THE DARK AND BRIGHT SIDES OF NON-STATE ACTORS: AN EVALUATION

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Abstract: *Non-state actors occupy an irreplaceable position in the current global system. Over the past decades they have become so influential that any analysis of international relations is impossible without their characterisation. This article advances a controversial hypothesis that the existence of global civil society and the structure of global governance inadvertently supports the participation of "unsocial" non-state actors. This article endeavours answer whether the international community should create specific institutions which would be responsible for controlling non-state actors? Is this the right approach for eliminating the potential of specific global threats derived from uncontrolled non-state actors?*

Introduction

Eleven years into the new millennium and the need to solve elementary questions of how best to organise and govern the international community has become more acute. Since it is the first time in recorded history that we can speak of such a thorough interconnection of all parts of the world, national and international actors as well as individuals which form a truly global system. The development of mutual relations in the global arena is undergoing significant change and it is necessary to understand these changes thoroughly. The global system of the 20th and 21st centuries is not only a system of sovereign states, or unitary rational actors, constructed with the Peace of Westphalia and the general acceptance of Westphalian "rules," – a system of countries that communicate with each other primarily through diplomacy, public international

law and international organisations. In the current global system countries and other actors are more closely tied, and more dependent, on each other, which is best characterised by interdependence.[1] Individual countries are still the basic units of the global system, but the international environment, to which countries must adjust, is changing.

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Yet, it is no longer only states that participate in the global system, non-state actors are increasingly active and can influence, or even regulate, state behaviour. The *international system of states* from the end of the 19th century is evolving and acquiring new contours; the truly global contours of a cobweb-like network of interconnected relations on several levels, including on non-state levels. In short, we are witnessing the transformation of the world order. The growing and proliferating institutionalisation goes uncontrolled by anything or anyone, it knows no borders. The interconnection of institutionalisation of mutual relations transforms the structure of international relations into a structure of a global character. But is it possible to call this system "global governance" and what is the role of non-state actors within it?

Non-state actors retain an irreplaceable position in the current global system. In the last decades they have become so influential that analysis of the current global system is impossible without their characterisation. Individuals and non-state actors are pillars of global civil society and of the institutional structure of global governance.

Global civil society is a space in which non-governmental actors are active and influence the lives of people around the world. As Kaldor remarked, 'global civil society (societas civilis) is a peaceful political community based on an implicit or explicit consensus of all its members.' To what extent is Kaldor correct? Are there dark recesses in the international community which neither recognise nor participate in building and maintaining consensus on the contours of the international community.

I advance an alternative hypothesis that the existence of global civil society and the structures of global governance inadvertently support the participation of "unsocial" non-state actors. My hypothesis leads to a discussion of whether non-state actors may be defined according to two contradictory assumptions: a positive altruistic approach and a negative aspect supporting the emergence

of war, terrorism, radicalism (etc.). Non-state actors are heterogeneous and the lack of their control produce negative international tendencies. This article endeavours to answer the following questions: Shall specific institutions be constructed to govern and regulate non-state actors? Would such an institution, realistically, contribute positively to the international community and help reduce the potency of non-state security challenges?

I divide non-state actors into two categories: non-profit (NGOs, charities, etc.), profitable (multinational corporations), and conclude that each non-state actor – on all levels of analysis – occupies specific and, sometimes, powerful influencing potential. The current global system – the system of global governance is based on a unique interconnection of intergovernmental relations and non-state actors which stresses the deepening of mutual cooperation and political coordination. Therefore, this work concentrates on solutions to specific threats resulting from the lack of control over non-state actors.

Democratic Principles of Globality

As a consequence of globalisation, social relations have begun to transcend territorial geography and raw territorial governance has become, somewhat, impractical. National governments are unable to effectively tackle phenomena like global terrorism, the arms trade and ecological problems on their own. Transborder flows cannot be tied to a strictly delineated territorial space over which a state might endeavour to exercise unilateral control. Moreover globalisation has loosened some important cultural and psychological underpinnings of sovereign statehood.[2]

Increasing institutionalisation and interdependence has cracked the border between international anarchy and local hierarchically organised politics. Traditional state sovereignty, started to shake the classical notion of the territorial state, which according to the Westphalian model requisitions unlimited, all-encompassing, unconditioned and exclusive governance over a certain area is rapidly unravelling.[3] According to Keohane, sovereignty thus 'no longer enables states to exert effective supremacy over what occurs within their territories' and it has thus become social institutions which change over time.[4]

To be sure, states are still key actors in international relations, nevertheless they have not been the sole actors for well over a century. A number of institutions as well as non-state actors, which contribute to the decline of state sovereignty, is continually growing. Indeed, we are presently witnessing the acceleration of integration of national economies into a single global market-place and the rise of a global civil society. It is no longer possible to govern local markets and the behaviour of non-state actors without external influences. The lack of state authority and transfers to "no man's" global space forms a vacuum which has no specific authority but is still governed. The sovereignty of states is thus undergoing a dramatic change and it is literally, automatically, and naturally constricted in favour of global institutional processes.

