A MOVE TOWARDS MORE PARTICIPATION IN IGOs? EVIDENCE FROM ARGUMENTATIVE PATTERNS IN GERMAN DIPLOMACY

Abstract

Questions of who should be allowed to participate in institutions of global rule making have drawn growing attention both empirically and normatively. One reason for this is the growing political power these institutions possess. Here, it is especially intergovernmental organizations (IGOs) that have the most impact on national politics and therefore on individual lives. Consequently, looking at IGOs in questions of participation is a central concern in the debate. This paper analyses how argumentative patterns towards the participation of non-state actors are used in German diplomacy. Diplomats are chosen because it is them that need to decide in IGOs if more participation should be allowed. German diplomacy is an interesting case because it is often described to be driven by scripts and concepts of Germany as a civil power. The paper analyzes policy documents and interview material. It provides some evidence that traditional normative footings of governance as an exclusive club of states are beginning to be replaced by more participative notions of rule-making in IGOs.

1 INTRODUCTION

Over the past decades, organizations of global governance have not only grown in numbers (cf. e.g. Pevehouse, Nordstrom and Warnke 2004). One can also witness a growth in the impact that their rules have on traditional nation states, transnational actors and individual citizens (cf. e.g. Hurd 2011). This growth in political relevance raises questions about how the processes of global rule making should be organized. In particular, there are two important questions

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in the debate on the legitimacy of global governance institutions. First, who is allowed to participate in processes of global rule-making? Second, which procedural rules should govern global decision-making processes (cf. Zürn 2004; Scholte 2004; Koppell 2010; Bernstein 2011; Keohane 2011)? Here, legitimacy is considered a central currency for global governance institutions. Legitimacy plays this central role because other traditional sources of social control, like coercion, are only rarely available in the international realm (Hurd 1999). Questions about the legitimacy of global rule institutions can be addressed in two ways. First, from a political philosophy perspective, one would try to formulate general principles and rules. These would describe when institutions can be considered legitimate. Second, one can also look from an empirical perspective. This means asking how the public, i.e. individuals and groups of individuals, assess the legitimacy of institutions. In the following paper, I choose the latter perspective.

On which bases does the public evaluate the legitimacy of global governance institutions? Scholars of organization theory, like Mark Suchman (1995) have identified three sources fueling organizational legitimacy. Pragmatic legitimacy states that an organization is legitimate because it furthers goals that match with goals of the those who evaluate. Cognitive legitimacy is ascribed when an organization is intertwined with cognitive structures of those who evaluate. For this analysis, evaluations based on moral legitimacy will be important. Moral legitimacy is attributed to organizations when their rules and rule-making processes are not in conflict with the moral standards that the audiences of the institutions hold. These moral standards are often norms, understood here as “shared expectations about appropriate behavior held by a community of actors” (Finnemore 1996: 22). Thus, to analyze how the public evaluates the moral legitimacy of global governance institutions, means to analyze the norms that govern this evaluation. For the purpose of this study, I label those norms as global governance norms.

When taking a closer look at these global governance norms, one finds some indicators illustrating how they are changing over time (Finnemore and Sikkink 1998; Keck and Sikkink 1998; Hurrell 2002; Sandholtz and Styles 2009; Wiener 2017).
2009; Dingwerth et al. 2012; Dingwerth and Weise forthcoming). A general assumption is that there is a traditional norm of global governance. This norm sees states as central actors of global rule making. Further, states should make decisions peacefully and without coercion. Yet, at least since the 1990s, a new norm of open governance has emerged. Followers of this norm think that those affected by global rule making should also participate. Also, the processes of decision-making should be transparent, accountable, deliberative and representative. Yet, at least so far, little is known about how such a norm of open governance looks like. Further, it is not known how present and influential the norm may be in discourses on global governance.

