them on a scale beyond the capacity of the institutions of civil society, even global civil society.

For the purpose of this volume, it is important to examine the ways in which the transnational phenomenon affects diplomacy. An initial response might well be that diplomacy is a state instrument, an official means of interaction for states and their governments. Transnational activities take place in the margin of governmental activity, but within the framework of governmentally structured society, under rule of law and protection of the state rather than under conditions of anarchy. It could even be argued that transnational relations are facilitated by the public order provided by state institutions (both domestically and internationally). Civil society needs the framework and institutions of a political system. But transnational relations take place without the necessary intervention of the public authorities. A passport is needed to travel abroad (but then again, a piece of identity is needed to cash a check domestically). The private order and the public order work together in the normal functioning of society. A transnational initiative is not caused by an act of the public authorities. So, how is diplomacy affected by what the private order undertakes?

Nongovernmental Organizations

Nongovernmental organizations (NGOs) are components of civil society. They are particularly active in open societies, and cover a broad spectrum of human activity.⁹ Many have nothing to do with the political process (e.g., garden clubs). Others are lobbies (i.e., special interest groups that try to influence the political system to protect and promote their causes). Some have a broad purpose, such as improving the democratic process, and are interested in a multiplicity of issues (e.g., Common Cause); others have a narrow focus (e.g., the National Rifle Association). Some have a limited constituency, no financial resources, and rely exclusively on volunteers. Others are large, affluent, and powerful. In the United States, the enormous impact of their financial contributions on political institutions has been a barely disguised form of corruption undermining democratic governance.

Some NGOs do not limit their endeavors to domestic societies.¹⁰ They network across international boundaries but remain uninterested in politics, domestic or international (e.g., scientific networks). Others want to affect the course of international affairs, and their causes are just as diverse (e.g., from protection of the environment to protection of Israel).¹¹ The communication

revolution has greatly increased the transnational activity of NGOs and the number of transnationally active groups has vastly expanded (see Table 5.2).

The effect of NGO activity on the diplomatic process varies enormously with the issues at hand, the NGOs involved, their leadership, their networking proficiency, and the forums in which decisions are made.¹² Nation-states and international organizations remain the major players in the diplomatic process, but the role of NGOs has greatly expanded.¹³

Hallway diplomacy. Often presented as a sign of NGOs being kept on the margin of the diplomatic process, "hallway diplomacy" implies NGO representatives trying to communicate with diplomats wherever they can be reached, between rounds of diplomatic negotiations, when these NGO agents are refused access to the diplomatic forum, which used to be the case in most diplomatic gatherings. Here, NGO representatives try to find out how the diplomatic interaction is proceeding, hoping for leaks that they can use to apply pressure on governments. They also try to win the support of individual diplomats to defend their causes at the diplomatic table. But diplomats normally work within the policy guidelines articulated by their governments. They have their own instructions to carry out, and when new developments occur, they seek instructions about what is to be done. So, unless the sending state is favorable to an NGO's cause, NGO lobbying with individual diplomats may not seem too promising a method to affect the course of diplomatic events.

Diplomats, however, participate in the conduct of international relations in a vast variety of ways depending upon their rank, importance, their own personal influence with their own government, foreign colleagues, and their specific role

Table 5.2 Nongovernmental Organizations, 1909–2006

| | Number of NGOs |
|------|----------------|
| 1909 | 176 |
| 1951 | 832 |
| 1964 | 1,718 |
| 1972 | 2,795 |
| 1978 | 8,347 |
| 1985 | 13,768 |
| 1991 | 16,113 |
| 1995 | 14,274 |
| 1999 | 17,077 |
| 2001 | 18,323 |
| 2006 | 21,026 |

Source: Union of International Associations, *Yearbook of International Organizations* (Munich: SUIA, various years), <http://www.uiaa.org/uiaastats>.
 Notes: For the years 1909–1978, beyond the main body of nongovernmental organizations, secondary "other bodies" were irregularly included in these figures.

