Anna-Karin Lindblom. ***Non-Governmental Organizations in International Law.*** Cambridge: Cambridge University Press, 2005. Pp. 559. £72. ISBN: 9780521850889.

Sergey Ripinsky and Peter Van den Bossche. ***NGO Involvement in International Organizations.*** London: British Institute of International and Comparative Law, 2007. Pp. 362. £65. ISBN: 9781905221196.

Anton Vedder (ed.). ***NGO Involvement in International Governance and Policy: Sources of Legitimacy.*** Leiden: Martinus Nijhoff Publishers, 2007. Pp. 234. €84. ISBN: 9789004158467.

Pierre-Marie Dupuy and Luisa Vierucci (eds). ***NGOs in International Law: Efficiency in Flexibility?*** Cheltenham: Edward Elgar Publishing, 2008. Pp. 281. £75. ISBN: 9781847205605.

1 Introduction[1]

There is little doubt that non-governmental organizations (NGOs) are an enduring phenomenon in international law. While the formal involvement of NGOs with the United Nations (UN) system has longevity, tracing back to provisions in Article 71 of the UN Charter, discourses of globalization have given added impetus to their presence in international law under the broad church of 'global civil society'. The Chair of the recent Panel of Eminent Persons on United Nations–Civil Society Relations set up to examine the relationship of NGOs with the UN system characterized the rise of civil society as one of the 'landmark events of our times'.[2] This visibility has meant that NGOs have increasingly become a source of debate amongst international legal scholars. Some commentators welcome the participation of NGOs in international legal and political processes, while others express unease about the involvement of NGOs within the international system and question the legitimacy of this presence. The involvement of NGOs in international law therefore remains contested, and key issues about the extent and nature of their participation, their legal status and legitimacy as actors in international law are unresolved. The four volumes under review take us some steps further along in understanding the present and potential participation of NGOs in international law in a number of ways. First, these volumes provide a comprehensive picture of how the presence of NGOs in the international legal and political systems has evolved into the many varying arrangements that NGOs have with international organizations. Second, the volumes seek to engage with some of the more intractable issues; in particular, these volumes explore the challenging questions about the legitimacy of NGOs as actors in international law. Finally, these volumes highlight that this inquiry is a fundamentally inter-disciplinary exercise; going beyond legal analysis, it is important to consider the basis on which the legal status of NGOs rests.

2 Overview of the Volumes

The four volumes present different methodological and conceptual approaches to the questions raised about NGO involvement in international law. All of the volumes focus on sketching the specific legal arrangements provided for NGOs in international law. This focus presents a slightly different analysis

[1] An extended version of this review can be found at www.globallawbooks.org.

[2] Cardoso, 'Transmittal Letter from the Chair' in *We the peoples: civil society, the United Nations and global governance. Report of the Panel of Eminent Persons on United Nations–Civil Society Relations*, UN Doc A/58/817 (11 June 2004), at 3 (hereinafter *Report on UN–Civil Society Relations*).

from much prior literature, which either discusses the phenomenon of NGOs in terms of the concept of 'global civil society' in global governance discourses,[3] or undertakes analyses of NGOs' involvement in particular areas of international law.[4] The volumes under review argue that further analysis of the legal arrangements for NGOs' participation in international law adds a useful dimension to our understanding of the potential of NGOs and may help resolve the contestation that currently characterizes the literature.

Non-Governmental Organisations in International Law by Anna-Karin Lindblom considers the present legal status of NGOs in international law in the context of the functioning and legitimacy of the international legal system. The volume defines NGOs as non-governmental, non-profit-making organizations, which do not use or promote violence and have some form of formal existence and representative structures and processes (at 46–52). Lindblom presents a doctrinal and empirical survey of the international legal rules and practices that relate to NGOs, focusing primarily on international organizations, and international and regional judicial and quasi-judicial bodies in the area of international human rights. Furthermore, Lindblom rightly notes that questions about the role and status of NGOs in international law are also necessarily broader theoretical and philosophical questions of the functioning of international law. She argues that the participation and representation of different groups in international law raise, in fact, systemic questions about the legitimacy of the international legal system, which can be strengthened by the participation of NGOs in international fora.

