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Article

The Media as a Non-State Actor in International Law: An Analytical Study of the Impact of Media on the Legitimacy and Effectiveness of International Agreements

Baqer Musa Saeed Al-Khafaji

1. University of Babylon
* Correspondence: law.baqer.saeed@uobabylon.edu.iq

Abstract: In the postmodern world, the media is considered among other non-state actors within the international legal system. Its role goes far beyond carrying information to become a determinant in international decision-making, particularly regarding negotiations which later become a matter of concluded international agreements. This paper hypothesizes that the media with its discursive power and ability to make or break public opinion has found an objective role either in directing or constraining the contractual will of states. Therefore, there can be an encroachment on the validity of such influenced agreements and their legal as well as practical effectiveness.

The paper will try to analyze this function inside a legal-philosophical discourse on the relation between media, sovereignty, representation, and rule of state consent; and also, within the extent to which mediatic intervention is compatible with the rules of general international law. The study uses a comparative analytical method between and supported by real practical examples from current international negotiations for a balanced scholarly approach to the legality and limits of media intervention in international treaty-making processes.

Keywords: international media, non-state actor, international law, international negotiation, international agreements.

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1. Introduction

One of the most obvious manifestations of what has happened to influence and power in the postmodern world is media. The state is no longer a monopoly actor in international relations [1]. It shares the arena with other non-state participants, primarily the media. If international negotiations were once associated with an image of classical secret diplomacy, then today's evolving media landscape and burgeoning digital transparency allow new forms of media presence during earlier negotiation phases between states; not just as transmitters or carriers but also implicitly through pressures it attempts to direct or even actual informal norm setting [2], [3].

The media became a non-state actor in the international legal environment. It creates public opinion at home and abroad and becomes a parameter in the negotiating will of states [4], [5]. The media intervenes in legitimacies of positions, even legality and effectiveness of international agreements post factum. There is, therefore, an urgent need to question this role from a legal-philosophical perspective—a perspective that

reconsiders traditional concepts such as sovereignty, representation, and contractual will under the rising influence of unofficial actors.

This study raises a central research question: To what extent does the media represent non-state actors in public international law, and how far does this fact make relevant both the legitimacy and effectiveness of international agreements in the growing overlapping space between media coverage and formulation of states' negotiating will? What is the legal framework of international law by which the activities of non-state actors, particularly the media, are governed? How does media intervention affect and influence the process of international negotiation at various stages in terms of timing, content, and context in general? To what extent is such influence legally legitimate according to the standards of public international law?

The study shall hypothetically base that the media, a non-state actor, has taken a substantial role in influencing the contracting will of states at the international level [6]. A growing influence warrants legal scrutiny and reassessment of legitimacy and effectiveness regarding international agreements in the increasing intervention of the media [7], [8]. To present a critical theoretical framework assessment which allows the existence of non-state actors within international law and makes possible their emergence therein [9], [10]. To bring to light for the first time, the unacknowledged mediatic role in international negotiating processes. To provide a fair legal framework that allows for both media and international agreements; to assess the validity of media interference in shaping the government's negotiating stance [11].

2. Methodology

A philosophical-analytical approach that, given the dynamic nature of the media, calls into question long-standing legal precepts. The influence of media coverage on global discussions is investigated by means of a comparative legal framework, which considers both the actual occurrences and the legal understandings of these impacts. Theoretical and legal foundations for media recognition as a non-state actor in international law (Chapter One). During talks for international accords, Chapter 2 examines how the media affects their legitimacy and effectiveness.

3. Results and Discussion

Traditional notions such as sovereignty and juridical person did not develop the concept of "non-state actor" as a natural progression or evolutionary consequence. It seemed, rather, to be a legitimate concept that appeared in reaction to the increasing role of non-state actors in global politics [12], [13]. This is an important notion of consideration when taking into account the symbolic and functional role of media within the context regarding all factors which influence international agreements [14], [15].

A firm analytical foundation must therefore be developed for the integration of legal elements that define non-state actors differently from official legal persons, comprising a definition of non-state actors and explanation of the media's type within this group. Therefore, this section is again split into two: one dealing with conceptual definition and differentiation; the other outlining legal aspects while situating media inside them [16].

