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Ossewaarde, Ringo; Nijhof, Andre; Heyse, Liesbet

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DYNAMICS OF NGO LEGITIMACY: HOW ORGANISING BETRAYS CORE MISSIONS OF INGOs

RINGO OSSEWAARDE¹, ANDRÉ NIJHOF¹ AND LIESBET HEYSE^{2*}

¹*University of Twente, Enschede, The Netherlands*

²*University of Groningen, Groningen, The Netherlands*

SUMMARY

International non-governmental organisations (INGOs) are prominent actors in the international arena, aiming to improve the life of disadvantaged people. However, INGOs often do not succeed in doing this. Consequently, INGO legitimacy is regularly questioned. Increased transparency and tightened accountability mechanisms are often-mentioned solutions to this problem. Based on an analysis of four dimensions of INGO legitimacy—normative, regulatory, cognitive and output legitimacy—we argue that this is not necessarily adequate. We conclude that INGO mission statements create a normative source of legitimacy, but that this, in itself, is not enough to ground INGO legitimacy: it also needs to be institutionalised and organised. However, as a result of power relations and resulting pressures for accountability and transparency, as defined by their external stakeholders, INGOs experience a permanent struggle to reconcile their mission with the requirements for regulatory, cognitive and output legitimacy. The more these stakeholders press for increased organisation of INGO work, the more the pursuit of the core objectives of INGOs is obstructed. We illustrate this argument with the case of the post-Tsunami humanitarian intervention (2004/2005). Copyright © 2008 John Wiley & Sons, Ltd.

KEY WORDS — legitimacy; non-governmental organisations; INGOs; accountability; post-Tsunami humanitarian intervention

THE BROKEN PROMISE OF SUCCESSFUL INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS (INGOS) ACTION: LEGITIMACY AT STAKE

In the past few decades, the impact and role of NGOs have increased significantly. Nowadays, there is a wide diversity of NGOs that operate on various levels (international, national, community based) and have various orientations (welfare, development, education, networking and research (Vakil, 1997)). In this article, we develop a framework of legitimacy sources based on research on NGOs that operate on the international level. The INGOs that are our object of enquiry are defined as self-governing non-profit organisations, which operate on an international level to advance human rights, environmental protection, humanitarian response and other public goods (Salamon and Anheier, 1997; Accountability Charter, 2005).

In the past few decades, the INGO community has expanded tremendously. The number of INGOs increased from 832 in 1951 to 16,208 in 1990 (Yearbook of International Organization 1989–1990 in Beigbender (1991)). Nowadays, it is estimated that there are over 40,000 internationally operating NGOs (Kovach *et al.*, 2003: iv). The existence and expansion of the INGO community is often explained by its function; NGOs are presented to be the solution to many social and administrative problems. They would complement, substitute or countervail state or market organisations, thereby compensating for market or state failure (James, 1989). NGOs would meet ‘residual demand’ not covered by state organisations (public goods theory); or they would be the logical providers of services that are characterised by information asymmetry, because for-profit organisations take advantage of this asymmetry (contract failure theory) (Hansmann, 1987, 1990; Badelt, 1990). Some scholars argue that NGOs can function as ‘third parties’, located in between or opposing the state and the market. In their view, NGOs constitute a

*Correspondence to: L. Heyse, Department of Sociology, University of Groningen, Grote Rozenstraat 31, 9712 TG Groningen, The Netherlands.
E-mail: l.heyse@rug.nl

countervailing power to the market and the state, adding to the creation of an international system of checks and balances (Fisher, 1997; Gordenker and Weiss, 1997; Clarke, 1998). This countervailing power is based on an appeal to ethical values and humanitarian ideals, including the defence of human rights or the representation of the disadvantaged. NGOs themselves formulate their core missions in similar ways, such as advancing rights of people including future generations, protecting eco-systems and respecting equal rights and dignity for all human beings (Accountability Charter, 2005: 2, 3).

Since the 1990s, more data on INGO action have become available that show that INGOs often do not meet the expectations these missions create: they are accused of failing to reach the poor; to be selective in their activities; to mismanage their organisations; to bow to the wishes of their donors and to lack internal democracy or downward accountability (Edwards and Hulme, 1995; Salamon and Anheier, 1997; Gibelman and Gelman, 2001). As a result, the legitimacy of INGOs—by which we mean the generalised perception or assumption that the actions of INGOs are desirable, proper or appropriate within their institutional environment (Suchman, 1995; Edwards, 1999: 258)—is regularly questioned (see Collingwood and Logister, 2005; Collingwood, 2006).

