Defending Accountability in NGOs

Paul Wapner
Defending Accountability in NGOs
Paul Wapner*

I. INTRODUCTION

This symposium addresses the legitimacy of nongovernmental organizations ("NGOs"). Over the past few decades, the number of NGOs operating in world politics has skyrocketed. The financial and territorial reach and capability of these organizations has grown so much that states, international governmental organizations ("IGOs"), multinational corporations ("MNCs"), and other actors must take them seriously. Many NGOs consider themselves to be monitors of world affairs, holding states, IGOs, MNCs, and others accountable to widespread public sentiment. NGOs place pressure on various actors, and offer themselves as partners in governance, all in an effort to bring the aspirations of ordinary people to the international agenda. Scholars and practitioners have praised NGOs for years, but now critics are asking penetrating questions about them. What exactly is this public sentiment that NGOs claim to represent? How do NGOs become the trustees of it? Whose interests do NGOs represent and how accountable are NGOs to such constituents? Behind these questions is a concern for accountability. On what basis can they claim to act in the public interest? How justifiable is their operation as public authorities in world politics? In short, to whom and how are they accountable?

I address these questions by critically examining the concept and practice of accountability in the international system. I do so by posing the question of accountability not simply to NGOs but to states as well. We often assume that states (and markets) enjoy high levels of accountability because they are constituted to be sensitive to the will of the people. NGOs, in contrast, are seemingly accountable to no one, or to only a small group of interests that lacks ecumenical support from a broad-based constituency. This essay questions that premise. It demonstrates that critical questions deserve to be asked about how responsive states themselves are to

---

* Associate Professor and Director of Global Environmental Policy Program, School of International Service, American University. The author wishes to thank Diane Singerman and Joe Soss for helpful conversations that strengthened this paper.
their citizens and to the world's publics. Moreover, it articulates many ways that NGOs are accountable to broad-based publics—ways that are obscure to those looking through the narrow lenses of constitutional understandings of representation and accountability.

States and NGOs possess various mechanisms of accountability, each of which works imperfectly. When compared to each other, it is not the case that states come out shining while NGOs are tarnished, but rather a more complex picture emerges. NGOs, at times and from certain perspectives, appear more responsive than states to widespread public sentiment and, at other times and from different angles, less so. Indeed, the argument is that NGOs are not more accountable than states but differently accountable. And, this difference, in terms of evaluating NGO accountability, makes all the difference in the world.

II. STATES AND INTERNAL ACCOUNTABILITY

Let's begin by examining state accountability at the domestic level. The paradigmatic state for critics of NGOs is the liberal, democratic one, which enjoys constitutional checks on power and electoral laws and practices that ensure citizen voice in elections. These mechanisms create constant oversight and ensure democratic means of voting governmental officials into (and out of) office. As such, the liberal, democratic state stands as the paragon of accountability. In many ways, it was designed to realize this fundamental principle.

This is, of course, fine and good, as it goes. But the case should not be overstated. There are plenty of nondemocratic polities ruled by those who are immune from constitutional constraints and that worry little about satisfying a broad-based, collective interest. For instance, there are many kleptocracies, theocracies, and warlord regimes in which the concentration of power leaves many unrepresented. Critics of NGOs usually fail to mention nondemocratic regimes in their discussions of accountability. This is disconcerting given that, using a broad measure of democracy, just over 60 percent of states in the world are democratic. This may be impressive in terms of democratization, especially in an historical context. However, it should cause skepticism about the claim that states qua states are accountable to their citizens.

Even within democracies, however, there is reason to question the depth and effectiveness of accountability. All democratic polities are representative forms of government in which elected officials govern on behalf of the populace. The

---

2. See Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* 25–26 (Oklahoma 1991) (asserting only 45 percent of states, not counting those with a population of less than one million, were democratic in 1990).
Defending Accountability in NGOs

representative character creates a gap between citizen aspirations and governmental activity. This raises profound challenges for cultivating a genuine public interest and for representing it in a governmental form.

The gap between citizen concerns and governmental action is so wide that all major theories of the democratic state either highlight or have been taken to task for ignoring an accountability deficit. For example, while pluralists hypothesize high levels of accountability insofar as the state is responsive to competing interest groups, critics have long pointed out how significant sectors of society go unrepresented. Many citizens lack resources or operate within structures that create a sense of powerlessness that dissuades political organizing and expression. This greatly undermines democratic accountability. Weberian theories underline the gap in a different way by emphasizing the autonomous status of the state. For Weberians, the state is not simply a reflection of citizen concerns but rather an institution with its own institutional and bureaucratic imperatives, and the expression of these, likewise, compromises democratic accountability. Marxist theories criticize accountability in democratic states in still a different way. While they acknowledge that citizens vote for their representatives, Marxists point out that, overall, the interests of capital tend to capture state action. Accountability exists but only toward the wealthiest and, not coincidently, the politically most powerful.

