Almost there: Another way of conceptualizing and explaining NGOs’ quest for legitimacy in global politics

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Abstract. World politics is no longer about states interacting alone in a state of anarchy, but entails a complexity of interactions between states and a myriad of actors collectively referred to as non-state actors. Unlike non-state actors like multinational corporations (MNCs) and intergovernmental organizations (IGOs), NGOs and other civil society groups and organizations do not enjoy full legal status and are often seen as anomalies in world politics. Yet, despite their alleged anomalous status, non-state actors like NGOs, not only outnumber states, MNCs and IGOs combined, but also are increasingly becoming almost indispensable players in global agenda setting, and in promulgating and enforcing global norms. Using NGOs as an example of non-state actors, this paper argues that NGOs have become or are increasingly becoming legitimate actors contrary to traditional theories of international law and international relations. First, it is argued the ontology of world politics has changed giving rise to multiple sites of authority (MSOA) and multiple sources of legitimacy (MSOL) rendering state consent less relevant as a source of legitimization. Second, NGOs may be deemed to be acquiring legitimacy or international legal personality implicitly. Specifically, recognition of NGOs in international legal instruments, their participation in the creation and enforcement of international law particularly in the environment, human rights, humanitarian areas, and increasing cooptation by states as agents through which to channel development funds are all evidence of NGOs’ growing legitimacy in the system consistent with customary international law.

Keywords: global politics, international law, international legal personality, international politics, legitimacy, non-governmental organizations, sites of authority, sites of legitimacy, world politics

A. Introduction

World politics today is no longer about states interacting alone in a state of anarchy, but a complex web of relations between a multitude of actors,

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both state and non-state. Non-governmental organizations (NGOs),\(^1\) intergovernmental organizations (IGOs), multinational corporations (MNCs), citizen groups, religious and social groups, have become part and parcel of global politics as the distance between global and domestic affairs is increasingly getting blurred.\(^2\) As non-state actors, particularly NGOs, are becoming more and more entrenched in the global system, the global agenda is also quickly expanding beyond traditional realist spheres of high politics (balance of power, security, and military issues) to low politics issues (environmental degradation, ethnic, cultural, and religious conflicts, diseases and development), originally perceived as municipal or domestic.\(^3\) The forces driving this change are numerous and often interlock with their anticipated effects on international affairs. In particular, they include not only the technological and scientific advances of the late twentieth century but also the ensuing economic and ecological interdependence and increased mobility, which are also often attributed to those advances. Given this complexity, our task, then, should not be confined to just identifying these factors, or understanding their source(s), but also should extend to investigating how they affect the future of international politics.

Most international law and international relations scholars generally concede that the ontology of global politics has changed since the collapse of the cold war.\(^4\) They generally agree, for instance, that the proliferation

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\(^1\) The term NGOs for purposes of this paper will refer to International Non-Governmental Organizations.