NGO Involvement in International Organizations. A Legal Analysis by Sergey Ripinsky and Peter Van den Bossche considers the legal arrangements for NGO involvement in the activities of international organizations, contending that while the political issues of NGOs' involvement have received a lot of attention, the legal arrangements have not. Separate chapters are devoted to international organizations with a high international profile, and outline the legal bases for NGO involvement in these organizations, the form that this takes, and the criteria and processes used to accredit NGOs.[5] As the authors note, the work is fact-specific and descriptive rather than analytical; it presents a picture of the variety of types of arrangements and the different degrees of engagement that NGOs have with international organizations. It concludes that while differing legal arrangements for NGOs may continue to be appropriate because of the varied nature of international organizations, further legalization of NGO relationships would be beneficial.

Chapters in *NGO Involvement in International Governance and Policy. Sources of Legitimacy*,

[3] Some examples include: Cullen and Morrow, 'International Civil Society in International Law: The Growth of NGO Participation', 1 *Non-State Actors and Int'l L* (2001) 7; Mertus, 'Considering Nonstate Actors in the New Millennium: Toward Expanded Participation in Norm Generation and Norm Application', 32 *NYU J Int'l L and Politics* (2000) 537; Willetts, 'From "Consultative Arrangements" to "Partnership": The Changing Status of NGOs in Diplomacy at the UN', 6 *Global Governance* (2000) 191. See the extended review at www.globallawbooks.org for more examples.

[4] Some examples include: Pearson, 'Non-Governmental Organizations and the International Criminal Court: Changing Landscapes of International Law', 39 *Cornell Int'l LJ* (2006) 243; Wexler, 'The International Deployment of Shame, Second-best Responses and Norm Entrepreneurship: the Campaign to Ban Landmines and the Landmine Ban Treaty', 20 *Arizona J Int'l and Comp L* (2003) 561. See the extended review at www.globallawbooks.org for more examples.

[5] These include ECOSOC, the United Nations Conference on Trade and Development, the International Labour Organization, the World Health Organization, the United Nations Environment Programme, the United Nations Development Programme, the International Monetary Fund, the International Bank for Reconstruction and Development, the World Intellectual Property Organization, and the World Trade Organization.

edited by Anton Vedder, consider the challenging issue of the legitimacy of the involvement of NGOs in international law, concentrating on developing an analysis of the principles by which NGOs may be considered to be legitimate participants in global governance. The volume presents a conceptual analysis of the notion of legitimacy as 'a thoroughly normative notion associated with public moral justification, legality, and representativeness' (at p. x). It supplements this conceptual analysis with empirical research into the perceptions NGOs have about the legitimacy of their activities, including an examination of representativeness, accountability, transparency, the legal status of NGOs, and the ways that NGOs are themselves tackling these important issues, including in relation to the use of the internet. The final chapter brings together these empirical observations with the volume's broad conception of legitimacy as involving social, regulatory, and moral dimensions, and emphasizes the complexity of the task of determining the legitimacy of NGO participation in global governance.

Chapters in *NGOs in International Law. Efficiency in Flexibility?*, edited by Pierre-Marie Dupuy and Luisa Vierucci, consider the question 'is there a need for a revised legal status for NGOs in international law?', focusing on whether formal recognition by general international law or the flexibility of the current practice is the more effective basis for participation (at 8). The first part of the volume considers the relationships between NGOs and international organizations and provides an analysis of the legal provisions that regulate NGO activity. The second part of the volume considers NGOs' participation and standing before courts and quasi-judicial bodies. The volume concludes that it remains open whether a new legal regime to structure these relationships would be more useful than the informality that is currently characteristic; except in the case of NGOs as *amici curiae* in international legal proceedings, where, given the nature of legal proceedings, increased regulation may be appropriate and perhaps inevitable. However, the concluding chapter reflects on the sorts of questions being asked in the debate, and whether the question of increased legal recognition of NGOs is the right focus for our inquiries; rather, it suggests, we should also be cognizant of the different ways NGOs might contribute to international norm creation.