Many scholars argue that increased transparency and tightened accountability mechanisms are necessary to maintain or enhance INGO legitimacy (Edwards *et al.*, 1999; Brown and Moore, 2001; Choudhury and Ahmed, 2002; Jordan, 2005). Consequently, INGOs have started initiatives to enhance their transparency and accountability. Such initiatives include the Humanitarian Accountability Partnership that aims ‘to make humanitarian action accountable to its intended beneficiaries through self-regulation, compliance verification and quality assurance certification’ (www.hapinternational.org, accessed on 23 July 2007) and the Accountability Charter that is initiated by 11 of the world’s leading INGOs including Amnesty International, Oxfam International and Terre des Hommes (Accountability Charter, 2005).

In this article, we argue that increased transparency and tightened accountability mechanisms are not a panacea. We hold that this is due to the inherent and increased tensions between four sources of INGO legitimacy: normative, regulatory, cognitive and output legitimacy. On the one hand, INGOs are in a favourable position to gain normative legitimacy because they depend primarily on congruence between values as the basis for mobilising human and financial resources (Attack, 1999). On the other hand, increased pressures for accountability, effectiveness and transparency obstruct their potentially favourable positions. We seek to clarify the complex reality of organisation that INGOs face between the technical need to survive as an organisation and their potential favourable positions to advocate for the disadvantaged. First, we analyse the prospects for normative legitimacy of INGOs in combination with three other sources of INGO legitimacy—regulatory, cognitive and output legitimacy. Second, we discuss the dynamics of INGO legitimacy by examining the inherent tensions between the four legitimacy sources and the resulting internal and external threats to the normative claims of INGOs. We illustrate our argument with the case of the 2004 post-Tsunami INGO humanitarian intervention, before we come to a conclusion.

THE MULTIDIMENSIONAL NATURE OF INGO LEGITIMACY

The broad and heterogeneous third sector literature has long identified the special characteristics and conditions of non-profit organisations. Until recently, legitimacy was first and foremost connected to the nation-state. The legitimating principle of the nation-state is the principle of popular sovereignty, meaning that all legitimate authority flows from the consent of the people, who find themselves united in a collective grouping—the nation. The institutions of the nation-state, like national citizenship, representative government, the constitutional state and the regulated economy, are all legitimised as representations of the will of the people. Nowadays, it is broadly acknowledged that the development of the global economy and that of civil society has necessitated a rethinking of the concept of legitimacy and its disconnection with the nation-state. It is claimed that particularly INGOs are in the position to put the themes of an endangered world, like AIDS, debt relief, child labour, deforestation and landmines, on the global agenda, often against the resistance of national and international organisations (Beck, 2000: 68; Banerjee, 2003; Aquilera and Cuervo-Cazurra, 2004). INGOs like Amnesty International, Human Rights Watch and Médecins sans Frontières typically give a voice to the victims of state oppression and market exploitation and publicly express their goals in a stated mission. For such INGOs, the human interest, rather than the nation-state, is

the legitimating principle in a global order. This is based on a collective account of responsibility for the fate of victims, an ideal that forms a potentially powerful source of the *normative legitimacy* of INGOs (Lister, 2003: 179).

However, adherence to normative claims, such as those mentioned above, is not enough to sustain INGO legitimacy; it needs to be institutionalised and organised to serve as a source of INGO legitimacy in order to show *how* INGOs actually try to achieve their core missions. To be legitimate, INGOs also need to conform to other, often conflicting expectations. Not only is INGO legitimacy dependent on perceived conformity to their normative claims, but it is also expected that INGOs comply with international law (regulatory legitimacy), are cognitively capable of acting on behalf of the stated mission (cognitive legitimacy) and are able to show the effectuation of their missions to their stakeholders (output legitimacy) (Atack, 1999; Lister, 2003). Next, these three other sources of INGO legitimacy are discussed.

Regulatory legitimacy

In national environments, legitimacy affects not only how the national population acts towards its state organisation, but also how sovereign power is able to regulate the ruled. Under nation-state conditions, the ruler defines the ruled by their legal rights (for example the social right to receive national education) and duties (for example the duty to go to school up to a certain age) that fall within the sovereign's national area of jurisdiction. When sovereign power is regulatory legitimate, the ruled recognise that the sovereign is entitled to make legal institutions (Ashford and Gibbs, 1990; Coicaud, 2002).

