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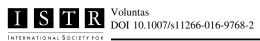**Understanding Contemporary Challenges to INGO Legitimacy**

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Understanding Contemporary Challenges to INGO Legitimacy: Integrating Top-Down and Bottom-Up Perspectives

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Abstract In recent years, INGO legitimacy has been subject to growing scrutiny from analysts and practitioners alike. Critics have highlighted a backlash against INGOs in the Global South, a growing mismatch between INGO capacities and contemporary global challenges, and diminishing support for norms such as democracy and human rights that underpin INGOs' work. Although these problems have attracted significant attention within the academic literature, this article argues that existing explorations of INGO legitimacy have broadly conformed either to a *top-down* approach focused on global norms and institutions or a *bottom-up* approach focused on the local dynamics surrounding states and populations in the Global South. We suggest that this divide is unhelpful for understanding the current predicament and propose a new approach, which pays closer attention to the interaction between bottom-up and top-down dimensions, and to historical context. This new approach can provide important insights into current debates about the future roles and internal structures of INGOs.

Résumé La légitimité des ONGI est de plus en plus remise en question par les analystes et praticiens. Les critiques ont fait la lumière sur les réactions hostiles que soulèvent les ONGI dans les pays du Sud, l'écart grandissant entre les capacités des ONGI et les défis mondiaux de l'heure et le respect de moins en moins grand des normes sous-jacentes au travail des ONGI, dont la démocratie et les droits de l'homme. Même si ces problèmes ont été largement traités dans la documentation spécialisée, cet article avance que les recherches existantes sur la légitimité des

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ONGI se sont largement conformées à une approche descendante axée sur des normes et établissements mondiaux ou à une approche ascendante concentrée sur les dynamiques locales d'État et de population des pays du Sud. Nous suggérons que cette distinction empêche de comprendre la présente situation et proposons une nouvelle approche axée davantage sur l'interaction entre les dimensions ascendantes et descendantes, ainsi que sur le contexte historique. Cette nouvelle approche peut fournir des données importantes sur les débats actuels sur le rôle futur et les structures internes des ONGI.

Zusammenfassung In den letzten Jahren war die Legitimität internationaler nicht-staatlicher Organisationen vermehrt Prüfungen von sowohl Analytikern als auch Praktikern ausgesetzt. Kritiker betonen die Repressalien gegen internationale nicht-staatliche Organisationen im globalen Süden, eine zunehmende Diskrepanz zwischen den Kapazitäten der Organisationen und den aktuellen globalen Problemen und die nachlassende Unterstützung von Normen, wie Demokratie und Menschenrechte, die die Arbeit der Organisationen untermauern. Zwar haben diese Probleme in der akademischen Literatur große Aufmerksamkeit erhalten; doch wird in diesem Beitrag behauptet, dass die bestehenden Untersuchungen zur Legitimität internationaler nicht-staatlicher Organisationen weitgehend entweder einemTop-down-Ansatz folgen, der sich auf die globalen Normen und Institutionen konzentriert, oder einen Bottom-up-Ansatz anwenden, der sich auf die lokalen Dynamiken der Staaten und Bevölkerung im globalen Süden konzentriert. Wir meinen, dass diese Trennung nicht zum Verständnis des gegenwärtigen Dilemmas beiträgt und schlagen einen neuen Ansatz vor, der vermehrt die Wechselbeziehung zwischen den Bottom-up- und den Top-down-Dimensionen sowie den historischen Kontext berücksichtigt. Dieser neue Ansatz kann wichtige Einblicke in die gegenwärtigen Diskussionen über die zukünftige Rollen und internen Strukturen internationaler nicht-staatlicher Organisationen verschaffen.

Resumen En años recientes, la legitimidad de las organizaciones no gubernamentales internacionales (INGO, por sus siglas en inglés) ha estado sujeta a un creciente escrutinio de analistas y profesionales. Los críticos han destacado una reacción violenta contra las INGO en el Hemisferio Sur, un creciente desequilibrio entre las capacidades de las INGO y los desafíos mundiales contemporáneos, y un apoyo decreciente de las normas, tales como la democracia y los derechos humanos que apoyan la labor de las INGO. Aunque estos problemas han atraído una importante atención dentro del material académico publicado, el presente artículo argumenta que las exploraciones existentes de la legitimidad de las INGO se han ajustado ampliamente a un enfoque de arriba a abajo centrado en las normas e instituciones mundiales o en un enfoque de abajo a arriba centrado en la dinámica social que rodea a los estados y poblaciones en el Hemisferio Sur. Sugerimos que esta división no ayuda a la comprensión del dilema actual y proponemos un nuevo enfoque, que presta una más estrecha atención a la interacción entre las dimensiones de abajo a arriba y de arriba a abajo, y al contexto histórico. Este nuevo enfoque puede proporcionar importantes perspectivas en los debates actuales sobre los futuros papeles y estructuras internas de las INGO.

Introduction

While concerns about a looming crisis of international NGO (INGO) legitimacy can be discerned since at least the late 1980s (Broadhead 1987), in recent years, anxieties about the sustainability of INGO roles and characteristics in a changing social and geopolitical climate have reached a crescendo. Concerns have focused on a sense of diminishing support for liberal democracy and human rights (Hopgood 2013; Plattner 2015), a growing mismatch between contemporary global challenges and INGO capacities (Sriskandarajah 2014), and a backlash against INGOs across a variety of countries across Asia, Africa, and Latin America (Brechenmacher and Carothers 2012; CIVICUS 2014; Howell 2013). These problems have arisen both from shifts in global power relations, prompting a series of changes in the national and international regulatory environment for INGOs, and from long-term changes in INGOs' roles and relations with donors and recipients.

A flurry of publications reflecting on the future challenges and prospects for INGOs have emerged in response to these concerns (Banks et al. 2015; Bond 2015; Crowley and Ryan 2013; INTRAC 2015; Kent et al. 2013; Roche and Hewett 2013; Slim 2013). These assessments draw attention to a new set of problems facing INGOs, raise doubts about INGOs' capacities for dealing with these challenges, and make various recommendations about how INGOs can maintain legitimacy in a changing global context. Many prominent INGOs such as Oxfam, Save the Children and Amnesty International have undertaken ambitious internal re-structuring programmes in response to this shifting environment to ensure that the bases for their legitimacy are not eroded.

