



NGOs' transnational advocacy networks: from 'legitimacy' to 'political responsibility'?

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1.0A INTRODUCTION: TRANSNATIONAL ADVOCACY NETWORKS AND LEGITIMACY

Over the past decade many non-governmental organizations (NGOs) have gained higher profiles through their involvement in transnational advocacy networks⁽¹⁾. Such networks include those focussed on issues of debt, the international financial institutions, international trade and the WTO, child labour, corporate social responsibility, climate change, bio-technology, human rights, capital flows, land-mines, education, and the arms trade. By linking Southern grassroots communities with Northern policy arenas, networks of NGOs and other civil society actors attempt to influence the policies and practices of consumers, companies, states and international institutions⁽²⁾. These NGOs, particularly Northern NGOs which aim to promote the interests of poor and marginalized Southern communities, face a number of challenges concerning their right to participate in the development of institutions of global governance. Such challenges centre on issues of legitimacy, representation and accountability; what right do NGOs have to contribute to the shaping of global governance, who do they represent, and how are they accountable to their constituencies? Focussing on the advocacy work of Northern development NGOs such as Oxfam, Christian Aid, Action Aid, the World Development Movement and World Vision, this paper seeks to clarify and contribute to

the debate by examining just what ‘legitimacy’ might mean in transnational networks that link disparate and distant communities and contexts.

The paper begins by outlining the shift of NGOs into advocacy and policy work, the nature of networks, and NGOs’ involvement in transnational advocacy networks. The legitimacy challenges which NGOs face in their advocacy work are then outlined, before the sorts of legitimacy claims that UK-based NGOs make to support their transnational advocacy activities are examined. Whilst few NGOs claim to directly represent the poor, many claim that it is the transnational nature of their activities, their capacity to link micro-level grassroots operational work to more macro-level advocacy work through cross-border networks, which gives them their legitimacy⁽³⁾. The paper then moves on to consider the issue of legitimacy beyond borders, revealing that there is a lot of confusion in the NGO sector around issues of ‘legitimacy’, with the word often standing in for issues such as representation, transparency, accountability, compliance with legal frameworks, effectiveness and authority. In order to clarify these issues the paper seeks to move away from a simplistic understanding of ‘legitimacy’ as something which an NGO can objectively have, towards an understanding of ‘legitimacy’ as socially constructed, and therefore shaped by the network form of organization which NGOs’ transnational advocacy takes. In this way ‘legitimacy’ is seen as a quality that may be ascribed to an NGO by actors coming from different viewpoints, on the basis of the NGO’s relationships with a variety of stakeholders. Crucially, in operating transnationally and linking disparate places, an NGO’s stakeholders are likely to hold different conceptions of ‘legitimacy’. Therefore, an NGO will find it extremely difficult - to put it mildly - to be perceived as legitimate by all of its differently-positioned stakeholders. An NGO which endeavours to become more legitimate in the eyes of, say, the World Bank, may not improve its legitimacy in the eyes of its Southern partners, and

vice-versa, and is likely to be regarded as illegitimate by states whose notion of legitimacy is based on an ideal of representative democracy within the borders of a sovereign state. Different stakeholders have different ideas of legitimacy. In order to address the issues which NGOs face when they participate in transnational advocacy networks it is crucial to remember that NGOs have to balance and prioritize multiple and diverse relationships.

Rather than simply abandoning the substance of ‘legitimacy’ debates, it is argued that NGOs ought still to endeavour to improve their relationships with their various stakeholders, an aim that might be furthered through the adoption of a new vocabulary for talking about relationships between stakeholders in transnational advocacy networks. Relationships are the building blocks of networks and are key to their effectiveness. Although an NGO will struggle to be legitimate in the eyes of all of its stakeholders, the quality of its relationships remains important. Relationships with multiple stakeholders are balanced and prioritized on the basis of values. As NGOs claim to be value-driven they can expect to be scrutinized to see whether they adhere to their stated values of empowerment of, and partnership with, poor and marginalized communities. It is argued that when NGOs seek to balance and prioritize their relationships with different stakeholders, it is their relationships with Southern partners that ought to take precedence. In this vein, Van Tuijl and Jordan’s concept of ‘political responsibility’ is introduced as a useful, realistic and pragmatic way of conceptualizing power relations as they arise in transnational advocacy networks and campaigns (Van Tuijl and Jordan 1999). In embracing their political responsibilities to their Southern partners, NGOs operating through transnational advocacy networks may indeed come to be more widely regarded as rightful participants in the shaping of global governance.

2.0A NGOs' TRANSNATIONAL ADVOCACY NETWORKS

2.1B NGOs and the shift to advocacy

Advocacy has a wide range of meanings for NGOs, but it is most commonly seen as involving efforts to change institutions' policies in ways that are expected to favour the poor and marginalized Southern communities whose interests NGOs aim to promote. NGO advocacy is based upon policy analysis, research, and the channelling of information. On these bases they engage in a range of activities from awareness-raising, through development education, capacity-building, lobbying and campaigning, to, in some cases, direct action. The sorts of issues which NGOs advocate about range from general principles of inclusion and participation in decision-making, through macro issues such as reform of the World Trade Organization (WTO), human rights, corporate responsibility, and the regulation of Multinational Corporations, to more specific issues such as education, debt, child labour, food security, biotechnology and reproductive health. NGOs' advocacy targets institutions at a variety of levels - international organizations, national governments and ministries, corporations, trades unions, consumers, and other NGOs.

