



The NGO Accountability Debate

A Panel Discussion

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UN Headquarters, New York

Report



On 19 January 2007 UN-NGLS hosted a panel discussion and book launch at UN Headquarters on the subject of NGO accountability. The panel discussion fostered a debate on the role of NGOs within civil society and global governance, as concerns about the role and accountability of NGOs have been voiced from different quarters in recent years. Questions regarding to whom NGOs should be accountable, the complexities and risks in regulating NGOs, the relations between the state and civil society, and the debate regarding NGO representation, were some of the issues up for debate. The panel discussion was followed by the launch of a Development Dossier by the Non-Governmental Liaison Service called “Debating NGO Accountability” and the book “NGO Accountability – Politics, Principles and Innovations” (Jordan & Van Tuijl, Earthscan, 2006).

Deputy Coordinator of UN-NGLS, Elisa Peter, said that given the heightened visibility and role of NGOs in the international community, this is an important and timely debate to have, particularly on the eve of the World Social Forum. Many governments as well as the United Nations system are increasingly recognising the crucial importance of NGO engagement to achieve internationally agreed development goals, to foster peace and security and to promote the respect of human rights. The 2005 World Summit Outcome Document welcomes the positive contributions of NGOs in the promotion and implementation of development and human rights programmes, and stresses the importance of their continued engagement with governments, the United Nations and other international organisations. “But while NGOs have become more prominent, debates about NGO accountability are also on the rise;” Peter said. “Concerns about their role calls for greater responsibility, questions about NGO credibility, legitimacy, transparency, and accountability have been voiced from different quarters in recent years, including at the United Nations and among some of its member states,” she said.

H.E. Ambassador Rezland I. Jenie of Indonesia, opened his introductory remark with the following question: “Are NGOs good or bad for the UN?” Jenie was a personal adviser to the president of the 60th General Assembly on the relationship between member states and civil society, including NGOs. “A confidence deficit exists at the heart of the relationship between member states and NGOs,” he said. This has greatly proliferated due to the fact that NGOs have become more visible, while they remain highly unregulated in many parts of the world. “A lack of international standards has allowed far less legitimate NGOs to undermine the effectiveness of credible NGOs,” he said.

Mr. Jenie stated that to reflect the growing influence of NGOs, we need to define NGO accountability, which is not an easy task due to the multiplicity of actors with whom to engage. He suggested there should be a standard for NGOs’ integrity and performance, and the participation in the work of the UN should only be granted to organisations that truly have expertise in the area being discussed. “The idea of a code of conduct can be an instrument to ensure that NGOs commit themselves to the aims of the United Nations Charter and act in a manner that respects the intergovernmental character of the UN,” he said. There should be a level playing field for NGO involvement, and the question regarding participation of NGOs from developing countries is crucial. He concluded by returning to his opening question of whether NGOs are good or bad for the UN. “NGOs may not be able to claim to be the representatives of certain defined groups of people, but they can definitely give a voice to a wide range of opinions that emerge from various segments of society, and we must value that.”

Lisa Jordan, co-editor of the book “NGO Accountability – Politics, Principles and Innovations”, said that NGOs are responsible to many different stakeholders and have to figure out how to be accountable to them. The context is crucial in answering the question of ‘to whom should NGOs be accountable’, as it would not be the same for NGOs in e.g. China as in the US.

“It is not going to be the same for a human rights organisation or an environmental one, and it is different for NGOs that work on a local and global scale, and for service and advocacy organisations,” she said, while emphasising that there is a need for NGOs to embrace accountability.

Dr. Jem Bendell, author of the NGLS development dossier “Debating NGO Accountability” said that even though NGOs are still very trusted, the reputation of NGOs is falling along with trust in other parts of society as well. “There is a growing critique regarding proficiency and expertise of NGOs, and to ignore NGO accountability or to implement badly conceived notions of accountability can damage NGOs’ reputation,” he said. “NGOs should define themselves in terms of who they are and what they are for, and importantly, NGOs need to practice what they preach. That means maintaining their budgets; achieving their missions better; and contributing better to society,” Bendell stated. Bendell argued that ‘accountability’ in itself is not simply a good thing, as is so often assumed; rather, it must be clear that groups must be accountable specifically to those that are affected by their decisions and actions. It is this concept of ‘democratic accountability’ that lies at the heart of the book and will allow NGOs to continue to develop as effective and important actors in the international arena.

Co-author of “NGO Accountability”, Dr. Steve Charnovitz, said NGOs need to do better to get their own house in order and that they also need to promote better governance. Charnovitz agreed with Jenie’s notion that a confidence deficit does exist, and with the importance of building confidence and a level playing field for NGOs. NGOs need to be more scientific and fact based in their work, he said. Charnovitz was sceptical of top-down efforts in enforcing NGO accountability. “If we can improve the marketplace of ideas in the world, we have come a long way. The solution is rational debates, not regulation”, he said, and added that NGOs may need to show more of self-responsibility.