In this paper, I will explore and analyze exemplary discourses of German diplomatic discourses on the participation of non-state actors in intergovernmental organizations (IGOs). These discourses are a subset of the general discourse on participation in global governance institutions. Therefore, the discourse should comprise distinct argumentative patterns. These should be footed in the norms that describe appropriate participation and procedural requirements for global rule making. In a way, I ask if the argumentative patterns I identify indicate that the newer norm of open governance is present in diplomatic discourses. I analyze diplomatic discourses because they are an important arena of global politics. Despite growing private regulation (cf. e.g. Mattli and Woods 2009), IGOs remain very important rule setters. Diplomats – and the governments they represent – remain powerful political players in IGOs, too (cf. e.g. Cox and Jacobson 1973; McKeown 2009). German diplomatic discourse is chosen because it is likely that the norm is found, there. I assume that Germany conceptualizes its foreign policy behavior as guided by the ideal of democratic and “civil power” (Kirste and Maull 1996: 301-303). Therefore, argumentations based on the quasi-democratic value of participation are likely. I will analyze and interpret argumentative patterns with the help of a corpus of German diplomatic discourse. The corpus consists of selected official documents and interviews on the questions of non-state participation in IGOs.

The study indeed identifies a number of interesting argumentative patterns. First, in all analyzed texts, diplomats argue that non-state actors are very impor-
tant in international politics. They are described as crucial partners in global rule making: without them, modern governance would not be possible. Further, working together with NGOs and other actors is described as something very normal and very present in day-to-day diplomacy. Second, diplomats appear to have a very functional understanding of non-state participation. Primarily, they highlight that more participation may lead to more effective rule making. Why? Because non-state actors provide important information and mobilize the public. In this understanding, NGOs and others primarily provide appreciated services to IGOs and states. Third, evaluations of the importance of participation for more legitimate global rule making are discussed to some extent. Here, the interviews have proven to be a very important source. Most diplomats argue that non-state actors have some influence on the legitimacy of institutions. For example, they argue that governance processes may be accepted more easily by the public when NGOs have participated. Yet, the interviewed diplomats are also quite skeptical of the democratic quality of non-state actors. They question their representativeness, their independence and criticize their missing democratic legitimation.

I proceed as follows. In the following section, I discuss the theoretical framework that guides the analysis of normative change towards more participation. In section 3, I discuss the methodology I use to construct and analyze the corpus of German diplomatic discourse on non-state participation in IGOs. Section 4 discusses the argumentative patterns I identified. The study closes with conclusions that contextualize the results of the analysis.

2 Normative change towards participation in Global Governance

In this paper, I will look at participation as a principle of democratic global governance. Further, I will argue that participation as a principle has received growing attention in the evaluation of IGOs. This is the case because it is an element of a wider set of norms regulating appropriate global governance. These
norms of global governance have seen a considerable transformation in the recent decades. The normative environment of global rule making that has traditionally been based on norms of state sovereignty has changed. Newer norms of wider participation and transparency have now become essential elements in the evaluation of global rule making.

2.1 Participation as a principle of democratic global governance

Participation is a central concept of global democracy. There is a debate on whether democracy should be a principle of global rule making. Also, it is debated how democratic rule making in international institutions should be designed. Building on the writings of Rawls (1971) and Dahl (1972), students of global governance consider participation to be a central principle of democratic rule-making (cf. e.g. Zürn 2000). The idea is the following: people that are affected by political decisions should have the possibility to participate in decision making (cf. e.g. Held 1995: 103). Participation may thus raise the quality of decision-making processes. It may further improve the legitimacy of policy outputs. Further, with the growth in the power and influence of IGOs grows the expectation that IGOs are participative (cf. e.g. Ecker-Ehrhardt and Wessels 2012). The public notices a growth in the complexity of political problems. Therefore, it recognizes IGOs as capable and necessary institutions for the governance of global problems (cf. Ecker-Ehrhardt 2011). With this recognition, the standards that are applied to traditional, national governance institutions are also applied to IGOs. Thus, democratic principles like participation are also applied to IGOs.

If one assumes this expansion of the participation principle, one can expect to see calls for more participative IGOs on two levels. First, IGOs may be criticized because they lack appropriate state representation. This may be the cause when IGOs are primarily understood as venues for state cooperation and policy harmonization. Accordingly, the participation of the widest possible number of states that are affected by the political problem at hand is required. On this
basis, for example, the UN Security Council is often criticized because it does not assure fair participation (cf. e.g. Hurd 2007: ch. 7). Second, concerns of participation may also be voiced with regard to the inclusion of non-state actors in the decision making process. Here, the basic idea is that non-state actors should participate in decision-making because they represent interest more directly than states. This idea is held by supporters of participative democracy (cf. e.g. Charnovitz 2003). In the remainder of this paper, I will limit my analysis to the participation of non-state actors.