NGOs have paid increasing attention to advocacy over the last decade (Bryer and Magrath 1999; Edwards 1993). Fashion and the demonstration effect across the NGO sector is an important factor in the growth of advocacy, but the trend came about in recognition of the limited impact of traditional development work. In the early 1990s, policy-makers in leading Northern NGOs began to acknowledge that despite the fact that more public money than ever before was channelled through NGOs, their impact on the ground was still temporary, small-scale and subject to the fluctuations of policies, prices, interest rates and exchange rates at an international level. In response to this,

leading NGOs began to consider a range of strategies of ‘scaling up’ in order to make more of a difference (Edwards and Hulme 1992; Uvin and Miller 1996). Over the course of the 1990s, NGO thinking, and increasingly practice, swung behind efforts to develop more effective forms of transnational lobbying and advocacy.

Relatedly, NGOs have been keen to contribute to the emergence of an incipient global civil society (O’Brien et al. 2000). As one interviewee put it: “you’ve got huge debates going on about the institutional infrastructure of global governance, the role of civil society, non-governmental organizations, third sector etc. ... and the Northern NGOs see themselves as playing a role in that” (NGO Research Interview, Summer 1999). In an era of global transformations, challenges to the sovereignty of states, and rapid technological change, NGOs and other non-state actors have - in part through their involvement in transnational advocacy networks - gained a higher profile in their efforts to influence the international policy process (Held et al. 1999; Warkentin and Mingst 2000). As Devetak and Higgott argue: “The interest in how to alter (resist) globalization represents a shift in the *modus operandi* of NGOs - from the field to the corridors of power. In many policy domains they have become the discursive opposition” (Devetak and Higgott 1999: 493). As the ‘discursive opposition’ to the neo-liberal project of market-driven globalization, NGOs and other non-state actors operating within transnational advocacy networks have gained higher profiles through their efforts to influence the policies of international organizations such as the WTO, the World Bank, and the International Monetary Fund. Moving further towards advocacy and policy work, NGOs have become increasingly involved in transnational advocacy networks that link a range of actors from different countries and communities, in an effort to achieve their developmental aims.

2.2B Networks and 'sovereignty-free' actors

Cross-border networks play an important role - as both cause and consequence - in contemporary processes of globalization. Globalization, referring to increases in the extensity (scale), intensity (volume) and velocity of social interactions (Held et al 1999), has become perhaps THE keyword for the social sciences over the last decade, but a related trend, particularly within International Relations and International Political Economy, has been the recognition of non-state actors - including NGOs - as increasingly important players in the global political economy (Higgott, Underhill and Bieler 2000). Non-state, or 'sovereignty-free' actors (Rosenau 1997) challenge the inter-state system's monopoly of authority, leading some commentators to speak of a 'power-shift' from state to non-state actors, as sovereignty-free actors link up and operate across state borders as part of transnational networks (Matthews 1997; Reinicke 1998).

Networks are sets of interconnected nodes which are flexible and dynamic. They possess these qualities because networks are open structures that can expand without limit, integrating new nodes as long as they are able to communicate with the network, sharing values or goals (Castells 1996: 470). In contrast to hierarchies and markets, networks are relatively flat organizational forms that are based upon trust, cooperation, loyalty and reciprocity between the constituent parts, rather than the vertical command structures of hierarchies, or market-based exchange (Thompson et al 1991). Similarly, for Keck and Sikkink, "Networks are forms of organization characterized by voluntary, reciprocal and horizontal patterns of communication and exchange" (Keck and Sikkink, 1999, p.91). Castells argues that networks are central to the information age (Castells 1996), whilst Moghadam suggests that "the *network* form of transnational organizing may be the one most conducive to the era of globalization" (Moghadam 2000: 80). Although this may be a premature conclusion, many commentators would seem to

concur, talking about digital networks (Sassen 2000), transnational business networks (Yeung 2000), knowledge networks (Sinclair 2000), citizens' networks (Deibert 2000), transnational feminist networks (Moghadam 2000), and - most pertinently for this paper - transnational advocacy networks (Keck and Sikkink 1998; Radcliffe 2001).

2.3B NGOs' transnational advocacy networks

For Keck and Sikkink, "A transnational advocacy network includes those actors working internationally on an issue, who are bound together by shared values, and a common discourse, and dense exchanges of information and services" (Keck and Sikkink 1998: 2). In many ways, development NGOs have always been transnational. Northern NGOs such as Christian Aid, World Vision and Action Aid were set up to provide assistance to communities in developing countries, and as such necessarily operated across nation-state borders, with an emphasis on transnational solidarity between distant and disparate communities. However, since the 1970s, NGOs have enmeshed themselves more fully in transnational networks of relationships. As Keck and Sikkink suggest, the "number, size, professionalism, density and complexity of their [advocacy networks'] international linkages have grown dramatically in the last three decades, so that only recently can we speak of *transnational* advocacy networks" (Keck and Sikkink 1999: 92)⁽⁴⁾.

The transnational networks which development NGOs are involved in share a common purpose of eliminating poverty and enabling sustainable development, particularly but not exclusively in the South, and operate by channelling funding, expertise, and, most crucially, information. In this way, NGOs' transnational advocacy networks are bound together by shared values and the sharing of information. Looking particularly at consumer networks, movements pushing for core labour standards, and Keck and

Sikkink's 'transnational advocacy networks', Evans suggests that transnational networks may play a key role in promoting counter-hegemonic globalization through linking poor communities into hegemonic global networks (Evans 2000). As Evans argues, such transnational networks operate by "connecting disprivileged Third World groups and communities to political actors and areas that can affect decisions in hegemonic global networks" (Evans 2000: 231).

Perhaps the key question that might be asked of networks is: 'how does the network organizational form impact upon the effectiveness of the network and its participants', operations?' For the participants in a transnational advocacy network, the point is to speak for, or less literally to promote the interests of, the poor and marginalized, connecting them to the international arenas where decisions that affect them are taken. In claiming to act in the interests of others, NGOs that participate in transnational advocacy networks are likely to be challenged to justify their activities, to explain what makes them legitimate advocates. The question is then, operating as part of a transnational advocacy network, how can an NGO establish legitimacy for its cross-border advocacy work? As Radcliffe puts it, how are network members - and more widely, those whose interests they claim to promote - represented in advocacy networks? (Radcliffe 2001: 26). As we shall see, whether such a question is couched in terms of representation, or more generically in terms of various bases for legitimacy, this is very much a live question.