To date, academic interest in INGO or organisational legitimacy has generated a burgeoning but highly diffuse literature from scholars of international relations (Clark 2007; Collingwood and Logister 2005; Thrandardottir 2015), public policy and advocacy (Brown 2008; Brown et al. 2013), anthropology (Lister 2003), development studies (Atack 1998), international law (Charnovitz 2006; Maragia 2002), organisational theory (Suchman 1995), political geography (Bryant 2005), and history (Davies 2012). Although these bodies of literature have made theoretical and empirical advances in understanding how INGOs are legitimated, this article explores how they have generally failed to speak to one another, thus reproducing a diverse set of ontological standpoints and approaches to understand the sources of, challenges to, and solutions for INGO legitimacy. These literatures have varied significantly in terms of the types of INGOs they focus on, their conceptualisation of legitimacy, and their accounts of the dynamics of legitimation processes. The overall picture that emerges is therefore fragmented and confusing. Underlying questions about how conceptions of INGO legitimacy may have changed over time, or how international and domestic sources of INGO legitimacy might interact, have remained under-analysed. This fragmentation is particularly problematic in a context where INGOs' work has become more complex, and the geographical and conceptual boundaries that delineate their work have become more blurred. There is

an urgent need to sort through and clarify core assumptions and concepts that underpin existing academic work on INGO legitimacy given these challenges. We argue that taking a broad, multi-disciplinary view of this diverse literature provides important conceptual and theoretical insights that can inform current debates about how INGOs should respond to a changing global environment.

This article outlines the contours of a new research agenda, which explores how global and local trends are shaping processes of NGO legitimation and de-legitimation, and traces the theoretical, methodological, and policy implications of these changes. This article presents a preliminary step in this wider project and aims to clarify our theoretical understanding of INGO legitimacy in order to inform INGOs' own efforts to respond to the legitimacy challenges they face. By looking across disciplinary boundaries, this article will bring to the surface the tension and intensive interaction between top-down and bottom-up dimensions of INGO legitimacy. We define top-down dimensions as relating to how INGOs are legitimised by global norms, regulations, and institutions, while bottom-up factors relate to INGOs' localised relationships with states and populations. This distinction is important to acknowledge not only because it constitutes a key dividing line in how academic disciplines currently approach INGO legitimacy but more importantly because many bottom-up challenges (such as tighter INGO regulations or dwindling relevance of INGOs to popular protest movements in the Global South) are closely linked to top-down factors (such as the diffusion of global power, the erosion of liberal democratic norms, and growing opposition to Northern models of intervention in developing countries).

This article is based on an extensive, critical review of academic and policy work on INGO legitimacy and a detailed analysis of the current challenges facing INGOs' work across a range of geographical contexts. It also draws on primary research conducted by the authors on INGOs and their responses to legitimacy problems in a range of settings. This primary research, which will be expanded in the subsequent research project, has included archival analysis and semi-structured interviews with NGO staff based in the UK, North America, and South and East Asia over a number of years. The multi-disciplinary analysis presented in this article builds on the authors' own work within different academic disciplines (history, development studies, and international relations). Supporting evidence is drawn from the experience of a broad array of INGOs, and the reports of institutions that have worked closely on INGO legitimacy issues such as Bond, CIVICUS, and INTRAC.

We adopt Kanbur's (2002, 483) definition of multi-disciplinary research as 'work in which individual discipline-based researchers (or teams) do their best, within their disciplinary confines, to examine an issue and subsequently collaborate to develop together an overall analytical synthesis and conclusions'. We acknowledge that there are some dangers associated with this approach. Attempts to unify disparate strands of a diverse INGO literature run the risk of dealing in generalities and lacking in nuance. Nonetheless, we maintain that there are important benefits associated with multi-disciplinary research. As has been argued by Hulme and Toye (2006), this approach can overcome 'blind spots and methodological limitations' that may have emerged as disciplines have become more refined and specialised. We propose, in addition, that a multi-disciplinary approach successfully draws

attention to the intersection between global and more locally rooted dynamics of INGO legitimacy, which is of particular relevance to understanding the contemporary challenges they face.

In this article, we focus specifically on the challenges facing large northern-based INGOs such as Oxfam, World Vision, or Amnesty International engaged primarily in development, humanitarian, and human rights activities. This narrow focus is justified on the grounds that these INGOs are among the largest and most established in terms of organisational strength and policy influence. Despite the growth of southern INGOs, northern-based INGOs still dominate the INGO sector in terms of resources and influence. A recent report by Development Initiatives (2015), for example, showed that 85 percent of official humanitarian funding to INGOs was channelled through northern INGOs, with only around one percent going to southern INGOs and one to national NGOs, respectively. This disparity in size also amplifies other variations in how INGOs generate or derive legitimacy, such as the application of universal values in local contexts, INGOs' relationships with supporters, and whether funding sources are private or public (see Brown et al. 2012).

The paper begins with a brief account of the current 'crisis' in INGO legitimacy and the somewhat contradictory responses this has prompted from prominent organisations. After a brief discussion of key concepts, the article then proceeds with a review of the literature on INGO legitimacy across several key disciplinary fields to identify the current delimitations between existing approaches. We discuss how INGO legitimacy has been approached from top-down and bottom-up perspectives in the academic literature, highlighting the varied ontological and methodological approaches used by different academic disciplines. We also argue that paying closer attention to historical accounts of INGO legitimacy can help elucidate the contextually embedded nature of INGO legitimacy. Section three demonstrates the intense interaction of top-down and bottom-up analyses and the contemporary challenges this raises for INGO legitimacy in light of the historical context. Section four concludes by drawing out some broader theoretical, methodological, and practical implications of our research. In sum, we argue that a multi-disciplinary approach can shed light on INGOs' response to current threats to their legitimacy because it draws attention to the interaction between top-down factors (as normative pressure from global society) and bottom-up factors (as localised political challenges) and the potential tensions and trade-offs that exist between them.