3 Legal Recognition of NGOs

A Participation in International Organizations

It is clear from the analyses that there is much diversity in legal and institutional arrangements for NGO engagement with international organizations. This diversity is manifest in the basis for NGO engagement (whether included in an organization's constitutional documents or not), in institutional structures that facilitate such engagement (whether there is an institutional focal point for NGO involvement, whether NGO involvement is permanent or *ad hoc*), and in participation rights (from the right only to observe meetings to the right to propose agenda items and to receive and comment on working documents of the meeting). The studies confirm that the bases and processes of accreditation by which participation rights are granted to NGOs vary between and within organizations.

Given this diversity, there is considerable reflection in the volumes about the utility of formal, binding rules of engagement versus the flexibility of informal arrangements for NGO involvement. On the one hand, Ripinsky and Van den Bossche argue that formal arrangements in constitutional documents for engagement with NGOs do not guarantee intensity of engagement (at 207–208),[6] and

[6] While similarly broad provisions exist in the constituent instruments of both the UN and the WTO for NGO participation, in the WTO these have been interpreted in a restrictive way, 'effectively barring NGOs from participation in the policy-deliberation and decision-making activities of WTO bodies'. By contrast, UN ECOSOC has provided NGOs with much greater participatory rights.

Rebasti notes that accreditation criteria for NGOs can often be seen to act as a 'political filter', to allow international organizations to exclude NGOs from participation when political circumstances require it.[7] On the other hand, while recognizing that informal arrangements can be advantageous to creating flexible, evolving opportunities for NGO participation in organizations where formal arrangements are not politically feasible, Ripinsky and Van den Bossche conclude (at 209) that such arrangements are generally disadvantageous to NGOs because they render their involvement uncertain and unpredictable, dependent on the discretion of officials. They note (at 207–208) that formal provisions in constitutional documents are important for conferring a degree of legitimacy about the participation of NGOs in that organization and, indeed, the increased number of NGOs applying for accreditation with international organizations demonstrates the perceived value and interest that NGOs have in opportunities for formal participation.[8] They note (at 224), however, that harmonization of legal arrangements is not desirable because of the different needs of international organizations. The volumes therefore indicate that it remains open whether a new legal regime to structure these relationships would be more useful than the diversity and flexibility of current arrangements.

B Legal Personality

The dominance of states as the key legal subjects possessing full legal personality under the traditional positivist account of international law has limited the recognition of NGOs and other 'non-state' actors. These volumes explore the concept and practice of legal status, not in terms of NGOs as discrete legal subjects of international law, but in terms of the status granted to these organizations by states. Van den Bossche characterizes this legal status as the 'rules providing a legal basis for the involvement of NGOs and rules setting out the various forms this involvement may take'.[9] Legal status in the Vedder volume is linked strongly to the idea of regulatory legitimacy, an important aspect of the overall legitimacy of the involvement of NGOs in international law (at 6–10). Lindblom goes a little further in terms of exploring the utility of the traditional concept of legal personality in relation to modern international law, arguing (at 116) that there is a need to move beyond predetermined categories and concepts such as 'legal subject' if we are to understand the evolving role of different actors, because of the limitations inherent in these concepts. In making these arguments, that volume echoes Higgins' and others' work in relation to the value of a move towards identifying participants of international law, rather than the subject–object binary inherent in positivist and textbook accounts of international law.[10] Lindblom uses the term 'legal status' to mean 'all kinds of provisions and practices which explicitly take account of NGOs or which can be used by these organizations for acting in the international legal context' (at 116).

This concept of 'legal status' is one which it is useful to interrogate further. On the one hand, Lindblom makes it clear that by 'provisions and practices', she means those established by states and international organizations to govern their interactions with NGOs, and 'any more general norms that can possibly be induced' (at 514). The analysis makes it clear that, while we should be ready to move on from discussions about legal subjects and legal personality that limit our gaze to states, the concept of legal status of NGOs remains firmly rooted in state consent and state-based practices. I am not sure how much this focus

[7] Rebasti, 'Beyond Consultative Status: Which Legal Framework for an Enhanced Interaction between NGOs and Intergovernmental Organizations?', in Dupuy and Vierucci, at 22–25.