3.0B LEGITIMACY CHALLENGES AND LEGITIMACY CLAIMS

3.1B Legitimacy challenges

"As for 'civil society', it is simply a label for all those activities, relationships and organisations that fall outside the purview of the state. This amorphous mass cannot be

represented by anyone. Those who claim to do so are impostors. Organisations can only represent themselves. If NGOs were indeed representative of the wishes and desires of the electorate, those who embrace their ideas would be in power. Self-evidently, they are not” (Financial Times, 1st September 1999).

As NGOs have gained a higher profile through their involvement in transnational advocacy networks, they increasingly face, not coincidentally, challenges about their roles in the international policy process and their rights to participate in the shaping of global governance (Bond 2000). A leading NGO commentator recently reported that: “It is increasingly common to hear senior administrators, corporate executives, academics and journalists echo the complaints of many governments (especially in the developing world) that NGOs are self-selected, unaccountable and poorly rooted in society, thereby questioning their legitimacy as participants in global debates” (Edwards 2000a: 2). These complaints have come from a variety of sources: from international organizations and multinational corporations, some of which have themselves been criticized by NGOs for their weak accountabilities (Fox and Brown 1998); from Northern governments and institutional funders which are considering bypassing Northern NGOs and directly funding Southern NGOs; and, from Southern NGOs and community organizations which, growing in confidence and experience, increasingly want to voice their own concerns rather than have Northern NGOs speak on their behalf. From within the NGO and development community too, commentators have questioned the motives of (Northern) NGOs and expressed doubts about their ‘comparative advantages’ and values, suggesting that the NGO community is a donor-led system for transmitting Western concepts of development, rather than a community which takes seriously the importance of listening to the poor (Tvedt 1998; see also Smillie 1995 and Sogge 1995). Far from being simply academic debates about the primacy of state or

non-state actors, these debates will impact upon the future roles of NGOs and determine the extent to which NGOs will be given a say in setting the rules for an increasingly global political economy. For instance, should the WTO, with all its powers to regulate international trade, and by extension many other trade-related issues, remain an inter-state organization, or should it open its doors to NGOs concerned with environmental, developmental, and human rights issues? (Dunoff 1998; Esty 1998; Scholte et al. 1999).

The challenges that NGOs face have been couched chiefly in terms of legitimacy and the related issues of representation and accountability. NGOs have increasingly encountered the criticism that they are not representative organizations in any obvious sense, bringing their credibility as advocates for the poor and marginalized South into question (Cleary 1995; Nelson 1997; Nyamugasira 1998). The Financial Times asserts that: “The claims of NGOs to represent civil society as a whole and, as such, to possess legitimacy rivaling – even exceeding – that of elected governments is outrageous” (Financial Times, 1st September 1999). In a similar vein, it has been suggested that NGOs are poorly accountable to the people whose interests they claim to promote and that this undermines any claim to legitimacy (Edwards 1996; Simmons 1998). As the South African newspaper Business Day put it shortly after the Seattle WTO Ministerial:

“Especially offensive in Seattle were the groups which - while owing their salaries to rich-country protectionists - insisted they were standing up for the interests of the developing world against its rape by the WTO and the multinational corporations. (If the point on salaries is deemed unfair, let them open their books to public scrutiny). The actual citizens of the organisation’s 135 members, of which 120 are democracies, were mostly represented at the meeting, having elected the governments that appointed and instructed the delegates. To whom, exactly, were the NGOs accountable?” (Business Day, 8th December 1999).

Whilst these sorts of criticisms invite a variety of responses from NGOs and those who would wish to defend them, they clearly show that legitimacy debates are not about to go away. As predominantly ‘third-party organizations’ (Korten 1990 - cited in Atack 1999), which do not have members, and/or advocate in order to promote the interests of non-members, it is particularly difficult for NGOs to establish legitimacy through direct representation and accountability. Northern NGOs, as intermediary organizations, can no longer assume that a non-profit status will in itself give them the credibility to speak out, and will need to work hard to establish their rights to participate in global governance. As Edwards puts it: “In short, the future role and legitimacy of northern NGOs operating internationally has been called into question, and placed in the public arena as a justifiable topic for debate” (Edwards 1999b: 28).

3.2B Legitimacy claims: Linking South and North

NGOs claim legitimacy for their transnational advocacy in a variety of ways. Discussing advocacy campaigns which target the World Bank, Nelson outlines four broad types of legitimacy claims: representation of Southern views; expertise; domestic political constituencies; and, being officially designated to take part in discussions (Nelson 1997). Edwards, casting doubt on the idea that NGOs gain legitimacy through adherence to their values, reports that NGOs discuss legitimacy in terms of: legal compliance; effective oversight by governing bodies; public support; the fact that they receive voluntary requests for assistance; technical expertise; demonstrable representativeness; and, transparent performance monitoring and clear accountability procedures (Edwards 1999a). Finally, a report on two advocacy campaigns that took place in India and Ghana suggests that NGOs legitimize their advocacy work in five sets of ways (Chapman and Fisher 2000). Firstly, NGOs seek to influence policy by pointing to practical experience

on the ground. Secondly, NGOs promote a particular value which is widely recognized within society and/or enshrined in international law. Thirdly, NGOs act as experts on a particular issue. Fourthly, NGOs' advocacy work is legitimized through working in transnational networks with grassroots and other civil society organizations, and by adhering to and strengthening democratic principles and practice. Fifthly, working in alliances and networks, NGOs gain legitimacy from other members of the network who themselves gain legitimacy in one of the previous four ways.