Marxists, Weberians, and other critics of pluralist theories of the democratic state raise important concerns about accountability. They do not, of course, dismiss completely the democratic character of such polities; they merely highlight the imperfections.

III. STATES AND EXTERNAL ACCOUNTABILITY

Questions of accountability are relevant at both the domestic and international levels. When considering questions of accountability, critics most often compare NGOs to states and then criticize NGOs for being unable to mimic state accountability in a democratic context. What about the external context, what about state accountability at the international level?

While less institutionalized than domestic polities, the international system has a number of mechanisms that hold states accountable for their extra-national actions.

4. See generally Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds, Bringing the State Back In (Cambridge 1985).
5. See generally Clyde W. Barrow, Critical Theories of the State: Marxist, Neo-Marxist, Post-Marxist (Wisconsin 1993).
Notwithstanding extreme political realists, most students of international affairs see states enmeshed in institutions that constrain, to one degree or another, state behavior. The interdependencies of long-standing international rules, norms, principles, and procedures guide state action and thus provide mechanisms for holding states accountable to each other. International regimes operate as quasi-instruments of global accountability in that they bring states into conformity with shared understandings of good conduct.

Regime theory, when paired with the more specific point about states gaining legitimacy through UN recognition and through bilateral and multilateral agreements, suggests that there is an important dimension of state accountability at the global level. Nonetheless, it is clear that certain states operate outside these restrictions and thus are not themselves accountable to most significant international mechanisms. For example, although the Taliban ruled Afghanistan for five years, the UN General Assembly did not recognize them as the legitimate government of Afghanistan, and the Taliban exchanged ambassadors with only a few states. During this time, the UN and many other states recognized the exiled government of Burhanuddin Rabbani. How accountable was the Taliban, then, to the international community? While the Taliban may seem like an extreme case, the phenomenon is not as unusual as one would think. Taiwan, Tibet, and other territorially circumscribed political units lack membership in the UN and possess varying levels of legitimacy in the club of states. This suggests that, even though international “standards” exist against which to hold states accountable to each other, and even though these have evolved (in some cases) over centuries of practice to hold political actors accountable and guard against arbitrary use of power at the international level, these standards are imperfect at best. Hence, accountability of states at the international level is not something to ignore, but neither is it the foolproof standard against which to measure NGOs.

IV. NGOs AND ACCOUNTABILITY

So far, my argument has been negative. I have claimed that states are not the paragon organizations when it comes to accountability. My overall argument, however, goes further. I claim not only that states have work to do to enhance further accountability within and among themselves, but also that NGOs are subject to forms of accountability that constrain their activities. Although the constraints upon NGOs are different from those on states, they are nonetheless effective. To state the argument directly, NGOs are held accountable differently than states. Let me now provide some evidence for this claim.

NGOs, like states, have internal and external "lives" in the sense that different sets of dynamics operate within organizations and outside of them in the wider field of transnational life. Mechanisms of accountability work in both contexts. Internally, NGOs are accountable to their members. This may seem too obvious to mention, but it expresses a small but important part of the accountability challenge. Many NGOs begin with a small group of like-minded people committed to advancing a particular public agenda. Part of advancing that agenda entails reaching out to other people and bringing them on board as supportive, sustaining members. Members are the life-blood of many NGOs. They provide institutional strength, insofar as they can be called upon to write letters, protest, or otherwise mobilize on behalf of the organization. Merely by virtue of their numbers, members can serve to demonstrate the legitimacy of the organization’s agenda. Developing a membership does not come as a matter of course; neither does sustaining it. NGOs must engage their members. They must act in ways that satisfy and even excite members and garner additional support. When an NGO fails to do so, it loses members and, thus, loses support and institutional strength. It is important to realize that loss (or gain) of membership does not happen every two, four, or any other particular number of years (as it does in many states) but can happen immediately. When supporters no longer feel satisfied by the NGO, they are no longer available to be mobilized or otherwise advocate on behalf of the group. Members vote with their feet. When the NGO no longer expresses their sentiment, they exit. This is a key form of accountability.

