

Legitimacy & Accountability in Government-NGO Relationships

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This paper examines the dynamics in relationships between Non-governmental Organizations (NGOs) and government and how NGOs may seek to effectively influence society and the ways in which it operates within such a relationship and vice versa. NGO-government relationships occur across the globe, in many contexts, and for many reasons. These reasons may include the continued survival of the NGO and/or to consult on complex issues and policies. These alliances are often nuanced with power struggle and conflicts of interest and legitimacy. However, this paper will argue that government-NGO relationships can increase NGO legitimacy, affording them access to traditional structures of the political arena.

There are many ways in which non-governmental organizations (NGOs) may seek to effectively influence society and the ways in which society operates. One such strategy is developing networks with governments to influence the policies and laws at play to benefit the cause of the NGO. Government-NGO relationships are interesting, they are not an alliance one might expect to find based on the name given to NGOs. “Non-governmental” would seem to suggest that these organizations only operate outside of government. Yet relationships between NGOs and governments occur across the globe in many contexts and for many reasons, such as continued survival of the NGO, or to help create and understand complex issues and policies, and to even tackle issues head on with a pooling of resources and expertise. Though these alliances can prove fruitful, at times their cooperation is undermined by a struggle for power. This paper will examine this dynamic and moreover argue that government-NGO relationships increase NGO legitimacy which not only affords them access to traditional structures of the political arena - in which they can influence policies that effectively tackle their primary issues - but also help to legitimate their causes by elevating their status within this domain. This paper will first examine concepts of legitimacy and accountability and then explore the relationships between NGOs and governments. Finally, this paper will determine some of the ways in which these relationships can afford legitimacy to NGOs.

As this paper will largely be generalizing Government-NGO relationships, it is paramount to understand that these relationships are “as varied as the government’s, the NGOs, and the societies they serve” (Smillie and Hemlich 1993, 16). Therefore, the purpose of this paper will not be to determine the “Golden rule” of legitimacy in Government-NGO relations, but simply to determine if it is indeed possible for legitimacy to be fostered in these relationships. That being said, it is necessary to define and examine the terms “accountability” and “legitimacy” in order to properly examine Government-NGO relationships and their consequences on legitimacy.

Legitimacy is simply understood as justification to be and to do in society (Edwards and Gaventa 2001, 7). It can be further be defined as the “perceptions by key stakeholders that the existence, activities

and impacts of [Civil Society Organizations] are justifiable and appropriate in terms of central social values and institutions” (Brown and Jagadananda, 2007, 7). Legitimacy affords entities and organizations the ability to influence. When an NGO is validated by virtue of legitimacy, clients, investors, donors, the public, and other interested parties get involved and maximize the NGOs capacity to influence and make changes. As well, when entities such as governments or corporations see the legitimacy of these groups they are more likely to, at the very least, hear what they have to say. Legitimacy is an important building block to a successful NGO and as such it proposes a challenge to many organizations looking to increase their capacities for influence. Legitimacy can be cultivated through adhering to laws and regulations (Ibid) as well as by simply “meeting norms for performance” (Brown and Jagadananda, 2007, 7). NGOs, however, will often find themselves seeking many forms of legitimacy, like the ones listed above, as well as being of “instrumental value” in their interactions with their stakeholders and having their actions seen as “appropriate, proper, and “making sense” to the larger society” (Brown and Jagadananda 2007, 7).

In order to obtain legitimacy in any context, organizations must have accountability. Accountability is the ownership of responsibility to answer for one’s performance (Brown and Jagadananda 2007, 9). Accountability is paramount in cultivating trust between the stakeholders and the organization as each stands to lose something should the organization prove unreliable in some way. For NGOs, this loss can correlate specifically to their reputation, investors and funding, and clients. For example, an enormous scandal broke out in 2018 amid the 2010 Haiti earthquake crisis. The organization Oxfam had led an investigation into reports of abuse and sexual coercion by its members in Haiti who were essentially demanding sex in exchange for the foreign aid they were meant to distribute. Oxfam carried out an investigation and dealt with the perpetrators on their own, but instead of contacting the Haitian government or simply announcing the investigation in order to maintain transparency with its stakeholders, Oxfam kept the situation quiet (O’Neill 2018). The investigation was found out by the New York Times and published in February of 2018. The events that followed resulted in immediate threats to cut government funding to Oxfam, the prompt resignation of Archbishop Desmond Tutu who was acting as an ambassador for Oxfam, and the withdrawing of Oxfam’s right to operate in the country of Haiti “for [the] violation of Haitian law and serious violation of the principle of the dignity of the human beings” (Gayle 2018). In response to the issue, Oxfam GB’s chief executive and deputy chief executive resigned. The charity also lost aid from the UK and “thousands of donors” (Ratcliffe 2019). In recent news, Oxfam has been made to sign and implement a transparency pledge that protects whistleblowers and survivors within the organization, however the application of this policy has been slow and limited according to some (McVeigh 2009). In this case, not only did Oxfam suffer the consequences for lack of accountability and transparency, they also lost thousands of dollars in aid and finances, their ability to work within Haiti, and furthermore, their reputation has been significantly diminished. Though the scandal itself would have been enough for stakeholders to pull out of Oxfam, keeping the situation a secret only made matters worse and brought into question their accountability and legitimacy as an organization.