This variety of legitimacy claims was confirmed in a recent research project which examined the advocacy work of UK-based development NGOs⁽⁵⁾. Claims were made on the basis of history; organizational structures; principles, rights and values; and, links with the South. For 15 percent of the NGOs examined, history was a source of legitimacy for their advocacy activities. Such NGOs spoke of their institutional survival, their track record and reputation. A second 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 percent of the NGOs examined. A third category of claims was made - by 10 percent of the NGOs - on the basis of the organization of the NGO itself. Two organizations pointed to formally democratic membership structures that 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. Making up the largest category, 50 percent claimed legitimacy on the basis of links with the South which provide them with expertise and experience.

Many of the NGOs were well aware of the dangers of claiming legitimacy in terms of representation, and cautioned against potentially exploitative attempts to actively seek

out legitimacy through establishing links with Southern NGOs and community organizations. Few - less than 10 percent - of the NGOs examined 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 values which emerged from their work in the South. These findings emphasize the importance of transnational advocacy networks that link Southern communities with Northern policy arenas, and echo the findings of Keck and Sikkink's work on human rights networks. As they suggest: "Non-governmental actors depend upon their access to information to help make them legitimate players. Contact with like-minded groups at home and abroad provides access to information necessary to their work, broadens their legitimacy, and helps to mobilize information around particular policy targets" (Keck and Sikkink, 1999, p.96).

Although most of the NGOs examined carefully avoided claiming to represent the South in any simple way, many struggled to find alternative ways of describing their activities, and, if pushed, would fall back on some sort of representational claim – Southern issues, values, interests or concerns, rather than 'the South' - to legitimacy. As Van Tuijl and Jordan put it in relation to transnational advocacy networks: "While cooperation in a global advocacy campaign does not easily compare itself to academic concepts of representation, it cannot be denied that NGOs are in fact representing interests when they operate with an expertise in a specific political arena and use that knowledge to carry a campaign concern to a new level of decision making" (Van Tuijl and Jordan 1999: 4). Many of the NGOs did indeed claim that it was their capacity to link the South and the North, their micro-level grassroots operational work with macro-level advocacy, through transnational networks, which provided them with the evidence, rationale, and legitimacy for their advocacy.

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 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 percent of the NGOs examined, 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. 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 suggested that Southern NGOs do not wish to be involved in time-consuming consultations, and others described their legitimacy as ‘assumed’ rather than of a sort that is backed up by formal systems of accountability. A further reason given for the lack of accountability in relations with partners concerned the difficulties of evaluating advocacy work (Edwards and Hulme 1995; Fowler 1996 and 1997; Roche 1999). Beyond saying that ‘we had X number of meetings, sent Y number of letters, had Z level of response from the target organization, 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 the question of ‘accountability for what?’, 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 policy debates. When advocacy is confined to a specific geographical or thematic issue – Health Policy in Zimbabwe for instance - Northern NGOs may feel confident about whom they should be accountable to – Zimbabwean NGOs with an interest in Health Policy for a start. However, if the advocacy aims to change a policy at a more global level – reform of the WTO, changes to lending policies of development banks – through the activities of a transnational advocacy network, it can be unclear to whom an NGO should be accountable, and it can be difficult to demonstrate the relevance of grassroots work to macro-level policy debates. Such problems are indicative of the complexity of establishing legitimacy through transnational networks.

4.0A LEGITIMACY BEYOND BORDERS?

4.1B The confusions of legitimacy

Transnational advocacy networks involve complex relationships between the micro and the macro, leading to diffuse accountabilities and making the demonstration of relevance difficult. In such situations, NGOs may struggle to substantiate legitimacy claims that are made on the basis of micro-macro links. As Madon argues: “While field experiences are the building blocks of INGO [International NGO] advocacy, they must ultimately be generalised to have any influence in wider policy circles. The dilemma is that the reality of the situations in which INGOs intervene is complex, diverse, uncertain and contingent. This makes the issue of generalization a real challenge for INGOs” (Madon 2000: 7). If NGOs are to establish their legitimacy on the basis of their transnational connections they must pay more attention to the nature of these links. Referring to micro-macro links, or incanting the magic formula of ‘partnership’ when

the reality of partnerships is increasingly questioned, is not enough to establish legitimacy (Malena 1995; Hudock 1999; Fowler 2000a). As Edwards, Hulme and Wallace put it: “Claiming the right to speak out simply because an NGO has projects or contacts on the ground is unlikely to be acceptable to a sceptical audience in the media, among other observers, and - most importantly - a more critical local population” (Edwards, Hulme and Wallace 1999: 133).

In addition to the complexities of substantiating legitimacy claims on the basis of micro-macro links, NGOs are also faced with widespread confusion about just what legitimacy might mean. Edwards comments on this fact, noting that:

“Discussions often focus on the thorny issue of representation, though there are really two questions that are being asked: is representation the only route to civic legitimacy in global governance? If so, how ‘representative’ must an organization be in order to qualify for a seat at the global negotiating table? These two questions are often conflated, with results that are highly confusing, and unhelpful in their implications for policy and practice” (Edwards 2000b: 5).

This conflation of questions is in fact more confusing than simply a blurring of the issues of representation and legitimacy. ‘Legitimacy’ commonly stands in for a wide range of issues including effectiveness, justifiability, desirability, appropriateness, expertise, authority, legal compliance, representation, credibility, ability to add value, persuasiveness, accountability, comparative advantage, transparency, honesty, trustworthiness, responsibility and right. If NGOs are to establish their rights to participate in the shaping of global governance, an important first step is to clarify just

what ‘legitimacy’ might mean for NGOs, and in particular what it might mean for NGOs which operate as part of transnational advocacy networks.

