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The Legitimacy and Effectiveness of Non-State Actors and the Public Diplomacy Concept

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Abstract

The concept of public diplomacy has traditionally been understood in state-centric terms and has been closely related to a state's foreign policy. Despite conceptual evolution towards more dialogue and networking, definitions continue to envisage public diplomacy as a state pursuit. The impact of globalization on politics however has provoked an emergence of new civil society players who have progressively increased their influence, power, legitimacy and credibility in the global arena, intensifying the crisis that besets the state. This paper proposes a new approach to the public diplomacy concept that can include actions by non-state actors. In so doing, it explores two main conditions of civil society organizations that need to be recognized as part of the public diplomacy concept: legitimacy and effectiveness. Those preconditions are examined in the following two scenarios: (1) defending citizens' interests before international institutions, and (2) explaining and implementing policies from those institutions locally. The case of the European Union will be specifically studied in working towards a public diplomacy concept that values the legitimacy and effectiveness of non-state actors.

One of the main reasons for a revision of the concept of 'public diplomacy' is because it is being used by new actors. Traditionally, public diplomacy was carried out specifically by the state, the only power authorized to develop a foreign policy. The globalization and evolution towards democracy of international society has brought about the advent of other actors, who, for the moment, are referred to with the generic term 'non-state', and have global interests and the will to make them felt on the world stage.

This study affirms that these non-state actors contribute essential ideas and aspects which must be taken into account in any up-dating of the concept of 'public diplomacy'. Specifically, it underlines the effort to obtain 'legitimacy' and to show 'effectiveness'; these have always been what is demanded from this type of actors for the recognition of their right to intervene in the international arena. At the present time, social movements like those seen in the Arab Spring, in the Spanish '15-M', or the global '#occupywallstreet', emphasize the need for political institutions to constantly maintain and win back the credibility and confidence citizens have placed in them. This challenge is even greater when what they are attempting to obtain is the recognition of part of the foreign public, which is what 'public diplomacy' wants.

The short later analysis is limited to describing the starting-point for future research whose objective is to analyze the public diplomacy strategies used by non-state actors and to evaluate the conditions of its effectiveness. The analytical framework is the European Union area, specifically, the relations between some non-state actors and the European

Commission's External Action Service and its Directorates General, which intervene in the institution's foreign politics.

Although the statement needs clarification, non-state actors could be said to be the practitioners *par excellence* of 'public diplomacy', as this is the only type of diplomacy they can perform. Whether you agree with the previous statement or not, what is indisputable is the experience accumulated by these actors in developing the practices, strategies and use of new technologies that a global society demands.

If we start with Gregory's 2011 definition of 'public diplomacy': an 'instrument used by states, associations of states, and some sub-state and non-state actors to understand cultures, attitudes and behaviour; to build and manage relationships; and to influence thoughts and mobilize actions to advance their interests and values', then the actions described in the enunciation are the only actions that these actors can carry out. Although these practices make up a high proportion of the current activity of traditional diplomats (Gregory, 2011), the non-state actors are ahead of them in time and experience.

In fact, the non-state actors are pioneering the development of new strategies for communication and influence, engagement techniques and the creation of opportunities for dialogue. They have also incorporated and make the most of the new technologies and social networks which have become their usual means of communication with internal and external publics (Cox, 2006). As for the traditional actors, and despite the fact that the ministries for external affairs have increased their interest and sensitivity on matters of public diplomacy and communication, they still find it difficult to find the resources and staff needed in order to incorporate these activities as much as they should (Melissen, 2012).

However, the contribution of non-state actors to the re-definition of 'public diplomacy' is not limited to the mere application of these practices. On the contrary, they introduce and suggest aspects that must be considered in the theoretical debate. In my opinion, some of these aspects are as follows:

- they question the definition of 'public diplomacy' that is based on the subject that carries it out, and present a approach to the concept from the object of the action;
- they underline the growing interest in 'legitimacy', taken as confidence and real support from the citizenry, rather than a legality that comes from an electoral result;
- they emphasize the importance of the 'perception of effectiveness', taken as the effective satisfaction of the citizenry, rather than the achievement of proposed aims;
- they show the increasing power of political communication, taken in a broad sense, as part of the strategies for persuasion and influence.