[8] Also see Collingwood and Logister, 'Perceptions of the Legitimacy of International NGOs', in Vedder, at 41–43; and Kamminga, 'What Makes an NGO "Legitimate" in the Eyes of States?', in Vedder, at 194.

[9] Van den Bossche, 'Regulatory Legitimacy of the Role of NGOs in Global Governance: Legal Status and Accreditation', in Vedder, at 137.

[10] R. Higgins, *Problems and Process. International Law and How We Use It* (1994), at 50.

on legal status progresses the discussion from the traditional focus on legal subjects of international law; it seems rather in danger of reinforcing it. On the other hand, some of Lindblom's analysis, particularly of NGOs' participation in multilateral negotiations and conferences such as the International Criminal Court negotiations (ICC), suggests a broader conception of the roles that NGOs play in international law than one that is centred on legal status. These sorts of analyses not only examine what formal rights of attendance NGOs were given, but also illustrate a much broader understanding of NGO presence not necessarily visible in formal NGO accreditation and consultation arrangements or the resultant legal texts (at 471–479). In this way, Lindblom's analysis seems tentatively to suggest the value of a broader, socio-legal understanding of NGOs' legal presence in international law. However, her analysis does not take this much further, nor does it explain the relationship of informal mechanisms of NGO engagement she uncovers in the example of the ICC with formal means of engagement that are ultimately envisaged by 'legal status'.

The focus of these volumes on legal status, then, leaves me feeling a little conflicted. These volumes contribute a great deal of useful detail to our understandings of the diversity of interaction in the roles and work of NGOs at the international level. In focusing on the legal arrangements and recognition of NGOs in international law these volumes also serve to highlight the importance of interrogating the power of international law as discourse.[11] On the one hand, the focus on the legal provisions for NGOs in international law is important in highlighting the legitimacy that this recognition provides in an environment where the position of NGOs remains contested; the volumes act as somewhat of a counterweight against the dismissal of the presence of NGOs in international law. However, on the other hand, by providing details of the extent and arrangements for NGO participation in international law, these volumes also implicitly highlight how the structures of international law continue to shape and constrain these roles, demonstrating the power that the hegemonic state-as-subject still holds over the practice of international law. This means that even approaches that seek to explore broader ways in which NGOs act in norm formation in international law, Lindblom's analysis of the ICC negotiations for example, often uncover the constraints that state-centric explanations and expectations create, which shape the ways in which these actors act within the structures of international law, and the ways in which the academy presents analyses. So, some uneasiness remains for me about the limitations that are present in undertaking a 'neutral', doctrinal analysis of the legal status of NGOs in international law, such as that in the Ripinsky and Van den Bossche volume in particular, but present to some extent, as outlined above, in all the volumes here.

4 Legitimacy of NGOs

The legitimacy of NGOs' presence in international law is a recurring theme for much of the literature, and all of these volumes consider the issue in some way. Discussions of legitimacy are often seemingly inextricably linked with issues of the legal status of NGOs, in an almost stalemate position: legitimacy as an international actor depends on legal status; legal status is itself judged in terms of meeting pre-established criteria that define the legitimate actors of international law. While Ripinsky and Van den Bossche do not directly engage with the substantive issues regarding legitimacy, their study does seek to highlight how the rules and practices of international organizations in their engagement with NGOs may serve to confer some form of status on the presence of these organizations, thus contributing to the overall enhancement of the regulatory legitimacy of NGOs (at 14). However, the other volumes demonstrate that there are many complex issues to consider in relation to the legitimacy of NGOs in international law.

[11] Kritsiotis, 'The Power of International Law as Language', 34 *California Western LR* (1998) 397.