In the same way, the collective belief in the legality and official status of international law—including international declarations like the UN Declaration of Human Rights and the EU's Constitutional Treaty—is the most common form of legitimacy of global actors, including INGOs. INGO legitimacy as international legality concerns the questions of who has the right to intervene in local or (inter)national affairs, break the sovereignty principle and how this right can be justified. If INGO regulatory legitimacy is conformity to international legal systems, international rules have to correspond with their mission and norms. It is upon this condition that the making and compliance of international law is a criterion of INGO legitimacy. Hence, INGOs not only owe their legitimacy to their normative claims, but also to public recognition that they are morally entitled to inform and influence international legislators (Cohen, 2004). For example the negotiation of the 1997 Ottawa Convention, which prohibits the use, production and transfer of mines and has more than 150 signatory states parties, is the result of an effective INGO lobby organised in the International Campaign Against Landmines, representing more than 1400 INGOs (Short, 1999).

Cognitive legitimacy

Cognitive legitimacy affects both how 'the people' thinks collectively and how the sovereign imagines the social needs of the people, such as legal protection, health, employment or infrastructure. National systems of government, particularly education systems, shape the mentality of the ruled in a national organisation of thought, in such ways that the nation-state appears not only as a worthy organisation (worthy enough to die for in war), but also as meaningful, predictable and trustworthy for its members. Therefore, the sovereign's cognitive legitimacy depends on the technical expertise of its professionals (like lawyers, medical doctors, economists or engineers) to address national needs (Ruef and Scot, 1998) and conformance to the expectations of a public that is free from domination (Habermas, 1997: 123, 124; Coicaud, 2002: 211, 212).

Translated to the INGO sector, INGOs will be cognitively legitimate when they are able to conform technical expertise and intellectual knowledge to their stated mission (Townley *et al.*, 2003). Technical expertise conforms to INGO missions and norms when knowledge and skills, in areas such as law, administration, medicine, technology and environment, are used to serve the human interest. Organisations like MSF and Greenpeace, for example, provide technical expertise to address health problems or tackle environmental issues. Intellectual knowledge is deliberation of the ends of individuals and groups, meaning that the cognitive legitimacy of INGOs also depends upon the capacity to keep debates that relate to the core mission of INGOs, such as human rights issues and environmental concerns, ongoing.

Output legitimacy

The fourth source of INGO legitimacy is *output* legitimacy, referring to the need of INGOs to show how they actually materialise their objectives. Output legitimacy is strengthened when INGOs are accountable to their stakeholders, through transparent decision-making and communication structures (Scholte, 2004). Accountability is highly dependent on technical expertise in order to generate transparent accounts. It requires professionalisation of INGOs as organisations. INGO output legitimacy requires that INGOs incorporate technical and managerial expertise. Furthermore, output legitimacy depends on the technical provision of objective evidence through evaluation research and monitoring systems. The provision of data of organisational performances demands a professional organisation structured around ICT technology and technically educated employees who are able to run an administrative organisation (Edwards and Hulme, 1995; Ebrahim, 2003). In the current era, INGOs participate in various fora in which they provide information on their performance as a means to enhance their output legitimacy. Examples of this are the Global Accountability Report project, in which INGOs such as ActionAid International and Oxfam agreed to be included in a study comparing their performance to that of national and international organisations (Global Accountability Report, 2006) and the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP), an international interagency forum coordinating and promoting the standardisation and improvement of evaluations, in which a majority of the key players in the field participate including INGOs (www.alnap.org.uk, accessed 24 July 2007).

DYNAMICS OF INGO LEGITIMACY: NORMATIVE CLAIMS *VERSUS* ORGANISATIONAL REALITY

INGOs need all four sources of legitimacy as elaborated above. INGOs need a mission statement of the human interests they pursue, as well as a statutory form and strategy and policies concerning staffing and resources designed to sustain their normative legitimacy. In order to gain or maintain regulatory legitimacy, they need international law experts to press for legal reform and international rule compliance in the international society of nation-states. In addition, they need intellectuals to participate in global debates and raise awareness of the issues at the core of INGO missions as a way to sustain their cognitive legitimacy, and they also need professionals and managers to get results, establish accountability mechanisms and to communicate their results in order to reach output legitimacy. Table 1 presents an overview of the location of the four sources of INGO legitimacy in their governance structures.

