

THE ASSOCIATIONAL COUNTER-REVOLUTION

THE SPREAD OF RESTRICTIVE CIVIL
SOCIETY LAWS IN THE WORLD'S
STRONGEST DEMOCRATIC STATES

by

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Series in Law



VERNON PRESS

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www.vernonpress.com

In the Americas:

Vernon Press
1000 N West Street, Suite 1200,
Wilmington, Delaware 19801
United States

In the rest of the world:

Vernon Press
C/Sancti Espiritu 17,
Malaga, 29006
Spain

Series in Law

Library of Congress Control Number: 2021950198

ISBN: 978-1-64889-182-3

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This book is dedicated to Gabe, whose endless patience, unconditional love, and bottomless support made this project possible. Thank you.

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CHAPTER 1:

INTRODUCTION

*The steady concentration of power in the hands of states that began in 1648 with the Peace of Westphalia is over ...*¹

Jessica Mathews, *Power Shift*, in *Foreign Affairs* (1997)

Why, and to what extent, are the world's strongest democratic states adopting legislation restricting the ability of Civil Society Organizations (CSOs) to operate autonomously from government control?² This book seeks to explore, document, and explain this perplexing global phenomenon.

Civil society, an amorphous term defined in numerous ways, is primarily composed of organizations established voluntarily by coalitions of individuals to advance certain shared interests or to address common concerns, which can include virtually anything with the exception of profit-making.³ Civil society organizations (CSOs), the so-called *third sector* wedged between the state and the market, include advocacy organizations, student groups, cultural and sports clubs, social movements, community associations, philanthropic foundations, religious organizations, professional associations, labor unions, chambers of commerce, and informal voluntary groups, among others. They include Human Rights Watch, Doctors without Borders, Parent-Teacher Associations, and community babysitting clubs, in addition to the Ku Klux Klan, the Alt-Right, and the United Aryan Front.⁴ They can operate entirely domestically or venture across state borders to perform their work, in which

¹ Jessica T. Mathews, *Power Shift*, 76 *FOREIGN AFF.* 50–66 (1997).

² Civil Society Organizations (CSOs) and Non-Governmental Organizations (NGOs) are often used synonymously or interchangeably. However, CSO is a broader, umbrella term, while NGO is more specific: the latter is just one type among many different types of CSOs. The research presented in this manuscript intends to focus on this broader category of not-for-profit groups that lie outside both the government and corporate sectors; as such the Author has chosen to use the broader term CSO and not NGO.

³ See U.S. DEP'T OF STATE, *NON-GOVERNMENTAL ORGANIZATIONS (NGOs) IN THE UNITED STATES* (2017); JONAS WOLFF & ANNIKA E. POPPE, *FROM CLOSING SPACE TO CONTESTED SPACES: RE-ASSESSING CURRENT CONFLICTS OVER INTERNATIONAL CIVIL SOCIETY SUPPORT* 5 (2015). See generally NIALL FERGUSON, *THE GREAT DEGENERATION: HOW INSTITUTIONS DECAY AND ECONOMIES DIE* (Allen Lane ed., 2012).

⁴ See Thomas Carothers, *Civil Society: Think Again*, *FOREIGN POL'Y*, 18, 19–20 (2000).

case they are referred to as international or transnational CSOs.⁵ Perhaps the only thing that unites this disparate array of organizations is what they are not: they are *non-governmental* and *not-for-profit*.⁶ Though their work often overlaps with the state and the market, and their collaboration with both sectors is typical, their autonomy from both spheres, particularly the state, is what makes CSOs distinct.⁷

Yet, in an increasing number of countries around the globe, representing all regime types, in all regions, with all levels of economic and military strength, civil society's autonomy from the state is being slowly chipped, and in some cases, entirely stripped, away.⁸ While this erosion of civil society's autonomy is accomplished in a variety of ways, many of which are illegal and extralegal in nature, including assaults, murders, stigmatization campaigns, and bureaucratic harassment, an increasingly popular tool used by government actors, particularly those in democratic states, is the law. Through the passage of new legal restrictions

⁵ Domestic CSOs are CSOs that are headquartered in a single nation, where they also perform all of their activities and work. International and transnational CSOs are synonymous and refer to CSOs that despite being headquartered in a certain nation, have offices and perform activities in other nations throughout the globe. See Kelly Anne Krawczyk, *International NGOs, Transnational Civil Society, and Global Public Policy: Opportunities and Obstacles in the Twenty-First Century*, in *THE OXFORD HANDBOOK OF GLOBAL POLICY AND ADMINISTRATION* (Diane Stone & Kim Moloney eds., 2019).