Members also vote with their pocketbooks. Few NGOs are self-funded to the degree that they are free from the burden of developing a dues-paying membership base or reaching outside the organization for funds. Raising money for operations is often a full-time endeavor. When members exit because they disagree or fail to be excited by an NGO’s activities, they take their money with them, reducing not only the amount of regular dues, but also the periodic donations that many groups depend upon to mobilize for specific projects. In this latter regard, NGOs are perpetually accountable to the membership insofar as periodic donations for particular campaigns provide both an affirmation of an NGO’s activities and the financial ability actually to carry out specific projects. In addition to member’s financial support as a form of accountability, most NGOs reach beyond their memberships to seek donors for their work. Donors can be philanthropic foundations, other NGOs, governments, or the public at large. Groups such as the International Campaign to Ban Land Mines, World Wildlife Fund, Amnesty International, and Oxfam count on these institutions for financial strength. Consequently, far from being unanswerable for their work, NGOs are constantly measuring the pulse of their members and donors (and being evaluated by members and donors), which serves as a layer of internal but widely based form of accountability.

An additional internal dimension of accountability is the role boards of directors or advising councils play in some organizations. Many professional institutions use outside experts or boards of directors that watch out for the organization’s long-term
well-being. These boards are usually comprised of people who are uninvolved in day-to-day operations and therefore possess a broader perspective on the issue area and the organization's political role. Boards can have authority to depose NGO leaders and shape the broad outlines of campaign work. While board members implicitly share the overall normative orientation of the organization and its officials, they come to the group as outsiders. In fact, they are invited onto the board precisely because they have some distance from the organization. As a result, boards of directors, outside advisory committees, and the like act, then, as monitors, evaluators, and reviewers who provide an additional, internal layer of accountability.

Externally, NGOs operate in a networked system of activity in which other NGOs, IGOs, and states themselves serve as checks on power and constituencies that need to be addressed. With the immense proliferation of NGOs over the past few decades, there is an understandable diversity among organizations. In some cases, this has led to much infighting among similar groups as they compete for members, funds, and support. Moreover, differences in ideology, operations, and general outlook distinguish groups from each other and often lead to discord. This has led many to use the plural when talking about environmentalisms, feminisms, developmentalisms, and so forth when describing the social movements, of which specific NGOs are a part. This discord is real and manifests itself in policy and political settings, often to the detriment of overall campaign efforts. Nonetheless, it is important not to overplay the discord.

While NGOs within a given issue area may not possess complete unity, often they share a community. That is, more often than not, they share information, combine efforts on specific campaigns, and, on the whole, appreciate each other's presence. At the organizational level, this often leads to close collaboration. NGO strength, especially at the transnational level, rests on their ability to network across boundaries with each other. NGO effectiveness, in other words, rests largely on their ability to garner widespread support in global civil society. This, in turn, entails affiliating and cooperating with each other. Affiliation, like membership, has its privileges, but also has its responsibilities and obligations. Whenever an NGO links or otherwise collaborates with another, it opens itself up to scrutiny and evaluation. To the degree that NGOs find strength in doing so, however, accountability becomes part of the price of increased transnational effectiveness.

7. See John Boli and George M. Thomas, INGOs and the Organization of World Culture, in John Boli and George M. Thomas, eds, Constructing World Culture: International Nongovernmental Organizations Since 1875 13, 14 (Stanford 1999).
In the same way that NGOs must be accountable to each other, they must also be responsive to those IGOs with whom they wish to work. Many international fora officially make arrangements for NGO participation. Certain international conventions, for example, allow "technically qualified" NGOs to participate in negotiations as nonvoting observers. More generally, participation in UN-sponsored regimes requires United Nations Economic and Social Council ("ECOSOC") accreditation. Participation in such fora has been essential for NGO influence on international treaties. To be sure, accreditation is not necessarily a rigorous process, and NGOs can often demonstrate relevant participatory credentials. Nonetheless, there is some scrutiny, and NGOs organize and certainly present themselves in particular ways to meet the criteria of evaluation.

Finally, and paradoxically, NGOs are somewhat accountable to states. NGOs pride themselves on being free from state control. Their unofficial status provides them with a unique purchase point on issues and buys them legitimacy among the world’s publics. Nonetheless, to the degree that many NGOs seek changes in state policies, they find that their strength lies not simply in being outsiders exerting pressure, shaming, or otherwise making demands on states. They also can be successful insofar as they can become insiders or at least partners in policy formation. For this to happen, NGOs must act in certain ways that win states’ approval. In fact, while NGOs can attain accreditation in IGO fora, some fora stipulate that a percentage of states can prevent such participation by voicing an objection. One should not exaggerate this aspect of accountability, but it, nevertheless, represents an additional, if weak, layer of responsibility.

