Introductory Essay: Paradise Lost? NGOs and Global Accountability

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Many scholars use the concept of global civil society to understand the political meaning of nongovernmental organizations ("NGOs"). Global civil society refers to the transnationalization of social life. It denotes a realm in which people interact across borders outside their identification with a specific state or with their role as a producer or consumer. Over the past half century, innovations in communication technologies and less expensive air travel have made it easier for people to communicate, organize, and express their aspirations across state boundaries. A consequence of this is that people have been forming networks, advancing shared agendas, and coordinating political activities throughout the world. The rise of organizations such as Amnesty International, Oxfam, Doctors Without Borders, Greenpeace, and Human Rights Watch illustrates these phenomena and, for better or worse, global civil society has become a preferred term for describing the realm of collective life within which these groups operate.

Scholars use the term global civil society to suggest that NGOs are not simply self-interested actors working the world political system for private gain, but also reflect a modicum of civic-mindedness at the global level. According to many political theorists, voluntary political engagement itself has a way of instilling habits of cooperation and public spiritedness within an organization and enhancing collaboration and social solidarity outside it. This takes on added relevance at the transnational level in that NGOs working in more than one country often strive to speak in universalist terms, claiming to advance agendas attractive to people throughout the entire world or at least a sector of people throughout the world. They aim, in other words, to find resonance with various publics and this requires an attempt to espouse civic-minded messages or, at least, to dress their parochial messages in cloaks of civic-mindedness.

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1. See, for example, Robert Putnam, Making Democracy Work 89–90 (Princeton 1994).
NGOs have been largely successful at disseminating such a view of themselves. Many years ago, Hedley Bull said that “most states obey most agreed rules of international law most of the time.” A similar statement can be made about NGOs: most people like most NGOs most of the time. Millions of people give them money; governments look to them as partners in governance; and the UN and other intergovernmental organizations (“IGOs”) find them essential to providing legitimacy and expertise to IGO activities.

Notwithstanding widespread appeal, a number of scholars and practitioners are beginning to question the public-spiritedness of NGOs. While many NGOs perform admirable work, there are plenty that pursue goals many of us would find abhorrent. Moreover, even those NGOs with whom we share political aims are not beyond criticism and deserve public scrutiny. These issues have forced observers to ask difficult questions about NGOs: Who elects them? Who appoints them as spokespersons for world society? To the degree that NGOs seem like conveyors of the global civic-mindedness, on what basis do they purport to understand, let alone embody, the global public interest?

Behind these questions sits the issue of accountability. When we think about political actors and even political structures, we almost always wonder about their legitimacy, and this often rests on their being answerable to a broad-based constituency. Criticism about NGOs turns largely on the same concern. To whom are NGOs accountable? On what basis should we treat them as legitimate political actors?

Providing justification for, and practical implementation of, legitimate political power has been one of the longest and most formidable challenges for political theory. In the modern era, Hobbes, Locke, Rousseau, and others continually reflected upon how to constitute and maintain legitimate, authoritative political power. Almost across the board, each suggested that the answer lies in creating some form of constitutional or institutional constraint. That is, power needs to be bound by, or better, bridled to, multiple and cross-cutting forms of legitimate power to guard against arbitrary use. This has found, arguably, its most effective expression in liberal, democratic polities in which political power is separated and distributed within the government to create constant oversight in which government officials are voted in (and out) of office through largely democratic means. Put differently, liberal, democratic polities possess high levels of accountability because leaders are unable to pursue their own agendas independent of governmental or citizen oversight. The liberal democratic state, then, represents one of the best answers to the issue of legitimate political authority.

At the international level, legitimacy and accountability for states are more tenuous, although not absent. Internationally, states are constrained by certain minimalist requirements of functionality and international approval that work to instill a sense of accountability to the wider world of international society. As scholars of the English School of International Relations ("IR") have long pointed out, balance of power, international law, diplomacy, and even war work to hold states answerable to broader norms of international life. Widespread practice of these norms provides a sense of order and predictability to world affairs and this, in itself, provides a modicum of culpability in the international system. On top of these functional requirements, states gain legitimacy as international actors by being accepted by the United Nations General Assembly, a process that involves a legal commitment to the principles of the UN Charter and Universal Declaration of Human Rights. UN membership has its privileges, but it also brings obligations and responsibilities, many of which enhance accountability. In addition to multilateral forms of accountability, states find themselves accountable to each other through bilateral relations, including the exchange of ambassadors, interstate legal agreements, terms of trade and so forth. In short, the international system consists of interdependencies among states, and between states and IGOs. It is this system of interdependence that serves as the primary mechanism of accountability.

