

## NGOs AS LEGITIMATE PARTNERS OF CORPORATIONS

# Issues in Business Ethics

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VOLUME 36

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# NGOs as Legitimate Partners of Corporations

A Political Conceptualization

*by*

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ISSN 0925-6733

ISBN 978-94-007-2253-8

e-ISBN 978-94-007-2254-5

DOI 10.1007/978-94-007-2254-5

Springer Dordrecht Heidelberg London New York

Library of Congress Control Number: 2011934822

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# Acknowledgements

I am deeply indebted to several individuals who have supported me in different ways throughout my period of research for this book. First of all I would like to express my deep gratitude to Prof. Peter Ulrich, my former employer at the Institute for Business Ethics at the University of St. Gallen, whose work served as a major source of inspiration and who, in line with the Kantian watchword “sapere aude”, always encouraged me to bring my own understanding to bear on the project. Literally invaluable was the continuous support and advice given to me by Prof. Guido Palazzo. His commitment went far beyond what I could have expected when he agreed to be my mentor as part of the Swiss mentoring programme for young female researchers. Thanks are, moreover, due to my colleagues at the Institute for Business Ethics, Thorsten Busch and Eric Patry; everything would have been more difficult if I had not been able to rely on their cooperation. Thanks are also due to the ICCSR at the University of Nottingham, particularly to Jeremy Moon, for providing me with an intellectually stimulating environment for putting the final touches to this book. My special thanks go to Misha Kavka for her thorough proofreading; any errors that remain are my own responsibility. There are other individuals who in one way or another supported me in my work. I particularly want to thank Sandra Comendeiro and Anita Klöti.

Apart from individuals, I also benefited a great deal from participating in different networks. In particular I gained valuable experience from the Berliner Forum, where I was able to present my work-in-progress in an intellectually stimulating atmosphere regardless of its degree of sophistication. I also received helpful feedback at various annual SBE (Society for Business Ethics), Academy of Management and EBEN (European Business Ethics Network) conferences.

I would also like to thank the editors at Springer, Wim Dubbink and Molly Painter-Morland for their interest in this project. Sincere thanks to Neil Olivier and Diana Nijenhuis for guiding me through the publishing process.

All this professional support would have been meaningless without private encouragement to keep me going. My immense gratitude therefore goes to my family for their unconditional emotional and practical support.



# Summary

The interaction between corporations and non-governmental organizations (NGOs) has become an important topic in the debate about corporate social responsibility (CSR). Yet the exact role of NGOs in business-NGO partnerships often remains unclear. The debate on CSR predominantly assesses the role of corporations but not of NGOs in NGO-business partnerships.

This book takes a step towards overcoming this asymmetry and explicitly focuses on clarifying the role of NGOs as legitimate partners of corporations. It argues that the political role of NGOs is not confined to their interaction with official political or economic institutions but also extends to their role as partners of corporations.

It is little disputed that NGOs as political actors suffer from a legitimacy deficit. In this book it is argued that this legitimacy deficit encompasses three dimensions: the structural dimension refers to their status as representatives of civil society, and specifically of a constituency, who has not elected them. The substantive dimension relates to questions about the legitimacy of NGOs' claims. And last but not least, there is a procedural dimension of the legitimacy deficit of NGOs because certain of their activities, such as street protests which are typically conducted in the name of civil society but which sometimes even cross the border into violence, raise doubts about the legitimacy of their behaviour in putting forward their claims.

This book outlines a political model that provides a meaningful conceptualization of NGOs as legitimate partners of corporations. It argues that a political conceptualization of the role of NGOs in their interaction with corporations can only be meaningfully assessed based on a broad conception of democracy. In search of a political model that fulfils these requirements it compares the different interpretations that liberalism and deliberative democracy assign to civil society, to NGOs and to the institutions and processes which constitute a normative framework for the role of NGOs as legitimate partners of corporations. It argues that the deliberative, in contrast to the liberal conception of the relevant institutions and processes, provides the ground for a meaningful conceptualization of NGOs as political actors in their interaction with corporations.

Based on the reflections on an appropriate political model, this book then develops a conceptual framework that can guide our judgment when assessing the legitimacy of NGOs as partners of corporations on a more pragmatic level. The goal

is to find criteria that specifically allow us to distinguish legitimate partner NGOs from two related actor types with whom they share certain characteristics but who have not earned the normative legitimacy that “true NGOs” strive for. The conceptual framework distinguishes between NGOs, interest groups, and activists along the three dimensions which constitute the legitimacy deficit of NGOs (substantive, structural, procedural). It argues that a procedural conception of the legitimacy of NGOs offers normative orientation for clarifying the boundaries between them and interest groups on the one hand and between them and activists on the other hand.