Non-State Actors

A significant aspect of the current era is the expansion of power from the state to other non-state actors which significantly participate on the current global relations. Groups of non-state actors as well as individuals obtain power, while the role of hierarchy, centralisation and control of state power is undermined. Power is gradually transferred from states to higher as well as lower organisational units. The traditional use of state power, whether economic or military, loses its effectiveness in this atmosphere.

Governing of global spaces is not only different, but also lacks democratic legitimacy. On the whole, current arrangements to regulate global communications, conflict, terrorism, ecology, finance and production rest on very limited explicit consent from affected populations. In each area, public participation and public accountability are generally weak. It is no exaggeration to suggest that globalisation has provoked a crisis of democracy. This crisis is derived from a major structural problem which is, in turn, reflected in a host of institutional deficiencies. The structural problem relates to the changing contours of the disjunction between supraterritorial spaces and territorial self-determination. While many social relations have gained a global dimension, practices of democracy have largely failed to keep pace. Territorial democratic mechanisms are not adequate to bring transborder actors and flows under collective control of the people they affect. Democratic global governance cannot be derived from democratic government alone.[5]

Non-State Actors

Research on non-state actors is rooted in transnational relations and a significant scientific step in understanding non-state actors was Keohane and Nye's work *Transnational Relations and World Politics* (1972). They defined a situation where many actors (state, suprastate, substate) are connected in various relations on many levels and this interconnection across the spectrum forms mutual dependency of all actors as the *theory of complex interdependence*. The added value of this theory is in its granting of non-state actors autonomous activity and thus opened space for the study of non-state actors appreciating their growing influence on international politics.[6] Keohane and Nye pointed at the large number of transnational relations which they identified as a separate sphere within the wide space of international activities.[7]

The formation of transnational relations and transnational actors is generally considered as contrary to (neo)realism, which is based on the assumption that states are the only significant actors in the international system. On the other hand liberal arguments stem from the acceptance of all types of actors participating in the international system, including non-governmental organisations, transnational corporations, religious communities, terrorist and organised criminal groups. But in fact, the realist approach is based on the assumption of the existence of transnational actors. If we follow the basic premises of realism – the existence of state actors as the sole sovereign units in an anarchically organised international system – then logically there must also exist transnational actors because there is no over-arching political authority which would limit transnational actors. Transnational actors can thus function only in a system where there are several centres of political authority. If the system is anarchic and there in no present, unified political authority governing international relations.[8] Only if states were completely self-sufficient or if all interstate contacts were governed by officials there would not be space for the functioning of transnational actors.

Transnational actors are a manifestation and result of the institutional structure of states, especially the most powerful and influential states. The character of transnational actors will reflect the institutional environment of states. In this sense, states are

understood as a set of institutional relations including the support of the existence of formal intergovernmental organisations, civil society and the support of rules stemming from mutual interactions.[9] This institutional perspective differs from (neo)realist approaches. While the essence of power is stressed, the unit of analysis is rather institutional structure than individual actors. This thesis is currently supported by many authors, for example by Risse-Kappen, Katzenstein and others who support the argument that states´ local structures and transnational actors cooperate and complement each other. Of course it is necessary to stress that the state is the most powerful actor and other actors must conform to this structure. States, as the most "powerful" actors are also not equal; some are more powerful than others and the more powerful states have greater influence over the institutional arrangement of transnational actors.[10] The fundamental argument for the functioning of transnational actors is that transnational actors must reflect the institutional environment in which they operate and the most important element of their functioning environment is the sovereign state. The modes in which transnational actors are organised differ depending on the state in which this transnational actor is fully active, because all transnational actors must adapt to the opportunities and needs of the sovereign state in which they operate.[11] The more powerful states – in the sense of a political regime with more resources – will have greater influence on the formation of institutional structures, including transnational, than states with dilatory political governance. Mutual institutional "resonance" between a state and transnational actors supports the legitimacy of transnational actors and their access to resources. Institutional norms of transnational actors must be in compliance with institutional norms and values of the host state in which the transnational actor operates. If the given norms and values are not in compliance, the transnational actor leaves the host country and bases its agency in another state where there is a more conducive environment for the existence of the transnational actor. It is possible to follow that the more fragmented a state (with a well functioning civil society) is, the easier access is for the functioning of non-state actors. Indeed, gradually formed structures of global governance result from the effort to legitimise transnational activities to make them constantly more intensive and to gradually intensify their access and influence

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on state policies. The success or failure of transnational activities lies thus in the ability of non-state actors to influence state governments, especially in the ability to persuade local, governmental actors.

