

Civil Society Accountability: “Who Guards the Guardians?”

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The concept of accountability – referring to the ways by which individuals or groups are held responsible for their actions – has become a buzzword in recent years, enjoying broad currency in debates that extend beyond the narrow disciplines of political theory and corporate governance. Concerns about accountability are increasingly being raised, from a variety of quarters, in relation to the burgeoning ‘third sector’ of civil society organisations (CSOs) and popular social movements, whose role in contributing to and shaping public life in communities around the world can no longer be ignored.

In my comments I would like to reflect upon the meaning and implications of the ‘accountability debate’ for civil society, first by situating the issue in a broader context and examining the factors which have given rise to it, and then by examining some of the ways in which civil society is rising to the challenge of ensuring its legitimacy and accountability.

Backdrop to the ‘accountability debate’

The debate over CSO accountability cannot be understood apart from an examination of several key trends affecting current notions of governance, democracy and public participation. When *The Economist* posed the now famous question: ‘Who guards the guardians?’, it pointed implicitly to a dramatically changed political and social backdrop in which citizen groups and movements – the ‘guardians’ of popular interests in many societies – have assumed a much higher profile and level of influence than was ever previously the case. They have emerged on the scene as powerful new political actors at a time in which popular trust in many institutions is on the decline.

There are three major factors that must be taken into account if one is to understand the accountability challenges being levelled at civil society actors.

First, we are witnessing *significant shifts in understandings of governance*. ‘Governance’ is no longer the domain of governments alone, but is increasingly involving contributions from additional political actors and stakeholders. Governments remain powerful, to be sure, but there are more and more ways for citizens to engage in decision-making about the management and distribution of resources, for example, or in the development and implementations of policies that affect their everyday lives.

This citizen involvement in governance is not necessarily happening through traditional, established channels for participation, however. The second factor that must be taken into account is *the emergence of a ‘democracy deficit’* at the national and global levels where connections between governance institutions and constituencies have been severed or severely weakened. The rise of monied interests in many political systems may be responsible in part for this shift, while the growing power of non-democratic and non-accountable global governance institutions (such as the World Bank, the IMF and the WTO, and supranational institutions such as the EU) is certainly another factor. In dozens of countries around

the world, even in established democracies, surveys reveal declining levels of popular trust in political institutions and a shift away from regular engagement in democratic processes.

Finally, it is not only governments that are the subjects of popular disillusionment. Many public institutions, businesses and private corporations, and institutions of civil society are also experiencing *legitimacy challenges* and are under greater scrutiny in terms of their operations and policies. Recent scandals, ranging from the financial collapse of major US corporations to the sexual abuse scandals in the Catholic Church to high profile cases of political corruption, have left their mark: the legitimacy of formal institutions can no longer be taken for granted and must be continuously earned by those institutions themselves.

The age of 'blind faith' in institutions is over. We have entered the age of 'accountability': the processes by which institutions are made responsible to external audiences and constituencies are now the subject of intense and ongoing attention.

Civil society and accountability

Accountability is a complex notion regardless of the actor or entity to which it is applied. The notion of accountability is particularly complex in relation to CSOs, however, because of the multiplicity of actors with whom civil society engages and to whom it is therefore accountable. We can speak of 'upward' accountability (to funders, donors, governments or other external actors, often in the context of accounting for resources or the fulfilment of particular service targets) and 'downward' accountability (to constituents such as community groups, activists, or other beneficiaries of CSO activity). Some also speak of 'horizontal' accountability to refer to the relationship that exists between civil society actors, who see themselves as part of a public process rather than part of a competitive culture (as is the case within the business community).

Accountability has a certain reflexive quality: we can think of CSO accountability in terms of its 'external' dimension (striving to meet certain established standards of conduct) and in terms of its 'internal' dimension (self-motivated efforts to act in concert with organisational mission and values to attain prescribed goals). CSO accountability can also be thought of in both functional and strategic terms, where functional accountability is concerned with concrete requirements, such as accounting for expended resources and registering immediate accomplishments, and where strategic accountability focuses upon measuring the longer-term impact of an organisation's work upon the larger environment.¹

It becomes clear from this brief overview of some of the leading ways of thinking about accountability that there can be no universal approach to the issue of CSO accountability and no magic framework, or set of mechanisms, that can be used by all CSOs to ensure the highest standards of accountability. The very diversity of the sector makes this impossible – the accountability demands on a CSO will depend on a number of factors, including the type of organisation (local, national, global, single organisation, association), the sector in which the organisation works (bearing in mind sectoral-specific accountability requirements), the number and type of stakeholders involved and their 'position' (funders, constituents, partners etc.), and the context in which the CSO operates (political environment, relevant legislation).