⁶ See Audie Klotz, *Transnational Activism and Global Transformations: The Anti-Apartheid and Abolitionist Experiences*, 8 EUR. J. INT'L REL. 49, 50 (2002); BRINGING TRANSNATIONAL RELATIONS BACK IN: NON-STATE ACTORS, DOMESTIC STRUCTURES AND INTERNATIONAL INSTITUTIONS 3 (Thomas Risse-Kappen ed., 1995).

⁷ See generally EDUARDO SZAIZ, *NGOs: Legitimate Subjects of International Law* (2012); INT'L CTR. FOR NOT-FOR-PROFIT LAW & WORLD MOVEMENT FOR DEMOCRACY SECRETARIAT AT THE NAT'L ENDOWMENT FOR DEMOCRACY, *DEFENDING CIVIL SOCIETY REPORT* n.1 (2012).

⁸ See GODFREY MUSILA, *FREEDOM UNDER THREAT: THE SPREAD OF ANTI-NGO MEASURES IN AFRICA* 9 (2019); ANDREW CUNNINGHAM & STEVE TIBBET, *INT'L COUNCIL OF VOLUNTARY AGENCIES: SCOPING STUDY ON CIVIL SOCIETY SPACE HUMANITARIAN ACTION 1* (2018); Kendra Dupuy et al., *Do Donors Reduce Bilateral Aid to Countries With Restrictive NGO Laws? A Panel Study, 1993–2012*, 47 *NONPROFIT & VOLUNTARY SECTOR Q.* 89–106, at 100 (2018) [hereinafter Dupuy et al., *Panel Study*]; Kendra Dupuy et al., *Hands off my Regime! Governments' Restrictions on Foreign Aid to Non-Governmental Organizations in Poor and Middle-Income Countries*, 84 *WORLD DEV.* 299–311, at 306 (2016) [hereinafter Dupuy et al., *Hands off my Regime!*]; Kendra E. Dupuy et al., *Who Survived? Ethiopia's Regulatory Crackdown on Foreign-Funded NGOs*, 22 *REV. INT'L POL. ECON.* 419–56 (2014) [hereinafter Dupuy et al., *Who Survived?*]; Douglas Rutzen, *Aid Barriers and the Rise of Philanthropic Protectionism*, 17 *INT'L J. NOT-FOR-PROFIT L.* 1, 6 (2015); THOMAS CAROTHERS & SASKIA BRECHENMACHER, *CLOSING SPACE: DEMOCRACY AND HUMAN RIGHTS SUPPORT UNDER FIRE* 1 (Carnegie Endowment for Int'l Peace, 2014).

on the ability of CSOs to form, operate, access funding, and assemble, what are referred to throughout this book as *restrictive CSO laws*, national-level governmental actors are gaining greater control over the non-governmental, not-for-profit sector. Not only are such laws appearing in countries where they might be expected – Azerbaijan, Burundi, China, Egypt, Ethiopia, Russia, Zimbabwe, and countries throughout the Middle East.⁹ More curiously, they are appearing in democratic states too, including strong, fully consolidated democratic states that have historically supported a vibrant and independent civil society sector. Over the course of the past two decades, restrictive CSO laws have appeared in Canada, India, New Zealand, Spain, Israel, Hungary, Poland, Australia, the UK, and the United States, to name just a few.¹⁰

Restrictive CSO laws, which are perhaps unsurprising in authoritarian-leaning states, are puzzling in the context of democratic ones, which have historically been the primary funders and champions of an independent civil society.¹¹ Democracies, by definition, are polities created by and for the citizens that comprise them.¹² To ensure that the people rather than a single party or individual leader control their nation's destiny, democratic states — typically by constitutional design — grant their citizens the rights to freedom of

⁹ See INT'L CTR. FOR NOT-FOR-PROFIT LAW, CIVIC FREEDOM MONITOR (2019), <http://www.icnl.org/research/monitor/index.html> [<https://perma.cc/5MM3-LREW>], for reports on these countries which detail the legal frameworks for civil society.