How do transnational interactions influence domestic policy? If I am to characterise transnational relations in general, they help the strengthening of mutual sensitivity and receptiveness of individual communities and thus change relations between governments. This idea is supported by the arguments of Cooper who notes that 'small changes in one state's policies may have large effects on the system.'[12]

The current global system is a space within which thousands of non-state actors participate, but without any inner systematic controls. There is no supervisory body responsible for monitoring non-state entities.

On one hand, we can argue that non-state actors are under control, because they have to adapt to the conditions and legal forms of the state on whose territory they operate, but what is the situation in cases where we speak of weak states which do not have sufficient opportunities for forming good governance? These are cases most in need remedy. It is the domestic political dysfunction in such countries that is a threat to the entire global community. We should create functional democratic criteria with which to fill the so-far ineffectively governed transnational space.

We can ask ourselves whether the formation of a supranational body supervising violent non-state actors in conflict with the principles of state sovereignty as the basic and unrivalled criterion of the existence of state units? It is not: violent non-state actors can pose a significant threat to the whole international/global community.

Violent Non-State Actors

Violent non-state actors are non-state groups that resort to organised violence as a tool to achieve their objectives. Violent non-state actors often exist in a dependent relation to the state in terms of support, benefits and recognition.[13]

Non-state entities which deploy violence are best assessed by Mulaj who suggests the following catagorisation:

- *National liberation movements* confronting an occupying force and separatist movements seeking to secede from a state with the view to either establish a new state or join an adjacent mother country: for example ETA (Euskadi ta Askatasuna), IRA (the Irish Republican Army), KLA (the Kosovo Liberation Army) and SPLA (the Sudan People´s Liberation Army);
- *Insurgent guerrilla bands* which are engaged in political and military struggle aimed at weakening or destroying the power and legitimacy of a ruling government: PLO (the Palestine Liberation Organisation), Hizbullah, Hamas, the Taliban and Islamic Armed Groups which operate currently in Iraq under the umbrella of various organisations such as the Islamic State of Iraq, Awakening (Sahwa) (etc.);
- *Terrorist groups* who spread fear through the threat or use of violence, mainly against civilians and for political purposes, for instance Al Qaeda;
- *Mercenary militias* such as private military firms;
- *Militants* made up of irregular but recognisable armed forces – including warlords and paramilitary adjuncts – operating within an ungoverned area of a weak, fragmented or failing state, such as various armed groups in Somalia.[14]

This typology is only tentative, without a definite outline, because many violent non-state actors (VNSAs) represent hybrid forms which are difficult to classify and define. There is an interesting counter-factual; while in the past non-state actors were formed as a result of on-going conflicts, at present we can identify a completely different, inverted tendency: interstate conflicts and other asymmetric threats come about precisely as a result of the formation and participation of violent non-state actors. VNSAs often operate in states which are very weak, failing, fragmented or in collapse. The political power of these non-state actors lies in their ability to use violence. They frequently manifest strategies that seek to provide themselves and their communities with some degrees of order and security, which in conditions of mitigated conflict or post-conflict setting are likely to produce "mediated states" where a feeble government shares power and sovereignty with VNSAs.[15]

Such states, where VNSAs hold a significant share of power, even political power, can undoubtedly be called weak states; states that need help.

Weak States

Weak states have been prioritised on the agendas of politicians, military personnel and academia, due to the understanding that these states and the regions that belong to have risen as a significant threats to global security.

Weak states stem from the collapse of the governing and political structures in a country and the loss of the ability to enforce law and order. The process is initiated and accompanied by manifestations of anarchy and forms of violence. A weak state is one in which the government does not have effective control over its territory, is not perceived as legitimate by a significant portion of its citizenry, and/ or lacks a monopoly on the use of force. A weak state may experience active violence or simply be vulnerable to violence.[16]

From a sociological perspective weak states are characterised by what Weber terms the 'loss of monopoly over power...'[17] In this situation, the legal system, police, and other entities that serve the role of maintaining law and order stop functioning or cease to exist. These entities may join various armed groups or criminal elements that take over state infrastructures and resources for their own needs and establish a "government" of their own within various regions and among various populations of the state. In this type of situation the state ceases to exist and society reverts to a status of pre-state chaos.[18]

We should take the responsibility and give order to the "interconnectedness" and "globality" of our current global system and to form an international body, which will be responsible for the control of non-state entities within weak states or within the least developed countries. This is the only means of protection and the only way to prevent the spread of potential security threats.