The Current 'Crisis' of INGO Legitimacy

While crises of legitimacy have been a recurrent feature in the academic literature on INGOs, the current crisis is perhaps unusual in the extent to which it has triggered widespread reflection, re-positioning, and organisational re-structuring from INGOs themselves. Recent reflections on INGO futures have involved widespread questioning about whether the INGO sector is 'fit for purpose' (Bond 2015) in an era of growing spontaneous activism from middle classes in emerging

economies, and where INGOs have become de-politicised, over-professionalised, and less autonomous (CIVICUS 2014; Banks and Hulme 2012; Howell 2013; Sriskandarajah 2014). These criticisms link to a more long-standing concern that the values, organisation, and accountability of INGOs have been reshaped through prolonged engagement with donors, eroding two key comparative advantages which have been deemed as critical foundations of INGO legitimacy—their grassroots orientation and their capacity for innovation (Banks et al. 2015). Clearly, since INGOs pursue a variety of goals, operate in a range of contexts, have different histories, and generate legitimacy in a variety of ways, there is no general formula or single solution to the contemporary challenges they face.

Recent academic critiques have emphasised the need for INGOs to adopt new roles and organisational structures to contribute effectively to social and political change in this new environment. While some argue that there is a need for INGOs to accept more incremental change (Mitlin et al. 2007), others call for radical break with existing INGO norms and structures (Sriskandarajah 2014; Banks and Hulme 2012). In a recent review of INGOs' roles and effectiveness, Banks et al. (2015: 713) argue that there is a need for INGOs 'to step away from the '"driving seat" of resource flows and their associated agendas to become supporters and facilitators of more deeply networked social action in which other groups pursue their own goals with the appropriate kinds of support'. Some analysts argue that recent changes in INGOs' roles, and the structures and characteristics of the INGO sector may be leading to changes in the attributes INGOs need to generate and maintain legitimacy. Mitlin et al. (2007), for example, introduce the notion of convening legitimacy (capacity to build alliances and provide space for discussion) as an emerging benchmark for measuring INGO legitimacy.

Several prominent northern-based INGOs appear to be acting on these calls for change by carrying out major internal re-structuring. INGOs such as Oxfam and Save the Children are reforming to provide better coordination between national branches, develop more flexible and innovative approaches to their work, provide greater influence to national branches in the Global South, and to streamline efforts to influence southern governments (Hauser Center 2010; Oxfam 2013; Slim 2013). Amnesty International's 'closer to the ground' strategy aspires to shift decision-making to the Global South, while several organisations including CIVICUS and ActionAid have moved their headquarters to Africa. Oxfam International plans to move its headquarters to Nairobi in 2017. This shift in emphasis has also been signalled more symbolically by a change in leadership: Amnesty International and Oxfam International have appointed leaders from the Global South in recent years. Advocacy strategies have also begun to move towards a two-track approach that seeks to supplement existing efforts to lobby IGOs and northern governments with efforts to influence national governments in the developing world or large corporations. These more recent efforts build on longer-standing attempts to respond to growing concerns that a lack of coordination may generate security risks or create a lack of coherence within large INGO federations (Hauser Center 2010).

While these approaches respond to a perceived need to shore up the bottom-up dimensions of INGOs' legitimacy, little is known about the effects of these efforts. Can strategies that seek to enhance the bottom-up dimensions of INGO legitimacy

undermine top-down dimensions under certain circumstances? Will the greater claims to legitimacy accruing to organisations like Amnesty International or Oxfam based on representativeness and enhanced accountability outweigh potential damage to the top-down dimensions? Does 'being closer to the ground' undermine INGOs' capacity to present clear messages necessary to influence IGOs and powerful northern governments, or enhance it? Will the outcome of these processes of organisational re-positioning help reveal, as Stephen Hopgood (2015) has argued, whether large INGOs' legitimacy is rooted primarily in their status as northern organisations, or in their relationships with poor and marginalised people? Or will these re-structuring efforts remain largely rhetorical, failing to deliver substantive redistribution of power within the INGO sector?

Others are coming to a different view about how to adapt to the changing environment and appear to be pursuing strategies in line with a top-down view of legitimacy. World Vision and Save the Children, while taking some steps to make their organisations more representative (Hauser Center 2010), are also making global expansion a priority and 'going for growth' in an attempt to leverage greater impact and influence at a global level (Slim 2013). In an interesting contrast to the appointment of southern leaders by Oxfam and Amnesty International, the International Rescue Committee appointed the former UK Foreign Secretary as their Chief Executive in 2013. Such a move symbolises the view that INGOs' draw their strength from their close links to the western political establishment. In the same way as the bottom-up approaches of Oxfam and Amnesty International risk undermining their legitimacy through neglecting their capacity to influence global institutions and northern governments, the top-down approaches described here risk undermining bottom-up dimensions legitimacy. For example, Miliband's appointment proved controversial within the humanitarian sector on the grounds that it would blur the lines between state and non-state actors in crisis settings, undermining independence and security (Hofman 2013).

These varied approaches to operating in a changing environment illustrate ongoing tensions between those INGOs who see legitimacy as primarily rooted in organisations' global status, performance and impact, and an alternative vision for INGO legitimacy based on representativeness or moral standing. While reform debates have included a range of proposals for ensuring INGOs' continued relevance in a changing world, barring a few notable exceptions (Green 2015; Hauser Center 2010), they have tended to neglect explicit discussion of the tensions that emerge from the varied strategies currently pursued by INGOs.

In this article, we develop a theoretical framework that will inform two central yet unresolved questions about how INGOs generate and maintain legitimacy. First, how do top-down and bottom-up dimensions of INGO legitimacy interact in different settings? Second, are there trade-offs between these top-down and bottom-up dimensions, or are these two dimensions mutually supportive?