¹⁰ See Chrystie F. Swiney, *Undemocratic Civil Society Laws are Appearing in Democracies*, OPENGLOBALRIGHTS (Mar. 28, 2019), <https://www.openglobalrights.org/undemocratic-civil-society-laws-are-appearing-in-democracies-too/> [<https://perma.cc/EH95-E3X3>]; Chrystie F. Swiney, *Laws are Chipping Away at Democracy Around the World*, THE CONVERSATION (Apr. 2, 2019), <https://theconversation.com/laws-are-chipping-away-at-democracy-around-the-world-113089> [<https://perma.cc/RW9Y-TJA6>]. Poland adopted a restrictive CSO law in October 2017 and Hungary adopted one in June 2017. Though both could be characterized as *unconsolidating* in recent years, both are characterized as “full” democracies according to the Polity IV project, a highly-respected and frequently cited database relied on by many political scientists. Both countries have received the highest score (a 10) on Polity's scale since 1990 (for Hungary) and 2003 (Poland), which means that qualify as the highest form of democracy, a “full” democracy.

¹¹ See, e.g., STAFF OF S. COMM. ON FOREIGN RELATIONS, 109TH CONG., REP. ON NONGOVERNMENTAL ORGANIZATIONS AND DEMOCRACY PROMOTION: GIVING VOICE TO THE PEOPLE 73 (Comm. Print 2006).

¹² See HARVARD UNIV., DEFINING DEMOCRACY, <https://sites.hks.harvard.edu/fs/pnorris/Acrobat/Democracy1.pdf> [<https://perma.cc/6BVK-PLX7>]. There are of course many different measures and definitions of democracy, which can alter depending on the particular type of democracy that one is speaking of: constitutional democracy, liberal democracy, representative democracy, etc.

expression, association and assembly, all of which are inherent to the right to form into voluntary, non-governmental groups.¹³ This ability of individuals to form independent groups on the basis of shared concerns or interests is essential for the establishment and maintenance of any democracy. Non-governmental groups are critical to holding elected leaders to account and ensuring that the voices and opinions of the people, especially the marginalized and destitute, are heard.¹⁴ Individuals acting on their own are powerless in the face of the modern nation-state, which holds the monopoly on force and unmatched access to resources.¹⁵ Without the ability for individuals to coalesce together, to unite their voices and resources, a democratic state can slowly morph into an authoritarian one where the people's will is neglected.¹⁶ In short, the independence of civil society matters because democracy matters, and an independent civil society sector is essential to the functioning of any genuine democracy.¹⁷ The two – democracy and an independent civil society – go hand-in-hand.

The right for CSOs to form and operate free from unwarranted government restrictions is rooted in the freedom of association, a fundamental human right enshrined in a variety of international and regional legal instruments, including Article 20 of the *Universal Declaration of Human Rights*, Article 22 of the *International Covenant on Civil and Political Rights* (ICCPR), Article 24 of the *The Arab Charter on Human Rights*, Article 10 of the *African Charter on Human and Peoples' Rights*, Article 16 of the *American Convention on Human Rights*, and Article 11 of the *European Convention on Human rights*, among others.¹⁸

¹³ UNHR, OFFICE OF THE HIGH COMMISSIONER, FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION.

¹⁴ See EMILY VON SYDOW, CIVIL SOCIETY AND DEMOCRACY: THE CITIZEN'S SHORTCUT TO THE EU 4 (European Economic and Social Committee, 2013) (arguing that "civil society ... is an essential pillar of democracy.").

¹⁵ See generally MAX WEBER, WEBER'S RATIONALISM AND MODERN SOCIETY (Tony Waters & Dagmar Waters eds., 2015).

¹⁶ This was one of the many claims made by French historian Alexis d' Tocqueville after conducting a study on why democracy in the United States took root and developed so robustly. His conclusion: a strong commitment to free association. His findings and observations are contained in his renowned book, DEMOCRACY IN AMERICA (1835); Open Society and ICNL, *Defending Civil Society*, 2nd Ed. (June 2012), available at <https://move-democracy.org/wp-content/uploads/2017/09/English-Defending-Civil-Society-Report-2nd-Edition.pdf>.

¹⁷ MAINA KIAI, UN HUMAN RIGHTS COUNCIL REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION (A/HRC/20/27, 2012).