Despite the broader consensus on the necessity of participation, defining appropriate levels of participation empirically is discussed controversially. Generally, questions of participation demand answers on how to balance needs for effective government and democratic participation (cf. e.g. Dahl 1994). This also applies to IGOs. Here, a maximum of participation could render decision-making processes highly ineffective. This is an immanent danger when voting rules, organizational processes or resources are not adapted adequately. Further, there are a number of different qualities of activities that IGOs or other actors label as participation. Consequently, an analytic scale is needed to order and rate different forms of participation. For example, Jonas Tallberg and Christer Jönsson (2010: 6f) have proposed a four step scale of participation mechanisms. The lowest point on the scale is no access, where IGOs and non-state actors do not interact. Second, there are information-sharing arrangements: IGOs unidirectionally provide information to the public. Yet, they do not interact with specific organizations to reflect and discuss the information they provide. This is done on a third level where consultation between various actors is common. Here, non-state actors may be granted access to events hosted by IGOs. Further, there may be consultative bodies manned with non-state experts. In addition, formal complaints mechanisms may be installed where non-state actors can directly address the IGO. Finally, representing the highest level of their scale, there is the possibility of formal collaboration. Formal collaboration could take the form of IGOs delegating tasks to non-state actors, e.g. humanitarian missions run by specialized NGOs. Additionally, formal collaboration can be witnessed when NGOs and others are granted private access to judicial bodies.
2.2 Demands for Participation and Normative Change

In this paper, I make the following argument. A growing demand for appropriate participation of non-state actors in IGOs is closely connected to a wider change in normative frameworks. In particular, it is the standards for good rule-making in institutions of global governance that is changing. This framework provides a set of social norms. These norms prescribe who may legitimately set rules and how the process of rule-making should be organized. With the words of Ian Clark (cf. 2005: 26-29), these norms prescribe principles of rightful membership and rightful conduct. If IGOs and other institutions of global governance are organized according to these principles, chances are high that the public bestows legitimacy on their decisions. Consequently, changes in normative frameworks will eventually be reflected and adopted by IGOs.

Yet, how have these principles changed? First, one can assume an extension of the actors that qualify as rightful members of global, legitimate rule making. Traditionally, only states are considered to be legitimate rule makers. As representatives of their demos, states are assumed to reflect demands and concerns and weigh them carefully when entering agreements. At least, this is true for the ideal democratically organized state. In recent years, new actors have been added to this formula. Now, in addition to states, groups that represent interests directly are added to the equation. Consequently, rules that are made without the participation of interest groups (e.g. experts, local NGOs) may be considered to be less legitimate. Equally, the principles of rightful conduct have expanded. Traditionally, the primary rule for legitimate processes was non-coercion, i.e. the idea that agreements are to be entered freely. Nowadays, non-coercion alone is not enough. Processes of rule making also need to follow the standards of (i) transparency (i.e. provision of information on the decision-making process), (ii) accountability (i.e. being able to make people responsible for their decisions), (iii) deliberativeness (i.e. providing an environment for decision making where arguments can be exchanged fairly) and (iv) inclusiveness (i.e. giving a voice to all affected groups) (cf. also Dingwerth and Weise forthcoming).
How this change could have come about remains an open question. Answering it would require a deeper analysis and a distinct analytical framework, as e.g. proposed by Finnemore and Sikkink (1998), Sandholtz and Stiles (2009) and Wiener (2009). As this is beyond the scope of this paper, I will rather start at an earlier step. I will analyse if elements of the proposed normative environment can be identified in politically relevant discourses, in this case in German diplomatic discourses. Earlier research has shown that one can witness a de facto increase in the participation of non-state actors in IGOs (cf. e.g. Charnovitz 1997; Sommerer and Tallberg 2011). This hints at possible effects of the described normative change. Other research concentrating on changes in discourse also highlights the discussed extension of principles of rightful membership and conduct (cf. e.g. Dingwerth et al. 2012). Adding an analysis of diplomatic discourse adds another dimension to the puzzle. It shows how norm changes may be identified in productive discourses of global governance. First, this may add evidence for the case of normative change in global governance. Second, it may add hints to so far unresolved questions of how political discourses and the surrounding normative environment are linked.