Concepts

Before going any further, it is important to clarify some of the key concepts used in this article. In line with United Nations practice, we understand INGOs to be non-profit organisations operating in multiple countries that have been established privately rather than by intergovernmental agreement (Willetts 2011). INGOs engage in different types of activity (e.g. advocacy, service-delivery), work in distinct though often overlapping sectors (e.g. development, humanitarian, environmental), and are driven by a variety of values and principles (e.g. religious beliefs, human rights frameworks). The bodies of literatures discussed in this article tend to focus on different types of INGOs, emphasising certain aspects of INGO legitimacy to the detriment of others and drawing different conclusions in the process. A lack of consensus around frameworks for classifying INGOs has additionally hindered the development of theory, further reinforcing disciplinary boundaries (Vakil 1997). Scholars of international relations and international law favour broad and open-ended definitions of INGOs as transnational non-profit-based organisations (Charnovitz 2007; Willetts 2011). One widely used definition in this tradition is the Union of International Associations, which defines INGOs as formal organisations with international aims that are operational (i.e. intending to conduct activities, involving participation of members, and receiving budgetary contributions) in at least three countries. Development studies scholars have tended to adopt narrower definitions which require INGOs to be engaged in public welfare goals (see, for example, Clarke 1998). Since this article straddles these bodies of literature, we will adopt the more inclusive approach of international relations.

International NGOs face legitimacy problems that are distinct from those facing local or national NGOs. INGOs are typically both more organisationally complex and operate across a range of institutional and political environments (Nelson 1997; Yanacopulos 2005). As a result, there is a wider range of audiences that confer or challenge their legitimacy, and these diverse sources are more likely to come into tension with one another. This organisational complexity is linked to political challenges arising from the increasing interconnectedness of global and local civil societies that have become more closely bound together over the last century (Boli 2005). This raises a conceptual challenge because the traditional boundaries that provide the contours for understanding the INGO sector—between state/non-state, southern INGOs and northern INGOs, human rights and development organisations—have broken down considerably, thus creating new challenges for analysing INGO legitimacy (Lewis 2014; Mitlin et al. 2007). This is evident in two ways. First, established INGOs such as Save the Children and Oxfam are increasingly delivering programmes in the UK and other European countries to tackle issues of poverty and social exclusion in the developed world. Second, although they have extensive histories (Davies 2014), influential INGOs from the Global South like BRAC in Bangladesh or from emerging economies like *Kimse Yok Mu* in Turkey are gaining increasing global prominence (Lewis 2014).

As highlighted above, academic disciplines vary in their treatment of the concept of legitimacy. While international relations scholars have been largely concerned

with how INGO legitimacy relates to these organizations' capacity to influence international norms or decision-making processes, the development studies literature has focused more on INGOs' relations with populations and states in the Global South. These two conceptions broadly reflect an ontological divide between normative and sociological understandings of legitimacy. Normative understandings view legitimacy as derived from standards, values, and norms and are therefore concerned with INGOs' capacity to conform to or promote norms by representing particular viewpoints that are sold as universal. Sociological understandings, on the other hand, see legitimacy as a specific type of relationship among different groups based on social values (Suchman 1995). We stress that both understandings elucidate important aspects of the legitimation process and stress the need to understand the synergies between them. We argue that the normative and sociological dimensions of INGO legitimacy are interdependent and that achieving sociological legitimacy, at least among some key groups, is imperative to successfully bring about changes in the normative framework of international society (Beetham 2013: 98–99). By acknowledging this synergy, we can generate an approach that demonstrates how the international normative framework of INGO legitimacy is reliant on sociological justifications, many of which are domestically sourced and/or localised, without discarding the normative structure of legitimacy. Furthermore, through drawing insights from historical work, we consider the contextually embedded nature of legitimacy. This approach thus helps us to bridge ontological divisions by facilitating an analysis that accommodates different levels and dimensions of legitimacy, as well as modes of legitimation (Beetham 2013, 20).

Top-Down and Bottom-Up Approaches to INGO Legitimacy

This section explores how questions of INGO legitimacy have been approached across a range of academic disciplines, including international relations, international law, anthropology, and development studies. These disciplines were selected on the grounds that they have provided the most concerted focus on questions of INGO legitimacy in the last few decades, exploring the intersection between the legal, sociological, and ethical characteristics that help INGOs to achieve and maintain their legitimacy in the international system. While historically informed accounts of INGO legitimacy are not absent from existing literature (a notable exception being Charnovitz 2006), historical work on INGOs has tended to concentrate on detailed case analyses and thematic concerns such as these organizations' evolution and impact rather than their legitimacy (Davies 2016). A further contribution of this article therefore includes bridging the gap between some of the historical literature and academic analysis of INGO legitimacy by drawing attention to the contextually embedded nature of INGO legitimacy.

The argument put forth in this article is that the existing literature has tended to approach issues of INGO legitimacy either from the *top-down*, focusing on normative dimensions and INGOs' relations with global institutions or northern states, or from the *bottom-up*, viewing legitimacy as a largely sociological phenomenon determined predominantly by INGOs' relations with populations and

states from the Global South. Top-down perspectives, seen especially in the literatures from international relations and international law perspectives, view legitimacy in global or universal terms. Bottom-up approaches, more common in anthropological and development studies literatures, have understood legitimacy as being territorially bounded, usually to a particular national or local context. This top-down/bottom-up distinction does not conform entirely to disciplinary boundaries—some scholars within international relations and international law do emphasise bottom-up dimensions, for example—but we argue that this distinction is representative of the majority of the literature in each case. For each of these two approaches, the implications for understanding de-legitimation processes and INGOs' responses to them are explored.

Top-Down Approaches

Top-down approaches to INGO legitimacy are commonly found within the international law literature and in two major branches of international relations theory: social constructivism and the English School. Although there are some differences in how these different schools treat INGO legitimacy, what holds them together is their focus on understanding the sources of INGOs' status as actors and their subsequent ability to influence outcomes within international politics (Clark 2007; Koh 1997).