Although the present study is focused on the contributions that non-state actors can offer from their experience in dealing with the questions of 'legitimacy' and 'effectiveness', we will consider first and briefly the issue of the foundations of the 'Public diplomacy' concept: subject vs. object.

The foundations of the 'Public diplomacy' concept: subject vs. object.

Obviously, the non-state actors have triggered a first reflection on the subject who carries out public diplomacy. That is to say, they have forced the enunciation of a basic question on whether 'public diplomacy' is no more than the activity carried out by the state –the only political actor with real power, or whether the actions of all the political actors who can influence international legislation and politics may also be included. The real issue is whether the definition of 'public diplomacy' should be decided by the subject who practices it or by the object of the action carried out.

The most classical standpoint, from the area of political theory, tends to base the concept of 'Public Diplomacy' on the subject who develops it and considers that this must be the state. These authors emphasize the close connection between diplomacy and the foreign politics of a nation, and take 'Public Diplomacy' as a specific diplomatic practice, embracing the public communication of that politics. The revision of the definition of 'Public Diplomacy' accepted by this perspective is limited to adding new practices and interlocutors to the enunciation, but holds that the state is still the indisputable protagonist of this action. Therefore, although it does recognize their strength and capacity for influence, this viewpoint does not agree that non-state actors can carry out true 'Public Diplomacy': it goes so far as to state that the only single point that differentiates 'Public Diplomacy' from other communication strategies, such as marketing, public relations or lobbying, is, precisely, the subject that develops them.

But other perspectives, more in agreement with the so-called 'new public diplomacy', do not hesitate to admit the possibility that it may be carried out by other actors apart from the state. In these cases, 'Public Diplomacy' is defined from the objective proposed by the political actors, state or non-state, in their actions. There is a clear consensus in describing this objective as the desire to defend their political interests in the international area by influencing the development and application of legislation, in collaboration with other political actors. Thus, the character of the author who develops 'Public Diplomacy' is of no importance; what is decisive is that they defend the international (global) interests of a representative group of citizens in a politically striking, stable and lasting way. That is, they must intend to establish norms and practices that will direct the international order in accordance with a certain type of ideas and values. And to do so, they mobilize sectors of public opinion that support them and create alliances with other political actors who share the same aims. Some authors, such as Gregory, believe the 'core concepts' of 'Public Diplomacy' are not just the objectives but also the practices used to achieve the former: in his case, understanding, planning, engagement, and advocacy (Gregory, 2010).

The risk in this viewpoint, pointed out by some authors, that any act of international communication may then be considered 'Public Diplomacy', can be avoided with a double demand that is implicit in its thesis: it must be minimally institutional at least, and the objectives must be political. Firstly, this minimum institutionalization demands that the non-state actors have a basic organization, clear objectives, stable representation and coordinated activity. The political nature of their objectives, which would be the second demand, is as hard to define as the very concept of 'politics'. For the purpose of this work, suffice to say that the defining feature is their desire to have a permanent influence on policies, procedures and

international relations. According to Whitman, in the present global political context 'what makes some developments and some situations political is that they affect the organization and maintenance of communities in key areas to a degree which necessitates action (or at the very least, contention about action), at the community level (Whitman, 2009, 9)

Nevertheless, to review and classify numerous definitions of 'Public diplomacy' is not the purpose of this work. We simply need to say that the reflections we give on 'legitimacy' and 'effectiveness' refer to this second view of 'Public Diplomacy' which considers the objective of the action to be the essential feature of the practice. But before tackling these issues, some points about the non-state actors must be mentioned.

Non-state actors as political players in the global sphere

Using the definition given by the National Intelligence Council of the United States, non-state actors are 'non-sovereign entities that exercise significant economic, political, or social power and influence at a national and at international levels' (National Intelligence Office, 2007). This definition includes players ranging from terrorists and criminal networks to NGOs or multinational corporations.

The proliferation in recent years of non-state actors is transforming international relations. Some consequences of globalization, such as the crisis of the state or the impact of new technologies, or the emergence of a powerful civil society, have multiplied players acting in the global sphere. But it is not only a question of quantity, but a question of quality: non-state actors are assuming roles that previously belonged to states. They have been empowered by financial, political and technical resources, widely available in these global times. In particular, new technology has made it possible to have a global reach and to contact individuals and other organizations, weaving a broad net that allows non-state players to share knowledge and to develop joint actions.