Vedder *et al.* contribute to these debates with a careful exploration of the legitimacy of NGOs as removed from the role of NGOs in contributing to the legitimacy of the global order; that is, the focus is on how to determine the legitimacy of individual NGOs (at 12). Vedder defines legitimacy as 'a matter of conformity to rules (regulatory aspect), justification in relation to moral norms and values (morally normative aspect), and consent or representation of those involved or affected (social aspect)' (at 7). I can see the utility of thinking in more depth about the issue of how individual NGOs can demonstrate their legitimacy as actors because of the recurring controversy on this issue. However, it is, I think, a difficult task which this volume seeks to fulfil – I am not convinced that it is helpful or ultimately possible to separate the issues of NGO legitimacy in this way, or from the context of the international legal system as a whole. Indeed, ultimately the conclusion of the volume is that while it may be useful to explore the three different criteria in depth, legitimacy is a complex and multidimensional issue, and it proves difficult to isolate the criteria from each other, or to decide when they are achieved (at 207–208).

Lindblom, on the other hand, links issues of legitimacy of NGOs directly to the legitimacy of the international legal system itself. Legitimacy in this discussion has a strong procedural focus that draws strongly upon Habermas: the law can be seen as legitimate 'only if it can meet with the assent of all possibly affected persons in a discursive process of legislation that in turn has been legally constituted' (at 27). Lindblom sees a role for NGOs in addressing the legitimacy deficits of the international legal system caused by weak connections between the individual and international law, which arise because of limitations or lack of democratic governance, globalization processes which result in diffusion of state power and rise of civil society (at 6, 23). She draws upon Habermas' theories of deliberative political processes, and argues that the procedural demands of deliberative decision-making (discussion, accessibility, influence, and participation) help to explain the role and function of NGOs and civil society in international law. The role envisaged for NGOs is one of 'public participation'; the democratic deficit in international law demands a focus instead on 'diverse and conflicting information, opinions and concerns of different groups' being present and participating in international legal and political fora (at 34). This focus on participative democracy is echoed in the *Report on UN–Civil Society Relations*, which noted that the contribution of civil society to deliberative processes would enhance the intergovernmental processes of the UN (at 23–31).

With her focus on the legitimacy of the international legal system and the ameliorative role NGOs can play here in terms of the 'democratic deficit', Lindblom does not engage in the arguments about what might be required from NGOs to be seen as legitimate 'participants' in international law. However, her study implicitly does so in the sorts of roles that she uncovers for NGOs in international law through the doctrinal and empirical survey she undertakes. Her study examines the role of NGOs as 'partners of dialogue', as information experts – common roles given to NGOs to justify their traditional consultative role. As long as NGOs remain in these roles, their presence is legitimate, tolerated. As soon as they are seen to move outside these roles into activities as advocates, their presence is more controversial. Legitimacy and participation, then, are contingent; less to do with the inherent characteristics of NGOs and more to do with the expectations of their roles as participants created by the international system. However, does the legitimacy of the international legal system then depend on participation of NGOs only to the extent that this falls within the parameters envisaged for it? Or does the legitimacy of the system depend on a model that remains open to the participation of all, irrespective of any criteria set?

There is, I would suggest, a need to consider such issues carefully. There is a danger, I think, that such studies that draw on the existing arrangements for NGO presence in international law may be in danger of reinforcing the parameters for their 'participation'. That is, in deciding how to regulate NGOs'

participation, a process that draws upon existing arrangements seems in danger of reinforcing the state-centric nature of international law and further strengthening the commitment to the very system that the involvement of NGOs seeks to challenge or at least improve, despite any good intentions that seek to reimagine the process as 'participation'. How does this analysis constrain our visions of the legitimacy of different actors in the international system and the roles that they might play? I fear that it limits our understanding of the possible ways in which non-state actors such as NGOs might act, which are outside the constraints and roles imposed by international law (and, thus, act in ways that are not 'legitimate') but nevertheless have some impact on norm creation. How the international legal system can deal with issues of legitimacy in relation to the diversity and plurality inherent in a deliberative decision-making process is a fundamental enquiry that I suggest needs to be made when considering participative frameworks for NGO involvement in international law, and it is one that is necessarily an interdisciplinary one.