The question arises whether it is feasible to simultaneously attain all four sources of legitimacy. To advance human rights, environmental protection or some other public good, INGOs need normative claims and intellectual cognition. To have an organisation, they need the technical cognition to produce and communicate their output. This makes the concept of INGO legitimacy dynamic and may result in internal and external threats to INGO legitimacy. INGO legitimacy may become subject to *internal* contradictions that inhere in the concept itself. In addition, *external* forces threaten INGO legitimacy. INGOs depend on various stakeholders that pursue partisan interests—such as donors, beneficiaries, the board and employees. Some stakeholders might value some legitimacy sources more than others, meaning that, in the reality of organisation, INGOs have to communicate, negotiate, cooperate and compete with stakeholders. These internal and external forces affect the governance structures of INGOs and the corresponding use of the legitimacy sources (Fowler, 1996; Wills, 1996; Hilhorst, 2002). Table 1 can be used for identifying internal and external threats to INGO legitimacy.

Internal organisational threats to INGO legitimacy

Internal organisational threats to INGO legitimacy manifest themselves when legitimacy sources contradict each other. In their missions, INGOs point out that particular norms ought to regulate all organisational conduct in all local settings (Keane, 2003: 202). However, the question arises how INGOs are able to respect a plurality of viewpoints regarding these norms and how they can achieve this within specific institutional contexts, without harming its normative legitimacy that is grounded in universalist ambitions.

Table 1. Locating the humanitarian identity and its four sources of legitimacy in INGOs

	Sources of legitimacy			
	Normative legitimacy	Regulatory legitimacy	Cognitive legitimacy	Output legitimacy
Governance aspects				
Mission	The INGO presents itself as the defender of human rights, environmental protection and other public goods	The INGO stresses the importance of international law and aims to contribute to international agreements and upholding those agreements (also internally)	The INGO presents itself as an expert, a skilful and professional organisation, up to date to the latest academic insights and a relevant partner in policy networks	The INGO presents the organisation as an effective and transparent actor. Goals are concrete and measurable (for example: expressed in performance measures)
Organisational structure	The INGO allocates the majority of its budget for the stated mission—salaries and overhead costs are relatively low	A human rights or another legal department has a central role in addition to those departments that are responsible for internal rule compliance	Technical expertise is organised in, for example, a medical department and a logistical department and in strong ties with public debates	There is a clear managerial structure. The monitoring, evaluation and communications departments have a central role
Strategy	The organisation attacks those actors that obstruct the achievement of a better world	Lobbying, negotiating, expressing outrage of international rights abuses, promoting rule compliance	The focus is on external relations, PR	The focus is on management, evaluation and monitoring
HRM policies	The selection of employees is based on ideological grounds and not so much on the basis of expertise or experience	Employees have a background in the international law + knowhow to operate in the diplomatic arena	The selection of employees is related to professional training and their contacts outside the organisation	Employees have the technical expertise as managers
Accountability mechanisms	Present the results of INGO action in terms of preventing human suffering or enhancing human dignity	Present the accomplishments in the international law arena and regarding internal rule compliance	Show the relations with professional groups outside of the organisation and make use of outside recognition of the organisation's capacities	Aim at presenting the concrete results of INGO action (quantification is important) as well as the coherency and transparency of the organisation

INGOs are confronted with a tension between their universalist aspirations and the complexity of local contexts. They constantly run the risk of responding differently to local situations that appear similar in terms of international law violation. Such inconsistencies may be due to the influence of media attention, the strategic interests of donors, the requirements of internal work methods or the situation in the field. This may result in selectivity and discrimination (Durand and McGuire, 2005) which threatens INGO regulatory legitimacy. In order to maintain their regulatory legitimacy, INGOs must rule out arbitrariness and opportunism from their decision-making systems, yet, lack of resources may put serious restraints on their efforts, which can seriously hamper their normative legitimacy. For example humanitarian INGOs aim to provide aid according to need. However, it is not

always possible to go to areas where aid is needed most (Cuny, 1983; Smillie, 1995). Humanitarian aid organisations often have to deal with the absence of political structures and regularly have to negotiate and renegotiate their access. If access is granted, infrastructural and security problems regularly hamper access to the populations in need. Roads may be destroyed or covered with landmines, and local situations may not be safe enough to organise an airlift. Violence is another impediment; becoming hostages, being killed, being bribed or looted are all risks which humanitarian aid workers may have to face (Anderson, 1999; Aall *et al.*, 2000). Hence, humanitarian INGOs cannot always become operative in areas where their assistance is needed most. They may not be able to act, even though local situations may actually demand intervention according to international law or according to the norms that the INGOs have formulated themselves. Such inaction has been the case in Darfur (Young and Osman, 2006).