3 METHODOLOGY: CONSTRUCTING AND ANALYZING THE CORPUS

In the following section, I discuss how I understand argumentative patterns and how they can help with analyzing normative frameworks. Further, I shortly discuss the methodology and material I use to search and interpret argumentative patterns in German diplomatic discourses.

3.1 ARGUMENTATIVE PATTERNS AS INDICATORS FOR NORMS OF PARTICIPATION

Political discourse is filled with a range of different, ideal-type argumentative patterns. Politicians use these to persuade the public and in negotiations (cf. e.g. Wodak 1989; Connolly 1983; Chilton 2004). Political argumentative statements
often show similarities. One may find that certain images (cf. e.g. Gamson and Modigliani 2008) and lexical, grammatical or rhetorical constructs are often used in political discourse (cf. for an overview Gastil 1992: 474ff). For the purpose of this paper, I will inductively look for argumentative patterns that are connected to questions of the participation of non-state actors in IGOs. I will understand such patterns as collections of statements that (i) qualify non-state actors in IGO contexts, (ii) describe day-to-day NGO-IGO interactions, and thus (iii) directly or indirectly refer to norms of appropriate governance. Consequently, my focus is quite broad. It includes factual descriptions of NGO-IGO interactions, as e.g. a statement about which NGOs participate in which NGO bodies. These kinds of statements, I argue, may also be of interest: they describe NGO-IGO interactions as normal practices that apparently do not require special justifications. Of course, statements that contain such justifications are also interesting because they directly connect practices to normative conceptions of global rule-making.

In general, I assume that argumentative patterns can tell us something about normative conceptions. This is the case because the statements under analysis evaluate social practices. The ideal-type statements I am interested in contain information about how IGOs interact with non-state actors and evaluate these practices. As an example, a statement could claim that NGOs are participating in expert committees of a certain IGO because their expertise is essential to generate effective rule-making. Such a statement allows two conclusions: First, non-state actors participate in certain institutional settings. Second, this mode of participation is considered to be something good because it improves the effectiveness of global rule making. The second information directly relates to the question of normative understandings of non-state participation in global rule-making. After looking at several texts and statements, these statements can be clustered according to similarities. They will then represent the patterns of argumentation that are central to the discussed research question.
3.2 Choosing texts for the corpus

My research question is exploratory in nature. I will therefore look at a relatively broad selection of texts. Official documents are a first important source where argumentative patterns on non-state participation in IGOs should become visible. Official documents represent a consensus that a political system – units of the Federal Foreign Office in this case – holds on a certain topic. Depending on the kind of document, they may represent policies and guidelines for diplomatic action. When directed to a wider public, they may highlight justifications for political activities. Interviews are a second source of information. In interviews, diplomats may provide information on both policies and justifications of policies and activities. Interviews are a crucial source because diplomats can directly be asked to justify their policies. Further they can present their normative views on global rule-making. In the following sections, I discuss which texts from both kinds of sources I analyzed and why I selected them for analysis.

3.2.1 Official documents

For the analysis of German diplomatic discourse, I will limit my analysis to the following types of documents, published in recent years. Policy papers are texts that describe German policies towards non-state participation in IGOs. To qualify as a policy paper, a text should set rules of behavior that may structure diplomatic behavior. Further, public relations documents are an interesting category of text because they are written in a logic of justifying and ideally representing diplomatic activity. For example, an information brochure on the United Nations system may include information on NGO participation. The brochure may thus indicate that the issue may be of some importance to the publisher. Next, reports are texts that describe NGO-IGO interactions in a technical, matter-of-fact style. Reports are less behaviorally structuring, yet they provide important information on the de facto practices and evaluations of non-state participation in IGOs. Finally, speeches and statements provide texts
that, like public relations documents, provide information on how diplomats justify and present issues of participation to a wider public.