The international community should form specific parameters to identify which countries need to be monitored. This could act as an engine to establish a second institution, one designed to mediate and enable sufficient controls over the actions of non-state actors.

It is a question of national interest. This is the only way in which we can effectively eliminate potential global security threats.

On the level of profit-making non-state actors; multinational corporations, a certain development in the monitoring of their activities, even though it is voluntary, is visible in Kofi Annan's original initiative: The *UN Global Compact*.

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UN Global Compact

The formation of the UN Global Compact as a UN initiative was proclaimed by (former) UN Secretary General Kofi Annan at the World Economic Forum in Davos on 31 January 1999. He called on prominent business people and representatives of firms to cooperate with UN agencies and civil society organisations to fulfil the ten objectives in the fields of human rights, observing working standards, fight against corruption, and environmental protection.19 In his speech, Annan called for the private sector to 'share common values and principles which will give the global market a human face.' The Global Compact soon gained the support of the international business community because in the official opening of the functional period of the Global Compact in July 2000 it was supported by almost fifty multinational corporations. The Global Compact represents the beginning of new relations between the business community and the UN – relations which had not been intensive during the previous decades. Annan regularly convened the heads of UN agencies to cooperate with multinational corporations since 1997 and the reactions of some UN agencies were very fast. For example the Office of the High Commissioner for Refugees, UNESCO, the UN Development Programme and others announced the establishment of their own projects which supported cooperation with business partners. The Global Compact creates a thorough network of mutual cooperation and its centre are the secretariats of six UN agencies: the International Labour Organisation, the UN Environmental Programme, the UN Development Programme, the UN Industrial Development Organisation, the UN Office on Drugs and Crime and the Office of High Commissioner for Human Rights. The Global Compact arises from the cooperation between the UN and profit-making actors (multinational corporations, firms), as well as non-profit making actors (international

organisations both governmental and nongovernmental) within global, multi-level governance. Global multi-level governance requires the adaptation of various actors to new challenges of the international environment and, simultaneously, it stimulates the understanding of otherwise contradictory interests. Multinational corporations are, on one hand, mainly interested in increasing their profit, while non-governmental organisations, on the other hand, appeal to observing human rights and working standards in developing countries where multinational corporations are active. The Global Compact creates a unique global forum, the main and general "organiser" of international cooperation.

Global Compact and Corporate Social Responsibility

The Global Compact is the first effort of the UN to establish a cooperative relationship between international and national actors of both a profit and non-profit making character. On the basis of such mutual cooperation – the UN, NGOs and multinational corporations – the Global Compact ensues from the effort to increase so-called global corporate social responsibility; a concept aimed at a company's total impact on a society, both national and global. The principle of corporate social responsibility requires that a multinational corporation shows responsible behaviour in its business decisions and strategies in the field of social impact of the functioning of the multinational corporation.[20] Multinational corporations are expected to show responsibility in fulfilling all their roles, in the economic sector (transparent business, principle of good management), in the environmental sector (meeting ecological standards, local natural resources protection, waste recycling) as well as in the social sector. The bases of social responsibility are charity activities on the level of cooperation with local non-governmental organisations and creating conditions for cooperation with non-profit making entities which meet the above-mentioned requirements in the environmental and social fields.

Tools for Implementing the Objectives of the Global Compact

Each year the Global Compact organises meetings and conferences which focus on the issues of the economic globalisation,

development, and corporate multi-level governance. Representatives of multinational corporations, non-governmental organisations, heads of the UN agencies as well as academics gather at these meetings. The role of business in the field of human rights, sustainable development as well as HIV/AIDS are discussed. The aim of the Global Compact is to establish of national and regional offices in individual countries, or which support processes of mutual information sharing in regional and local dialogue. Offices within the structure of the Global Compact work independently with a connection to the home office in New York. They try to enrol new multinational corporations into the programme and they participate on the establishment of new partnership programmes.

Disadvantages of the Global Compact

The Global Compact does not contain any enforcement measures or mechanisms, but it is based on ethical approaches of multinational corporations and non-governmental organisations. In that case multinational corporations can profit from the good name of a socially responsible donor and yet not fully meet the Global Compact goals. To participate at the application and implementation of the Global Compact rules is purely voluntary, so a participating actor faces no consequences or obligations related to meeting the Global Compact rules.