They are increasing their autonomy and have started to define new rules, acting more effectively than the states (as some NGOs have demonstrated in humanitarian catastrophes), challenging strong powers (like Google in China) or radically modifying security parameters (as al-Qaeda has done). In a sense, non-state actors obtain 'political authority' from their efficacy in advocating human rights, moving forward new regulations or setting the agenda of political institutions. NGOs, transnational companies, religious groups, think tanks, social movements or university experts have a say (and power) on most of the global issues (and conflicts) affecting civil society.

In any case, a proper context for the study of non-state actors demands that we assume that the traditional state holds on to a large amount of its power, and, in many cases, cannot be replaced. However, the coexistence of with new players means that a new kind of diplomatic relations on different scenarios must be developed. In contrast with the bi-lateral and multi-lateral relations that have traditionally been developed between states, Wiseman introduces a new model, 'polylateralism', which describes the relations between states and the new non-state actors (Wiseman, 2004)

More often than not, they act together with states. Sometimes, they offer expertise and knowledge that enable them to go beyond the reach of the states (Langhorne, 2005). If we presume that global government implies more than just producing and applying laws, we find other tasks that are carried out before and after the legislative act itself, and are the field of the non-state actors: setting agendas and creating issues, shaping rules, collaborating in the implementation process, evaluating and monitoring outcomes from legislation (Avant et alia, 2010).

In any event, a study of non-state actors must keep in mind the deficiencies and problems they encounter in carrying out their aims. And there are always critical voices pointing out the constraints of these actors (Vedder, 2003). Their very development has contributed to the disclosure of other weak points (lack of transparency in fund management, internal divisions, lack of experience). Moreover, these non-state actors cannot oblige anyone to behave in a certain way, nor can they impose punishments or sanctions: they can merely use the strategies of the power of persuasion or the power of attraction to obtain and maintain citizen support (Lord, 2000). Only the legitimacy and efficacy of a non-state actor can motivate voluntary following of the general public.

Much attention has been paid to the emergence of these new actors and to the novelty of empowerment they enjoy, but questions related to legitimacy or accountability of these new players has been obviated. Having the ability to improve or simply to change the established order does not mean having the right to do so. Even if the new players offer a more reliable response to social and political issues than the states, they have to justify on whose behalf they act: who they represent, whose interests they defend, and what citizens' rights have been delegated to them.

The issue of 'legitimacy' is essential in diplomatic activity. It is the basis for recognition of the actors involved and for their power to determine the evolution of international affairs and the workings of the international system in general. This recognition is conferred on the representative of the political actor in diplomatic negotiations. The usual source of this legitimacy is democratic election in the case of governments, or their delegation of said legitimacy to international entities (Wheatley, 2007)

The non-state actors, however, quite frequently have not resolved some very basic issues such as what authority they have in the international arena and who and what legitimates them. Consequently, nor is it clear what powers their representative has in diplomatic negotiations or how they can guarantee that agreements will be observed (Langhorne, 2005).

Nevertheless, practical reality has overcome any prior reflection. The non-state actors intervene and act in the international sphere, shape the political agenda and suggest methods of action. The source of their 'legitimacy', of their authority to tackle traditional actors appears to be their very 'efficacy'. As Calame states (2008), there are many aspects in which they appear to go beyond the reach and power of the states: the global vocation of some NGOs surpasses the narrow-minded national interest of some governments; the business volume of

some multinationals place them ahead of many countries on the planet, they have greater margin for maneuver, adapt better to new world realities, make better use of new technologies and can develop strategies for effective influence. In fact, in certain fields, they lead change and propose formulas or models for behavior. al-Qaeda has set out the terms for a new policy for worldwide security; the most influential NGO's have determined cooperation policies, in defense of human rights (Papisca, 2008) or on environmental defense (Kern and Bulkeley, 2009); and the multinationals have established regulations for the global market.