4.2B The social construction of legitimacy

In addition to ‘legitimacy’ standing in for a variety of other issues, discussions about the legitimacy of NGOs and their advocacy tend to treat legitimacy as a quality that an NGO can either objectively have or not have. This simplistic understanding of legitimacy fails to appreciate that, fundamentally, legitimacy is about being able to provide moral justifications for political and social action (Atack 1999). Referring to the reasons and justifications for the actions of states in the international system, Hurd suggests that legitimacy “refers to the normative belief by an actor that a rule or institution ought to be obeyed. It is a subjective quality, relational between actor and institution, and defined by the actor’s *perception* of the institution” (Hurd 1999: 381). Transferring this definition of legitimacy into the sphere of NGOs and their right to conduct advocacy, legitimacy concerns the ways in which target institutions such as the World Bank, and other stakeholders such as Southern partners, perceive an NGO. And, specifically, legitimacy is about an NGO’s ability to justify and explain where the values that it promotes come from. Acknowledging the fact that legitimacy is about justification, and that justifications can be made on a variety of bases and to a range of stakeholders, can help us to move away from a simplistic and confusing understanding of legitimacy.

In contemporary social science and political theory legitimacy is almost universally regarded as something which is socially constructed and which is given meaning by the background normative framework, rather than as being self-evident and objectively real (Beetham 1991)⁽⁶⁾. It is important to note that this view of legitimacy does not make it meaningless and empty, rather it focuses attention on the *ways in which* legitimacy is

constructed through meaningful social relations. As Suchman puts it, legitimacy is: “a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions” (Suchman 1995: 574 - cited in Hurd 1999: 387). “Within some socially constructed system of norms” is the key here, suggesting that the criteria for conferring legitimacy - in effect, what legitimacy *is* - will be shaped by, and vary in, different historical and geographical contexts. For example, what might once have been seen as a legitimate basis for the exercise of sovereign power (a monarch claiming a divine right to rule, or clutching a sword from the lady of the lake) may, as the background conditions change (societies become less religious, more secular, and more democratic), come to be regarded as an invalid and outmoded basis for claiming political legitimacy. Or, to take another example, whilst efforts to work in partnership with Southern NGOs may once have been seen as lending legitimacy to NGOs, as the nature and reality of partnerships is challenged, ‘partnership’ claims may come to be seen as a questionable basis for claiming legitimacy (Fowler 2000a). Geographically too, the criteria for conferring legitimacy may vary. In one place representative democracy is the key to legitimacy; in another, legitimacy may be passed on through kinship structures or religious affiliation.

4.3B Legitimacy in transnational networks

This view of legitimacy as socially-constructed has a variety of implications, particularly when the social system in question takes a network form. At a general level, as the meaning of ‘legitimacy’ is dependent upon the background norms of the social system in question, it might be expected that legitimacy issues will be significantly different when the social system is a cross-border network. In a social system which is based on sovereignty and hierarchy, regulatory authority is allocated according to fixed,

exclusive, territorial boundaries, which institutionalize the norm of non-intervention. In such a system the legitimacy of cross-border activities is immediately brought into question. In contrast, transnational networks are, by their very nature, cross-border organizational forms which actively facilitate intervention across territorial borders. As Keck and Sikkink put it: “Much international network activity presumes the contrary [to assumption of sovereignty and non-intervention]: that it is both legitimate and necessary for states or nonstate actors to be concerned about the treatment of the inhabitants of another state. Once granted that cross-border and global environmental problems mean that economic activities within one nation’s borders are of legitimate interest to another or others, the frontiers of legitimate interest have been fuzzy - and contested. Transnational advocacy networks seek to redefine these understandings” (Keck and Sikkink 1998: 36). Legitimacy - as a social construction - is made more complex within transnational networks which undermine the institution of sovereignty, and hence alter the background conditions or context within which legitimacy gets its meaning.

A second implication of seeing legitimacy as socially constructed is that different actors may have different conceptions of what it is to be legitimate. NGOs in transnational networks have multiple stakeholders who are likely to have different views about the legitimacy of an NGO’s activities; an NGO will be perceived as legitimate, or not, by a range of different stakeholders. This is particularly important within cross-border networks which link disparate contexts and communities in North and South, because stakeholders from different contexts, with different normative frameworks, may well hold different conceptions of legitimacy. One set of stakeholders may see legitimacy as dependent on an NGO having a membership, an elected board, and formal systems of evaluation, whilst another set of stakeholders may regard such procedures as unnecessarily bureaucratic. Therefore it will be difficult, if not impossible, for an NGO

to be considered legitimate by all of its stakeholders and other participants in the network. For example, a Northern NGO's efforts to push for greater NGO access to the WTO may be simultaneously regarded as legitimate by its supporters, and as illegitimate by most Southern, and many Northern, governments.

Thirdly, legitimacy is a relational quality in two linked senses. Legitimacy is about an institution seeking to justify its actions to other actors. Legitimacy comes, or doesn't come, from the justifications for actions that the NGO offers to other actors. Additionally, legitimacy is about an institution claiming the right to act, on the basis of its relationships with other actors. So, an NGO's attempt to justify its advocacy to the World Bank (relational in the first sense) is often based on the quality of its relationships with its Southern partners (relational in the second sense). In a transnational network, legitimacy derives from multiple and diverse relationships with a range of actors. Fourthly, referring to the quality of an NGO's relationships with Southern partners and those whose interests they claim to promote, legitimacy is about the power relations that attend to these 'partnerships'. Fifthly, legitimacy comes or doesn't come from the ways in which - the procedures or social rules - an NGO relates to its stakeholders, particularly its Southern partners, including whether and how it is representative of them, accountable to them, and transparent in its dealings with them. Sixthly, given that legitimacy is socially-constructed, perspective-dependent, relational, and procedural, the qualities of relationships which can lend legitimacy to an NGO may include issues other than - but not necessarily excluding - the degree of formal representation attained.