¹⁸ This right is also recognized in various International Labor Organization conventions, as well as the founding charters and constitutions of nations around the world, such as

According to the ICCPR, a foundational international human rights treaty ratified by 167 countries around the world,

Everyone shall have the right to freedom of association with others ... No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.¹⁹

Under international human rights law, any legal restriction placed on the freedom to associate – which would include any restrictive CSO law – is presumptively impermissible.²⁰ While certain restrictions on CSOs are permissible under international human rights laws, as further discussed in Chapter 5, such restrictions must be narrowly tailored and subject to a strict three-party test, which ensures that they are lawful, necessary and proportionate.²¹ Regardless, permissible restrictions on the freedom of association are considered exceptions requirements on the autonomy of CSOs are considered exceptions to the general rule that CSOs should be free from government control are narrowly tailored and subject to strict requirements.²²

To satisfy international human rights law and for civil society to play its democracy-maintaining role, it is essential that CSOs remain genuinely *independent* from the state; this is key. Saudi Arabia, North Korea, and Eritrea, which are among the world's most authoritarian countries, all claim to have civil society sectors.²³ This might be true, but their civil societies have no

Art. 2 of the Canadian Charter of Rights and Freedoms which identifies the right to association as a “fundamental freedom”.

¹⁹ International Covenant on Civil and Political Rights (ICCPR) (Dec. 16, 1966). For the full text of the ICCPR go to <http://www.cirp.org/library/ethics/UN-covenant/> [<https://perma.cc/SL8M-ZE98>]. For information about the ICCPR go to: <http://cil.nus.edu.sg/1966/1966-international-covenant-on-civil-and-political-rights-iccpr/>.

²⁰ *Sidiropoulos v. Greece*, 4 Eur. Ct. H.R. 500 at 40 (1998).

²¹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN Human Rights Council, May 2012 (A/HRC/20/27), at 51–76, available at <https://undocs.org/A/HRC/20/27>.

²² International Standards on the Rights to Freedom of Peaceful Assembly and of Association, UN Office of the High Commissioner, available at <https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/InternationalStandards.aspx>.

²³ See Gavin Haines, *Mapped: The World's Most (and Least) Free Countries*, THE TELEGRAPH (Jan. 23, 2018), <https://www.telegraph.co.uk/travel/news/the-worlds-most-authoritarian-destinations/>.

independence from the state apparatus, making such a claim devoid of meaning. Where CSOs are under the control of the government, they become mere appendages or mouthpieces of the state's agenda, undermining their ability to hold governments to account or offer alternative perspectives.²⁴ Without legal guarantees and enforceable protections securely in place protecting their independence, CSOs can easily succumb to co-optation, manipulation, or all-out eradication by the state; as has happened in a variety of non-democratic settings in recent years, such as the Democratic Republic of the Congo, Ethiopia, and in parts of China.²⁵

Though less restrictive than their counterparts in non-democratic countries, the accelerating appearance of restrictions imposed on CSOs, including the passage of restrictive CSO laws, in historically strong democratic states and in a relatively short period of time, is a perplexing and growing concern among civil society activists, democracy observers, and a small, but growing number of political scientists.²⁶ Strangely, this phenomenon which implicates classic international relations theories and concepts, including balance of power and national sovereignty, as well as democratic theory, state-civil society relations, and international human rights, has largely eluded political scientists, and even more so, legal scholars. This book is an attempt to rectify these gaps in the existing political science and legal scholarship on an interdisciplinary

²⁴ Both the International Center for Not-for-Profit Law and CIVICUS track civil society related developments in virtually all countries around the world. Individual reports for each country, between the two of them, can be accessed. These reports can confirm the lack of civil society or the lack of independence pertaining to the civil society sectors in these countries. This is less true of Ethiopia than the other countries cited.

²⁵ See *Democratic Republic of Congo*, HUMAN RIGHTS WATCH (July 2019), <https://www.hrw.org/africa/democratic-republic-congo> [<https://perma.cc/KR7A-GHSN>; Carolyn Hsu et al., *The State of NGOs in China Today*, BROOKINGS (Dec. 15, 2016), <https://www.brookings.edu/blog/up-front/2016/12/15/the-state-of-ngos-in-china-today/> [<https://perma.cc/X9JV-EHBJ>]; Paul Kariuki, *Citizens and Civil Society Must Fight to Protect our Democracy*, DAILY MAIL & THE GUARDIAN (Aug. 5, 2019), <https://mg.co.za/article/2019-08-05-00-citizens-and-civil-society-must-fight-to-protect-our-democracy> [<https://perma.cc/4AC2-827J>].