This new source of 'legitimacy', based on the 'efficacy' with which they resolve citizens' problems, demands more in-depth consideration, especially because it coincides with the perception of the crisis of the state as the guarantor of the citizens' safety and interests. A considerable number of studies attempt to account for this crisis. Some are particularly illuminating, as they analyze this crisis from the point of view of citizens who perceive the inefficiency of the state when it comes to resolving problems or protecting them from the risks that globalization causes in their everyday lives. Citizens end up by handing over the task of defending their interests to non-state entities, or to local institutions that seem to be more effective in calling for improvements. (Beck, 2005; Castells, 2008).

The legitimacy of non-state actors.

As Börzel and Panke state (2006), legitimacy and efficacy are the conditions that characterize good government and the stability of the political order in the new global context. This principle is applicable both to state actors and to sub-state and non-state ones. In spite of the fact that, in certain circumstances, they may be divergent or even incompatible conditions, they are usually complementary and strengthen one another.

'Legitimacy' goes beyond mere electoral support and can be queried by the citizenry at any time, as can be seen in the reactions commented at the start of this work (#occupywallstreet or the 15-M movement in Spain). The dependency of the institutions on citizen approval has increased along with the democratization process in the international sphere.

In this work, we take legitimacy to mean the right that personalities and institutions have to exercise power in society, based on the citizens' support and trust. In the words of Edwards, (it) 'is generally understood as having the right to be and to do something in society; a sense that an organization is lawful, proper, admissible and justified in doing what it does and saying what it says, and that it continues to enjoy the support of an identifiable constituency' (Edwards, 1999, 26).

Thus, although the non-state actors may lack the 'democratic legitimacy' of countries or sub-state actors, they receive just as much backing by the citizens. The difference is that it is expressed in a different way. The public support and show their confidence in different ways, not merely by exercising their right to vote in elections. They also show their support, for example, when they make financial donations or work for an NGO, when they buy certain brands, or follow a religious leader.

Legitimacy, then, is not exclusively linked to democratic election. Thus, it is not exclusive to state or sub-state governments that have won an electoral process, but is also applicable to non-state actors. The distinction lies in the fact that, for non-state actors, the origin of legitimacy is different: it is closely linked to the moral authority the latter earn and is based on their capacity to resolve a certain type of problem, in the specialized knowledge or expertise they show or in exemplary quality of their principles and values (Avant et alia, 2010).

The legitimacy of an NGO and the legitimacy of a government differ in the type of relations they have with the citizens (more ethereal for NGOs) and the type of commitment established between the institution and the citizen (more demanding in the case of governments). But in contrast with Vedder's conclusions, (Vedder, 2003), this support is not limited to the occasional activities that an NGO or any other type of non-state actor may carry out, but is granted to the organization itself and is lasting.

This other origin also determines the way in which a non-state actor obtains or maintains the legitimacy to act on the global stage. The citizenry must offer it voluntarily: these actors cannot force anyone to place their trust in them; it can only be generated or inspired as the fruit of their capacity to persuade or attract. And this legitimacy will be maintained for a long as they are capable of keeping it: this support is not guaranteed for a specific period, as is that of state or sub-state governments. They must also earn the recognition or 'legitimacy' to act on the international stage on behalf of the states and intergovernmental institutions, and on behalf of other non-state actors which are new to the international arena. If they want to have a say or the power to shape international legislation and policies in accordance with their interests, they must be acknowledged as valid interlocutors by the other political actors.

Therefore, it is crucial for non-state actors (1) to prove that they represent the common values of the general public, linked with universal values in the case of global actions; (2) that their criteria or working principles be correct (transparency, participation, consensual decisions) – correct at least in the eyes of those who support them: in the case of al-Qaeda democratic decisions would not matter, but the fulfillment of certain principles would; (3) that their actions show effectiveness.

The EU and non-state actors

The European context is particularly fruitful for the analysis of the behavior of non-state actors. Specifically, the European Union, despite its idiosyncratic bureaucratic lenthitude, has managed to create areas for dialogue and the participation of non-state actors, by using them as regular interlocutors to obtain information and to apply European policies. On other occasions, it has been the non-state actors who have taken the initiative to influence the decisions taken in Brussels or to complete policies which they believe to be wanting.

The European Union has shown a significant ability to provide normative frameworks that establish patterns for negotiations and discussion procedures (La Porte, 2011). As models of negotiation are replicated, these new practices acquire stability, and the new institutions established gain recognition. Moreover, the EU's 'multi-level governance system' offers a

suitable structure that allows interaction among different authority structures and gives space for new players at different territorial levels to participate in the decision-making processes.