# Introduction

## The Problem

Since at least the end of the Cold War and the ensuing wave of democratization which fostered the emergence of civil society throughout large parts of the world, non-governmental organizations (NGOs) have been nearly omnipresent actors on a global scale (see e.g. Clark, 1995: 507ff.; Edwards and Hulme, 1996: 961; Cohen, 2003: 106). NGOs represent the voice of civil society and as such they occupy an important space which is neither regulated by the state nor subject to the logic of economic markets. As a consequence, NGOs are understood to be non-governmental as well as nonprofit organizations (Murphy and Bendell, 1999: 5). In civil society groups, people who come together free of governmental or economic coercion do so in order to “mould the formal laws and informal norms that regulate social interaction” (Scholte, 2004: 214). But the problem is that in practice civil society groups cannot be entirely separated from governmental and/or economic spheres. NGOs thus always bear the burden of proof that they are not striving for public office or pecuniary gain (Scholte, 2004: 214).

Whereas NGOs were long perceived as making claims towards state institutions, they have widened their focus in recent years and have come to act as self-acclaimed watchdogs not only of political institutions but also of international economic institutions and corporations in particular. The most effective proof that NGOs were shifting their target from the political to the economic order – at least in terms of media attention – was given by the massive street protests against the meetings of global economic institutions such as the WTO Ministerial Conference in Seattle in November 1999 (“the battle of Seattle”) or the IMF/World Bank Meeting in Prague in September 2000 (Chandhoke, 2002: 37, 40). What has triggered public awareness of corporate power have been events such as the Nestlé baby milk scandal in the 1970s, when Nestlé came under public attack for advertising infant milk in developing countries (Kaptein and Van Tulder, 2003; Tucker and Melewar, 2005), the discovery of sweatshops producing for Nike in South East Asia in the 1990s (e.g. Kapstein, 2001), Greenpeace’ campaign against Shell for their plan of sinking the oil platform Brent Spar in 1995 (e.g. Grolin, 1998; Zyglidopoulos, 2002), and the public vilification of Shell for their behaviour in the conflict with the Ogoni

People in Nigeria (e.g. Livesey, 2001; Wheeler, Fabig, and Boele, 2002). These cases represent milestones of an awakening process during which people have come to realize that the growth of corporate power exceeds the problem solving capacities of governments, and as a consequence they have started to target companies directly (Spar and La Mure, 2003: 80; Risse, 2004: 309; Bendell, 2005: 371; Palazzo and Scherer, 2006: 81). In this context, NGOs, or more generally, social movements played a central role by bundling the claims of people and translating them into powerful messages. In the first decade of the new century, social media have empowered NGOs even further by providing them with the means to create a viral spread of anti-corporate campaigns almost effortlessly. One of the undisputed leaders in this field is Greenpeace with its impressive and effective campaigns against Costco for its unsustainable seafood policies, or against Nestlé for sourcing palm oil from companies that engage in unsustainable deforestation, thereby threatening the livelihoods of people and animals alike (Khor, 2011). However, some authors claim that due to the wealth of campaigns companies have also become more adept at protecting themselves against them. Zadek states that Nike reacts much calmer to the “steady stream of anti-sweatshop campaigners” with which it is faced than it used to and that Nestle “has learnt to live with being the prime target of the longest single, anti-corporate campaign in history linked to the dangers associated with the inappropriate use of milk powders in feeding babies” (Zadek, 2010: 157). While interpretations about the effective learning on the part of corporations vary, all of the examples mentioned so far undeniably represent instances of rather conflict-laden relations between civil society organizations and corporations.

More recently however corporations have come to recognize that one way of protecting themselves against attacks by NGOs lies in engaging in more consensual forms of interaction. This trend is reflected by the rise in what is called NGO-business partnerships (Nijhof, de Bruijn, and Honders, 2008: 155) or more generally cross-sector social partnerships (Seitanidi, Koufopoulos, and Palmer, 2010: 139ff.). Such partnerships have become a hot topic in the debate about Corporate Social Responsibility (CSR). Their increasing importance is illustrated by the findings of a 2007 report which identified “non-profit social actors (. . .) who have proven competence in partnering with companies” (Dalberg Global Development Advisors, 2007: 1). The report reveals that a vast majority of companies (73%) believe that such partnerships will be increasingly important in the future.