²⁶ See generally ANTHONY J. DEMATTEE, COVENANTS CONSTITUTIONS, AND DISTINCT LAW TYPES: INVESTIGATING GOVERNMENT'S RESTRICTIONS ON CSOS USING AN INSTITUTIONAL APPROACH (2019); Suparna Chaudhry, *The Assault on Democracy Assistance: Explaining State Repression of NGOs* (Dec. 2016) (unpublished Ph.D. dissertation, Yale University); Dupuy et al., *Panel Study*.

phenomenon with profound consequences for the state of democracy around the world.²⁷

KEY ARGUMENT & METHODOLOGY

This book argues that the world's strongest democratic states, like so many of the world's states, are restricting the autonomy of their civil society sectors through the passage of restrictive CSO laws because they feel that their national sovereignty is increasingly under threat by the rise of non-state actors, including CSOs. This perception gradually emerged during CSOs' so-called 'golden age' in the 1990s, when their numbers, popularity (primarily among the world's democratic states), and funding soared, and when they became increasingly involved in both national and international politics. Individual CSOs coalesced with other CSOs, oftentimes across state borders, to form large-scale transnational advocacy networks (TANs), and together they acquired new tools and strategies, such as the "boomerang," to advance their agendas.²⁸ By the turn of the new century, CSOs' ability to successfully inject themselves into the center of the political arena, whether domestic or international, had reached such levels that states began to fear that their place in the international order was under threat. States began pushing back, attempting to re-balance the scales of global and national power in their decisive favor. This was done in a variety of ways, including through the passage of laws that lessen the autonomy, the most critical aspect, of CSOs.

Methodologically, this book utilizes various methods drawn from both legal and political science scholarship to defend the argument advanced above. In order to document the phenomenon being examined herein, the associational counter-revolution, cross-national legislative mining, or the attempt to look for similar types of laws spanning multiple national contexts, was used in conjunction with comparative legal analysis. International human rights law,

²⁷ This phenomenon – the stripping away of the autonomy and independence of civil society organizations in democratic states – has applications that are not only legal in nature. In addition, to be negatively impacted by the passage of restrictive laws, CSOs suffer from harassment by governmental actors, intimidation and stigmatization campaigns, the withdrawal of privileges, abusive manipulations and distortions of existing laws, and a variety of additional illegal and extralegal mechanisms.

²⁸ The boomerang effect, which will be detailed in Chapter 4, refers to a strategy used by domestic CSOs to acquire the support and funding of international CSOs in an effort to put pressure on their own governments. This strategy was first coined and explored by scholars Margaret Keck and Kathryn Sikkink. See MARGRET KECK & KATHRYN SIKKINK, *TRANSNATIONAL ADVOCACY NETWORKS IN INTERNATIONAL AND REGIONAL POLITICS* (1999), available at <http://courses.washington.edu/pbaf531/KeckSikkink.pdf>; MARGRET KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS* (1998).

including the decisions of regional and international human rights courts and the authoritative opinions issued by leading human rights experts (such as the UN Special Rapporteur on Peaceful Assembly and the Freedom of Association), were used as an interpretive guide when engaging in comparative legal analysis. Empirical documentation and trend analysis were used to evaluate, and debunk, the existing theories most often cited to explain the associational counter-revolution. And theory building, in conjunction with case studies, was used to illustrate the connection between the adoption of restrictive CSO laws and the growing perception among states that their place in the global order, and their national sovereignty specifically, are under threat by the rise of CSOs.