Heard-Laureote has examined the behaviors of non-state actors in their relations with the European Commission and has determined what conditions influence successful Community legislation. Heard-Laureote (2010). The dynamics she identifies and her conclusions are applicable to other international areas. According to her, the necessity for legitimacy for non-state entities prevails in the two scenarios where these actors have a role to play: when they propose to intervene in the decision-making processes of the organizations that govern international order (the input side), and when they want to apply these decisions or put them into practice among their supporters (the output side). In either case, their legitimacy to act must be acknowledged by the citizenry and the organizations.

A. In the first scenario, when they confront the organs of power,

the legitimacy granted to non-state actors by the other political actors depends or is based on their representativity; the legitimacy granted by the public is based on their capacity to present their interests in deliberation processes.

This 'representativity' is the quantity or quality of the citizens who share their ideas, values or initiatives. Regarding quantity, it is obvious that the more citizens are represented, the greater is the 'representativity' of the actors. But the quality is also of importance: on some occasions, the proportion of citizens who back specific interests does not matter as much as their circumstances in terms of political, economic or professional value. Such is the case, for example, of the so-called 'epistemological communities'. These communities may 'represent' very small groups of scientists, but their quality or circumstances as experts make them terribly influential in decision-making processes or in policy design. The development of measures for environmental protection is a perfect example. In both quantitative and qualitative representation there may sometimes be serious problems of justification, as not even the clearest proof of support, such as the membership numbers of an NGO or an association, are an unambiguous reflection of scope in terms of the social influence the author may have.

'Deliberation' refers to the degree in which the non-state actor can present the citizens' interests when intervening in the policy discussion processes of the state actors. In this case, what is relevant is the variety of perspectives they can transmit and their balanced presentation. Whatever the case, the general public cannot directly observe or control these processes. The non-state actor may attempt to prove their competence by facilitating citizen participation in the prior production of the proposals which will later be presented to the international entities, or by being transparent in the objectives and priorities that are established and by behaving in accordance with the principles of rationality, universality, equality and reciprocity (Heard-Laureote, 2010).

In the case of 'deliberation' or the degree of citizen participation, the processes of internal government are significant. Kern and Bulkeley's conclusions in their research into European city networks may be helpful for another type of actors. These authors believe that it is crucial to keep the public involved and thus count on their backing and support by means of internal

communication and the spread of up-dated, specialized information on the activity of the entity. They also consider that the liberalization of the internal decision-making processes is crucial with clear, accessible procedures to obtain the citizens' opinions, together, finally, with the public acknowledgement of successful initiatives or the 'good praxes' of the volunteers, members or related groups (Kern and Belkeley, 2009).

B. In the second scenario, when they want to apply the decisions taken,

the conditioning factor for non-state actors to be legitimized by the powers-that-be and the general public is *effectiveness*. And this is where the two conditions, legitimacy and effectiveness coincide. Political efficacy is the 'capacity of a political system, its institutions and procedures to satisfy the demands they were designed to cope with by achieving the goals and producing policies that solve problems of the citizens' (Heard-Laureote, 2010, 18). Thus, efficacy, in the view of the citizens, depends on whether the non-state actor is capable, not only of shaping and adapting policies in accordance with the interests of the citizens, but that these policies truly solve the problems they must tackle. On the other hand, efficacy, in view of the organs of power, depends on whether the policies that have been jointly designed are applied or accepted by the electorate they supposedly represent.

That is to say, the 'efficacy' of non-state actors, in the European area at least, depends on achieving the objectives they propose and on the procedures used to achieve them. The former condition assumes the existence of a mission statement, of objectives, of a strategy, all of which will be reflected in legal documents and annual reports. The latter condition demands that these objectives not just be achieved, but must include the participation of the people affected who will have had clear opportunities to participate in the design of the objectives and the actions. The non-state entity is responsible to these people and must justify its actions regularly.

This brief analysis leads to several conclusions. Firstly, we must underline the close connection between 'legitimacy' and 'efficacy' for non-state actors: citizen support and recognition as an international actor depend on their capacity to achieve their declared objectives. That is, long-term failure or a lack of visible results would be the cause of their disappearance or loss of authority in negotiations.