The picture looks quite different for NGOs. Global civil society has no formal, cross-cutting institutional checks on activity, nor do the internal dynamics of NGOs express clear democratic characteristics. Most NGO leaders are appointed rather than elected, and those few who are voted into office are elected by NGO members, not society at large. Additionally, while many NGOs have advisory committees or boards of directors, these institutions are of the same ideological viewpoint as those whom they are supposed to monitor and guide. This appears to reduce greatly the base against which NGOs are held accountable. Moreover, at the transnational level, there are only weak institutional checks on NGOs. Unlike the formal UN recognition for states and the system of bilateral interdependencies, NGOs can arise and undertake political activity on their own. They need not receive formal accreditation from any particular body nor do they need independent recognition from other NGOs. To be an NGO these days, it seems one needs only a fax machine and internet access. If this is the case, then questions of NGO accountability are right on target. It forces one to consider carefully statements like that of Kenneth Anderson when he wrote in these pages, "It is no exaggeration to regard the international NGOs . . . as not merely undemocratic, but as profoundly

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What can accountability for NGOs mean, given an absence of the standard and seemingly effective mechanisms to which states are answerable? Can one even use the concept of accountability when discussing NGOs? And, if so, what criteria of accountability should one employ?

The essays in this symposium address these and other questions by critically examining accountability in world affairs, with a special focus on NGOs. NGOs are growing phenomena and have, for better or worse, become part of the governing architecture of the international political system. Whether one likes them or not, one still needs to come to terms with the implications of their actions. The essays that follow try to do this within the context of international law and international relations. Scholars in both fields analyze the concept of accountability and NGO activities in hopes of gaining greater clarity of how legitimate, authoritative and responsible NGOs are as they engage in world politics.

By way of introduction, it is useful briefly to complicate the seemingly simplistic notion that one can say definitively whether NGOs are, in fact, sufficiently accountable to a broad-based public or not. While NGOs are not states, and therefore lack the same kinds of accountability mechanisms that operate within domestic polities and throughout the state system, they are not simply on their own to do so as they please. Multiple, but different, forces exert pressure on NGOs to be transparent and, indeed, answerable to others. Put differently, NGOs are accountable to oversight constituencies and these constrain and otherwise render NGOs more responsive to various publics.

For example, NGOs have elements of their organizational structure that often obligate them to others. While a group’s members, donors, and advisory boards are of the same ideological cloth, they are not homogeneous. NGOs must listen to, and find ways to advance, these constituencies’ concerns. To the degree that they fail to do so, NGOs risk their very survival. Additionally, NGOs operate in environments that demand interfacing and articulating with other NGOs. As Margaret Keck and Kathryn Sikkink make clear, partnerships and networking are the lifeblood of successful, transnational NGOs. Far from simply enabling individual NGOs to raise the volume of their particular concerns, networks require cooperation, coordination, and ultimately compromise. This provides some element of accountability to their work. Furthermore, most NGOs try to influence state behavior and, while many use confrontation as a strategy, many others seek to win state approbation. To do this successfully, NGOs must adjust their strategies, goals, and relationships to appear attractive to states. This does not mean that NGOs are beholden to states—indeed,

if it did, such groups would cease to be effective nongovernmental organizations—but it does fold in a further layer of accountability to their actions. Finally, NGOs work to influence IGOs and associated international regimes. While some NGOs use confrontational tactics to do this as well, many others try to infiltrate and positively affect proceedings. This requires some deference toward IGOs and thus vulnerability to IGO oversight. In each of these cases, IGOs may not listen carefully to other actors 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.

Political accountability means being obliged to explain one’s actions to others and being held responsible to a broad-based public. Political theorists have long wrestled with the challenges of accountability, and institutions have been created to oversee, constrain, and legitimize political behavior. These institutions have come about mostly in a form that holds states answerable to their people and other states. Such institutions, however, also exist at the level of NGO activity, holding NGOs accountable to other actors, including extensive constituencies. Does this mean that the question of accountability has been answered? Does it mean that, because both sets of actors enjoy constraints on behavior and are responsible to others, states and NGOs have met the test of legitimacy? Does it mean that the question of relative accountability is no longer an issue?

Not at all. It should go without saying that both institutions fall short of global, public accountability. And they do so because of the fundamental challenge inherent to political accountability itself. There is no single, global, public will, just as there is no single domestic one. People have different notions of the good and, historically, no amount of coercion or political persuasion has been able to unify these visions. This, of course, is a good thing. The flip-side, however, is that such difference creates problems when it comes to designing and living under political institutions. How can such institutions effect direct lines of accountability when the world's publics are so diverse? How can they ensure that they represent people’s wills and are answerable to a constituency in ways that cannot be easily subverted or undermined? States and NGOs have devised, or have found themselves embedded in, mechanisms that affect a modicum of accountability. (To be sure some states and some NGOs are better situated than others in this regard.) These work, by definition, imperfectly. They work, nonetheless.

It is the imperfections that need attending, for here one can sense the different mechanisms at work and the challenges involved in enhancing global political accountability itself. Critics are right to point out the lack of legitimacy, undemocratic character, and weak responsiveness of NGOs. NGOs deserve such critical scrutiny and, ironically, will benefit from it. As we develop such criticisms, however, we must also extend them to all institutions of political organization, including the state. When we do so, we tread on precarious terrain. The simple-minded notion that we
can condemn one set of actors for being unaccountable while praising another falls by the wayside. In the process, however, we gain greater clarity into the nature of world politics.

The essays that follow grapple with the complexities of NGO accountability. They illuminate the various issues at stake and take insightful stands toward the question as a whole. Together, they represent a meaningful interrogation of accountability and the status of NGOs in world affairs.