Finally, as relatively flat and open systems, networks lack a sovereign 'ultimate arbiter' to settle issues of legitimacy. Such a situation is in stark contrast to the inter-state system of sovereignty which sets boundaries or jurisdictions within which the state specifies (or

attempts to specify) the conditions of legitimacy. The concept of sovereignty provides a framework for the allocation of jurisdictional competence or regulatory authority which is based upon fixed and exclusive territoriality, and which sets the background conditions within which legitimacy acquires its meaning (Tshuma 2000; Picciotto 1996-7; Ruggie 1993). Discourses and practices of representation, democracy, accountability and legitimacy rely on the existence of boundaries - traditionally the territorial boundaries of nation-states - to specify who should be represented, who the *demos* is, who one should be accountable to, and in whose eyes one should seek to be legitimate. As Castell's concept of the 'network state' suggests, in the absence of clear boundaries to demarcate relevant constituencies and provide a frame of reference, it can be difficult to operationalize practices of representation, democracy, accountability and legitimacy (Castells 2001: 12; see also Dryzek 2000 and Hirst 2000). In this way, the growth of transnational advocacy networks involving sovereignty-free actors challenges sovereignty as the ordering principle of the global political economy, blurs the boundaries between states, and undermines the sovereignty-based framework of legitimacy. Paradoxically, in undermining sovereignty as the ordering principle of the global political economy, participants in transnational advocacy networks find themselves in a world which lacks clear and accepted principles for establishing the legitimacy of cross-border networks.

4.4B From theory to practice

Although this discussion of 'legitimacy' as social construction may seem overly theoretical and abstract, there is no doubt that 'legitimacy debates' are in need of conceptual clarification. Such clarification has important implications for policy and practice, and may help NGOs and their various stakeholders to think more clearly about the ways in which NGOs can and should be included in the international policy process,

and act accordingly. NGOs which wish to improve their (perceived) legitimacy should think carefully about: in which stakeholders' eyes it is most important to be seen as legitimate; the implications of their legitimacy claims; the qualities of their relationships with a variety of stakeholders; and, the ways in which these relationships might impact upon the legitimacy which different stakeholders ascribe to them. Recognizing that NGOs have a variety of stakeholders, Edwards and Hulme suggest that: "Many of the concerns expressed about the weak accountability of NGOs relate to the difficulties they face in prioritising and reconciling these multiple accountabilities" (Edwards and Hulme 1995: 9-10; see also Najam 1996). Legitimacy and legitimacies might well replace accountability and accountabilities in this sentence. The issue then, is one of balancing and prioritizing relationships with a variety of different stakeholders, stakeholders who - coming from different and disparate contexts - will have different criteria for, and views of, an NGOs' legitimacy. An NGO which seeks to improve the way that the World Bank views it, perhaps by gaining expertise in a specialist technical area of development, will not necessarily improve its 'legitimacy' in the eyes of its Southern partners. On the other hand, an NGO which seeks to become more representative of its Southern partners' concerns, may find that the World Bank will still not listen to its advocacy unless it also acquires the relevant technical expertise. Different stakeholders want different things from their relationships with NGOs. In order to clarify the issues which NGOs face when they operate through transnational advocacy networks it is crucial to remember that NGOs have to balance and prioritize multiple and diverse relationships.

5.0A TOWARDS POLITICAL RESPONSIBILITY

Discourses of legitimacy are closely tied to discourses and practices of sovereignty. Therefore, for the activities of NGOs operating in transnational networks to have the possibility of being labelled 'legitimate', particularly by states and inter-state

organizations, discourses of ‘legitimacy’ would need a major re-working to prise apart the concepts and practices of sovereignty and legitimacy. A similar re-working is proposed by Latham, with his conception of ‘social sovereignty’, a concept which aims to question the identification of sovereignty with the state. For Latham: “Sovereignty can be and historically has been understood as an attribute not just of states but of other forms of social organization as well, operating within and across national territories. I call this social sovereignty” (Latham, 2000: 2). Whilst such an approach may be productive in the long-term as regards ‘legitimacy’, NGOs who wish to contribute to the current shaping of global governance have more immediate priorities, and may not be able to wait for such a discursive shift.

Attempting to establish their legitimacy, when legitimacy is so closely related to sovereignty, may well be a fruitless task for ‘sovereignty-free’ NGOs operating in transnational networks. That said, if NGOs are concerned to improve their relationships with their stakeholders, and to establish their rights to participate in the shaping of global governance, although they may wish to side-step the legitimacy debate, they cannot and should not ignore the issues to which the legitimacy debate refers. Relationships are the building blocks of networks and are key to their effectiveness (Thompson et al 1991); as such they are of vital importance to NGOs involved in transnational advocacy networks. What is needed is a new vocabulary or conceptual framework for thinking about the relationships between actors or nodes in transnational advocacy networks. In the remainder of this paper Van Tuijl and Jordan’s framework of ‘political responsibility’ is introduced as a useful, realistic and pragmatic means of conceptualizing power relations as they arise in transnational advocacy networks (Van Tuijl and Jordan 1999).

5.1B Balancing and prioritizing relationships

Organizations balance and prioritize their relationships with other organizations on the basis of values, whether these values concern profit-maximization, increasing market-share, empowering the poor, or generating transnational solidarity. More precisely, the ways in which organizations balance and prioritize their relationships with other organizations reflect what their *real* (in contrast to *stated*) values are. This applies to NGOs as much as it does to multinational corporations. For Keck and Sikkink, “Transnational advocacy networks may also be understood as political spaces, in which differently situated actors negotiate - formally or informally - the social, cultural and political meanings of their joint enterprises” (Keck and Sikkink, 1999, p.90). Such negotiations are informed by the values of the differently situated actors. As NGOs frequently claim to be value-driven and argue that this differentiates them from other sorts of organizations, they can expect to be scrutinized to see whether they practice what they preach (Edwards 1999a; Fowler 2000b; Hailey 2000; Padaki 2000).