The definition of non-state actors would be the logical point from which to begin an analysis that seeks eventually to discover a place for the media within the international legal system. Media organizations do not belong to the classic category of legally recognized actors, namely states and intergovernmental organizations [17]. Therefore, close terminological and functional analysis is needed to explain why media is regarded as an important participant in international relations without any official representational capacity.

This requires the differentiation of official and non-official actors in their legal nature, extent of influence, and field of activity [18], [19]. It also, further necessitates viewing the legal nature of this classification and the extent to which public international law scholarship has basically accepted it, especially in light of the contemporary

enlargement of concepts of sovereignty, treaty-making power, and internationalization of domestic matters.

The basic distinction between official and non-official actors is based on two main criteria: legal recognition and effective capacity, or ability to exercise influence. While the state and intergovernmental organizations are based on formal international recognition - which gives them full international legal personality- non-state actors do not have such recognition. However, they acquire relevance due to their practical and tangible influence on the international sphere [20].

Official actors possess representational capacity enabling them to conclude international treaties and assume direct international responsibility, whereas non-state actors do not enjoy this capacity, although they may exert substantive influence over the decision-making process from outside the formal legal structure.

- The legal personality of official actors is derived directly from international law itself, while non-state actors draw their legitimacy from media presence, technological power, economic leverage, or humanitarian influence.
- Official actors rely on legally binding tools of enforcement, while non-state actors — including the media — rely on mechanisms of soft influence, such as shaping public opinion and framing political discourse [21].

Ever since the end of the Cold War, when enormous non-governmental involvements relating to trade, human rights, the environment, and even collective security became possible within the international system, modern public international law scholarship has developed several different approaches to conceptualizing non-state actors [22].

International law slowly began to adjust to this change by allowing some of these actors to be quasi-legally integrated mechanisms, as in the case of the observer status granted NGOs, or in the recognition of human-rights organizations' shadow reports in the UN's treaty-monitoring procedures.

The modern doctrine widens legal analysis to include those actors who do not have formal legal personality but, in fact, shape the environment within which international law is made and applied. Among the clearest examples of this rise is the role played by multinational corporations [23], [24]. They often exercise bargaining power exceeding that of some sovereign states but without bearing corresponding legal obligations.

Similarly, the media-through its symbolic authority and its capacity to manufacture and direct public perception-has become a negotiation-setting force that indirectly limits or redirects state consent.

There can be no better example of what is meant by a non-state actor than the media. It has no international legal personality, does not represent any sovereign will, but decisively influences the environment of negotiations and in the construction of both external and internal legitimacies of the state's position [25].

Media organizations rhetorically rebuild what the "public interest" actually symbolizes and its elasticity toward the outer limits of what is acceptable in the political negotiation process. Today, in modern diplomacy, media pressure often acts as an alternative channel of negotiation not institutionalized within any formal framework.

Transnational media have by now obtained the potential capacity to affect how United Nations bodies are perceived, even deliberations of the Security Council as suggested in media coverage of the Syrian conflict and today's war in Ukraine. Such capacity does not only shape outcomes but also helps establish the 'moral framing' through which international interventions become justified[2].

Thus, the lack of legal personality does not reduce the objective authority of the media which very often surpasses the objective authority of legally constituted actors. This in itself justifies placing the media within the category of a non-state actor, not from the standpoint of legal formality but from the functional and structural influence perspective, which has now become a core aspect of international legal reality.

If definition of the concept becomes a prior condition to understanding the status of non-state actors in international law, then it is their legal nature that provides the analytical depth required for placing media within this framework. While traditional public international law has restricted legal capacity to officially recognized entities, contemporary practice forces the legal system to deal with actors that lack formal personality but nevertheless influence the practical result of international commitments and negotiations.

In this respect, the legal characteristics of non-state actors serve as sets of analytical criteria based on which their legitimacy, scope and implication of their influence can be assessed. They are summarized in three core dimensions: lack of formal legal personality, indirect influence, and the continued doctrinal debate on their integration into legal analysis.

