

International NGOs: Legitimacy, Mandates and Strategic Innovation

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HANS PETER SCHMITZ, AUG 26 2020

Legitimacy is a key asset for actors in global politics, especially for international non-governmental organizations (INGOs) which are still largely based in wealthier nations in the Global North. Compared to corporations or states, INGOs have fewer coercive means (no military or significant financial resources), and since INGOs typically lack formal status in global affairs, they can rarely assert authority without some form of legitimation conferred to them by others (Koppell, 2008). INGOs typically obtain authority by convincing multiple audiences that they act appropriately, advance the public's interest, and are guided by moral principles (Stroup & Wong, 2017).

While many INGOs, such as Amnesty International or Greenpeace, have over time become major brands, they have also faced individually and as a sector growing challenges to their legitimacy. Some of these challenges have emerged externally, including technological changes (e.g. social media, artificial intelligence) or the rise of populist governments curtailing civil society spaces (CIVICUS, 2018). For various reasons, traditional INGOs are no longer the unquestioned intermediaries between wealthy donors and poor aid recipients. Other challenges are more homemade and include struggles to effectively listen to local populations (Twersky et al., 2013), a habit of overpromising in their mission statements, and a lack of attention to sexism and inequities within increasingly large and difficult to manage (con-)federated governance structures (Edwards, 2018).

This review elaborates on the nature of INGO legitimacy and why these organizations face growing challenges to maintain it (for more extensive discussions, see here and here). The first part introduces pragmatic, normative, and cognitive dimensions of INGOs' organizational legitimacy. The subsequent three sections then elaborate on how the increasing ambitions of INGO missions and complexities of operations affect each dimension. I conclude by arguing that INGOs cannot simply "manage" their legitimacy challenges on their own, and need to collectively redefine their core purposes and public expectations towards the sector.

Challenges to INGO Legitimacy

Not all challenges to INGO legitimacy are created equal, and some challenges are less compelling than others. Many critics of the sector simply want INGOs to go back to a previous time where they were smaller and less engaged in political issues. For example, authoritarian regimes have long invoked state sovereignty as a way of questioning the legitimacy of NGO interventions for human rights or environmental protection. But many of these regimes have long been committed to certain international norms simply by being members of the United Nations or having signed international treaties. Publicly rejecting the legitimacy of INGOs simply confirms their standing and ability to draw attention to norm-violating behavior (Risse et al., 2013). Today, INGOs have established a diverse set of relationships with a variety of state and non-state actors (Baur & Schmitz, 2012; Stroup, 2020) which demand a more complex analysis of legitimacy challenges.

Other critics of INGOs have accused the sector of being unelected elites advancing undemocratic agendas (Anderson, 2000). While it is true that INGOs do not stand for regular elections, their legitimacy is only partially based on making representative claims on behalf of those they claim to benefit. What matters is not that INGOs occasionally speak for others, but how they do so (Rubenstein, 2014). Finally, a growing number of scholars fault INGOs for

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having become too professional and large. As a result, so the argument goes, they are at risk of abandoning their missions for a focus on competition for limited resources (Bush & Hadden, 2019; Prakash & Gugerty, 2010), or they have become part of global elites and are no longer focused on challenging the status quo (Stroup & Wong, 2017). The problem with such claims is that they envision legitimate INGOs as small and disconnected from power centers. While one can argue that “small is beautiful” (Schumacher, 1973 (2011)), this would greatly exaggerate the mismatch between INGO capacity and their claims to address major global issues.

A different approach to understanding INGO legitimacy starts with the assumption that the grounds for judging what is legitimate have fundamentally shifted. It is simply no longer enough to claim good intentions and engage in responsible management of donor resources. It's not about INGOs returning to what they were in the past, but instead about adapting legitimacy practices to expanded missions and goals (Deloffre & Schmitz, 2019). All questions about INGO legitimacy ultimately boil down to implicit assumptions about the basic purpose of these actors, especially since these assumptions not only vary across stakeholders, but also have profoundly changed over time. To understand better these shifts in expectations towards INGOs, it is useful to distinguish between pragmatic (means-ends), normative (moral), and cognitive (taken-for-grantedness) sources of legitimacy (Koppell, 2008; Suchman, 1995). Pragmatic legitimacy emerges when an INGO is perceived as being responsive to the needs of other actors, including governments, donors, beneficiaries, or peer organizations. Normatively, major Northern INGOs have traditionally relied on making moral claims about humanitarian action or human rights that resonated primarily with an audience in their countries of origin. Cognitively, legal frameworks and regulations of the sector define its place in society and establish a broad acceptance of their rightful existence. INGOs attain cognitive legitimacy when others cannot imagine a world without this type of organization. Changes in normative and pragmatic legitimacy play key roles in how deeply taken-for-granted the presence of INGOs is among their stakeholders.