In contemplating these terms, it is important to observe the domino effect they possess. Without accountability there can be no legitimacy; without legitimacy there can be no influence. Therefore, NGOs must seek these items in earnest to ensure their survival. In such pursuits, NGOs may find themselves looking for or accepting partnerships with predominant structures outside of their traditional domain of civil society that offer resources and finances, as well as legitimate standing among the actors who hold

power and influence within and or over society. One such partnership is found between NGOs and governments.

Governments are a central part of life within a state. They are the governing bodies that make decisions on economic policies, laws, health care, and a multitude of other facets. Governments are ultimately responsible to their citizenry and as such they function to provide important services. However, as they balance a multitude of needs and interests, other important issues may not receive adequate attention. In other states however, the capacity to provide for the needs of its citizens may be lacking or the state may actively suppress these needs and functions in order to exert control. States endeavor to tackle many complex interactions with their citizens, laws, and other states. Sometimes attempts at reforms or creating new laws and policies are beyond the capacity of the government. Here governments may see the benefits of working with NGOs on such complex matters where NGOs can lend their expertise and experience as well as utilize their connections with the affected communities in a cost effective and mutually beneficial way so that the government can continue to focus on more central issues.

NGOs then, can be described as gap-fillers of civil society. Their role in this regard is mainly attributed to the fact that NGOs have singular interests and functions (Clark 1995, 512). Consequently, their focus is more centralized, while the state's is more diffuse. In many ways, NGOs are intermediaries or translators who communicate between the various levels of society and the state (Merry 2006, 39). Interestingly, in these roles as intermediaries it is often difficult to pinpoint an NGO's loyalties and what keeps them accountable. Of course the answer is far from simple as NGOs host a multitude of stakeholders whom they must remain accountable to if the organization is to survive.

Without accountability to donors, funding sources may dry up; without accountability to regulators, charters may be revoked; without accountability to beneficiaries, services may not be used; without accountability to staff and volunteers, operational capacity may be eroded; without accountability to members and political constituents, credibility may be undermined (Brown and Jagadananda 2007, 9).

Stake holders play an important role in the activities of NGOs which paradoxically can hinder the ability of NGOs to maintain their effectiveness. NGOs require independence from donor influences (Hasmath and Hsu 2008, 7). This makes it increasingly difficult for NGOs to remain accountable and build strong legitimacy. In order to have legitimacy, they need to be accountable to their donors and other stakeholders. Yet, at the same time, they require autonomy to be effective in their work. Evermore the job of an NGO is a balancing act, one that may seem at times impossible to accomplish. NGOs may often struggle with their ability - or lack thereof - to convince target populations of their solutions to problems and to gain support from prominent stakeholders such as states and donors (Merry 2006, 48). Here, governments can offer a platform for NGOs to have greater influence by giving them an elevated status within the political arena. In many ways government-NGO relationships could be described as a "quasi-sponsorship" whereby NGOs are essentially backed by government, or given the go-ahead, to influence policy and law and even to gain greater traction within the community of predominant political actors. Of course, to assume that all NGOs desire a partnership with government would be false. NGOs may find their goals and those of government irreconcilable; "some organizations, in fact, are created in opposition to

government policy” (Gazley and Brudney 2007, 411). Yet there is still room for these relationships to prove fruitful.

Government-NGO Relationships, as mentioned earlier in this essay, vary greatly across different contexts. For example, in China NGOs working with the government have greatly increased so the state can operate a “corporatist mechanism” directly embedded in civil society (Hasmath, Hildebrandt and Hsu 2019, 268). Whereas accounts in the US describe these relationships as a “new social form” that has emerged as an integral piece of the evolving social and political climate (Pifer 1967, 15). Ultimately, government-NGO relationships stem anywhere from formats in which NGOs are simply acting out the will of government - holding no autonomy - to the active participation of NGOs in the processes of policy-making (Coston 1998, 375). The type of relationship is dependent on the tolerance of influence each party maintains and the willingness to comply with formalities (Coston 1998, 377). These dynamics can determine the effectiveness of such partnerships and colour their overall experience.

Ultimately, these partnerships aim to effectively accomplish goals that NGOs and governments share. The structures of these partnerships will vary from case to case but in general, government will consult NGOs for their unique and knowledgeable perspective in hopes to create appropriate solutions that are practical and effective. The principal role of the NGO in this regard is to make clear the issues faced by local communities and, simultaneously, to influence and inform government policy (Hsu and Hasmath 2017, 32), backed by research and conscious raising of the citizenry. Ideally, repeated interactions between NGOs and government would build trust in such a way that enables NGOs to be critical of government practices “without alienating government officials” (Bräutigam and Segarra 2007, 172) and vice versa. On the government’s part, their role lies in providing legal and financial resources as well as a forum in which the two parties can have productive discourse.