There is broad consensus in public international law that non-state actors, including media institutions, do not enjoy full legal personality in the international sphere. They are not parties to binding treaties, nor do they possess standing before international judicial bodies.

1. As the media is not a contracting party in the first place, no treaty-based obligations can be addressed to it under the 1969 Vienna Convention on the Law of Treaties.
2. Media institutions cannot appear as plaintiffs or defendants before the International Court of Justice, since Article 34 of the ICJ Statute restricts standing to states.

The nature of influence within international relations is no longer restricted to the traditional "hard power" tools of military capability or economic coercion. Symbolic and discursive-in generally termed soft power-has become one of the defining features of contemporary international interaction. Today's media is the foremost tool of such power: perception-making, manufacturing legitimacy, and framing international discourse in a manner that precedes, accompanies, and often directs political and legal decision-making.

Thus, an analysis of media as soft power becomes necessary in determining its legal standing as a non-state actor and functional role in guiding or restricting international negotiations. This section is therefore divided into two: The first analyzes media as a tool of indirect political influence and the second discusses its power over public opinion and discursive framing within the negotiation process.

The previous chapter dealt with the development of a theoretical framework within which media is comprehended as a non-state actor in international law. This chapter deals with the dimension of legal effect, moving from an inquiry into existence to an exploration of legal implications. No international agreement can ever be regarded as fully legitimate if assessed only by the formal validity of its constitutive elements unless there is free and unimpeded assent reflecting the total sovereign will of its participants. The fundamental necessity is badly weakened when and whenever forms of symbolic coercion or narrative pressure by the media narrow or bend the negotiating autonomy of state parties.

International agreements are not only effective in the narrow sense of implementation and enforcement but also in a wider context of communicative viability and acceptance, both at home and abroad, in an environment-sustaining mode free from destabilizing public skepticism or discursive delegitimization. At both stages- negotiation and post-agreement implementation- media has become a crucial actor, sometimes even more decisively than through conventional institutional procedures.

The legitimacy of an international treaty is based within the public international law on the principle of free consent, this considerably implies that contracting will be generated from independent sovereign decision-making, not coerced or imposed by mistaken obligation or manipulation. Increasingly in contemporary times however to strongly shape the discursive environment media provides through which later consent is constructed symbolic pressure and public expectation help to narrow or distort strongly the

negotiating position discursively set by state actors before any formal expression of consent.

The principle of free consent is not an innovation of modern times but originates in classical legal philosophy, where voluntary and The principle of free consent is not an innovation of modern times but originates in classical legal philosophy, where voluntary and uncoerced will was regarded as the foundation of both civil and international obligations. The 1969 Vienna Convention on the Law of Treaties reflects this tradition when it restricts the invalidity of treaties to circumstances involving error, fraud, or explicit coercion (Vienna Convention, 1969: Art. 52).

But this traditional paradigm creates an issue when coercion is symbolic or discursive instead of material. Modern media creates a situation where public opinion, not legal logic, is what decides what the state will do. Modern media creates a situation where what people expect, not what the law says, is what decides what the state will do.

The concept of free consent is not a contemporary novelty; it derives from classical legal theory, which viewed voluntary and uncoerced will as the basis of both civil and international responsibilities. The 1969 Vienna Convention on the Law of Treaties exemplifies this tradition by limiting treaty invalidity to instances of error, fraud, or outright coercion.

However, this usual approach becomes problematic when coercion is symbolic or discursive rather than material. Modern media creates a situation where public opinion, not legal logic, is the most important element in how the state makes decisions.

If the media is decisive in creating a symbolic environment around negotiation, an important legal question is to follow: When does media influence trespass into unacceptable boundaries and become a violation of legitimacy in regard to treaties? While addressing this question, most scholars have identified three principal forms through which the media can violate the integrity of state consent during treaty-making.

Traditionally, the legal doctrine defines treaty effectiveness as that capacity in an agreement capable of creating binding obligations and actual compliance by the parties who have agreed. In today's highly globalized world, communication discards this narrow definition and considers public legitimacy and discursive stability enforcement components.