In order to legitimate the cognitive power of the concepts and standards that INGOs use, INGOs must somehow manage to reconcile their intellectual knowledge that sustains their normative legitimacy and their technical expertise that sustains their output legitimacy. Not only do INGOs attempt to raise consciousness of global justice and get their members involved in global issues, for instance, by mobilising protest, but they also implement technical knowledge, such as methodologies and databases (Kanter, 1995: 23) to achieve effective output. The more is demanded from the INGO *as an organisation*, in terms of its technical operations, efficiency and effectiveness, the more influential technical expertise becomes, and the less their identity and ideals are stamped (Dukerich *et al.*, 2002). A famous example is the case of the oilplatform Brent Spar, when Greenpeace based its campaign against the sinking of the oilplatform in the Atlantic Ocean by Shell on its normative argument that companies should not use the ocean as a dumping ground for their obsolete oil installations. In the absence of official figures, Greenpeace released an estimate of the amount of oil left on the Brent Spar. It soon came out that this estimation exaggerated the actual amount tenfold. Although Greenpeace apologised as soon as they became aware of this, a persistent media myth was born stating that Greenpeace got it wrong over the entire Brent Spar issue. Irrespective of their normative claim or their intellectual knowledge of environmental issues, the reputation of Greenpeace as a legitimate actor was highly corroded due to the technical debate over the amount of remaining oil in the Brent Spar (Van Tulder and Van der Zwart, 2006).

Output legitimacy is internally threatened when INGOs fail to deliver data about the effectiveness of their operations (Edwards and Hulme, 1995). An immoderate desire to control its own effectiveness produces an 'iron cage', in the sense that the INGO organises its activities to predict, plan and control its own results. Output legitimacy may, accordingly, seriously undermine normative legitimacy—pushing INGO objectives aside in order to control organisational success. Besides, a professional mode of organisation can be expensive; in order for INGOs to function, they need a technical infrastructure (buildings, office equipment, salaries) and a working and living environment that attracts educated employees. This may undermine INGO normative legitimacy, since it may leave the impression of searching for prestige and status for 'the happy few'. To illustrate, in just a few months major US newspapers such as the *New York Times*, *Washington Post* and *Wall Street Journal* published over 30 articles about issues of humanitarian organisations, such as conflicts of interest, sky-high salaries of top executives and questionable expenses for offices and travel (Bendell, 2006), indicating that these organisations were taking care of themselves, instead of the disadvantaged elsewhere in the world.

External organisational threats to INGO legitimacy

External organisational threats to INGO legitimacy result from the interdependency relationship between INGOs and their stakeholders (Ebrahim, 2003). Different stakeholders may value different legitimacy sources in different ways, which may result in contradictory demands. INGOs are accordingly forced to reconcile different demands by employing a multiplicity of activities or by introducing 'creative packaging' or 'decoupling' in order to hide the employment of contradictory activities (Hasenfeld, 1983; Oliver, 1991; Smith, 1995). One occasion of creative packaging came out in the open after an investigation into the operations of Plan International's Dutch branch in 2001. The investigation showed that the organisation used a successful marketing strategy based on the idea that one could sponsor a child on an individual basis. Many people were attracted to the idea of having a personal relationship with a child and became a sponsor of the organisation. However, in reality the organisation provided community-based aid because it was considered a more effective and appropriate development aid strategy (NRC

Handelsblad, 24 December 2001). When this came out in the media, the organisation lost almost 100,000 sponsors which forced the organisation to reform its structures and policies. Here, we see that the need to satisfy the organisation's stakeholders compromised the organisation's mission.

Stakeholder perceptions are important to INGO legitimacy because INGO's financial resources depend on them. The more stakeholders are involved in an INGO, and the more contradictory demands they have, the more likely INGOs will experience tensions between output, regulatory, cognitive and normative legitimacy. Which INGO legitimacy source is most valued by stakeholders depends both on their partisan interests and on their perception of the role of INGOs in society. Some stakeholders (such as individual contributors and the press) may emphasise the role of INGOs as a 'third party', constituting a countervailing power to the market and the state (DiMaggio and Anheier, 1990; Fisher, 1997; Clarke, 1998; Keane, 2003). In this view, INGOs have a *political* function in international society, next to the state and the market, either complementary or opposing. In support of such a view, stakeholders value normative and regulatory legitimacy as the most important sources of legitimacy.