The status of INGOs as actors has been a focus in international legal literature since the first work on the topic in the early twentieth century, when it was increasingly thought that private international associations were developing 'a kind of "international self-government"' (Kazansky 1902, 355; Davies 2014). Given this long tradition, it is some of the legal literature on the subject that has been among the most richly historically informed (Charnovitz 2006, 2007). A key concern in early writings on INGOs was the absence of appropriate legal provisions for INGOs, which, rather than being registered as associations in international law, had to be registered as associations in national law (Otlet 1908–1909, 72). In the century since, much of the literature on INGOs in international law has been preoccupied with the issue of whether or not INGOs have 'legal personality'. The general consensus is that they do not (Charnovitz 2006), though Willetts (2011, 83) argues that they do under certain circumstances, such as when they are granted consultative status with ECOSOC. Lindblom (2005, 116) adopts a middle position describing INGOs as having 'legal status' despite lacking 'legal personality'. Although this debate is not fully resolved, what is important is this group of scholars' focus on the link between INGO legitimacy and the possession/non-possession of a particular legal status within international law. Additionally, much of the legal work on INGO legitimacy is centred on the way in which INGOs may legitimate intergovernmental practices, correcting 'for the pathologies of governments and international organizations', and providing 'a counterweight to nationalism of governments' with their expertise (Charnovitz 2011, 894). Lindblom (2005), for instance, argues that INGOs derive their legitimacy by making up for the democratic deficit in intergovernmental governance. According to this literature, INGOs' legitimacy is

thus bound up in their legal status. But, as it also recognises their social function in mitigating particular deficits within the international order, it is implied that INGOs contribute to the wider legitimacy of international organisations and processes.

A similar focus on legitimacy through influence at the international level is a characteristic of the relevant international relations literature. Social constructivist work, which is primarily concerned with how norms and identities have causal effects in international relations, explores the role of INGOs in the maintenance of current norms or introduction of new norms. For instance, in the boomerang and spiral models of domestic norm change, INGOs play a pivotal role in helping local NGOs politicise their issues on the international stage through their influence with other governments (Keck and Sikkink 1998; Risse and Sikkink 1999). As noted by Checkel (2001, 557), one way that INGOs achieve this is by 'exploit[ing] international norms to generate pressures for compliance on state decision makers'. For many constructivists, it is simply assumed that INGOs have the capability, in principle, to influence governments. Legitimacy is implicitly present in their assumption that governments will meet with the INGOs or worry that the INGO can influence domestic constituents. Instead of probing why INGOs have legitimacy in the first place, constructivist scholars have presumed their legitimate actorhood, focussing instead on understanding when and how INGOs can successfully influence negotiations (Humphreys 2004; Gulbrandsen and Andresen 2004; Corell and Betsill 2001).

Where the assumption of INGO legitimacy is examined at all in the literature, it takes two possible avenues. Some tie INGO influence into a perception that they represent some general interest and/or have some type of authoritative knowledge that is useful to international political processes (Risse 2000; Cass 2005), in a way somewhat similar to the legal scholars. Others, such as Reimann (2006, 46), argue that the legitimacy of INGOs is based on "top-down processes of political globalization, i.e., the globalization of political structures, institutions, and Western liberal democratic values", leading to "legitimacy and political space in many countries". However, in almost all cases, states are the central to INGO legitimacy, either because they have created the environment in which INGOs can flourish or because they accepted the international normative projects championed by the INGOs. The legitimacy of INGOs for constructivists is thus intimately tied to their relationship with states in the international system.

The English School similarly links the legitimacy of INGOs to the state system; however, it is primarily interested in INGOs as representatives of world society, which is classically defined as the manifestation of a 'sense of common interests and common values, on the basis of which common rules and institutions may be built' (Bull 1977, 269). This is distinguished from international society, which is the set of rules and institutions that states create, and agree to abide by, in order to sustain a limited order within an anarchical international system. Within this literature, INGOs are not only defined as those transnational organisations that are not states, but also by their actions to promote certain values within international society. Some scholars have argued that INGOs even act as unofficial regulators of these norms, for instance, when publicly exposing perpetrators of human rights abuses (Ralph 2007, 90) or promoting women's rights (Blanchard 2011). This relationship

between world and international society, 'has been characterized by a substantial degree of mutuality: world society needed international society to give some juridical basis to its norms, and to enforce them; at the same time, international society began to acknowledge merit in extending the scope of its traditional norms, to accommodate those arising from world society' (Clark 2007, 33). What is implicit for the English School, like the constructivists, is that INGOs' ability to reflect common beliefs and interests and interact successfully with states within international society is a process of legitimation and gives INGOs a legitimate role. This is the case whether INGOs are seen as agents for global solidarism, as is found in most accounts, or whether they reflect a plurality of ethical voices (Williams 2005).

A further key feature of English School work—as with some of the international legal literature—has been to draw insights from the historical record and to take note of the historical context (Clark 2007). From a top-down perspective, the increasing legitimacy of INGOs arose from the fact that the international system came to be dominated by a single liberal democratic state and its allies. This highlights the historical sociological dimension of INGOs' legitimacy, most evident in analyses of how INGO legitimacy and capacity to influence the international system is determined to a large degree by their relations and entanglements with states (Maragia 2002). While the high congruency between political philosophy of the dominant powers and the aims of INGOs helped INGOs expand their scope and influence greatly, broader structural changes at the global level threaten this seeming entrenchment (Collingwood and Logister 2005; Collingwood 2006). For some states, this capacity to influence other states is the source of INGOs' illegitimacy, since it raises suspicions about INGOs being used as conduits for illegitimate foreign influence (Christensen and Weinstein 2013). This critical understanding of INGO legitimacy is reflected in academic arguments about how INGO legitimacy has been consistently undermined by a lack of international legal status (Charnovitz 2011; Thrandardottir and Keating 2016), or a broader lack of procedural constraints on their operations (Collingwood and Logister 2005).

Top-down perspectives across international law and politics primarily see INGO legitimacy arising from their relationships with more powerful actors and, sometimes, through the provision of certain vital functions in global governance. While this perspective on INGO legitimacy does not lead directly to a single organisational legitimation strategy, it implies that it is important for INGOs to maintain a coherent and hierarchal organisational structure and to establish formal mechanisms to ensure sustained and stable engagement with states and IGOs. This, however, is not an unproblematic assertion. As will be discussed below, the fact that INGO legitimacy is closely bound together with the wider legitimacy of global institutions has proved increasingly problematic in a context where these institutions are viewed as out-dated, gridlocked, and incapable of tackling key global security, environmental, or economic challenges (Hale et al. 2013; CIVICUS 2014).