International norms are therefore fruit of acceptance and not of adoption. In the words of Thomas Franck, “acts of explicit or tacit consent play a vital role in allowing the norms to ripen into fully binding obligations." Media plays a predominant role in facilitating or blocking this acceptance.

If the media frames an agreement as either a diplomatic success or a moral necessity, then it enhances incentives available to the state for complying with the same. Evidence of such has been in the Paris Climate Agreement 2015 where almost unanimous global media narrative constructed symbolic moral obligation added to increased state participation and compliance even from reluctant actors.

Here, media acts as an obedience enhancer by locking in durability through a discourse of international legitimacy.

When an agreement is portrayed as an illegitimate, humiliating, or otherwise politically costly bad deal, then media pressure erodes domestic support. This triggers renegotiation, withdrawal, or simple non-implementation. A paradigmatic example is the Colombian peace agreement with FARC in 2016. The deal was legally valid and sustained hostile media campaigns reshaped public perception until it was rejected in a referendum.

In such cases, legal enforceability does not fail because the text is deficient. It fails because a media-generated delegitimization destroys the political foundation of legitimacy of the decision to carry out the enforcement necessary for implementation.

Legitimacy has, for a long time, been associated with the legal validity of an agreement and the correctness of procedures whereby it is adopted. Legitimacy in contemporary international relations goes beyond this narrow concept of legality to

embrace a wider political acceptability or appropriateness of the acts and decisions of governments. An important emerging trend is that political scientists, executive legitimacy, and public managers now decisively determine whether an agreement will endure, be implemented, or collapse under public pressure. The discursive nature forms and shapes legitimacy through narratives presenting, justifying, and interpreting the agreement in the public sphere.

Media is, therefore, not simply a channel of dissemination but an active producer of legitimacy capable of either stability or destabilization of the treaty's environment post-signature.

4. Conclusion

The study proves that today's media is not just reporting international events but has become a symbolic participant by influencing the implementation of decisions execution of an international legal nature. It also proves that because of its discursive power and ability to mold public opinion, media becomes crucially important during two stages of treaty-discourse: negotiating and post-ratification eras.

The media develops the discursive context and mechanisms of indirect or symbolic compulsion on decision-making autonomy to shape state consent. This raises basic questions about the validity of "free consent" under present communicative pressures, a philosophical and legal reconsideration of legitimacy from the perspective of treaty formation.

Legitimacy construction, the media may continue to manifest build, shape or erode even after an agreement has been reached. Thus, practical becomes not only to effect a legal structure but also a narrative structure comprising its presentation, perception and reception. International experience shows that treaties with strong media legitimacy survive political swings better than those exposed to delegitimizing discourses.

Therefore, results support redefining the relation of law and media within international legal theories. The classical binary distinction between 'legal actors' and 'non-legal actors' does not reflect the functional reality of global governance any longer. Therefore, media should be made part of legal analyses not for the purpose of according it formal legal personality but rather in order to regulate its impact and ensure a more balanced negotiating environment that preserves genuine sovereign consent.

Findings:

1. International law considers media to be another non-state actor. Even though it does not possess legal personality formally, the influence of media on state behavior is undeniable.
2. The norm on consent in treaty law is no longer a question of mere application of the legislation. Increasingly, it is perceived to be constituted by the symbolic and communicative ambiance created by the media pressure and public conversation.
3. Media can be symbolic or indirect coercion in making it difficult for the parties to freely form their own will during negotiations, hence an act of illegality in the treaties.
4. In post-international accords, implementation is now partly dependent on how the media perceives acceptance. Thus, the effectiveness of agreements after they are signed is both legally and discursively dependent.
5. The media is instrumental in reframing treaty obligations, which can sometimes alter their original meaning and consequently the manner of rules implemented .1
6. Disparity in media power among countries results in an unequal setting for negotiations. At the same time, strong governments with international media platforms have much greater influence on public opinion and negotiating discourse than developing or less powerful states.

7. No international regulations prescribe the rules under which the media may become involved in negotiations and implementation procedures. A legal gap is therefore left to be filled by doctrine and institutional development.

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