Methodologically, this first selection of texts (see Table 1) was gathered by searching the websites of the Federal Foreign Office and its embassies. The list of results was checked for relevance: texts were only added to the corpus if they made relevant statements on issues of NGO participation. The list is not completed, yet. Additional texts will be added in future research steps. So far, the selection represents texts that are easily available.

### Table 1: Analyzed documents

<table>
<thead>
<tr>
<th>ID</th>
<th>Year</th>
<th>Title</th>
<th>Type</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>2012</td>
<td>Concept of the Federal Government on Building Globalization</td>
<td>Policy Paper</td>
</tr>
<tr>
<td>2</td>
<td>2010</td>
<td>Germany and the Convention of Cluster Munitions</td>
<td>Policy Paper</td>
</tr>
<tr>
<td>3</td>
<td>2008</td>
<td>Bucharest Declaration</td>
<td>Policy Paper</td>
</tr>
<tr>
<td>4</td>
<td>2011</td>
<td>ABC United Nations</td>
<td>Public Relations</td>
</tr>
<tr>
<td>5</td>
<td>2011</td>
<td>diplo.de ECOSOC</td>
<td>Public Relations</td>
</tr>
<tr>
<td>6</td>
<td>2011</td>
<td>diplo.de NGOs and the United Nations</td>
<td>Public Relations</td>
</tr>
<tr>
<td>7</td>
<td>2011</td>
<td>Embassy Geneva, Rights of Handicapped</td>
<td>Public Relations</td>
</tr>
<tr>
<td>8</td>
<td>2010</td>
<td>Embassy Geneva, Meeting of UNHCR Executive Committee</td>
<td>Public Relations</td>
</tr>
<tr>
<td>9</td>
<td>2009</td>
<td>EU Foreign Policy vademecum</td>
<td>Public Relations</td>
</tr>
<tr>
<td>10</td>
<td>2008</td>
<td>Report on Cooperation with United Nations</td>
<td>Reports</td>
</tr>
<tr>
<td>11</td>
<td>2008</td>
<td>2nd Report on Implementation of Civilian Crisis prevention</td>
<td>Reports</td>
</tr>
<tr>
<td>12</td>
<td>2006</td>
<td>1st Report on Implementation of Civilian Crisis prevention</td>
<td>Reports</td>
</tr>
<tr>
<td>13</td>
<td>2011</td>
<td>Statement at UN Convention Against Corruption Conference</td>
<td>Speeches and Statements</td>
</tr>
<tr>
<td>14</td>
<td>2009</td>
<td>Speech of Minister of State Pieper, Forum Globale Fragen</td>
<td>Speeches and Statements</td>
</tr>
<tr>
<td>15</td>
<td>2009</td>
<td>Statement at 52nd UN CND</td>
<td>Speeches and Statements</td>
</tr>
<tr>
<td>16</td>
<td>2007</td>
<td>Statement at 58th session of UNHCR Executive Committee</td>
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<td>17</td>
<td>2007</td>
<td>Speech of Foreign Minister Steinmeier at UN Human Rights Council</td>
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<tr>
<td>18</td>
<td>2006</td>
<td>Speech of Minister of State Erler on Multilateralism</td>
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<tr>
<td>19</td>
<td>2000</td>
<td>Speech of Foreign Minister Fischer at Forum Globale Fragen</td>
<td>Speeches and Statements</td>
</tr>
<tr>
<td>20</td>
<td>1999</td>
<td>Speech of Foreign Minister Fischer at Forum Globale Fragen</td>
<td>Speeches and Statements</td>
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</table>

### 3.2.2 Interviews

To triangulate the information from the official documents, six expert interviews with German diplomats were conducted in early 2010. The interviews were held in the German Federal Foreign Office or by telephone. To get in contact with diplomats, e-mails were sent to the political departments of the Federal Office, asking for diplomats that have worked in IGOs or coordinated IGO related work. Response rates were low. Yet, the conducted interviews already provide a rich
corpus for this exploratory study. The interviews lasted from 20 to 60 minutes and were guided by an open questionnaire. In the questionnaire, the interviewees were first asked to report on how they experienced NSA-IGO interactions in their professional life. Later, they were asked to muse about possible scenarios of more participation and their normative evaluation of more opened IGOS. Finally, all interviews were recorded, anonymized and transcribed.\footnote{The transcripts and the questionnaire in German are available on request.} Table 2 summarizes IGO and non-state actor experiences of the interviewees.