NGOs also peddle in a currency that itself requires vigilance in terms of broad responsibility. Most NGOs offer themselves as experts on particular issues and representatives of politically motivated people and groups. They have no armies, police, or other coercive tools at their disposal. In many cases, the only thing they have going for them is their reputation, and this rests on credibility. When NGOs provide spurious information—as, to be sure, some do—they risk their foundation of institutional and political strength. The credibility factor does not, then, ensure that NGOs will always be honest or have the most accurate information. Rather, it simply


11. For example, Greenpeace International lost tremendous support when it became clear that its assessment of ecological damage to be caused by dumping the oil rig Brent Spar in the North Sea was inaccurate. Notwithstanding a successful campaign to have the rig dismantled on shore, Greenpeace suffered significant losses in terms of citizen support in Germany and a number of other European countries. See, for example, Kyle Pope, Royal Dutch/Shell Receives Apology From Greenpeace, Wall St J A15 (Sept 6, 1995).
suggests that NGOs will think twice before disseminating false information because the stakes, in terms of being held accountable, are high.

In reaching out to states, IGOs, and other NGOs, it should be remembered that the field of activity for NGOs is the globe itself. This threads through a final dimension of accountability. States are accountable to their people and the international organizations of which they are a part. As such, they focus primarily (and often exclusively) on the interests of those who live within their borders. NGOs, in contrast, are, what James Rosenau calls, “sovereignty-free” actors. They work not on behalf of territorially situated publics, but on behalf of people throughout the world. This does not mean, of course, that they embody a universalist public: there is none. But it does suggest that the geographical scope of their constituency is broader, or at least differently constituted, than that of states. This attaches an added burden to their accountability challenges. For this reason, NGOs are arguably more accountable to global citizenry than states.

V. CONCLUSION

Many scholars claim that NGOs arise in and constitute global civil society. Global civil society is that dimension of transnational collective life in which citizens organize themselves—outside their identity with a particular state or their role as a producer or consumer—to advance shared agendas and coordinate political activities throughout the world. For many, global civil society, like its domestic counterpart, embodies a sense of civic mindedness. Actors work within it with an eye toward what they believe is the public well-being, and the realm itself cultivates habits of cooperation, collaboration, and social solidarity. To the degree that NGOs work to hold states, MNCs, and other actors accountable to a broad-based transnational citizenry, they enact the civic-minded character of global civil society.

Notwithstanding this notion of global civil society and the many good deeds undertaken by NGOs, there are reasons to question the civic-minded credentials of NGOs. Plenty of NGOs advance issues that many of us find objectionable and thus, on the face of it, fail to speak on behalf of the world publics. Moreover, compared to states, NGOs operate in an environment that lacks the kind of institutional constraints that hold states accountable to their people and to each other. In short, many observers see NGOs as operating on their own. NGOs are unelected, largely unmonitored, and thus appear to be unanswerable to the so-called people of the world.

In this essay, I have responded to this critique by making the picture less black and white. The view that states are accountable while NGOs are not is simply

inaccurate. It fails to note the non-constitutional elements that hold NGOs accountable to broad-based oversight and exaggerates the quality and degree of oversight to which states are subject. Many regimes throughout the world—close to 40 percent—are undemocratic and thus enjoy few internal mechanisms that hold state officials accountable to their people. Furthermore, even among liberal democratic states, accountability is far from perfect. Every main theory of the democratic state explains ways in which the will of the people is often subverted or otherwise lost in translation as citizens try to have their interests expressed in a representative framework. Finally, international mechanisms of accountability—such as UN membership, compliance with international regimes, and so forth—serve as weak constraints on states. Some states are immune from these institutions and many others find ways of ignoring them. These observations are not meant, of course, to deny the high level of accountability that exists within and among liberal democratic polities. Rather they aim merely to remind us of the imperfect character of such polities.

In addition to casting doubt on state accountability, this essay illustrates the many ways in which NGOs are held accountable to various oversight constituencies. Many NGOs have elements of their organizational structure and processes and operate in environments that effect mechanisms of responsibility and obligation to others. NGOs must listen to the concerns of members, donors, advisory boards, fellow NGOs, IGOs, and states. This does not ensure that NGOs always listen carefully or act in ways that find universal approval. It does suggest, however, that NGOs are not completely on their own to act as they see fit. Like states, they are bound to public sentiment; but, unlike states, they are so bound through different types of mechanisms.

This essay has argued that observers notice the accountability designs and contexts of NGOs. When one does so, the belief that states are genuine representatives of the so-called people but that NGOs are not dissipates. Both institutions enjoy elements of accountability. The key point is that these elements are different from each other. This difference does not invalidate one institution rather than the other. It simply calls on observers to expand their conception of what counts as an instrument of accountability and, normatively, to work to enhance all such instruments wherever they operate.