Other stakeholders, particularly public donors, tend to see INGOs as international technical, administrative, functional units, with little or no political or ethical purposes, but merely as contractors and service providers (Biggs and Neame, 1996). This idea gained momentum in the 1980s and 1990s, when the Western world experienced a crisis in the western welfare state (DiMaggio and Anheier, 1990; Salamon and Anheier, 1997; Vakil, 1997). Disappointment about the effectiveness and efficiency of the public sector, 'a neoliberal climate of disenchantment with the state' arose (Clarke, 1998: 37), in which the privatisation and marketisation of government tasks were valued. The neoliberal climate also spread to the development sector, which was confronted with a lagging economic growth in Third World countries. These problems were explained, amongst other things, by the ineffectiveness of bilateral and multilateral development aid programmes implemented by national governments. (I)NGOs were believed to be better capable in reaching the poor and to be more cost-effective because of their flexibility, their specific expertise and their small-scale approach to development (Smith, 1995; Gordenker and Weiss, 1997). Ideas such as participatory development, empowerment and 'assisted self-reliance' emerged and governments started to fund (I)NGOs with the aim of materialising these ideas in the Third World (Salamon, 1994; Gordenker and Weiss, 1997).

Because of this instrumental view of INGOs, especially donors (often the most powerful stakeholder) value output and cognitive legitimacy above other legitimacy sources (Edwards and Hulme, 1995; Salamon and Anheier, 1997). Output legitimacy demands from INGOs that they are technically able to communicate the results of their activities, so that stakeholders are able to recognise and acknowledge their *raison d'être*, and support them. When INGOs fail to communicate, the results of their activities, particularly how they spend funds—which still happens often as is illustrated by the fact that only few INGOs choose voluntarily to publish systematic and externally audited accounts of their non-financial performance (Zadek, 2003)—stakeholders call into question overall legitimacy of INGO. As a result, output legitimacy puts a serious constraint on the possibility of conforming to INGO norms and mission (Dukerich *et al.*, 2002; Black *et al.*, 2004). If this analysis holds true, INGOs that keep on calling only upon regulatory and normative legitimacy will experience problems in maintaining financial and societal support. On the other hand, INGOs that succeed in developing an organisation that guarantees output will receive more support, but run the risk of damaging their own identity.

In conclusion, the quest for INGO legitimacy is much more than the pursuit of core missions; it is a struggle in which power relationships between INGOs and their stakeholders result in various internal and external threats, such as argued above (see also Desforges, 2004). We hypothesise that this struggle will never result in overall INGO legitimacy, because a trade off is expected between attempts to realise the INGO mission (normative legitimacy) and pressures for specific donor requirements in terms of expertise, transparency and accountability (cognitive and output legitimacy). We will explore and illustrate this hypothesis by means of a case study.

ILLUSTRATING THE DYNAMICS OF INGO LEGITIMACY: THE POST-TSUNAMI HUMANITARIAN RESPONSE

The dynamics of INGO legitimacy is explored and illustrated in the following case description of the organised humanitarian aid effort after the Tsunami disaster in December 2004, in which many INGOs were present. We have

analysed various recent evaluation reports of INGO humanitarian aid efforts to the Tsunami victims in order to determine if and how the previously identified internal tensions within and external threats to the four sources of INGO legitimacy can be observed. A majority of these evaluation reports have been written under the auspices of the Tsunami Evaluation Coalition, a multi-agency coordinated evaluation initiative composed of UN agencies, research institutes, donor agencies and INGOs, 46 organisations in total (www.tsunami-evaluation.org). The resulting TEC reports are based on a multiplicity of country reports (33), surveys (16) and agency-specific evaluations and reviews (18), covering almost all available evaluation material on the Tsunami aid effort. These reports can therefore be regarded as unique, valuable, detailed, multi-source case material.

The Tsunami hit Indonesia, Thailand, India, Sri Lanka and 10 other populations in the Indian Ocean in December 2004, killing almost 230,000 people and displacing 1.7 million people (TEC, 2006a: 16). Although a majority of the victims were assisted by local people and organisations (Oberoi, 2005:41; TEC, 2006a: 43; 2006c: 16), it was the international humanitarian aid operation—with an estimated budget of 13.5 billion American dollars—that caught the eye of the public. INGOs are estimated to have received 3.5 billion American dollars, of which 77% was donated by the general public (TEC, 2006a: 81; 2006b: 14, 33). Half of these funds were given to 10 INGOs (see Table 2); the rest was divided amongst approximately 190 INGOs.

INGO legitimacy at stake: selective, ineffective and uninformed INGO interventions

The activities and behaviour of INGOs in the Tsunami aid effort have had an impact on the legitimacy of these INGOs. In effect, three out of the four sources of legitimacy that INGOs can call upon to establish their legitimacy were problematic in the Tsunami case. This has resulted in selective, ineffective and uninformed INGO interventions, which threatens the normative legitimacy of INGOs.