Table 2: Interviewees and their experience in the Federal Foreign Office, with IGOS and non-state actors

<table>
<thead>
<tr>
<th>ID</th>
<th>In Office</th>
<th>IGO</th>
<th>Non-state</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>&lt;10 years</td>
<td>EU advocacy, lobby, local, science</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>&gt;10 years</td>
<td>UN advocacy, local</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>&lt;10 years</td>
<td>UN advocacy, local, religious</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>&gt;10 years</td>
<td>Worldbank science</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>&gt;10 years</td>
<td>UN, NATO lobby, science</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>&lt;10 years</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>

4 Argumentative patterns in German diplomacy

The analysis of the texts has revealed a number of interesting argumentative patterns. Overall, these patterns are quite homogenous. There are larger differences between official documents and interviews than between individual texts of either category. Further, the interviews were a much richer source of information than the documents. Consequently, I will discuss the patterns identified in the documents first and finish with those of the interviews.

4.1 Official documents – an incomplete picture?

The analysis of the selected documents shows a number of interesting argumentative patterns. Generally, argumentations in official documents appear to be quite homogeneous over time and type. Similar argumentations can be found
in a larger number of documents. Further, there are no extraordinary variations between the different types of documents. Contradictory argumentations were identified only very rarely. The patterns discussed here, were identified in at least three different texts.

First of all, in nearly all texts, the argument is made that non-state actors are very valuable actors in international politics. NGOs and others are described as important, indispensable or even crucial partners. The perceived partnership is described on a general level, but also highlighted in more detail: NGOs are especially important when they participate in specific projects. Further, NGOs are hardly ever criticized or described as rather unimportant actors. Of course, this is less surprising given the selection of texts. The texts were specifically selected to include statements on non-state actors. Given the types of selected texts, it would be astonishing to read strong critique or statements that deny NGOs and others a certain place in international politics.

Second, in the texts, the diplomats argue that non-state actors fulfill certain functions in diplomacy. Here, the main pattern sees NGOs and other actors as providers of certain services for diplomats. First of all, it is non-state expertise that is highlighted: NGOs provide important information and resources to diplomats. These resources are often described to be of a great value. Further, non-state actors are described as important because they know how to mobilize political support. This mobilizing capability is usually praised as a general concept but rarely discussed in much detail. Further, NGO participation is argued to be beneficial because it improves consensus-making. All these described qualities of non-state actors, so another pattern indicates, help diplomats to govern more efficiently. Here, it becomes clear that diplomats argue for more participation in a very functional logic: NGOs and others provide important services and thus render policy making more efficient. Arguments that do not follow this logic are only rarely found. If they are made, they ascribe a legitimation function to non-state participation. Participation may than raise transparency and generally make global rules more acceptable, i.e. legitimate, to the wider public.
Third, the functional logic also prevails when the actual modes of cooperation between states, non-state actors and IGOs are described. Here, the common argument is that cooperation is necessary for successful policy making. Participation in IGOs is often said to be essential to be able to make common decisions. Further, cooperation with NGOs and others is described to be something that has been practiced for a long time. Cooperation and participation are described as traditional, common and normal features of diplomatic practice.

Finally, the official documents are filled with arguments about how participation should evolve in the future. These kind of statements are very special for the official documents. In the interviews, there were only a few statements of this kind. What do diplomats wish for the future of IGO-NGO cooperation? First of all, in their speeches, policy papers and other official documents, diplomats wish that there was more participation in the future. This is a very general and broad, but very common claim. To achieve this goal, some diplomats argue that more support for non-state actors is needed. Further, cooperative arrangements should be more institutionalized in the future. Here, the participation is supposed to be based less on ad hoc and informal participation. Guaranteed rights of participate in IGOs are favored. Next to this participation-friendly argumentation, diplomats are also seeing some features of current participatory practices that need to be improved. For example, diplomats argue that more coordination of non-state actors by states is needed. In the same direction, some diplomats wish that NGOs and others were building more reliable networks. These networks could further improve the efficiency of NGO-IGO cooperation.