“The most difficult problem which has arisen in connection with the quasi-nongovernmental organization is how to reconcile its dual needs for independence and accountability to government” (Pifer 1967, 23). In the ideal partnership there would be an equal share of influence and respect for each group’s autonomy in pursuit of cooperation (Brinkerhoff 2002, 21). However, this is rarely the case. Governments often find themselves seeking to retain some form of supervision over NGOs in order to keep them accountable. Yet, direct intervention in NGO administration is problematic as it can hinder independence (Pifer 1967, 25). This independence is required for NGOs to be effective in their work and as such, relationships between government and NGOs require a balance of accountability measures and autonomy. However, there exists a trend in these relationships to suggest a correlation between independence and legitimacy. If an NGO’s legitimacy is relatively high, it is more likely to be treated with respect by government from the beginning (Pifer 1967, 24). For these alliances to be effective then, a measurement of legitimacy must already exist. But further studies done in the US context show that after government-NGO collaboration, government trust in its NGO partners was significantly increased (Gazley and Brudney 2007, Figure 5: 402). It would stand to reason then that this increased trust would demonstrate the NGOs legitimacy and, therefore, lessen the governments need for supervision, allowing for more NGO independence. These studies also showed a greater negative response by nonprofit executives as to the degree of success in these partnerships, whereas their government counterparts were more positive (Gazley and Brudney 2007, 410). When NGO autonomy is limited by the state, so is their effectiveness, leaving them to feel as though the accomplishments of the relationship were not as effective as they could have been. Governments and NGOs may seek to remedy this source of shared contention through

professional association. Here, NGOs can learn from one another to “[develop] the expertise to inform on evidence-based policy” (Hsu and Hasmath 2017, 32) and increase their value to government and the public as policy influencers (Hasmath and Hsu, 2014, 948). These professional associations can also provide accountability by being self-regulatory, frequently checking in with its various members and associates. NGOs have found that by determining professional norms and standards, organizations were able to develop better skills and protect themselves from outside authorities with “arbitrary performance standards” (Brown and Jagadananda 2007, 27). This combined with government standards would afford these NGOs the ability to work well with government while growing within their own sector and developing better practices to influence policies. An example of one of these associations is The Humanitarian Coalition. It is a Canadian NGO coalition of leading aid organizations that provide humanitarian aid during international disasters. The coalition accomplishes this by raising donations, developing relationships with government and raising awareness about these issues (Humanitarian Coalition 2019). The coalition is backed by Global Affairs Canada which is the federal government department for international development which provides the coalition with added capacity and legitimacy to act.

In considering these relationships between NGOs and government the opportunity to gain greater status and legitimacy within the political arena can be seen. NGOs require a great deal of legitimacy to be successful in the work they do. Without it, they are disregarded as ineffective and unnecessary and their work is ignored (Gourevitch, Lake and Gross Stein 2012, 193) by key players such as states, corporations, and the public. In taking up these partnerships, however, NGOs can increase their legitimacy by influencing government policies, practices, and laws, as well as by developing networks within government and their respective partners. In the 2007 US case study by Gazly and Brudney, their research showed that nonprofit and public participants accessed new funding through their NGO-government partnerships (401). In this sense, making a good impression and building trust with government is vital to NGO survival and success in these conditions. Without building these relationships government may avoid multilateral policy making which can harm NGO influence (Clark 1995, 523). As well, the mere consultation of NGOs in government affairs validates their existing legitimacy which was built on their knowledge, work, and pre-existing stakeholders. Governments also back the issues and moreover causes NGOs advocate for when they create policies and initiatives together. This may in fact give the impression to those outside this relationship, such as corporations, the public, agencies, investors, etc. that NGOs working with government can a) be trusted in an official capacity; b) are worthwhile to consult/invest in; and c) hold influence over government policies and thus hold authority in the mainstream political sphere.

Critics of government-NGO relationships suggest that because NGOs are “non-governmental” they cannot or should not pursue these partnerships. There is doubt as to whether NGOs can have any real autonomy within such conditions, rendering NGOs as mere avenues for the government to exercise its will. However, as Pifer points out, these relationships were established for a reason; “an urgent national need had been identified that no other institution in the society was meeting, or, seemingly, could meet” (Pifer 1967, 17).

Partnerships between government and NGOs may not be suitable for all causes, governments, or NGOs. Yet, when deemed appropriate they may serve as a mutually beneficial means to accomplish shared goals. Although relations between governments and NGOs can find themselves strained due to a multitude of factors, these relationships can often prove themselves relatively fruitful. As well, these partnerships

provide a unique opportunity for NGOs to grow their legitimacy in the political arena and in the eyes of society at large.

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