

Making the connection:
Legitimacy claims, legitimacy chains and
Northern NGOs' International Advocacy

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1 Introduction

As UK-based non-governmental organisations (NGOs) increasingly move into advocacy and policy work, they are having to respond to a variety of challenges concerning issues of legitimacy and related issues of accountability, governance and effectiveness. Legitimacy questions concern: firstly, the right of the NGO to speak to its target audience, perhaps on behalf of other groups or interests, and; secondly, the wisdom of NGOs moving further towards an advocacy focus.

This chapter is part of an ongoing research project concerning the ways in which UK-based development NGOs organise their advocacy activities. The chapter continues by briefly outlining the evolution of NGOs and their movement towards greater involvement in advocacy and policy work, explaining the shift and introducing the issues of effectiveness, legitimacy, accountability and governance which have arisen and persisted, especially over the last 10 years. Questions of legitimacy are then considered in more detail before the preliminary findings of my ongoing research are employed to illustrate the variety of ways in which NGOs claim legitimacy for their advocacy work. Emphasising the varieties of advocacy and the range of claims to legitimacy, it is argued that in order to substantiate their claims to legitimacy, NGOs need to map out their legitimacy chains. When legitimacy is claimed on the basis of representation, systems of accountability need to be in place. When legitimacy is claimed on the basis of expertise and experience, the relevance of Southern operational experience to Northern advocacy needs to be demonstrated. Rather than offering a blanket dismissal of Northern NGOs' advocacy work as illegitimate, unaccountable and groundless, it is argued that Northern NGOs do have a role to play and value to add in processes of international development. The question, which NGOs are beginning to take seriously, is, how can Northern NGOs and their Southern partners best work together in organising legitimate and effective international advocacy?

2 NGOs and international advocacy

In the context of the "New Policy Agenda" NGOs have grown in prominence in international development as potentially efficient service and welfare providers, channels of aid and facilitators of democratisation. NGOs have become important actors in the international political economy, a fact borne out by rapid increases in numbers, membership, activities and financial resources (Edwards and Hulme, 1992b).

In the early 1990s policy-makers in leading Northern NGOs became increasingly aware of the limited impact of their development efforts. Despite the fact that more public money than ever before was channelled through NGOs, their impact on the ground was still temporary and small-scale. Recognising this limitation of traditional development activities, in the early 1990s leading NGOs began to consider a range of strategies of "scaling up" in order to make more of a difference (Edwards and Hulme, 1992b; Uvin and Miller, 1996). In the years since the publication of "Making a difference" (Edwards and Hulme, 1992a), the focus of NGO thinking, and increasingly practice, has swung behind efforts to develop more effective forms of international lobbying and advocacy.

Although advocacy takes a variety of forms, from careful research and policy advice, to parliamentary lobbying, to public campaigning and development education, the overall goal is “to alter the ways in which power, resources, and ideas are created, consumed and distributed at a global level, so that people and organisations in the South have a more realistic chance of controlling their own development” (Edwards, 1993, p.164). National and international lobbying and advocacy has become increasingly important within the NGO world (Clark, J., 1992; Clark, A., 1995; Fowler, 1999; Keck and Sikkink, 1998). Some large, mainly Northern-based NGOs have acquired considerable expertise, authority and respect and have gained access to decision-makers in governments and international organisations. By having a foot in the North and a foot in the South, NGOs are in a good position to link the micro and the macro levels, using their experience in the South to inform their advocacy and policy work in the North. In short, NGOs have begun to move from a “development-as-delivery” to a “development-as leverage” approach (Edwards, Hulme and Wallace, 1999).

3 Legitimacy matters

As NGOs have moved further into advocacy and influencing work as part of a development-as-leverage approach they have encountered a variety of related challenges and criticisms. These challenges question the effectiveness of their advocacy work, their legitimacy as advocates for development, their accountability to those they are perceived as representing, and the suitability of their governance structures for a development-as-leverage role (Edwards, 1993; Edwards and Hulme, 1995; Hulme and Edwards, 1997; Smillie, 1995; Sogge, 1996).