To sum up, argumentations in official documents primarily understand non-state actor participation as something functional. NGOs and other actors possess important resources. These resources should be made available to the diplomatic process by allowing more participation. For this reason, non-state actors are applauded as important actors. For this reason, more participation is called for. More normatively inspired arguments for or against participation are found less often. Here, diplomats recognize that non-state actors may increase the legitimacy of global rule making. Overall, the official documents paint a colorful picture of non-state participation. Yet, most of the statements stay on a
relatively vague and abstract level. Further, NGOs and other actors are hardly ever criticized. Thus, official documents do indeed present a somewhat limited picture. To generalize, the picture shows to little detail and has some blind spots, especially when it comes to evaluating non-state actors critically.

4.2 Argumentation in interviews – more than personal opinion?

The interviews are a very rich source that provide some information on the blind spots that the documents do not cover. In the interviews, the diplomats also provide a broader sets of argumentative patterns. Of course, this is not a very surprising. In the interviews, the diplomats respond to a special set of questions. Further, these questions were tailored to stimulate a wide range of argumentations. In the following sections, I discuss patterns that have been identified in the interview texts of at least two diplomats. However, most of them can be found in four or more interviews.

First, the diplomats provide a rich description of how they understand their cooperation with non-state actors. In nearly all of the interviews, they are described as very valuable partners. Relations with NGOs and others are described as fruitful and very productive. Further, working together with non-state actors is described as something very normal for diplomats. Consulting non-state actors is “business as usual”. This is especially true in informal settings. Informally consulting NGOs appears to be a very common feature of daily diplomatic activity. Most of the interviewees describe that they work together with NGOs in their current projects. Not a single diplomat has said, that he has never worked with NGOs. Yet, one limitation is made very clearly. Exchange with non-state actors remains a deliberate decision made by the diplomats. Diplomats select whom they want to talk to, about which issues they want to talk, and when they want to talk. Apparently, there are no strict rules or guidelines in German diplomacy that would prescribe consultations. Consequently, most diplomats say that NGOs can only be influential when getting in contact with individual diplomats whom they can convince of their points of view.
Second, in the interviews, most of the diplomats provide some interesting argu-
mentations about the democratic qualities of non-state actors. Most of the
diplomats acknowledge that NGOs and others represents some important inter-
est. These may, for example, be those of local or professional groups. Further,
diplomats are aware that NGOs and their messages are very present in the public
debate. Here, they describe that the public tends to portrait non-state actors as “good” . States, on the other hand, are often described as “bad”. Thus, the
diplomats say that this causes a certain pressure to allow more non-state partici-
pation in global rule making. For this reason, some diplomats voice the fear that
NGOs have already acquired too much power in international politics.

Third, most of the diplomats are very clear about which functions non-state
actors should have for their diplomatic activity. Here, the main argumenta-
tive patterns in the interviews are also based on a logic of functionality. NGOs
and others are considered to be actors that provide certain services for diplo-
mats. Thus, they are described as aids or consultants. What to do they provide?
Basically, most diplomats expect them to deliver expertise and information.
Providing expertise is an important function. NGOs and others are perceived
to have privileged access to information that are not available to diplomats.
First, this is technical information. For example, one diplomat says, that only
NGOs have the time and expertise to write 200 page reports on issues of current
foreign policy. Second, NGOs are expected to provide high-quality information
on local processes. Often, they are depicted to be the only credible sources of
information, especially in authoritative regimes. As one diplomat puts it, foreign
policy would hardly be possible in some countries if NGOs were not there. There
is another important function. Some diplomats praise non-state actors for their
privileged access to the broader public. Here, diplomats have recognized that
they can use the capabilities of NGOs to mobilize larger audiences. Thus, they
may help diplomats with organizing political support for their political projects.

Fourth, in the interviews, the diplomats very clearly state some problems that
they have with non-state actors. This is something that they rarely do in the
official documents. The concern voiced the most is that non-state actors often
only stand for very specific and particular interests. To the diplomats it is clear
that NGOs and others are economic actors, too. They represent a certain group that expects them to make their interests heard in the best possible way. Consequently, diplomats underline that some of the information non-state actors provide needs to be checked and verified. In the same direction, the diplomats criticize that some of the proposals that NGOs make are not always compatible with the political backgrounds. Here, non-state actors often fall short in adequately analyzing political positions and realistic outcomes. Another problem that becomes apparent in the argumentations is connected to issues of confidentiality. As mentioned above, most diplomats acknowledge NGO as important partners. However, they highlight that some areas of negotiations should not be open to them. In some phases of the negotiation process, confidentiality is an important asset. Here, too much transparency could harm the negotiation process.

