THE IPA, NGOS AND THE PROBLEM OF ACCOUNTABILITY

A thesis submitted in fulfilment of the requirements for the degree of Doctor of Philosophy

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Dedicated to my two beloved kids, Cameron (Bud) and Emily (Monkey B) - my two greatest achievements by far.
DECLARATION

I certify that except where due acknowledgement has been made, the work is that of the author alone; the work has not been submitted previously, in whole or in part, to qualify for any other academic award; the content of the thesis is the result of work which has been carried out since the official commencement date of the approved research program; any editorial work, paid or unpaid, carried out by a third party is acknowledged; and, ethics procedures and guidelines have been followed. I acknowledge the support I have received for my research through the provision of an Australian Government Research Training Program Scholarship.

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Wednesday 14th June, 2017
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Abstract

The primary subject of this thesis is the case mounted against NGOs by Conservative Think Tanks (CTTs), in particular the Institute of Public Affairs (IPA). From approximately 1998 to 2006, the IPA was at the forefront of a public campaign questioning the legitimacy of NGOs such as Greenpeace, Amnesty International and Oxfam. The IPA essentially argued that NGOs have undue political influence over governments and corporations and are a distinct threat to democracy. NGOs as small groups of organised private interests marginalise the interests of the disorganised, compromising the obligation that governments owe to voters and corporations to shareholders. The IPA case is significant because the private agenda it advances is not well understood because of a distinct lack of appreciation for the way ideology has shaped the entire debate on the accountability of NGOs.

The issues surrounding NGOs are defined as problems of accountability, but there has been very little recognition of the influence of neoliberalism on defining the terms of accountability in practice. The difficulty of defining accountability is widely acknowledged, yet it remains an idea with enormous appeal. It is an idea that is held to be synonymous with notions of the public good and a defining feature of democracy. An entity that is perceived to threaten either usually faces demands to be more accountable. The question is who is making the demands and on what terms?

The critical examination of the NGO accountability debate undertaken in this thesis documents the underlying, ideologically driven campaign against NGOs. It has been conducted on a scale and impacts on NGOs in ways that have not been recognised. This thesis argues that it is not a problem of accountability, but a problem with accountability that is at the heart of the issues surrounding NGOs. An exploration of the contours of the debate, the conduct of NGOs and CTTs is used as a basis to
support the principal argument advanced in this thesis: the practice of accountability is antithetical to democracy.
Chapter 1.
Introduction

In 2003, the IPA was quietly awarded a government contract to explore the relationship between particular government departments and NGOs. The appointment was controversial, not simply because the contract was not widely publicised, but because the IPA was already known as a vocal critic of highly regarded NGOs. There was also concern among the NGO community because of the influential interests that the IPA represented. Indeed, the IPA had already fulfilled an important role advancing the neoliberal agenda of privatising public services and deregulating the economy which had expanded the role and increased pressure on NGOs and prompted them to become more politically active as a consequence.

In 2004 the IPA published *The Protocol: Managing Relations with NGOs* (the Protocol); the culmination of its investigation into the conduct and maintenance of relations between Australian government departments and NGOs and presented as a report to the Prime Minister’s Community Business Partnership. It contained a framework designed to ensure the ‘bonafides’ of organisations with whom the government consulted and to provide greater transparency for the public as to the conduct of relationships between government departments and NGOs. The Protocol drew largely on the work of Gary Johns who had featured prominently in the IPA campaign, both in Australia and the USA. The Protocol defined the problem as a small and unaccountable minority exercising an undue influence on public policy and corporate activities through the powerful agency afforded by NGOs and the privileged access such organisations provided. Such organisations needed to be treated as a threat to democracy and free enterprise, marginalising the ‘unorganised’ and holding governments and corporate boards to ransom. It was to be the high point of the IPA’s public campaign. By 2006 the IPA published the last
feature article on the issue. Although attacks on NGOs are still made, the attention of the IPA has been absorbed by other issues.

Over the course of the campaign, the IPA featured regularly and prominently in mainstream media. Numerous addresses were presented, including one to the Department of the Senate Occasional Lecture Series in 2002. On 11 June, 2003, the IPA was instrumental in organising an international conference ‘We’re not from the Government, but we’re here to help you: NGOs - The growing power of an unelected few’ held in Washington and jointly sponsored by the IPA and the American Enterprise Institute (AEI). Such was the effectiveness of the IPA’s efforts that targeted NGOs felt compelled to respond, overwhelmed as they were by the extent to which the IPA had managed to publicise its position and thus shape the context of the ensuing (pseudo) debate (Maddison and Denniss 2005).