As regards their effectiveness, questions have arisen about whether a shift into advocacy and influencing work will make a difference to the lives of poor and marginalized groups in the South, and additionally whether it is the most cost-effective use of NGO resources. As regards their legitimacy, NGOs have increasingly encountered the criticism that they are not representative organisations in any obvious sense, bringing their credibility as representatives of the poor and marginalized South into question (Cleary, 1995; Nyamugasira, 1998). In a similar vein, it has been suggested that NGOs are poorly accountable to the people that they sometimes appear, or claim, to represent and that this poor accountability undermines any claim to legitimacy (Edwards, 1999; Nelson 1997). Finally, encompassing the previous three criticisms, it has been suggested that NGOs’ governance structures are poorly suited for a development-as-leverage role (Covey, 1992). As NGOs move further into advocacy and policy influence these questions are not going to go away.

Questions about legitimacy may seem to be little more than a navel-gazing guilt-trip for Northern NGOs, but legitimacy is central to the effectiveness of NGOs’ advocacy work. As regards advocacy, put simply, legitimacy increases the persuasiveness of advocacy, which increases its effectiveness.

NGOs have been questioned about their legitimacy from a variety of positions. Firstly, governments, International Organisations and Multi-national corporations – some of which have been criticized by NGOs for their weak accountabilities (Fox and Brown, 1998) – are increasingly asking whether and why they should listen to NGOs. Secondly, institutional funders are asking why they should fund NGOs which are moving further

into advocacy work, and why they should fund NGOs rather than other parts of civil society. Thirdly, as they grow in confidence and experience Southern partners and supposed beneficiaries are increasingly questioning the legitimacy of Northern NGOs advocating, supposedly on their behalf. In such a dynamic environment, Northern NGOs are clearly challenged to show that they do have a valid role in processes of international development.

4 Legitimacy claims

NGO advocacy takes a variety of forms, and relates to a wide range of issues; different types of advocacy about different sorts of issues have different implications for legitimacy. An NGO may be considered a legitimate advocate when it is talking about a “technical” issue which it has a lot of expertise in, such as the latest developments in irrigation technology or family planning, but illegitimate when it expands its focus to reform of the WTO or environmental degradation. One approach which side-steps the issue of legitimacy is simply to make modest claims which are less open to criticism. Similarly, some NGOs – around 10% of the NGOs I interviewed - steered clear of the term, and perhaps the practise of, advocacy because they feel that speaking on behalf of others is in itself disempowering for the intended beneficiaries. Their preference was for “influencing”; demanding that institutions consulted the NGOs’ client group in formulating their policies.

In my research, NGOs claimed legitimacy for their advocacy work on a variety of bases: history; organisational structures; principles, rights and values; and Southern roots. For some – perhaps 15% - of the NGOs I spoke with, history was a source of legitimacy for their advocacy activities. Such NGOs spoke of their institutional survival, their track record and reputation. Whilst such attempts to use history to support legitimacy claims might seem simplistic and inconclusive they do play a role in affecting which organisations are taken seriously. That said, these historical claims beg the question of why the NGOs have survived to establish a track record. A second category of claims was made on the basis of the organisation of the NGO itself. Two organisations pointed to formally democratic membership structures which extend internationally. A few others felt legitimated by their UK supporter base, and one claimed that its governance structures and staffing policies gave it legitimacy as an advocate. A third group of legitimacy claims relied upon the idea that the position being advocated was a basic right, a moral or ethical principle or value, or had been agreed upon in an international code of conduct. Such claims were made by about 15% of the NGOs that I interviewed. However, whilst advocacy is clearly about values, and clarity about the values which underlie an advocacy position is to be welcomed, rather than simply appealing to values NGOs need to explain where their values come from if they are to persuade others to share and enact them.

In many cases the values which NGOs hold and promote, and the advocacy positions that they take, derive from experience in, and links with, the South. For many of the NGOs I spoke to it was their experience of working at a grassroots level, implementing projects and programmes in a wide range of contexts that gave them the legitimacy to advocate about development issues. In fact this is the main basis for claims to legitimacy, which, in varying forms, was used by more than 50% of the NGOs I interviewed. NGOs which specialise in a particular aspect of development claimed that their technical expertise

provided them with legitimacy and in some cases took pains to ensure that they did not advocate beyond their experience.