The *normative legitimacy* of humanitarian INGOs originates in the objective to assist those in need, irrespective of race, religion, political preferences, etc. One of the most important threats to the normative legitimacy of INGOs is when their actions are selective, which was the case in the post-Tsunami aid effort. First, there are doubts whether the Tsunami response was proportionate to the nature and depth of the humanitarian crisis when compared to other humanitarian crises (such as Darfur). There is evidence that more funds were available than needed: the economic loss due to the Tsunami was estimated to be 9.9 billion American dollars, which is 3.5 billion dollars less than the available budget (TEC, 2006a: 17). There were also substantially more funds available for the affected people; for every Tsunami-affected person US \$7100 was available, which is in stark contrast to the \$3 available per person for victims of the 2004 Bangladesh flood (TEC, 2006a: 21). Second, the aid distribution *within* the Tsunami-affected populations was selective. Affected groups in conflict-ridden zones often received less aid than victims outside these zones, whereas the more powerful actors in the affected areas had better access to aid organisations as opposed to women, elderly people and children (TEC, 2006a: 48, 51, 75, 104).

Table 2. Overview of top 10 INGOs receiving private contributions

INGO	Private contributions (in million US \$)	Public funding (in million US \$)
Oxfam	353	7.7
World Vision	270	24.2
Swiss Solidarity	179	NA
Care	168	13.3
Catholic Relief Services	163	16
Action Deutschland Hilft	137	NA
Save the Children Fund	123	13.6
AmeriCares	116	NA
DZI	106	NA
Christian Aid	72	NA

Source: TEC, 2006b: 14.33.

The humanitarian intervention was not only selective, it was also partly ineffective, thereby threatening INGO *output legitimacy*. This was partly caused by the lack of coordinated INGO action, required by the many INGOs and UN agencies that had entered the disaster scene. In Banda Aceh alone, for example, 120 INGOs were still active 1 year after the Tsunami (TEC, 2006a: 55, 56), resulting in more than 70 coordination meetings per week of which only 10–40 INGOs regularly attended these meetings (Völz, 2005:26; TEC, 2006c:18) and 17 assessment teams in Aceh in only the first 3 weeks after the Tsunami (TEC, 2006a: 57). There are also reports of overlap in aid and low quality aid (TEC, 2006a: 52, 53). A large INGO, for example, constructed a number of houses in an area where the community—with another INGO—had already planned a road (TEC, 2006a: 63).

In addition, the humanitarian intervention was characterised by a lack of *cognitive legitimacy*, since the cognitive quality of personnel in the post-Tsunami aid effort has been questioned (TEC, 2006a: 54, 98). World Vision and Care staff, for example, did not speak the Aceh language and lacked experience (Mashni *et al.*, 2005: 31, 33, 36). The organisation of aid effort was also costly, taking resources away from the aid effort itself; at the peak of INGO intervention in Banda Aceh, 180 INGOs were present, representing an estimated total cost for offices of at least 35–45 million US dollars (TEC, 2006a: 65). Not only were many resources spent on organising, but also the manner in which INGOs organised their work threatened their cognitive legitimacy; some large INGOs were accused of uninformed aid provision by ignoring local traditions and the INGOs already present in Aceh before the Tsunami (Mashni *et al.*, 2005: 37, 38, 43; Völz, 2005: 27; TEC, 2006a: 54, 77).

Internal and external threats to INGO legitimacy during and after the Tsunami

External threats to INGO legitimacy stem from stakeholder interests that do not match INGO ideals. INGO aid in Aceh was selective, for example, partly because INGOs were dependent upon the military for helicopter transport to otherwise inaccessible areas. Since the military was more interested in western Aceh—due to security reasons—it offered helicopter flights in that direction, whereas no flights to victims in eastern Aceh were organised, although these people were probably worse off than those at the west coast (Hudspeth, 2005: 19). In addition, INGOs were dependent upon the governments of the Tsunami-affected countries. INGO representatives operating in the Indian state Tamil Nadu stated that district officials prevented them from building traditional housing structures (Martin, 2005: 45) and the slow INGO response to the Andaman and Nicobar Islands was due to obstacles raised by the Indian government (TEC, 2006a: 51). The fact that INGOs received so much money from donors and the general public was also problematic. INGOs such as Oxfam, Care and World Vision felt much pressure to perform and consequently made some large programme commitments that later proved unrealistic (Mashni *et al.*, 2005: 31; TEC, 2006a: 70, 71). Hence, it appears that INGOs cannot do their work without using the power resources of stakeholders while at the same time this resource dependency threatens the legitimacy of their work.