NGOs often claim that their values are about empowering and working in partnership with poor and marginalized communities. If such claims are to stand up to public scrutiny, if NGOs are to be consistent and legitimate even in their own terms with their enacted values matching their stated values, it is these values that must drive their activities. In balancing their relationships with a range of stakeholders, NGOs must prioritize the poor and marginalized communities whose interests they claim to be motivated by. As Edwards, Hulme and Wallace put it: “NGOs must be good civic actors themselves; otherwise they will be unable to encourage co-operation and accountability in other institutions; nor will they be considered legitimate participants in an emerging international civil society” (Edwards, Hulme and Wallace 1999: 133). The concept of ‘political responsibility’ provides a framework for thinking about the ways in which

values drive the balancing and prioritizing of relationships in transnational advocacy networks.

5.2B Introducing ‘political responsibility’

Drawing on experience of engaging with the World Bank, and of working with Northern development NGOs such as NOVIB⁽⁷⁾ and Oxfam to reconsider their transnational relationships, Van Tuijl and Jordan introduce the concept of ‘political responsibility’. Their aim is to clarify issues of representation and accountability in transnational NGO networks that link multiple political arenas and involve a range of different actors. Political responsibility is about the qualities of the relationships that an NGO has with other actors in a transnational advocacy campaign. As they explain: “We introduce the notion of political responsibility to respond to the problem that ‘representation’ does not provide a sufficiently viable conceptual or practical approach to come to terms with power relations and responsibilities as they emerge in the context of transnational NGO advocacy campaigns” (Van Tuijl and Jordan 1999: 4).

Side-stepping, but not ignoring, issues of legitimacy, representation and accountability, a focus on ‘political responsibility’ provides a more realistic and useful approach to understanding and analyzing transnational advocacy campaigns. As Van Tuijl and Jordan argue: “Looking at different sources of legitimacy invoked by individual NGOs to support their advocacy role, such as specific expertise or a strong bond with a particular constituency, does not provide much insight into the dynamics between these organizations or the impact of their advocacy” (Van Tuijl and Jordan 1999: 17). For NGOs, particularly Northern NGOs, all advocacy is transnational advocacy. Therefore, ‘political responsibility’ may provide a pragmatic and concrete means of analyzing the power relationships involved in transnational advocacy as it is currently practised, and

a way of working towards advocacy which is more effective and conducted according to the principles and values which NGOs claim to be driven by.

5.3B Aspects of 'political responsibility'

For Van Tuijl and Jordan 'political responsibility' manifests itself in, and can be assessed as regards to, seven areas. Adding these aspects of political responsibility together provides an aggregate assessment of the extent to which an NGO has successfully embraced its political responsibilities and managed the political risks inherent in transnational advocacy (Van Tuijl and Jordan 1999: 5). The first and perhaps most important area is about dividing and deciding upon responsibilities in various political arenas; that is, establishing which NGOs have the requisite knowledge, understanding and expertise to take charge of elements of a transnational advocacy campaign which take place in different contexts. For example, in a campaign which involves advocacy to the US government, and to the Indian government at various levels, Oxfam might be best-placed to take charge in Washington D.C., whilst an Indian NGO ought perhaps to take the lead in India. The second area of political responsibility concerns agenda-setting and strategy-building. In this regard, Van Tuijl and Jordan emphasize that NGOs involved in transnational networks ought to carefully consider their priorities, think about whose priorities are being served - using which time-frame and with what sort of approach? - and, what the implications are for the distribution and management of risks through the network. If political responsibilities are to be successfully embraced, agendas and strategies must not be imposed on the poorer and more vulnerable participants in the network. Thirdly, and similarly, the richer members of a network ought to think carefully about the allocation of available financial resources and seek to disentangle financial clout from decision-making power. A fourth area of political responsibility concerns information; the direction, density, quality and

accessibility of information flows, as well as the capacity to analyze, process and generate information. A fifth aspect is about the frequency and format of information flows; what is appropriate in one political arena may not be so in another. For example, daily revisions to a web-site may serve NGOs operating in the North, but be unsuitable for NGOs and community-based organizations operating in remote areas which lack the necessary technological infrastructure, or in which oral communication is the accepted format. Sixthly, and relatedly, information ought to be articulated into useful and comprehensible forms. For example, complex legal documents relating to the WTO are likely to be of limited use to NGOs whose skills lie in the area of community development and capacity-building rather than legal argument. A final area of political responsibility is about the formalization of relationships, formalization which can help to establish transparency.

5.4B A typology of transnational advocacy campaigns

Working with this concept of political responsibility and its various aspects, Van Tuijl and Jordan develop a typology of NGO relationships in transnational advocacy (see Figure 1). Their classification of campaigns includes co-operative, concurrent, disassociated, and competitive campaigns. Embracing political responsibility to the greatest extent, a co-operative campaign such as the Narmada dam campaign involves the pursuit of interlocking objectives by different NGOs in multiple political arenas, a fluid and continuous flow of information, a continuous review of strategies, and joint management of political responsibilities. A concurrent campaign involves the representation of different but compatible objectives, with, for instance, an anti-dam campaign linking up with a campaign about the World Bank's Inspection Panel. In a disassociated campaign, NGOs are less successful at embracing their political responsibilities and the different objectives held by participating NGOs begin to clash.

In such a situation, there is a lop-sided flow of information and only an occasional review of strategies. Finally, in a competitive campaign, advocacy in one political arena may actually have an adverse effect in another political arena. Such a campaign involves little in the way of information exchange, co-ordination, or accountability, leading to a neglect of political responsibilities.