Another co-author, Dr. Patricia Armstrong, talked about the limits and risks of NGO regulation. “Human rights and the right of association must be at the centre of thoughts around NGO accountability and regulation systems”, she said. There is a direct link between the right of freedom of speech and association and accountability. The rules should be diverse regarding different NGOs: e.g. for global and local NGOs that are working on different issues. “Any generic or universal approach would very rarely be appropriate,” she stated. So, who are NGOs accountable to? “In general NGOs are accountable to donors in respect of funding, to owners, members and founders in all respects, to the public- only when there is a legitimate public interest (e.g. if the NGO is collecting money on the street), and to governments only when there is a legitimate governmental interest (e.g. if the NGO receives tax benefits),” she argued.

Co-author Dr. Enrique Peruzzotti said the idea of NGOs’ lack of representation is misleading. Civil society organisations are constitutive organisations and are an important complement to an electorate representation, he argued. NGOs are not forced to compete for votes, and being free from such constraints allows for innovation and creative action. The transformative logic of civil society is crucial and should be preserved - civil society should not be forced to be representative. “Good representation requires constitutive representation and action as well as political representation, and those are two interdependent and interconnected aspects of government,” Peruzzotti argued. “Civil society has a role of generating political and cultural innovation through free and creative action and by challenging existing forms of thinking. Therefore it is inadequate to ask: **Who** do you represent? The question is rather: **what** do you represent? It is the force of the argument that gives legitimacy to NGO claims,” Perruzzoti said.

Juliette Majot, co-author, said NGO legitimacy is more of a road trip than an end point. In order to be legitimate and effective, it is necessary to have a set of values and understanding in the way of working. Majot stressed that NGOs need to be extremely committed to accuracy, rigorous thinking to get the information from the best possible sources, and to seek new and innovative ways of working. She also mentioned that international NGOs are often challenged with accusations regarding agency: “Who are we agents of, what are we doing there? The ability to know yourself and your authority allows you to work with integrity and legitimacy with extremely difficult political issues,” she said. It is also important to note that representation in numbers is not what gives NGOs legitimacy, she said; rather it is the argument and the integrity of that argument that gives NGOs their legitimacy.

The panellists received many and diverse questions from the audience. Some of the questions related to what kind of codes of conduct may be appropriate in relation to NGO accountability. Lisa Jordan said there were two chapters in “NGO accountability” dealing specifically with this issue. Other questions related to whether the norms of accountability should vary depending on the mission of the NGO. Charnovitz said the distinction should be made between advocacy NGOs and service NGOs. The Red Cross, for instance, which has delegated responsibilities, would have different responsibilities than e.g. the National Rifles Association or faith based NGOs. But to distinguish between special interest and general interest NGOs is not appropriate, he stated. “In my view these issues should be worked out in the marketplace of ideas.” One example of NGOs taking accountability seriously is the recent INGO Accountability Charter, which eleven INGOs have endorsed. For smaller NGOs a simpler model may be more appropriate, Charnovitz said. Armstrong agreed and said that rules should not be the same for local and international NGOs, as it is important to look at the context NGOs work within when talking about accountability and transparency. But who has the authority to hold NGOs accountable? Perruzzotti said NGOs should be accountable in a different way than electorates and politicians. “We should look for alternative ways to hold NGOs accountable,” he said. “NGOs have multiple stakeholders who have multiple needs, and this is unique for NGOs,” Armstrong added. Another question was “when is NGO accountability bad?” “I would say accountability is bad when it hinders innovation,” Bendell said. Majot added that accountability is bad when used to ensure silence in civil society.

“The reputation of NGOs is crucial, and it is very difficult to restore a reputation once damaged,” Perruzzotti emphasised in his concluding remarks. Therefore it is important to establish mechanisms of trust that are beneficial in order to develop and maintain legitimacy and public trust. NGOs will hopefully accept a role in responsible global governance, Majot said. NGOs should be self regulating, with a sense of understanding and self awareness, as well as capable of building trust. Majot said it is dangerous for NGOs to adapt their approach to suit the needs of donors. Bendell noted that NGOs should be able to risk financial insecurity in order to maintain and pursue their goals. “Large donors can have a great influence on what NGOs do, and unless dealing with that issue, we would continue the challenge,” he added. “We have to reconcile the contradictions of the wishes of donors and ideology.” Finally Jordan concluded the debate by saying that the book “NGO Accountability” and the dossier “Debating NGO Accountability” are meant to open the debate regarding innovative processes of NGOs. “NGO Accountability” also provides examples from around the world on what NGOs say about their own accountability.