Bottom-Up Perspectives

Research on INGOs from disciplines such as anthropology, human geography, and development studies has been preoccupied with the question of legitimacy since the late 1980s. Two distinct perspectives can be identified within this literature. First, a technical or practitioner perspective, which has been most apparent within the field of development studies and has traced new legitimacy challenges emerging from the growing prominence and financial clout of development and humanitarian INGOs. This literature has emphasised a growing tension between upwards accountability towards donors, and downward accountability towards their core constituencies (Edwards and Hulme 1996; Atack 1998; Ebrahim 2003). It has tended to view legitimacy challenges in terms of technical deficiencies in INGOs' work and has presented an approach for building or maintaining legitimacy by bolstering downwards accountability towards their constituencies, improving transparency or performance (Edwards and Hulme 1996; Atack 1998). The tendency within this literature has been to view legitimacy as a normative concept that outlines the parameters of proper conduct for INGOs, rather than as a complex topic of empirical research. While this approach can be viewed as bottom-up based on its concern with the practical challenges confronting INGOs, many of its assumptions are also top-down in the sense that they are derived directly from universal norms such as democracy, human rights, and 'good governance'.

The second perspective adopts a more empirically grounded, socially constructed approach, which acknowledges that 'not only do different organizations operate within slightly different environments, each organization operates within a number of environments with different stakeholders' (Lister 2003, 179). In keeping with the social constructivist approach to international relations described above, this approach sees legitimacy as something that is 'given meaning by the normative framework within which it exists' and recognises that different audiences privilege different aspects of INGOs' work and that the 'approaches, interests and perceptions of the stakeholders, not the agency, determine which characteristics create legitimacy' (Lister 2003: 178, 181). Drawing on organisational theory and particularly the work of Suchman (1995), Lister (2003) sees INGO legitimacy as multi-faceted and reducible to four key components: normative legitimacy (based on acceptable and desirable norms, standards, and values), cognitive legitimacy (based on goals and activities that fit with broad social understandings of what is appropriate, proper, and desirable), regulatory legitimacy (abiding by laws and regulations), and pragmatic legitimacy (conforming to demands for services, partnership, or by receiving private funding). Unlike technical accounts which depict legitimacy challenges as stable and uniform, the socially constructed approach views legitimacy as fundamentally contested and shaped by INGOs' capacity to conform to dominant discourses in the global and domestic arenas (Walton 2008, 2012). This perspective also draws attention to the role that INGOs themselves may play in shaping processes of legitimation, by engaging in a wide range of context and audience-specific strategies (Bryant 2005; Walton 2012; Dodworth 2014).

A socially constructed approach stresses that INGO legitimacy is a complex outcome of INGOs' interactions and associations with a variety of international and local actors operating in any given setting. INGO service-delivery programmes, for example, are typically implemented via national or local NGO partners. In many cases, political opposition to particular INGOs has been motivated by their close association with their host government, governmental funders, or religious institutions (for an illustration of this line of attack see Goonatilake 2006). Processes of legitimation may also be instrumentalised by other political actors, who can use attacks on INGOs to support their own strategies of political mobilisation—in many recent examples INGOs have been discredited as part of a wider campaign to highlight threats emanating from the international arena (Dupuy et al. 2015). These perceptions are, however, not readily generalizable across cases and have been shaped by the specific evolutionary path of civil society and state relations in any given context (see Walton with Saravanamuttu 2011).

From a bottom-up perspective, INGO legitimacy is generally viewed as prone to crisis because it is multi-dimensional, reliant on multiple audiences, and therefore perpetually contested, negotiated, and fragile (Lister 2003; Ossewaarde et al. 2008; Walton 2008). Further, drawing from an historical perspective (Charnovitz 2006, 2007; Clark 2007; Moyn 2012; Davies 2014), INGO legitimacy needs to be understood in the temporal context in which it is situated. Crises arise when the grounds for legitimacy with one or more groups change, creating tensions or contradictions between the legitimacy frameworks of different audiences. For example, while increased funding received by INGOs since the 1980s initially boosted legitimacy by enabling INGOs to expand their influence and impact, this growing financial clout has undermined INGOs' popular legitimacy at a societal level in the long term by incentivising upward accountability towards donors and the adoption of universalist norms at the expense of responsiveness to communities (Dauvergne and LeBaron 2014). Such a tension is an example of the dual impact of contextual factors on INGOs highlighted in historical work emphasising that factors that may have a positive impact 'in the short term are commonly the same factors that in the long term contribute towards … decline' (Davies 2014: 9).

This perspective implies a need for deeper reflection on the scope of social influences on the normative structure of INGO legitimacy and how this can play out in the international system with multiple audiences, each having different normative standpoints. The bottom-up perspective stresses that INGOs' audiences may have conflicting values, not only among themselves but also vis-a-vis the INGO. It therefore raises questions about how INGOs can accommodate and incorporate the interests and values of their varied constituencies, looking beyond the issue of whether legitimacy has been conferred, to examine the question of who can confer or withdraw legitimacy. In contrast to the top-down approach, bottom-up approaches imply that in order to maintain legitimacy, INGOs may need to develop less hierarchical structures, allowing their national branches greater flexibility to adapt and experiment in response to local conditions. These approaches also emphasise potential tensions and trade-offs arising from INGOs' need to appeal to different audiences.

Exploring Contemporary Challenges to INGO Legitimacy: The Interaction Between Top-down and Bottom-up Factors

The previous section highlighted the siloed character of existing research on NGO legitimacy. In this section, we illustrate how combining insights from both the top-down and bottom-up perspectives described above can improve and deepen our understanding of current challenges to INGO legitimacy. As noted above, these challenges can be viewed as emerging from *above*, in response to broader shifts in global power relations, and from *below* with a backlash against INGOs from a range of states. As will be discussed below, the forces identified by these two perspectives are in fact closely inter-related with many contemporary 'bottom-up' challenges to INGO legitimacy bound up with global shifts. This close interaction of top-down and bottom-up dimensions provides a strong rationale for a more multi-disciplinary approach to understanding INGO legitimacy which considers the interaction between these different factors and how to draw together insights from these varied ontological standpoints.