Many of the NGOs I spoke with were well aware of the dangers of claiming legitimacy in terms of representation, and cautioned against potentially exploitative attempts to seek out legitimacy through establishing links with Southern NGOs and community organisations. Few – perhaps 10% - of the NGOs interviewed claimed to be **speaking for** the South or Southern NGOs, but many did argue that they were representing, or, more subtly, promoting, the interests of the South or the values which emerged out of their work in the South. Although many NGOs carefully avoided claiming to speak for the South, or represent the South in any simple way, many struggled to find alternative ways of describing what they are about and, if pushed, would fall back on some sort of representational claim – Southern issues, values, interests or concerns, rather than “the South” - to legitimacy.

5 Legitimacy chains: Accountability and relevance

Although NGOs make their claims to legitimacy on a variety of bases, a substantial majority of their claims point – directly or indirectly - to their links with and experience in the South. The strength of these legitimacy claims depends upon the ability of the NGO to demonstrate the links, or legitimacy chains, between their operational work and experience in the South and their advocacy work. Around 20% of NGOs I spoke with suggested that I could have pushed them harder on issues of legitimacy, and were rather surprised that more questions weren't asked of them as they moved further into advocacy and influencing work. Many NGOs are currently thinking about how to develop more synergistic relationships between their operational work and their advocacy, but few have clear systems in place to achieve such a goal. Two potential ways of substantiating legitimacy claims are, firstly in terms of practising accountability, and, secondly, in terms of demonstrating relevance.

For NGOs which make some claim to represent Southern communities, issues, interests, values or concerns – however carefully worded the claim is – there is a need to back up their legitimacy claims with appropriate systems of accountability. As Edwards and Hulme suggested: “NGOs do not have to be member-controlled to be legitimate, but they do have to be accountable for what they do if their claims to legitimacy are to be sustained” (Edwards and Hulme, 1995, p.14). As well as being accountable to their supporters and donors for the ways in which resources are spent, one would expect NGOs which make representational claims to try to be accountable for the positions they take. Revealingly, almost 50% of the NGOs I spoke with, when asked “To whom are you accountable for your advocacy work?” responded in terms of upward accountability to line-managers, donors, trustees and boards of governors, rather than in terms of downward accountability to those whose interests they claim to promote. Many of the NGOs who responded in terms of accountability to boards of governors regarded my question as to the make-up of the board and whether it includes Southern members as bizarre, simply viewing accountability to a board – no matter what its membership – as sufficient. In fact, several NGOs were actually surprised at the mention of downward accountability, seemingly unaware of the concept and unconvinced about its desirability.

NGOs explained their lack of downward accountability in a variety of ways. Some explained that Southern NGOs do not have the time or inclination to be involved in in-

depth processes of consultation, and others described their legitimacy as “assumed” rather than of a sort that is backed up by formal systems of accountability. More positively, some NGOs, particularly the smaller ones with long-standing advocacy campaigns rather than 3-year campaign cycles, claimed convincingly that their relations with partner organisations were so close, and their contact so frequent, that they had developed a sufficient level of trust or “organic accountability” such that formal mechanisms would be unnecessary bureaucracy.

A further reason given for the lack of accountability in relations with partners concerned the difficulties of evaluating advocacy work (Covey, 1995; Edwards and Hulme, 1995; Fowler, 1995, 1996 and 1997; Roche, 1999; Roche and Bush, 1997). As Edwards put it: “When performance is difficult to measure and success is difficult to attribute, accountability becomes very complex” (Edwards, 1996, p.8). Beyond saying that “we had X number of meetings, sent Y number of letters, had Z level of response from the target organisation, and got 10 column-inches in the newspapers”, NGOs are hard-pressed to know what they have achieved in their advocacy work, and hence what they should be accountable for.

In addition to this “accountability for what?” obstacle to clear systems of accountability, NGOs also encounter an “accountability to whom?” issue, an issue which merges into that of how to demonstrate the relevance of Southern experience to Northern and international advocacy. When advocacy is confined to a specific geographical or thematic issue – Health Policy in Zimbabwe for instance - NGOs may feel confident about whom they should be accountable to – Zimbabwean NGOs with an interest in Health Policy. However, if the advocacy aims to change a policy at a more abstract level – reform of the WTO, changes to lending policies of development banks – it can be unclear whom you should be accountable to, and demonstrating the relevance of grassroots work to macro-level advocacy can be problematic. Complex legitimacy chains often lead to diffuse accountability and make the demonstration of relevance difficult.