This leads to a very general and very deep concern that diplomats have. Most do in some way debate the legitimacy of non-state actors. Their concern is based on three points. First, they criticize that most non-state actors lack basic responsibilities. For example, one diplomat makes this point very clear in saying that NGOs cannot be entrusted with certain tasks because there are few ways to hold them responsible for their actions. In the worst case, they could simply dissolve. A second point is critical of what and whom non-state actors actually represent. As already mentioned above, there is a certain acceptance of NGOs representing important interests. Yet, these interests are often not representative for a very large number of people. For example, this is a large problem in negotiations of global issues, where most NGOs are from the northern hemisphere. Participation is therefore less of an issue for states from the south. This lack of truly global representation is also cited as a reason why more participation in the United Nations system is somewhat problematic. Thirdly, and this seems to be a very important argument, non-state actors simply are not legitimated by democratic processes like diplomats are. Most of the interviewees raise critical questions about this issue. In their eyes, non-state actors would have to prove that they are legitimated in ways comparable to the diplomats themselves. If this does not happen, they will hardly be accepted as true partners.
Finally, despite the concerns, diplomats argue that non-state actors are important actors in IGOs. Some describe that their participation is a necessity. Without their expertise and information, IGOs could not govern effectively. Further, in the current setting, non-state actors influence IGO policy making mainly via their member-states. Most diplomats perceive this way of influencing as very effective and successful. Again, because of the information and expertise they provide, non-state actors are described to be very influential in the early phases of negotiations. They put items on the agenda, write proposals and influence member states to take a certain position. However, most of the interviewed diplomats highlight that the participation of NGOs stays an explicit, political decision of IGO member states.

To sum up, the interviews also revealed a primarily functionalist view of non-state participation. Additionally, lots of skepticism is raised towards non-state actors. Despite acknowledging them as very important actors, they are criticized on two dimensions. First, they may not be as functional as necessary (e.g. biased information). Second and more important from a normative point of view, their participation may not improve the democratic record of global rule making (e.g. weak democratic legitimation). One last question remains. In the interviews, do the diplomats provide more than a simple insight into their personal opinions? When comparing both sources used here, the similarities are apparent. Further, there are very few contradicting argumentations in the interviews. If contradictory remarks are made, they rather concern questions of detail. Thus, there appear to be some core assumptions that diplomats hold on non-state participation. These are relatively stable over short periods of time, space and individuals.

5 First conclusions

In this paper, I analyzed argumentative patterns of German diplomats in official documents and interviews. These should help with assessing the status of a new, participative norm of open governance. For this purpose, the following argumentative patterns appear to be important. First, diplomats highlight that non-state
actors are very important actors in international politics. **Second,** diplomats recognize that NGOs and similar actors represent important interests and transport them into arenas of global rule making. **Third,** most diplomats claim that participation should be extended in the future. These patterns highlight that participation may indeed be an element of the current normative framework that guides diplomats. However, the finding that the dominant understanding of participation is a functional one blurs the picture.

What does this mean for the status of a new governance norm based on participation? Of course, at this point only some educated guesses may be put forward. There are some indicators that show that elements of the newer norm of open governance have in fact some relevance in the German diplomatic discourse. For example, many diplomats recognize that non-state participation is a source for legitimizing globally made rules. Further, the description of state and non-state cooperation as something normal and usual hints at some underlying, cognitive sources of legitimacy of non-state participation. Yet, the prevailing functional logic of participation can be attributed to the more traditional, state-centered understanding of appropriate global rule making. Overall, this seems to indicate that elements of both the traditional and newer norm of governance are of importance in current diplomatic discourses. However, this study is explorative in nature. Thus, further efforts in these directions are needed for more reliable assumptions about current normative frameworks of good global governance and their changes over time.

**REFERENCES**