OUTLINE

This book documents, explores, and attempts to explain the spread of restrictive CSO laws in the world's strongest democratic states, the least likely category of states to engage in a global trend focused on undermining a core element of democracy. To understand the historical factors that gave rise to this trend, Chapter 2 traces the evolution and rise of CSOs from the end of WWII to the present, which includes an examination of the so-called "associational revolution," when the freedom of association was widely encouraged and supported, at least among the democracies of the world. During this period, CSOs reached their apex in terms of influence, funding, support, and ambition. Their rise, however, created a strain on traditional notions of national sovereignty, territorial integrity, and state exclusivity within the international policy and law-making spheres, ideas built into the fabric of the international order constructed after WWII. Fearing that this global order and their pinnacle place within it was being undermined, states began engaging in balancing behaviors against CSOs, which included the passage of restrictive CSO laws.²⁹ The attempt by states to reign in the rising influence of CSOs within both national and international politics led to what is referred to as the "associational counter-revolution," or the attempt by states to place restraints on the freedom of association in an effort to restrict the independence of CSOs.

After reviewing the associational revolution in Chapter 2, the associational counter-revolution is discussed in Chapter 3, which discusses and critiques the existing explanations for this reversal. Chapter 4 then advances a novel theory to explain the associational counter-revolution, which builds on the historical story of CSOs' rise presented in Chapter 3. This theory operates at the systemic or international level, unlike the other existing theories, which are largely focused on domestic level factors. By viewing the associational counter-

²⁹ Note that many other techniques are used by states as well, particularly authoritarian states. However, the focus of this book is exclusively restrictive CSO legislation.

revolution from the systemic level, a more uniform and holistic explanation is offered for why so many countries throughout the world, including ones we would least expect, are narrowing the independence of their CSO sectors through the passage of restrictive CSO laws. The theory offered in Chapter 4 is rooted in perhaps the oldest and most fundamental concept in all of international relations theory: balance of power theory.³⁰ This theory, which has ancient roots but was restated by Kenneth Waltz in the late 1970s, can help make sense of why the world's strongest democratic states began to feel threatened by CSOs following the turn of the twenty-first century. CSOs, which by the early 2000s had formed into many large-scale transnational movements and acquired new techniques to advance their goals, began to be perceived by states as threatening to their sovereignty. States began to perceive them not merely as legitimate critics or watchdogs but as enemies of the state or foreign agents intent on advancing malicious agendas at odds with the national interest.

Chapter 5 provides detailed empirical documentation of the associational counter-revolution in the world's strongest democratic states, presenting the number, typology, spread, and timing of adopted restrictive CSO laws between 1990–2018. The empirical data presented is entirely original; it does not build on existing databases or studies, as (at the time of writing) none exist that specifically examine democratic states. As such, this chapter fills an important gap in the existing literature on the associational counter-revolution, which tends to focus only on authoritarian-learning or low or middle-income countries, and on only one particular type of law (foreign funding laws). This chapter close examines three case studies, Bolivia, India and Poland, to exemplify how the balance of power theory, transnational advocacy networks, and the boomerang strategy can help to explain why strong democratic states now feel threatened by CSOs.

Chapter 5 examines the key implication, or consequence, of the associational counter-revolution, which is that it is contributing to, and potentially fueling, global democratic decay. By undermining a core aspect of democracy, an independent civil society sector, the passage of restrictive CSO laws undermines a foundational element of any democracy. Though often presented as two separate global trends, the associational counter-revolution and global democratic decay, the two closely parallel each other and are undoubtedly linked. Though more research is needed to ascertain the many factors fueling the widespread democratic backsliding seen around the globe, the stigmatization

³⁰ Steven Lobell, *Balance of Power*, in OXFORD BIBLIOGRAPHIES (Aug. 2019) (stating that “[t]he balance of power is one of the oldest and most fundamental concepts in international relations theory.”)

of CSOs as malicious actors and the undermining of their autonomy is presented as a key factor contributing to this disturbing trend.

Chapter 7 concludes by examining the changing nature of international politics, which has been significantly impacted by the rise of non-state actors, notably including CSOs. It offers a new paradigm for thinking about international relations as a realm that encompasses a much broader array of actors than only states, challenging other legal scholars and political scientists to participate in re-thinking the traditional concepts and paradigms we use to understand international affairs. Many of these concepts remain rooted in the idea that the state is the only relevant actor in the international arena; that the state alone makes, performs, and enforces international policies and law. But this is no longer the case. CSOs, among other non-state actors, are now actively involved in shaping our national and international agendas, drafting and enforcing international law, and conducting the important work of transnational relations. Understanding how states are pushing back against this new reality, which will shape and define international relations in the centuries ahead, forms the focus of this book.

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