Internet NGOs: Legitimacy and Accountability

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Abstract. As the power and influence of nongovernmental organizations (NGOs) in international debates on social and moral matters increases, questions concerning their legitimacy and accountability become all the more challenging. Some starting points are given for a defensible account of the legitimacy and accountability of internationally operating NGOs. Special attention is given to the use of new information and communication technologies by NGOs and to the ways in which legitimacy and accountability circumscribe the ways in which NGOs are structured and organized.

1 Introduction

It is one of the striking characteristics of our age that, after a long relatively stable period in which politically and legally sovereign states were the loci of control, the role and influence of national governmental authorities is declining. International and supranational authorities fill up part of the space that is thus created. Nevertheless, the exponential growth of the global trade, the transboundary traffic and technologies has created open spaces: spaces where neither national governments nor supranational or international governmental authorities play a role. Internationally operating nongovernmental organizations (NGOs) are increasingly inclined to fill up such empty spaces. (Multinationals do so as well, but for reasons of conciseness, I will leave these out of consideration.) The activities with which NGOs fill up this space can be located somewhere on a scale that ranges from speaking up in public debates, through lobbying and organizing campaigns for creating public awareness, raising funds, organizing protests and boycotts, planning and implementing concrete action programs, e.g. for protection of the environment, help with food and medicine, education, to developing public policies independently or in cooperation with enterprises or governmental authorities, etcetera. Although at first sight this role of NGOs seems to be not much more than a matter of bare necessity, it is sometimes thought that it is to be preferred above a further expansion of international or supranational authorities. In this contribution, I will not develop a positive argument of such a kind for the efforts of NGOs in these fields. Instead, I will put into perspective the legitimacy of the activities of NGOs, specifically of those among them that are mainly active through and on the Internet.

One might wonder why I find the legitimacy of NGOs at all a topic worthy of debate. Are non-state actors not to be considered as merely private actors whose role, like any private person’s, does not stand in need of legitimization? First of all, it
might be good to keep in mind that although with regard to private persons we
normally do not tend to speak of legitimacy or legitimate actions, this does not mean
that certain requirements associated with legitimacy do not even in a very broad sense
also apply to private persons. Indeed, in democratic societies private persons are
granted all kinds of freedom to speak up, to interfere in debates, to undertake action,
etcetera. At the same time, however, these freedoms are not absolute, unconditioned
or unrestricted. Private persons can be held accountable for what they say and do. The
bigger the impact of what they say and do and the more risk their words and deeds
imply for others, the more likely they are indeed to be held accountable and the more
stringent will be the requirements regarding their responsibility. This accountability
constitutes a kind of bottom line legitimacy that applies to the organizations of private
persons, such as NGOs and MNEs as well. There is, however, an extra reason to
discuss the legitimacy of non-state actors. As I stated earlier on, NGOs are
increasingly inclined to fill up the space left open by national, international, and
supranational governmental authorities. In this way, they gradually come to fulfill
public roles that in a traditional state are mostly performed by governmental
authorities. From the fact that they take up similar roles, I do not simply want to infer
that they must conform to similar requirements regarding their legitimacy. Non-state
actors just and simply are not governmental authorities. Nevertheless, to the degree
that they fill up the void, left open by governments, their power and the effective use
of their power increase. And exactly the growth in power and the possibly far-
reaching consequences thereof call for consideration in terms of legitimacy. Simply
put: power implies responsibility and readiness to legitimate one’s role. As the
activities of non-state actors can have ever further reaching consequences their ability
to legitimate their activities becomes ever more important.

Now, let me narrow the focus. Are NGOs the appropriate organizations for
influencing and forming policies regarding moral and social issues? In the debate on
globalization, the role of NGOs is often taken for granted. First, there is the empty
space for which no governmental authority – national nor international or
supranational – is qualified but which nevertheless has to be filled up. Second, there is
a certain tendency to consider NGOs as the only type of players in the field that can
act as counterbalancing power against the supposedly overwhelming power of MNEs
that also try to influence policies and policy formation. Nonetheless, from a morally
normative perspective, the self-imposed role of NGOs is all but natural. As I have
argued elsewhere, many internationally operating NGOs lack democratic
legitimization. They mostly interfere in the lives of people, who are not represented in
their organizations. Because they are single issue-organizations they are not very well
fit to deal with normative conflicts occur (situations in which one justified normative
claim, e.g., to improve the economic well-being of people, can only be met by going
against another justified normative claim, e.g., to protect the environment), while the
international debate on social and moral issues are almost without exception about
these kinds of conflicts. [1]

2 Legitimacy

Michael Edwards observes that the issue of legitimacy is seldom brought up in the
literature on NGOs.[2] Even in the literature, in which these questions are brought to