5 Methodologies

In offering a snapshot of the current arrangements for NGOs with international organizations, the doctrinal and empirical analyses presented by these volumes make useful contributions to our understandings of the participation of NGOs in international law. The comparative analysis undertaken of the different arrangements for NGO participation highlights the diversity of opportunities for engagement and multi-faceted roles that NGOs play. They offer important reflections on the practice and theory of legitimacy as it relates to NGOs and to the international legal system as a whole. The focus on the legal provisions for NGOs in international law is also important for highlighting the power of the international legal discourse. The volumes make it clear that the law is an important site for analysis, in the way that the structures of international law continue to recognize, legitimate, and shape the presence of NGOs.

The questions I have raised above in relation to the legal status and the issues of legitimacy of NGOs should be seen, then, as less of a comment on the scope or the content of these volumes, but rather more of a reflection on the international legal literature on NGOs and possible future directions and methodologies. I am uneasy about an international legal analysis of NGOs that largely concentrates on the formal legal provisions for NGO participation in the international legal system because of the way in which such analysis seems to reinforce the constraints of international legal doctrine, in an area where much has been done to expand our understandings. There is no doubt, as others have observed, that the involvement of international legal scholars in questions of how non-state actors should be identified and managed in international law is necessary and desirable.[12] What I find unclear in these volumes is the connections to be made between a legal analysis of NGO status in international law, necessarily firmly located within international legal doctrine, and the broader interdisciplinary literature on NGOs in international law and politics that outlines the many and varied ways in which non-state actors are able to act both within and outside formal legal structures.

A trawl through the interdisciplinary literature on NGOs highlights rich and varied understandings of the role of NGOs in the international legal and political systems. It suggests the necessity of viewing the presence of NGOs in international law as part of the social processes that underlie the international legal system. This is because of the way in which transnational actors such as NGOs have been shown not only to influence state policy and behaviour at domestic and international levels, but to contribute more broadly to norm creation outside the state, which can nevertheless be conceived of as a form of governance.[13] This

[12] Spiro, 'Review Essay: Non-State Actors in Global Politics', 92 *AJIL* (1998) 808, at 811.

[13] The examples are too numerous to list here. However see the examples at *supra* note 4, and the extended review at www.globallawbooks.org.

literature argues that global regulatory change is dependent on the interactions of many actors in many spaces, identifies the extent to which their actions are not governed by international legal regulation, and the broader ways in which 'regulation' therefore may need to be conceived.[14] This seems to suggest that a solely legal analysis may not be sufficient to capture these dynamics. It seems to me that these observations sit a little uneasily with the renewed vigour in the international community for legal regulation of NGOs' relationships with international organizations.

Now, the question is does this matter? It is often argued that the key role for NGOs, acting in their roles of bearers of specialized knowledge, is to assist states and international organizations to make decisions that strengthen international law.[15] Establishing a regulatory framework to govern the interactions of NGOs in this manner is surely important, and the volumes reviewed here provide a solid basis for understanding the current framework and its potential evolution. But I wonder whether a regulatory framework that governs the processes of international law formation and implementation and the involvement of NGOs in the relevant fora is really the end we seek. Put another way, is there a desire to regulate NGO involvement so as to improve the ways in which states and international organizations work, or is the end we seek more about the substance of international law and possible contributions of NGOs to the evolution of this? The two issues are interlinked, of course, but they are also conceptually separate. And if the evolution of the substance of international law is the end, then do we approach the question of NGOs in international law any differently? Does such an enquiry take us beyond the structuring binaries of international law of state/non-state, legitimate/illegitimate, legal/non-legal to consider how best to develop an inclusive international law, in substance as well as in form? To some extent, this is implicit in Lindblom's argument that decisions based on inclusive processes are of a better quality than those taken by more limited and unrepresentative groups of people, a method which 'is not rational within a legal system which embraces a whole world, with everything that this implies in terms of plurality, differences and inequalities' (at 30).