Despite this, the Global Compact is a significant evolutionary step to understanding the concept of global governance in the 21st century. Global corporate social responsibility, which partly characterises social relations within global governance, is increasingly understood on the level of transnational and global relations. The transnational and global character of the Global Compact, its multi-level structure with a typically wide range of all participants on the regional and local level, its implementation on the global political level within the wider structure of the UN system features a complex many-level governance of the end of the 20th and start of the 21st century.[21]

Conclusion

The Global Compact can establish a new practical model for international relations, because it is an example of forming structures, norms and identities between international institutions. It helps explain the formation of a legitimate and more democratic multilateral cooperation forum. Currently, thousands of firms and NGOs from around the world participate on the fulfilment of this international initiative and their basic objective is the fulfilment of the ten basic principles. That is why the future development of the UN Global Compact and the intensification of cooperation between non-profit making and profit-making international actors can significantly impact the formation and future development of global corporate governance.

It is time to form a similar body for all non-governmental actors both on the regional levels as well as on the global level within the UN.

The example of the functioning of the UN Global Compact can be a unique model for the formation of such an initiative for the control and cooperation of non-governmental and charity organisations working and originating in weak states and in the least developed countries. The disadvantage of the UN Global Compact lies in the fact that it is a voluntary initiative, but my proposal works towards another level of cooperation; the "obligatory monitoring" of non-governmental actors in the countries which meet specific criteria.

The timing of the 11 September 2001 (9/11) is symptomatic of the changing nature of world politics. We define the beginning of relations where non-state actors, which were not previously taken into account and are still, unfortunately, not seriously considered, are beginning to hold significant positions. So far there is no formal global space which would explicitly and formally direct and monitor these non-state actors; a space which would determine an explicit order for non-state actors. As a global community we have not yet adapted to the current situation, or conditions. But when is the right time? When multinational corporations start dictating their rules for the functioning of global economy, when they pollute the world´s oceans or when terrorist organisations acquire nuclear weapons? It is necessary to start acting, without delay. While the

previous centuries were centuries of development and progress of the state as a unique social unit with all its pros and cons, the current century is, and will be, a century of non-state actors which will use power and influence internationally. It is necessary to devise a means to "anchor" non-state actors within global space.

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1   Harvey Starr (1997), *Anarchy, Order and Integration: How to Manage Interdependence*, The University of Michigan, pp. 1-6.
2   Jan Aart Scholte (2005), Civil Society and Democracy in Global Governance, in *The Global Governance Reader*, Routledge: London, p. 327.
3   Max Weber (ed. 1998) ‚Politika jako povolani, Praha,‘ in Pavel Barša and O. Cisař, *Anarchie a řád ve světové politice*, Portal: Praha (2008), p. 386.
4   Ibid., p. 386.
5   Zakaria Fareed (2010), *Post-American World*, Academia: Praha, p. 329.
6   Šarka Waisova (2003), *Mezinárodní organizace a režimy ve Středovýchodní Evropě*, Eurolex: Bohemia, Praha, p. 89.
7   Joseph S. Nye Jr., and Robert Keohane (1974), *Transgovernmental Relations and World Politics*, Harvard UP, pp. 15-21.
8   Thomas Risse-Kappen (1995), *Bringing Transnational Relations Back In, Non-State Actors, Domestic Structures and International Institutions*, Cambridge UP, pp. 4-10.
9   Ibid., pp. 17-20.
10   Thomas Risse-Kappen (1995), *Structures of Governance and Transnational Relations: What have we Learned*?, p. 282.
11   Stephen Krasner (1983), *International Regimes*, Cornell UP, p. 141-177.
12   Robert O. Keohane and Joseph Nye (1971) *Transnational Relations and World Politics*, Harvard UP, p. 17.
13   Klejda Mulaj (2010), *Violent Non-State Actors in World Politics*, Hurst and Company: London, p. 3.
14   Ibid., p. 3.
15   Ibid., p. 7.

16 Shaul Shay (2008), *Somalia between Jihad and Restoration*, Transaction Publishers: New Jersey, p. 142.
17 Max Weber (ed. 1997), *Staatssoziologie*, Berlin, p. 27.
18 Ibid., p. 144.
19 See: <http://www.unglobalcompact.org>.
20 Zuzana Bartošova and Pavlina Kalousova (2005), *Průvodce firemní filantropií* (Company Philanthropy Guide), Forum Darců: Prague, p. 19.
21 S. Fritsch (2008), ‚The UN Global Compact and the Global Governance of Corporate Social Responsibility: Complex Multilateralism for a More Human Globalisation?' *Global Social Journal*, Vol. 22, No.1 January, p. 3.