The status of INGOs has been undermined by shifts in global power relations, affecting the norms and expectations that shape INGO behaviour. As noted by Davies (2014: 181), INGOs have tended to evolve in waves, with the present period representing a hinge point and potentially the onset of a new cycle. The growing diffusion of global power and in particular the emergence of the BRIC countries (Brazil, Russia, India, and China) as key players on the international stage has had several consequences for INGOs. First, intergovernmental decision-making has grown more complex. While the rise of IGOs such as the G20 with limited provisions for INGO liaison presages international decision-making that is more inclusive to INGOs at the state level, these emerging institutions may leave less space for INGOs to feed through the concerns of citizens (CIVICUS 2014). As the economic and political clout of southern states has grown, many large INGOs such as Oxfam are increasingly focused on influencing them, gradually shifting from a traditional focus on intergovernmental institutions.

Second, these global shifts have underpinned attacks on pro-Western INGO norms such as liberal democracy and human rights, empowering a variety of governments in the developing world to implement a range of restrictions on INGOs (Hopgood 2013). These top-down challenges have shifted the character of the 'international space' INGOs have inhabited. This space has historically been a northern domain, rooted in liberal norms. Much of INGOs' legitimacy has arguably stemmed from the fact that they are closely connected to this space both ideologically and physically (Hopgood 2015). The purportedly universal norms that the top-down perspective commonly assumes are thus shown to be rooted in very particular geographical and historical contexts, as Moyn (2012) has highlighted with respect to human rights.

Third, these growing challenges to global norms and institutions combined have produced a general crisis of the international system, which is undermining the position of INGOs engaged in development and humanitarian activities. INGOs appear increasingly unsuited to respond to the challenges facing them in a changing

world characterised by interdependent climate and conflict-driven crises, a wider range of international donors, and growing inequalities within countries leaving some groups more vulnerable to crises than others (Ramalingam and Mitchell 2014). The identities of many large INGOs in this sector are closely bound up with norms, values, and practices of the UN agencies and donors that fund and work alongside them. A decline in the credibility of the aid system can therefore have an important knock-on effect on the legitimacy of these INGOs.

Corresponding with these global power shifts, there has been a well-documented backlash against INGOs in a wide variety of countries across Asia, Africa, Latin America, and the Middle East (Brechenmacher and Carothers 2012; Tandon and Brown 2013; Dupuy et al. 2015; van der Borgh and Terwindt 2012). Pressure from governments and political parties has been directed most forcefully at foreign-funded national and international NGOs engaged in advocacy activities, with governments restricting their access to overseas funding and curtailing those who engage in more politicised work (Daucé 2014). A report by the International Center for Not-For-Profit Law (ICNL 2013) documents how governments have raised barriers to INGOs' work by restricting foreign funding, and applying constraints on assembly across a range of settings including Egypt, Russia, Sudan, Azerbaijan, Bangladesh, Israel, Malaysia, and the UK. In many places, greater oversight and regulation from states has followed criticisms of INGOs based on allegations that they have a negative influence on local religion, values, and culture, or claims that they may be covertly promoting agendas backed by northern states (Economist 2015; Chahim and Prakash 2013). The consequences of these crackdowns are often most serious for local NGOs and workers.

While this backlash stems from a range of contextually specific local factors, these bottom-up dynamics have important global drivers. The backlash is connected to INGOs' long-term evolution from relatively small voluntarist entities reliant on private sources of funding to much larger, more professionalised organisations which rely heavily on northern governments for funding and work closely with governments and IGOs in their advocacy work (Edwards and Hulme 1996; Banks and Hulme 2012). While this trend has been observed since the 1980s, there is evidence to suggest it may have intensified over recent years, with the sector increasingly dominated by a small number of very large 'mega' INGOs (Slim 2013; Yanacopulos 2016: 13–16).

The backlash can also be linked to a broader global 'decay' of power (Naim 2014) where states are facing growing competition from a range of non-state actors including civil society organisations, global corporations, criminal networks, and global terrorist organisations. Weakening states have 'invited challenges from the street', which has led to political transition in some contexts, but to authoritarian backlash in others (Crocker 2015, 21). Three of the BRIC nations—India, China, and Russia—have recently introduced or proposed new regulatory frameworks that restrict the activities of INGOs. These responses can be viewed as part of a wider re-balancing of their relations with northern states and a growing assertiveness on the international stage.

Opposition to INGOs can finally be traced to the increasingly intricate strategies of intervention developed by IGOs and northern states since the end of the Cold

War. As Duffield (2007) has argued, this period saw a radicalisation of the international development agenda, with INGOs playing a key role in fulfilling an expanded ambition to 'transform whole societies'. These expanded goals have seen a blurring of boundaries between political and service-delivery interventions, and the growing use of universalist discourses of human rights to address domestic problems (Hopgood, 2013). Dupuy et al. (2012, no page number) argue that '[b]oth democratic and authoritarian governments are increasingly incensed at western donors' attempts to reshape local politics and values through INGOs' and that the growing reliance of civil societies on foreign funding has made them vulnerable to state clampdowns. As described in relation to attacks on INGOs in Sri Lanka by Amarasuriya and Spencer (2012, 131), these specific concerns about INGOs are closely linked to wider concerns about sovereignty, which may be related at its root to a 'certain futility in the face of an increasingly globalised capital'. These dynamics have led to a 'globalisation paradox' where the growing intrusion of international capital, culture, and organisations has led to a resurgence of nationalism and more concerted attempts by southern governments to protect local values and culture (Kent et al. 2013). Some studies emphasise an intensified process of imitation or 'lesson-learning' between authoritarian or semi-authoritarian states in relation to the introduction of tighter INGO regulations or surveillance strategies (CIVICUS 2014; Keen 2014; Brechenmacher and Carothers 2012). As argued in a report by CIVICUS (2014, 42), 'repression itself is being globalised'.