¹ Ebrahim, Alnoor, 'Accountability in Practice: Mechanisms for NGOs,' in *World Development*, vol. 31, no. 5, 2003. p. 814.

The way in which a local NGO, working to improve health service delivery within a community, would work towards its accountability would differ greatly from the demands on a transnational human rights association, for example. The local NGO would need to ensure clear accountability to its immediate constituency – the beneficiaries of the services within the community, and local medical providers involved in the efforts – as well as, perhaps, to government agencies or donors supporting the project with resources. The transnational association, on the other hand, would likely have more complex lines of accountability going in multiple directions to multiple partners and constituencies; it would also need to be aware of accountability requirements generally accepted within the human rights community, such as respect for the rule of law, commitment to impartiality and independence, and loyalty to the universal declaration of human rights.

As we shall see shortly, the tools and processes which CSOs use to ensure and demonstrate their accountability will also, by necessity, differ from case to case based on these same types of factors.

Why is this debate happening?

There are several major factors contributing to the rise of this particular debate. First and foremost is the explosive growth of non-profit organisations and citizen groups in recent years, particularly in the past decade since the end of the Cold War and the wave of democratisation which swept through many parts of the world. As CSOs have proliferated and become more visible, while remaining relatively unregulated in many parts of the world (compared to government and the private sector)², questions have been raised about the basic ‘checks and balances’ on civil society activity.

Second, some high profile scandals involving non-profit organisations have attracted public attention and done serious damage to the overall credibility of civil society groups. Such instances have not only motivated external audiences to question whether CSO accountability mechanisms are sufficiently robust and developed, but have also led to an internal drive from within the sector to develop improved tools and processes for ensuring accountability.

Third, as civil society has grown in size, its scope and influence have also grown. If at one time civil society groups focused primarily upon the direct provision of services to constituencies at the local or national level, CSOs are increasingly expanding their work to include advocacy activity aimed at addressing the policies which impact upon their particular area of work. NGOs administering networks of homeless shelters, for example, join forces on campaigns around housing and welfare policies, while humanitarian aid and development groups increasingly engage in campaigns around social and economic justice in order to lessen political causes of famine and poverty. This growing *political* role for CSOs seems to be taken as a challenge by other established political actors who question what right civil society groups have to be demanding a say in policy decisions.

In my mind it is precisely this issue that is motivating many of the criticisms we hear from governments, from international governance institutions (who have suddenly found themselves the targets of massive popular demonstrations), and from certain media outlets and ‘public watchdogs,’ such as think tanks. At issue is the right of citizen groups to be treated as a legitimate actor and listened to as a legitimate voice

² This is obviously not the case worldwide. There are unfortunately too many examples of countries where the space for civil society is severely constrained, either by deliberate government policy, or by the effects of conflict and/or extreme poverty.

of 'the people.' It is frequently asserted that CSOs and popular movements 'don't represent anyone except themselves' and 'have no mandate,' as they are not elected by a defined constituency.

So what is this debate really about? Are these criticisms about non-accountability being levelled out of a concern for the effectiveness of civil society efforts towards poverty reduction and sustainable development, for example? With few exceptions, this seems unlikely.³ More probable is that these criticisms are, in essence, political – deployed by actors who feel threatened by the growing power and influence of citizen groups who often define and articulate key problems as structural in nature. In line with this thinking, both CSOs' conceptualisation of issues and their approach to addressing them (via popular movements, demonstrations, lobbying, public pressure, and civil disobedience) are seen as inherently radical in the way they challenge existing power relations.

What is being done to improve the accountability of civil society?