As the final chapter in the Dupuy and Vierucci volume argues, this would seem to indicate that a continuing broadening of the legal enquiry to encompass the socio-political contexts of international law in which NGOs work would be useful. Dupuy reflects on the sorts of questions being asked in the debate, and whether the question of increased legal recognition of NGOs is the right focus for our inquiries. While making clear the importance of a distinction between legal analyses and socio-political ones in this area, Dupuy argues that international lawyers must not be so focused on the legal status and 'predefined capacity' of NGOs as to be blind to the study of their participation in the creation and implementation of new international norms (at 214–215). Inherent in these enquiries is a sense that what is happening outside the formal legal structures of NGO participation in international law is as important for the elaboration of international law as what is happening within. It is the links, the dynamic, and interaction of these overlapping spaces of international law that represent interesting sites for further analysis by international lawyers.

6 Conclusion

These four recent volumes take us some steps further along in understanding the present and potential involvement of NGOs in international law in a number of ways. They provide thorough analyses of the many varying arrangements and legal status that NGOs have with international organizations and reflect on the ways in which this might evolve. The volumes consider challenging questions about the legitimacy of NGOs as actors in international law, both in terms of the legitimacy of NGOs

[14] Spiro, *supra* note 12, at 809; J. Braithwaite and P. Drahos, *Global Business Regulation* (2000), at 608, 612.

[15] See *Report on UN–Civil Society Relations*, *supra* note 2, at 26–28.

as actors and in terms of the overall legitimacy of the international legal system itself. Finally, the focus on the legal status of NGOs is useful because, approached critically, it prompts reflection of the power of the international legal discourse and the inherent constraints of the international legal framework. As Lindblom notes, questions about the role and status of NGOs in international law are also fundamentally broader theoretical and philosophical questions of the functioning of international law and the legitimacy of the international legal system. Without an engagement with these essential questions in our analyses, our understanding of how non-state actors such as NGOs might contribute to norm creation in international law in ways which are outside the constraints and roles imposed by international law are not recognized. Legal analyses are therefore only one part of what is a fundamentally interdisciplinary exercise, where the presence of NGOs in international law might be viewed as part of the social process that the international legal system ultimately rests on.

Individual Contributions

Anton Vedder (ed.). *NGO Involvement in International Governance and Policy: Sources of Legitimacy*
Anton Vedder, Introduction;
Anton Vedder, Questioning the Legitimacy of Non-Governmental Organizations;
Vivien Collingwood and Louis Logister, Perceptions of the Legitimacy of International NGOs;
Anke van Gorp, Internet Activities of NGOs and Legitimacy;
Corien Prins, A Step Beyond: Technologically Enhanced Interactivity and Legitimacy;
Peter van den Bossche, Regulatory Legitimacy of the Role of NGOs in Global Governance: Legal Status and Accreditation;
Menno T. Kamminga, What Makes an NGO 'Legitimate' in the Eyes of States?;
Anton Vedder, Towards a Defensible Conceptualization of the Legitimacy of NGOs.

Pierre-Marie Dupuy and Luisa Vierucci (eds). *NGOs in International Law: Efficiency in Flexibility?*
Christine Bakker and Luisa Vierucci, Introduction: A Normative or Pragmatic Definition of NGOs;
Emanuele Rebasti, Beyond Consultative Status: Which Legal Framework for an Enhanced Interaction between NGOs and Intergovernmental Organizations?;
Olivier de Frouville, Domesticating Civil Society at the United Nations;
Valentina Bettin, NGOs and the Development Policy of the European Union;
Attila Tanzi, Controversial Developments in the Field of Public Participation in the International Environmental Law Process;
Luisa Vierucci, NGOs Before International Courts and Tribunals;
Cesare Pitea, The Legal Status of NGOs in Environmental Non-compliance Procedures: An Assessment of Law and Practice;
Pierre-Marie Dupuy, Conclusion: Return on the Legal Status of NGOs and on the Methodological Problems which Arise for Legal Scholarship.

Zoe Pearson
PhD, Lecturer, School of Law, Keele University, UK
Email: z.pearson@law.keele.ac.uk
doi: 10.1093/ejil/chp093