Whilst such results must be taken with a grain of salt since the answers in surveys tend to suffer from a social desirability bias, there are further reasons to assume that partnerships have acquired a firm place on the CSR agenda. Even though “reliable figures on the number of collaborations between [NGOs] and corporations are not readily available”, there is “considerable case study and anecdotal evidence” for this trend (Crane and Matten, 2007: 436). What is more, if we look at the literature partnerships are not as new as it might seem. One of the earliest accounts of the importance of partnerships stems from Waddock who recognized partnerships as “social problem-solving mechanisms among organisations” more than 20 years ago (Waddock, 1989: 79). In the meantime a variety of reasons for companies to rely on partnerships have been identified. While the motive of some corporations

to engage simply consists in the wish to enhance their reputation with the public at large others specifically aim to “develop better working environments in which to operate, to gain credibility among policy makers and opinion formers” (Schiller, 2005: 5) and to successfully and effectively implement CSR programs (Dalberg Global Development Advisors, 2007). As a consequence, partnerships have significant impacts on the local and global level and they have important implications for organizational learning (Selsky and Parker, 2005: 850).

## **How Do Corporations Choose Their Partner NGO?**

Knowing why a company wants to enter into a partnership is certainly interesting, but deciding with whom it wants to enter a partnership is just as important (Tapscott and Ticoll, 2003). Selecting a partner NGO is certainly not an easy task given the overwhelming number of NGO.

Statistics about global numbers of NGOs are notoriously sketchy. However, if we believe the Yearbook of International Organizations, “the number of international NGOs has increased from 6,000 in 1990 to more than 50,000 in 2006” (World Bank, 2010). Moreover, about 3400 NGOs have consultative status with the ECOSOC, out of which about 400 are accredited to the Commission on Sustainable Development (CSD), a subsidiary body of ECOSOC (United Nations, 2011).

As civil society initiatives continue to gain momentum, the list of potential partner NGOs grows (Murphy and Bendell, 1999: 5). What is more, they represent a wide variety of claims, ranging from economic development to sustainability to gender issues and they exhibit widely different strategies and priorities. Surveys have shown that upon considering engagement companies in particular are also concerned with the accountability or legitimacy of their partner NGOs (Dalberg Global Development Advisors, 2007; The Forster Company and TwentyFifty Ltd, 2005; Schiller, 2005). There are various reasons for this concern.

Reputational considerations are not just an important driver for corporations to enter a partnership, but they also motivate them for a careful assessment of their partner NGO’s legitimacy (see e.g. Nijhof, de Bruijn, and Honders, 2008; Dalberg Global Development Advisors, 2007; Gartzke, 2004; The Forster Company and TwentyFifty Ltd, 2005). Companies know that their reputation is at risk if they for example enter into a partnership with an NGO that is not committed to its mission as a representative of civil society but is rather a pressure group that follows its own hidden agenda. As an anonymous business states in a report on NGO-business partnerships “we got our fingers burned once when the Trustees of a charity we supported had extreme religious views” (The Forster Company and TwentyFifty Ltd, 2005). Another unpleasant experience was made by Adidas when they selected a Thai supplier for the match ball for the World Cup 2006 and then got disappointed by the behaviour of the Thai Labour Campaign, an organisation with which it had “openly” engaged in the past (Adidas, 2006). The Thai Labour Campaign apparently produced a negative report on the conditions in the supplier’s factory without

even contacting the company to request direct access to the factory. Instead, Adidas claims, “the authors of the report have relied on information collected through a small number of off-site worker interviews. As a result, the report contains many inaccuracies and draws a misleading picture about the factory” (Adidas, 2006).<sup>1</sup> As this anecdote shows, it is essential that a partner NGO is transparent about its mission in a wider sense and that it fulfils the normative condition which Anita Roddick, the famous founder of The Body Shop once expressed as a fact by characterizing NGOs as those actors who “above all others, tell the truth with no hidden agenda” (The Forster Company and TwentyFifty Ltd, 2005: 3).

What is more, a corporation can also damage its reputation if it engages in a PR campaign that fakes CSR activity for example by deliberately selling a strategic alliance with a corporate front group, that is, a “neo-liberal business organizations which espouse a business agenda under the cover of NGO legitimacy”, as part of its CSR engagement (Gray, Bebbington, and Collison, 2006). Once such a CSR activity is unmasked as pure window-dressing, the company not only loses its reputation but its credibility as an actor in CSR at large.