While INGOs are being directly challenged by some southern states as a response to global change spanning several areas, they are also facing another set of bottom-up challenges which stem from broader social and economic changes in developing countries. These changes are driven by two factors that show clear links between local dynamics and a shifting global environment. The first factor concerns their dwindling relevance in emerging economies, where civil society has been increasingly defined by popular revolutions and protest movements campaigning on common themes such as corruption, government accountability, and inequality—where the social movement literature is increasingly considering the INGO label to be limited to actors close to the domestic establishment and the global power elite (Murayama 2009: 196). Decentralised protests in Egypt, India, Brazil, Hong Kong, and elsewhere have shared common drivers such as the rise of an urban middle class and the use of social media, and have been notable for the limited role played by INGOs or other formal institutions of civil society. As argued by Goswami and Tandon (PRIA 2012, 8), INGOs do not 'seem to provide collective voice to such angst'.

Second, many of the key challenges INGOs seek to address are changing, bringing INGOs' existing capacities into question (Kent et al. 2013; Roche and Hewett 2013; Bond 2015). The dynamics of global poverty in particular are shifting, with a growing trend towards small pockets of chronic poverty existing alongside increasingly prosperous middle classes (Kanbur and Sumner 2012). These changes have profound implications for development INGOs whose role in countries such as India which are transitioning to middle-income status, but with large populations living in extreme poverty, is growing more uncertain. Increasingly, the issues facing low-income countries overlap with those experienced by rich

countries—the number of obese people in low-income countries now outstrips those lacking food, while 'northern' issues such as alcohol and tobacco addiction or obesity are growing problems in the global South (Keats and Wiggins 2014).

In summary, the bottom-up challenges to INGO legitimacy posed by the changing character of societies and shifting strategies of governments in the developing world are closely connected to broader 'top-down' factors such as shifting global power relations, a wider legitimacy crisis facing global institutions, and changing patterns of intervention since the end of the Cold War. These changes have fed directly into growing concerns from southern governments and populations about INGOs' cultural and political influence, challenging INGOs' legitimacy both by complicating their engagement with IGOs and emboldening southern states. This predicament throws up complex challenges for northern INGOs, creating incentives for them to dilute their northern identities and decentralise decision-making, while also raising questions about their continued capacity to influence powerful institutions and address changing and interdependent global problems.

Conclusions

In this article, we have argued that questions of INGO legitimacy have traditionally been approached either from a top-down or a bottom-up perspective, and that the interaction between these dimensions has been underplayed. We have argued that the importance of this interaction is highlighted by the current predicament facing INGOs, and that a multi-disciplinary approach that takes into account the dynamic relationship between bottom-up and top-down dimensions is needed to understand the contemporary challenges to INGO legitimacy.

What are the implications of our analysis for thinking about the future of INGOs and INGO legitimacy? The analysis presented in this article suggests that since the top-down and bottom-up legitimacy challenges facing INGOs are closely interconnected, INGOs and scholars will benefit from paying closer attention to the complex interactions between these two dimensions, and scrutinising how these interactions are moulded in different ways according to context. We see three main sets of implications arising from our proposed approach: First, there are clear ontological implications for understanding INGO legitimacy. As we have argued throughout, the most useful approach to understanding INGO legitimacy is one that explores the complex interaction between normative and sociological dimensions, and which takes into account the historical context in which it is situated. Furthermore, we argue that it is useful to view legitimacy not only as a phenomenon that is shaped by economic, political, or institutional change but also as an attribute that is readily instrumentalised by a range of local political actors on the ground. Understanding INGO legitimacy therefore demands a considerable degree of theoretical and conceptual flexibility, and an appreciation that the norms and sense of social acceptance that underpin INGO legitimacy are likely to be contested and vary considerably across time and space.

Second, this approach also carries methodological implications. It implies a need for more historically informed research that traces the concrete shifts in INGOs'

material, legal, and institutional environment (e.g. funding flows, legal frameworks), while also tracking how INGOs are perceived by a variety of audiences, and how conceptions of legitimacy are created in relation to wider social and political narratives. The approach put forward in this paper emphasises the need for multi-sited research that explores how individual INGOs operate in international forums and how they engage with northern governments, while also examining their relationships with political actors and audiences across a variety of operational contexts. Although INGOs themselves are equipped to draw insights from these multiple perspectives through their everyday operations, few academic studies of INGO legitimacy are designed to capture these dynamics. Such an approach may imply tracing how, for example, the current backlash against INGOs in India is connected both to localised concerns about INGOs' practices and accountability as well as to wider geopolitical changes relating to the country's changing international status and priorities (see, for example, Bornstein and Sharma 2016).

This approach also calls for greater comparative work, which explores, for example, the commonalities and differences between government clampdowns on INGOs across contexts. One useful example of this kind of comparative work is Labonte and Edgerton's (2013) study of states restrictions on humanitarian actors in Ethiopia, Sri Lanka and Sudan. This study shows that while clampdowns shared some common drivers, these strategies performed different functions for the states concerned. For some, they served relatively discrete security goals, while for others they were used primarily as a bargaining chip in pursuit of wider international policy goals. Our proposed approach calls for collaborative research that draws on insights from scholars and practitioners with expertise in different dimensions of NGOs' work (legal, historical, material, political, discursive), and across different contexts.

Third and finally, there are practical implications for INGO re-structuring efforts and debates. For INGOs themselves, it may imply that they examine more closely the possible local and global tensions and trade-offs generated by global re-structuring programmes, for example, thinking about how creating a more streamlined global organisational structure might undermine local legitimacy and effectiveness by consolidating the northern identity of the INGO. For organisations working in contexts where governments are growing hostile to liberal norms, this approach may imply a need for greater consideration of the underlying political agendas and symbolism that often shape efforts to de-legitimise NGOs (Walton 2015). Conversely, INGOs should consider how a shift 'closer to the ground' may undermine influence and leverage in established international forums, and how such trade-offs may be managed. Scholars can assist INGOs in this regard by bolstering understanding of how top-down and bottom-up dimensions interact. Conversely, debates within and between INGOs about how best to respond to these challenges may provide scholars with useful insights into how these various dimensions of INGO legitimacy are balanced and negotiated in practice.

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