Most of the NGOs I spoke with recognised that demonstrating the relevance of their operational experience to their international advocacy work is far from simple. An approach which sounded both realistic and useful involves trying to understand and illustrate the links in both directions, trying to look outwards and upwards from the Southern grassroots to broader debates, and trying to think downwards from policy issues back towards Southern experience. One of my interviewees acknowledged that there are a lot of layers between the concerns of Southern NGOs and their constituents and Northern advocacy, but explained that his NGO did not confine itself to simply representing the opinions of its partners, but added value in terms of research and analysis. As NGOs recognize the two-way nature of legitimacy chains, from South to North and North to South, and seek to make the links in both directions, Northern NGOs will have to re-define their roles in processes of international development if they are to show themselves as adding value in processes of international development.

6 Conclusions: A global division of labour?

Many of the NGOs I spoke with saw a role for themselves as supporting and facilitating international advocacy, and defended their right to take positions on issues of international development as long as they were developed through "real dialogue" with Southern partners. Partnerships and dialogues have tended to be unequal (Malena, 1995;

Smillie, 1995) but NGOs should not give up on the goal of genuine partnerships - characterized by jointly agreed purposes and values, mutual trust, respect and equality, frequent consultation, reciprocal accountability and transparency, sensitivity to political, economic and cultural contexts, and long term commitments.

Missing from many discussions of Northern NGOs' advocacy and its legitimacy is any mention of how Southern NGOs and their constituents see Northern advocacy and the role of Northern NGOs. A small number of NGOs I spoke with had made serious efforts to consult their Southern partners about the organisation of advocacy, and as a result felt less concerned about issues of legitimacy. The Southern partners of one large NGO had been consulted and had stressed that the Northern NGO ought to take advantage of its position in the North, its access to important decision-making institutions, its ability to recognise opportunities and emerging issues, and, its experience and skills in policy analysis and research. These Southern partners wanted to be informed about what their Northern counterparts were doing, and wanted to be involved in decision-making, but insisted that the Northern NGO must play its part in international advocacy and not be paralysed by legitimacy concerns. Other interviewees described an emerging division of labour in the organisation of international advocacy, with Northern NGOs translating the concerns of their Southern partners so that they have maximum impact with Northern and international institutions. The issue comes down to one of deciding what value Northern NGOs can add to the advocacy process, when they are needed, and when they should step-aside. And, importantly, involving Southern partners in this decision.

Perhaps the key question which NGOs need to consider in organising their international advocacy is whether organisational structures which developed during a development-as-delivery era are suitable for a development-as-leverage approach (Young et al, 1999). NGOs have been slow to restructure their organisations in order to ensure appropriate downward accountability for advocacy and influencing. Some NGOs have embarked on processes of restructuring, considering decentralization, the setting up of dedicated advocacy offices, and harmonisation across their federations and alliances. Such efforts seek to move the NGO closer to Southern experience, to give the South a voice in decision-making, and to develop truly international advocacy rather than a Northern-imposed agenda. A related and more common approach to re-organising international advocacy is to strengthen the Southern element in a global division of labour through capacity-building. Such an approach takes seriously the joint responsibilities of North and South in advocating for international development.

However, before rushing in to decentralisation, membership structures or poorly thought through capacity-building, NGOs must be clear about their reasons for restructuring, avoiding the temptation to follow institutional, at the expense of developmental, imperatives (Edwards, 1996 and 1999). In re-thinking their roles and seeking to achieve greater accountability, legitimacy and effectiveness for their development work NGOs must start from their core values, being honest and clear about what their values are, and where they come from. Although often hidden, values are fundamental to the work, not least the advocacy work, of NGOs. Discussions of effectiveness, legitimacy, accountability, governance (and evaluation) ought to take explicit recognition of the values which make an NGO what it is. Effectiveness is relative to the values or objectives of the organisation. Legitimacy comes, or doesn't come, depending upon the processes through which values are arrived at. Multiple accountabilities are balanced on the basis of values. And, governance structures, in effect, institutionalise values. As Edwards and

Hulme argued several years ago “The degree to which a strategy compromises the logic by which legitimacy is claimed needs to be carefully considered, and can provide a useful means of testing whether organisational self-interest is subordinating the fundamental aims when a choice is being made” (Edwards and Hulme, 1991, p.89). NGOs, particularly their Northern components, will not be able to avoid questions of legitimacy as they move further into advocacy. In order to demonstrate their value in an emerging global division of labour, NGOs must institutionalise their core values in their organisational structures.

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