It is important to underscore that civil society legitimacy and accountability is an extremely important and valid issue, and one that needs to be debated openly. This is particularly true when discussion is held with an eye to building up the long-term credibility and effectiveness of civil society as an actor. Expanding CSO capacity around reporting and information disclosure, for example, or in techniques for ensuring meaningful participation by community beneficiaries in project design processes, can only contribute to the positive impact of civic activities. All too frequently, however, critiques are lodged by those who would dismiss the right of civil society groups to give voice to citizen concerns and to engage in decision-making processes.

There are a range of accountability mechanisms that are being used by civil society groups to proactively and self-critically take responsibility for their organisational structures, operations, policies and activities. These tools are far from mutually exclusive and, in many instances, combinations of these techniques are integrated in order to meet the different demands of 'upwards' and 'downward' accountability. These include:

- **Self-regulation mechanisms**, such as voluntary (or certified) compliance with codes of ethics or codes of conduct. National NGO networks in a dozen countries have undergone thorough participatory processes to articulate the standards expected of NGOs, ranging from transparent governance structures to hiring practices and communications policies. The idea behind such self-regulation mechanisms is that the sector itself should be actively engaged in promoting a certain set of values and norms as part of maintaining a public reputation for professionalism and high ethical behaviour. One of the main criticisms levelled at self-regulation approaches is the 'non-enforceability' of such mechanisms; however certain models, such as the one adopted in the Philippines, involve a certification process whereby teams of evaluators are empowered to grant or revoke certification to CSOs.
- **Governing boards**, comprised of individuals external to the organisation, that are selected by and operate according to clearly defined and transparent procedures. The specific tasks of governing boards vary, but they are generally

³ A prominent exception here include donors that promote CSO capacity building in evaluation and accountability mechanisms as part of a long-term strategy to strengthen the professionalism and effectiveness of the sector. In these cases we can understand challenges around accountability as constructive critique.

intended to act as guardians of the interests of the organisation's membership or constituency, while also ensuring that the organisation operates in a way that is in compliance with both statutory obligations and in accordance with its own mission and values.

- **Standards for disclosure and public reporting**, are determined in some countries by national legislation, but are adopted by CSOs in other contexts on a voluntary basis. Vehicles such as annual reports, organisational or project evaluations, strategic plans based on external assessments, and regular communications (newsletters, updates, briefs) can provide channels for public access to information about the organisation's work, financial status, governance structure and operational impact.
- **Consultative and participatory mechanisms**, that allow for the meaningful involvement of diverse constituencies (including beneficiaries) in the organisation's work, from project planning to evaluations.

There are also two critical 'built-in' accountability mechanisms that bear mentioning. The first is the principle of 'perform or perish:' not a single cent secured to undertake CSO activities is secured on the basis of obligation. Whether funding is derived from a government agency, individual donor, foundation, business organisation or multilateral institution, resources will not continue to be available if the CSO is not performing on the basis of its vision, mission and objectives. (Moreover, sanctions are easily imposed if even basic accountability requirements are not met.) In contrast, most governments, and inter-governmental organisations, to a lesser extent, are guaranteed a steady revenue flow from taxation or from other countries' annual member contributions.

A second 'built-in' mechanism concerns the effectiveness of civil society advocacy efforts. Civil society groups that do not have credibility, genuine links to the grassroots level, and expertise around an issue are automatically limited in their effectiveness when it comes to advocacy. This is a reflection of the 'internal' drive for accountability that characterises many CSOs – a sense of responsibility deriving from within the group which pushes it to act in concert with its articulated mission and values in making a meaningful contribution to the vision for which the organisation exists.

The drive for accountability: A sign of maturity?

The debate over civil society accountability is gaining momentum, and more and more civil society actors are entering the discussion and engaging with accountability challenges head-on. While negative criticism from external actors has helped to fuel the debate, it's important not to underestimate the internally generated drive toward accountability on behalf of many in civil society.

Many established civil society organisations now have a decade or more of experience upon which to reflect – in terms of both their own activities and those of peer organisations. These years of experience have resulted in a sector that is simultaneously more grounded in the work of grassroots volunteers and activists, and less driven by a loose civil society elite. The value of being linked in a genuine and meaningful way to citizens on the ground has become apparent – it is both ethically right and leads to more effective, informed advocacy efforts. These lessons, and others, can and should be taken as a positive sign of the growing maturity and legitimacy of civil society.