Secondly, it is crucial for non-state actors to have citizen participation at all stages in their processes. This is partly because it is the only way to compensate for their lack of democratic process, and partly because collaboration with other citizens favors individual motivation and confirms the public interest in the objectives proposed by the organization. As Bernstein and B. Cashore (2007) state, modern political legitimacy seems to be founded on the possibility of building communities with common interests.

The third conclusion refers to the important role played by public communication and social perception in acknowledging these organizations. In both the first and second scenarios, that is, in the case of 'representativity' and of 'deliberation' or in that of efficacy, the satisfaction of the public depends not only on the true accomplishment of the conditions they demand, but also on the perception they have of the proper conduct of the non-state actor.

On this point, as already stated, it is not enough for the organization to have a strategic action plan and clearly defined objectives, they must also be able to clearly communicate their ideas. Among other reasons, this is because the evaluation by the public and the states of the efficacy of the non-state actor will not refer to the objectives included in their internal documents, but to the public presentation of same. This also occurs with the internal procedures of the non-state actor: the transparency of priorities, accessibility of documents, information on the moments of dialogue and justification of results, are, at times, more decisive in showing the democratic culture of an organization than the real opportunities to intervene in its processes.

Frequently, the credibility of a non-state actor, particularly those who are acknowledged 'experts' in a certain field, has been based on the quality of the information they offer, in terms of correction, depth, actualization and capacity to contribute to the international debate. Expertise seems to relate to the extent to which the source is highly qualified to deal with affairs in the light of knowledge and background experience (Head, 2011). And it is true that the message, the significant contributions –'the power of the better argument'- which help to solve an international problem or controversy, exponentially increase their power to inspire. (Melissen, 2008; Nye, 2004)

However, we must also take into account the 'confidence' factor, which is not based so much on the organization's 'message' as on the credibility of the organization itself (Nan, 2007). And confidence comes from motivation, it cannot be constructed. The decision on which elements smooth the progress of this confidence go beyond the remit of this research, but suffice to say that it is closely related with the reputation or positive image of the institution.

Conclusions

As stated at the beginning, this brief review has merely described the preliminary foundation for future research whose objectives will be to analyze the public diplomacy strategies used by non-state actors and to assess their effectiveness. However, at this point some conclusions can be reached and will enrich the debate on the concepts and development of the practice of public diplomacy.

Firstly, it is important to underline that the non-state actors can become a reference point for more traditional ones as they can adapt to new circumstances in the global arena and apply strategies that facilitate public involvement.

Secondly, the non-state actors suggest a definition of public diplomacy that focuses on the objectives of the activities carried out instead of on the subject who leads them. On this point, indispensable deliberation on the PD concept will reflect global political reality without running the risk of being limited to merely theoretical consideration.

Thirdly, the non-state actors highlight the current importance of 'legitimacy as factual support' by the citizenry and believe that the 'democratic legitimacy' achieved in the ballot-boxes is of secondary importance. This new understanding of 'legitimacy' demands a constant effort by the political actor to gain the support of the general public through transparency and dialogue

with the people. This approach contrasts with the high-handed, obscure attitude of some states, which uphold a traditional view of diplomacy, taking it as an area exclusively for action, and viewing public diplomacy as a unidirectional communication activity

Regarding non-national audiences, the states are in the same situation as the non-state actors: they cannot bring into play the principle of legitimacy as they have not been elected by these people. Thus they are under the obligation to earn the same credibility and authority as the remaining political actors. They must even earn the credibility and authority of the interior or domestic public, who, as has been shown, question their capacity –legitimacy– to govern when there are no positive results in inter-electoral periods.

This statement leads us to a fourth conclusion: we see the close relationship between authority and effectiveness. The non-state actors are already ahead of the states in credibility precisely because they have a better understanding of the citizens' concerns and deal with them more effectively.

Finally, precisely because the power of the non-state actors depends to a great extent on their relations with other actors, on the support they gain from the public and on the social perception of their reputation, they have demonstrated the importance of strategies of communication. These strategies must both promote the quality of the contents of the message and nurture the credibility of the subject or the institution that distributes this message.

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