Apart from reputational motives, the interest in an NGO’s legitimacy also derives from considerations about reciprocity. Since NGOs put companies under pressure to legitimize themselves, they should also be willing to legitimize themselves. Companies feel that they face higher accountability standards than NGOs. While according to a survey “three quarters (76%) of NGO respondents have a written policy about who they will work with, only 32% make these policies available for business [and for the public] to see” (The Forster Company and TwentyFifty Ltd, 2005: 4). However, in return NGOs reproach companies that they are exploiting the accountability issue “to deflect attention from their own activities” (Schiller, 2005: 7).

Finally, a partnership also typically involves financial contributions and, what is more, the commitment of time and energy of different people (The Partnering Initiative, 2008). The more of these resources are involved, the higher the stakes for the corporation. It is thus only reasonable for corporations to make sure that the organization with whom they partner is transparent and can be held accountable for its actions.

This evidence suggests that there are a variety of reasons for why the legitimacy of partner NGOs is an issue in practice, and companies show some discernible efforts of assessing it. Yet, the approach that companies choose for judging it is rather haphazard and mainly consists of coarse controls. In general, companies mainly assess NGOs with regard to their sector function and reputation, and they gather information from the internet, annual reports and media coverage (The Forster Company and TwentyFifty Ltd, 2005). More specifically, 30% of businesses look at an NGO’s human rights record. The stance that an NGO takes up on international initiatives such as the Global Accountability Project, the Global Reporting

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<sup>1</sup> For more cases of NGOs with a hidden agenda see Fassin (2009).

Initiative or the UN Draft Norms of Business and Human Rights<sup>2</sup> thereby serves as an indicator on which businesses like to rely (The Forster Company and TwentyFifty Ltd, 2005). While these endeavours represent first steps into the right direction, there is currently no classification of what the legitimacy of a partner NGO entails precisely and no systematization along which corporations could judge it.

This is surprising, given that there seems to be quite broad agreement that NGOs suffer from a legitimacy deficit as becomes evident if we look beyond the strategic considerations of companies in their CSR practice and turn to the literature on NGO legitimacy (Crane and Matten, 2007: 413ff.; Collingwood and Logister, 2005; Edwards, 2000; Gray, Bebbington, and Collison, 2006; Habermas, 2001; Leggewie, 2003; Scherer and Palazzo, 2007: 1109; Chandhoke, 2005: 359ff.; Ossewaarde, Nijhof, and Heyse, 2008; Vedder, 2007; Sternberg, 2010).

What is it that makes the legitimacy of NGOs such a salient issue? As we will see later, the legitimacy deficit of NGOs is most often related back to their status as representatives of civil society, and specifically, of a constituency, who has not elected them, and to the fact that their leadership is self-elected (see e.g. Scholte, 2004: 231). Who gives Greenpeace, which according to *The Times* is “the world’s most powerful NGO” (Pattenden, 2011) the mandate to fight for the shutdown of nuclear power plants?

Beyond that, questions also arise with respect to the legitimacy of NGOs’ claims. How do we know whether the claim an NGO raises is legitimate? Given that their claims relate to norms like justice, freedom, or equality which are all “essentially contested concepts” (Benhabib, 1994: 27) and for which, as a consequence, exist no universally accepted definitions, defining the legitimacy of an NGO’s claim might not always be easy.

Furthermore, there is also criticism about the methods which NGOs choose in order to promote their claims. Is it legitimate to sabotage the operations of a corporation in the West by blocking the access to its manufacturing facilities in order to raise public attention for the bad environmental record in another part of the world?

In a multiple case study, Fassin identified the following questionable practices of NGOs: unfair communication and distorted information, unfair method and abuse of power, arbitrary selective choices and hidden agenda, conflicts of interests, and even fraud (Fassin, 2009). With regards to unfair communication and distorted information concern has been raised at the “exaggerated, often apocalyptic tone of public statements; serious doubts about the integrity and honesty of some of the scientific and technical claims made by some NGOs; and increasing alarm at some of the more high-risk stunts undertaken to attract media publicity” (Adair, 2000: 5). NGOs are suspected of intentionally fabricating “evidence” and of engaging in misinformation and distortions of the facts (Adair, 2000). Most prominent was the Greenpeace

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<sup>2</sup> Given that the United Nations Sub-Commission on the Promotion and Protection of Human Rights failed to approve these norms in April 2004, they have presumably lost their role as an indicator in the meantime. It is to be expected that corporations these days rather orient themselves along the stance of an NGO on John Ruggie’s Guiding Principles for Business and Human Rights which he submitted to the UN Human Rights Council in March 2011 ([www.business-humanrights.org](http://www.business-humanrights.org)).

campaign against Shell, operating with false information on the amount of toxic materials present in Brent Spar, misleading the media and the public (Grolin, 1998). In a different context, European NGOs have been accused of spreading wrong information about child labour and the violation of human rights in Indian industry (The Economic Times, 2007).