For decades, INGOs have effectively translated their legitimacy into power and authority. Service-focused development NGOs became major channels for foreign aid disbursements (Dieleman et al., 2015; Lewis & Kanji, 2009: 171), while advocacy groups notched major victories reflected in the creation of global institutions such as the anti-landmines convention in 1997 or the International Criminal Court in 2003 (Glasius, 2006; Price, 1998). But these successes have not necessarily solidified INGO authority. Instead, they have actually exposed the weak underlying legitimacy bases of the sector.

INGOs face more formidable challenges to acquire and maintain legitimacy than governments or businesses. Since businesses have owners or shareholders and governments are tied to a clearly defined populations, their primary stakeholders are more clearly defined than those of INGOs. In addition, businesses and governments are governed by much more extensive legal and regulatory frameworks, mainly domestically, but also internationally. In contrast, INGOs lack any legal status at the international level (Ben-Ari, 2014; Thrandardottir & Keating, 2018), routinely work across culturally diverse contexts, and do not have a coherent, dominant constituency (Yanacopulos, 2015: 50). For some time now, greater skepticism towards INGOs among various audiences has fueled a significant backlash against their presence and activities (Walton et al., 2016). At the same time, INGOs have often done too little to actively respond to legitimacy challenges resulting from the rise of new technologies, changing geopolitics, and increasing demands to demonstrate their effectiveness. More worryingly, when serious problems emerge, such as the recent scandals at Amnesty International (Avula et al., 2019), Oxfam, or Save the Children (Scurlock et al., 2020), INGOs are often slow to respond because regulations of the sector do not emphasize transparency about fundamental failures in relations to beneficiaries (Prakash, 2019). The instinct is to deny and hide a moral failing since the organizational culture struggles to recognize problems among staff perceived to be dedicated to 'doing good' (Bruno-van Vijfeijken, 2019).

Pragmatic Legitimacy: Shifts in Tactics and Strategies

The first dynamic underlying recent debates about INGO legitimacy is driven by the evolution of sector goals and strategies. For INGOs, one important source of legitimacy has traditionally been their unique role in charity designed to address suffering. For decades, being an intermediary for resource transfers from wealthy to poor countries was a reliable source of legitimacy. But over time, a more philanthropic frame of action (Gross, 2003) pushed the majority of

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secular and faith-based INGOs to taking a more long-term view and assert solving the root causes of social ills (Minear, 1987). While charity remains an important, and sometimes superior, course of action (Saunders-Hastings, 2015), INGOs have engaged in decades of tactical and strategic innovation to be able to demonstrate their capacity to solve, not just temporarily bring relief to, poverty, human rights violations, and environmental destruction.

For example, Amnesty International (AI) shifted in the 1990s from an emphasis on letter-writing for individual prisoners of conscience to a more comprehensive campaign-style approach to eradicate torture, disappearances, and other violations within its expanding mandate (Dorsey, 2011). Later on, AI embraced economic, social, and cultural rights which further expanded its strategic repertoire. Among other major strategic shifts, the organization adopted in 2007 a formal conflict of interest policy to replace its long-standing rule preventing local chapters and staff from working on their own countries. And most recently, AI established ten regional offices to lessen the role of the London-based headquarters and develop its human rights interventions closer to those it claims to defend (Jackson, 2020).

AI is not the only INGO experiencing profound organizational and strategic shifts on a regular basis. Many development INGOs, including ActionAid, Oxfam, and Plan International, began in the 1990s to adopt a human rights-based approach (HRBA) to their activities (Schmitz, 2012). Following earlier strategic changes, HRBA reframes the issue of poverty by replacing the passive aid recipient with a rights holder. This new frame directs INGOs to refrain from “crowding-out” or substitute for government services (Deserranno et al., 2020), but strive to empower local populations to effectively and sustainably demand these services from the government as the main duty bearer. Compared to traditional service delivery, issues of power and discrimination are now more central to solving economic development challenges. As HRBA legitimates the work of development INGOs by linking it to universally recognized human rights, it also fundamentally changes what INGOs do by generating a greater emphasis on advocacy and community organizing (Uvin, 2007).

Strategic shifts embraced by many INGOs have changed the grounds upon which stakeholders are asked to pragmatically assess their satisfaction with the sector. As a result, new audiences may appear, while existing ones (e.g., donors) may consider what those changes mean for them. The problem is not so much that INGOs regularly cycle through strategic innovations, but that they may do so without necessarily taking their audiences with them and clearly explaining why these shifts are needed and what they mean. This can contribute to a growing gap between what INGOs actually do and what their main supporters think they do or should do. For example, many donors may continue to favor a more traditional charitable model of action because they are not primarily interested in INGO effectiveness (Mitchell, 2014) and are satisfied with a more traditional model of immediate relief through services or advocacy.