These external threats can add to internal threats to INGO legitimacy that emerge when actions to assure one of the four sources of legitimacy damages other sources of INGO legitimacy. An explanation for selective and uninformed aid, for example, can be found in the organisation's quest for output legitimacy. This quest manifested itself in the constant flow of facts and figures about numbers of beneficiaries reached and the amount of relief items dispatched (TEC, 2006a: 57). Some commentators argue that 'relief items were distributed fast and furiously, and sometimes dumped, in order to artificially raise the number of beneficiaries the agencies could boast about on their websites and press releases' (Fraser, 2005: 40). Hence, the quest for output legitimacy—in terms of presenting data on performance—threatened INGOs' normative and cognitive legitimacy considerably.

This case description illustrates that the need to assure output legitimacy of INGOs creates a focus on organisational interests at the expense of the core missions of INGOs. Organisation mandate, budgetary pressures and the need for fast results, next to external impediments, stood in the way of achieving the humanitarian ideal of aid provision irrespective of race, religion, class, etc. Evaluators concluded that 'too often, situation reports and assessments served the interest or mandate of the assessing agency more than those of the potential beneficiaries' (TEC, 2006d: 12). It is here that organising started to betray INGO ideals and threaten overall INGO legitimacy. The case shows that INGOs can only attain legitimacy if they engage in a struggle for resources. At the same time, however, this struggle threatens INGO legitimacy because it makes their work inherently political and selective. Evaluations of other humanitarian crises, such as in Somalia and Rwanda, point to the same problems of

ineffective, selective, politicised and uninformed INGO interventions (see, for example, Sommer, 1994; Whitman and Pocock, 1996), suggesting the presence of the same internal and external threats to INGO legitimacy.

DISCUSSION AND CONCLUSION

This article has attempted to show that INGOs find themselves at a crossroad between their stated mission and their quest for legitimacy. The social forces at work that shape INGO legitimacy patterns are quite different from those of governmental organisations. INGOs are not legitimised through electoral systems and are not necessarily democratic. As INGOs cannot ground legitimacy in the will of a people, they find a global source to legitimate their actions in the advancement of human values, ecosystem protection and other public goods while respecting the equal rights and dignity of all human beings. This creates a normative source of legitimacy, but this in itself is not enough to ground INGO legitimacy; it needs to be institutionalised and organised in order to show how INGOs strive for these norms. To be the locus of legitimacy in a global order, INGOs must deduce regulatory, cognitive and output legitimacy from their normative legitimacy.

Furthermore, this article showed the complexity of grounding INGO legitimacy in four distinct sources because of both internal and external organisational threats. INGO legitimacy is subject to internal contradictions that inhere in the concept itself. Especially for INGOs, the contradictory demands that follow from their objectives and the organisational necessity to communicate actual performance generate a complex position. INGOs need to organise their motives through developing professional monitoring and accountability mechanisms. These require a technical expertise that typically identifies with the processes of an organisation, instead of humanity at large. Hence, the more is demanded from the INGO as an organisation, the more powerful managers and experts become, the less the organisation's ideal is stamped. The external organisational threats to INGO legitimacy follow from the social relations with stakeholders. The core missions of INGOs can hence come in conflict with the necessity to attain funds and join capacities with other actors in order to be effective. There is no technical construct for dealing with such dynamics, tensions and unpredictabilities. INGO management may give up or lose control of its mission, as long as it has its interventions sponsored. While INGOs need funds to run their organisation, requiring these funds entails the risk of donors seeing INGOs primarily as contractors or service providers, rather than as representatives of the disadvantaged who cannot speak for themselves.

Our study builds upon a conceptual analysis of the complex reality of organisation that INGOs face when they aspire to act legitimately in a global context that forces them to focus on meeting their organisation's requirements, which leaves their missions unfulfilled. Although we illustrate this complex reality with the case of the humanitarian aid after the Tsunami disaster, little is known about the different strategies used by particular INGOs to cope with the internal and external organisational threats. A strategy based on conscious deliberation of the many angles and problems associated with the distinct sources of INGO legitimacy will probably not resolve all problems because of the inherent tensions. INGOs also have the choice of gaining salience through using all different types of power to enforce their claims. However, this may end their reputation as legitimate actors in the process of achieving new forms of governance on a global level. Much more empirical research is needed to address the implications of the different strategies for INGOs legitimacy and the impact on defending the disadvantaged in an endangered world. The identification, in this article, of internal governance aspects of INGOs like their mission, strategy, organisational structure, HRM policies and accountability mechanisms presents important starting points for such a research programme.

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