FIGURE 1 about here

Suggesting that concurrent campaigns might be a realistic target for NGOs, Van Tuijl and Jordan argue that through embracing and being explicit about their political responsibilities, NGOs involved in transnational advocacy campaigns will make themselves less open to criticisms about their legitimacy and accountability. Most importantly, embracing their political responsibilities will enable NGOs to withstand scrutiny as to whether they do in fact balance and prioritize their relationships on the basis of the values of empowerment and partnership that they espouse. As Van Tuijl and Jordan suggest: “The hallmark of an NGO which fully embraces the concept of political responsibility is its capacity to sustain coherence and consistency between the goals it professes and the manner in which it pursues them” (Van Tuijl and Jordan 1999: 17).

6.0A CONCLUSIONS

This paper has sought to contribute to the debate about the role of NGOs and transnational advocacy networks in the shaping of global governance. As NGOs move further into advocacy and gain higher profiles in the international policy process, they face a number of challenges relating to their rights to participate in the shaping of global governance, challenges which revolve around issues of legitimacy, representation and accountability. Whilst few NGOs claim to simply speak for the South, many argue that

it is their capacity to link the micro and the macro through transnational networks which lends them legitimacy. However, there is much confusion about issues of ‘legitimacy’ within the NGO sector, with ‘legitimacy’ being seen as something that an NGO can objectively have, or not have. Such confusion makes it difficult for NGOs to know what they need to do in order to be considered as more rightful participants in the shaping of global governance. ‘Legitimacy’ is not something that an NGO can either objectively have or not have. Rather, ‘legitimacy’ is a socially-constructed quality that can be ascribed to an NGO by stakeholders coming from different perspectives. Operating as part of a transnational advocacy network which links disparate communities and conceptions of legitimacy, an NGO will find it extremely difficult to be universally perceived as legitimate. Different stakeholders have different conceptions of ‘legitimacy’ and want different things from their relationships with NGOs. Moreover, a border-crossing NGO is likely to be regarded as illegitimate by states whose notion of legitimacy is closely tied to the discourse and practices of sovereignty. In order to clarify the issues which NGOs face when they participate in transnational advocacy networks it is crucial to remember that NGOs have to balance and prioritize multiple and diverse relationships.

Relationships are the building-blocks of networks, and are balanced and prioritized on the basis of values. As such, whilst ‘legitimacy’ may be too closely connected with the discourses and practices of sovereignty which transnational networks undermine, NGOs should not abandon their efforts to improve their stakeholder-relationships through enacting their stated values. ‘Legitimacy’ as traditionally understood may be a distant dream for transnational advocacy networks, but the qualities of their constituent relationships remain important. Van Tuijl and Jordan’s concept of ‘political responsibility’ and its various aspects provides a pragmatic approach to understanding

and analyzing power relations as they emerge in transnational advocacy campaigns, an approach which may be more suited to cross-border networks. Through embracing their political responsibilities NGOs will be able to demonstrate that they do in fact balance multiple relationships on the basis of their stated values. In acknowledging (but not ignoring) the complexities of legitimacy, representation and accountability, and embracing their political responsibilities, NGOs may indeed come to be regarded more widely as rightful participants in the shaping of global governance.

Endnotes

- 1) In using the term ‘transnational’ I mean to imply that being cross-border is fundamental to the nature of these networks, rather than being an incidental feature. In this paper, ‘cross-border’ and ‘transnational’ will be used interchangeably.
- 2) ‘Northern’ and ‘Southern’ are used as shorthands to refer to rich economically-developed countries, and poor economically-under-developed countries, respectively.
- 3) Whilst ‘local-global’ is the preferred terminology in the social sciences, in this paper I will stick to the NGO vocabulary of ‘micro-macro’.
- 4) Whilst Keck and Sikkink’s focus is on human rights and women’s networks, this observation applies to networks of developmental organizations too.
- 5) The initial aim of the research project was to understand the relationship between the organizational frameworks that UK-based development NGOs adopt for their advocacy work, and the effectiveness of such advocacy. The research project developed into a broader examination of the issues that development NGOs face in organising their international advocacy - including issues of legitimacy, representation, governance and accountability - and the various ways in which NGOs seek to deal with such issues. Data collection took place over the Summer of 1999. Forty-four hour-long semi-structured research interviews with individuals from the UK development NGO sector and the UK Government’s Department for International Development were arranged, conducted, taped and transcribed. Thirty-two NGOs were examined, ranging from the household-name development NGOs with complex international operations, budgets of up to £100m, and hundreds of staff, to tiny issue-specific NGOs with budgets of around £100,000 and a handful of staff. The interviews and supplementary material were rigorously analyzed with the help of computer-assisted qualitative data analysis. The ‘missing’ 10 percent of NGOs comprise those that avoided the term ‘advocacy’ and hence did not even try to claim legitimacy for advocacy activities.
- 6) This view of legitimacy as socially constructed is shared by Weberian approaches which equate legitimacy with a belief in legitimacy, and approaches which follow Beetham in seeing a given power relationship as legitimate, not simply “because people believe in its legitimacy, but because it can be justified in terms of their beliefs” (Beetham 1991: 11).
- 7) NOVIB is the Netherlands Organisation for International Development Cooperation.

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Figure 1: Overview of campaign typologies (from Van Tuijl and Jordan 1999)

	Cooperative	Concurrent	Disassociated	Competitive
Objectives	Interlocking	Compatible	Conflicting	Opposing
Information	High frequency, global distribution, easily accessible, freely shared	Regular, multi-phased, more tightly directed, freely shared	Infrequent, lopsided, difficult to access, shared with reservation	Minimal, no direct flow, inaccessible, not shared
Strategy	Continuous review, joint management, risks based upon most vulnerable	Frequent review, coexisting management, risks based upon national arena	Occasional review, management and Risks exclusive to varying arenas	No review, single arena management, no recognition of risks
Level of political responsibility achieved	High	Medium	Low	None