Normative Legitimacy: Shifts in Moral Framing

With ever growing mandates and ambitions, INGOs have shifted the moral frames of their actions and increased the number of audiences they engage with. Rather than only being accountable to donors and audiences in their home countries, INGOs today aspire to listen to who they serve (van Zyl & Claeyé, 2018) and navigate different cultural traditions (Cloward, 2016). In addition, technological changes (e.g. social media) multiply opportunities for different audiences to more directly challenge INGOs and their practices.

A fundamental shift affecting perceptions of normative legitimacy is related to how INGOs may seek to switch from a primarily staff-led to a more supporter-led type of activism (Hall et al., 2019). As part of ongoing strategic innovation, these organizations increasingly experiment with giving supporters greater control of services and campaigns. For example, in 2011 the Mobilization Lab was created within Greenpeace International to serve as a platform to facilitate new forms of supporter-driven activism, online and offline. Amnesty International’s Decoders is a platform regularly inviting digital volunteers to complete tasks beyond the capacities of regular staff (Selander & Jarvenpaa, 2016). These efforts may be designed to broaden participation by reaching new audiences, or they may focus on deepening participation by drawing existing supporters closer to the organization (Schmitz et al., 2020). This shift changes normative expectations of legitimacy for INGOs because the nature of supporter participation expands from being a donor to engaging in more meaningful activities, such as identifying campaign topics, contributing narratives,

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or leading a particular advocacy effort.

Another major shift in moral framing takes place when INGOs move their activities from the Global South to their home countries. When INGOs primarily worked abroad, most of their donors were satisfied regularly learning about how much good was done. Annual reports were typically glossy and full of heart-warming stories making the case for more donations. But, increasingly, INGOs are more active 'at home' because they follow the root causes for major global problems to the wealthy countries. For example, groups engaged in rescuing migrants in the Mediterranean can no longer maintain traditional humanitarian neutrality and instead become more directly involved in domestic politics (Rieff, 2019). In Germany, organizations like Attac and Campact, which have taken on the climate crisis and global inequality with innovative advocacy strategies, have lost their public benefit status because their activities were deemed "too political" by tax authorities. As INGOs become more directly engaged in the politics of their home countries, their normative legitimacy is subject to greater scrutiny. While INGOs in the past operated far away from those capable of scrutinizing their work, they are now much at risk of being perceived as operating outside of the normative and regulatory frame set by public expectations as well as nonprofit laws and regulations.

Cognitive Legitimacy: Are INGOs Still Needed?

Profound changes in how INGOs operate and frame their actions have fundamentally shifted perceptions of their legitimacy. For some critics, they have changed too much and no longer do what their original (and rightful) purpose was. For others, they have not moved fast enough in embracing new strategies and roles. As a result, INGOs face the loss of the kind of taken-for-grantedness that provides the most basic foundation for their legitimacy. For many donors, digital competitors such as change.org or GiveDirectly have become credible alternatives to 'brick-and-mortar' INGOs, especially since these new players promise a more efficient use of resources and to 'cut out the middlemen'.

The challenge many INGOs face is that their principled attitude expressed in lofty missions regularly clashes with the internal and external pressures at play when the organization tries to implement its mission (Ossewaarde et al., 2008). In addition, outdated legal and regulatory frameworks often contradict the expanding missions and strategic innovations of the sector (Mitchell et al., 2020). While humanitarian, development, and human rights NGOs have in the past primarily been reactive in responding to needs, crises, or violations, their ambitions of proactively eliminating root causes have now evolved beyond the long-existing public expectations of taking on what no one else wants to see or address. What defined INGO success in the past was often the simple commitment to take on major global issues without necessarily solving them (Seibel, 1996).

Various critics of the sector want INGOs to go back to a primarily charitable focus or at least become authentic again by being small and less corporate. Such a move would certainly solve many of the current legitimacy challenges, but it would also require many organizations to tone down their ambitions and fall well short of any capacity to credibly address global problems. However, the shifts described in this article all offer new, powerful sources of legitimating INGOs, including actually accomplishing missions or being truly responsive to those they serve. This suggests that it may be more useful to take stock of the accelerating changes affecting the sector and its strategic innovations to construct more appropriate legal and regulatory frameworks capable of legitimizing a range of service, advocacy, and community-building activities (Anheier et al., 2019). Within such modified frameworks, INGOs would face more productive incentives designed to maintain public trust and legitimacy.

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