Last but not least, certain self-acclaimed representatives of civil society engage in activities, such as street protests which sometimes even cross the border into violence, or tree spiking which puts the lives of loggers at risk. Such behaviour raises doubt about the appropriateness and hence the legitimacy of their behaviour in putting forward their claims.

As a consequence of the growing scepticism about NGOs, ironic acronyms abound, such as BRINGOs (Briefcase NGOs), BONGOs (business-organised NGOs), PONGOs (politically-organised NGOs), DONGOs (donor-organised NGOs), GONGOs (government-organised NGOs), RONGOs (royally-organised NGOs), MONGOs (My own NGO) (Naidoo, 2003) and MANGOs (market-oriented NGOs) (Shamir, 2004). There is a general feeling that almost every association seems to feel entitled to call itself an NGO, while the boundaries between “true NGOs” and associations that pursue business-oriented or government-dictated agendas are far from clear.

This book is based on the conviction that such blurred boundaries, not only between NGOs and business- or government-oriented associations, but also between NGOs and “chaotic troublemakers”, are mainly responsible for the perceived legitimacy deficit of NGOs and it is therefore worth clarifying not only the boundaries but also the stakes of legitimacy. The specific focus of this book is thus to define the legitimacy of NGOs as partners of corporations. The research question before us is, what makes an NGO legitimate as a partner of a company? To answer this, I will deploy a novel perspective which assesses the legitimacy of NGOs as partners of corporations from a political-theoretical point of view and I will use this perspective in order to develop a conceptual framework which allows us to identify legitimate partner NGOs.

## Outline and Methodology

This book is divided into four parts. In *Part I*, I will set out to portray an understanding of NGOs as actors that are inextricably linked to normative questions concerning the public sphere or the public good, and that therefore must be assessed from a political-theoretical perspective. I will argue that promising starting points for such a venture can be identified in certain strands of both stakeholder theory and CSR. While the former provides the grounds for assessing the normative legitimacy of NGOs in the first place, the latter more specifically presents us with a view of corporations as political actors which can be expected to concern themselves with the normative legitimacy of their partner NGOs.

With this in mind, I will set out to provide a thorough justification of what political theory is most suitable for answering my research question in the second

and third part. *Part II* of this book specifically directs its focus at actors, that is, at civil society in general and NGOs in particular, in the postnational constellation. I will argue that a political conceptualization of the role of NGOs in their interaction with corporations can only be meaningfully assessed based on a broad and normative conception of democracy. In search of a political model that fulfils these requirements I then compare the different interpretations that liberalism and deliberative democracy assign to civil society and NGOs.

In *Part III* of this work, the systematic critical comparison between liberal and deliberative conceptions of central terms will be continued with respect to the institutions and processes which constitute a normative framework for the role of NGOs as legitimate partners of corporations. It will be argued that the deliberative, in contrast to the liberal conception of the relevant institutions and processes, provides the ground for a meaningful conceptualization of NGOs as political actors in their interaction with corporations.

In *Part IV*, the findings from the preceding parts will be used for setting up a conceptual framework which allows us to distinguish legitimate partner NGOs from two related actor types with whom they share certain characteristics but who have not earned the normative legitimacy that “true NGOs” strive for. The conceptual framework distinguishes between NGOs, interest groups, and activists along three dimensions which are said to constitute the legitimacy deficit of NGOs (substantive, structural, procedural). The goal is to find criteria that can guide our judgment when assessing the legitimacy of NGOs as partners of corporations. It will be argued that a procedural conception of the legitimacy of NGOs offers the most meaningful normative orientation for clarifying the boundaries between them and interest groups on the one hand and between them and activists on the other hand. But we must keep in mind that in practice the delineations between NGOs, interest groups, and activists are not clear-cut. In reality, NGOs might exhibit features that are characteristic of interest groups, or they might resort to behaviour that is associated with one actor type or the other. In recognition of this complexity this book does not aim to present an unambiguous checklist for companies to consult when judging their potential partner NGOs. Instead, based on a thorough clarification of the terms of the debate, it will develop normative guidelines for a matter which has come to play a central role in CSR.





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