Among the problems faced by NGOs, was the limited ability to access mainstream media to counter the IPA. The mounting pressure led Oxfam to enlist the support of RMIT Professor Martin Mowbray who wrote a sharply critical analysis of the IPA case (Mowbray 2003). Despite detailing the IPA’s background, exposing the IPA’s motivations and contradicting their claims to impartiality, Mowbray’s contribution had little noticeable public effect. Other contributions defending NGOs drew attention to the selection of the IPA by the Federal government to conduct the review. The appointment of the IPA was regarded as symptomatic of growing hostility facing NGOs and their advocacy of social justice and environmental issues. Not only did the then Howard government commission the IPA to undertake its review, it set about revising the Charities Act with a view to limiting the scope for NGO advocacy by tightening the requirements necessary to be granted tax deductibility status.
The IPA and its campaign against NGOs has had a significant impact on a period in Australian politics that has been described as the silencing of dissent (Hamilton and Maddison 2007). Indeed Hamilton and Maddison conducted an extensive survey of NGOs in the non-profit sector and found an overwhelming number felt inhibited from making a contribution to public debate or criticising government policy for fear of losing funding. As several prominent contributors to debate have noted, this was the outcome intended by both the Howard government and the IPA (for example Mendes 2003; Hamilton and Maddison 2007; Mowbray 2003; and Staples 2006). However the campaign against NGOs was not limited to Australia. Conservative think tanks (CTTs) in the United States (US) had also identified NGOs as a significant problem and important alliances were formed between various CTTs to coordinate what became an uncompromising attack on some of the most well known and trusted NGOs.¹

Thus, the focus in this thesis is not limited to the IPA. A thorough examination of the IPA case requires incorporation of the contribution to the campaign against NGOs made through an international network of CTTs, in particular from those based in the USA. While numerous CTTs are represented in the campaign, the AEI and the Federalist Society for Law and Public Policy (Federalist Society) have been the most prominent. One of the most visible moments of the campaign aside from the Washington conference was the launch of the NGO Watch website also in 2003 as a joint AEI/Federalist Society project. Unlike the AEI, which has been widely identified

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¹ The term conservative think tank is not necessarily widely used. Cahill (2004) refers to think tanks as part of the radical neoliberal movement, a label that is both deserving and accurate. Free market think tank is common and in many respects could be used interchangeably with conservative and think tanks themselves have variously used both terms. The appellation conservative think tank is preferred here because it better reflects the broad range of interests and issues encompassed within the agenda of think tanks such as the IPA; not all of which are oriented toward free market principles in a conventional sense. The dominance of neoliberal thinking has brought the ideas advocated by CTTs into the mainstream – a defining feature of hegemony and so radical is perhaps no longer appropriate. More simply, protecting the interests of a powerful elite and the profitability of corporations is as much a conservative (reactionary) endeavour as anything else. This approach means that the preoccupation of think tank specialists with precise definitions and categorisations is not central to the arguments here and so is not addressed in this thesis. Whether or not delineations can or should be made is less important than the collective impact that CTTs have. This matter is discussed in more detail in chapter five.
and its contribution acknowledged, the Federalist Society has received very little attention and in Australian-based literature was barely mentioned. In many respects, the Federalist Society could easily be regarded as the most influential and well-connected of all CTTs. Its donors/supporters include the usual corporate and conservative philanthropic foundations, but its relatively small network of members includes some of the most powerful figures among the legal fraternity, the political establishment and the Christian Right. The Federalist Society is also important because it reveals in detail the predominant attitude toward accountability among the powerful and what is regarded as the proper configuration of relations of obligation.

The CTT campaign is an important aspect of a broader debate concerning NGOs and what is perceived to be a lack of accountability. Both within the NGO sector and the academic community, searching questions have been raised and the role of NGOs problematized in response to criticism that NGOs are insufficiently accountable. NGOs continue to be accused of being unrepresentative and unanswerable; misusing and abusing the privileged position they occupy and the political influence this affords. ‘NGOisation’ has become a common complaint made by both donors/government and beneficiaries with NGOs increasingly regarded as part of the problem rather than some form of ‘magic bullet’ (Edwards and Hulme 1995b).

The preoccupation with accountability within the NGO sector, however, began prior to the CTT campaign. Pivotal events coinciding with a shifting political climate and changing institutional culture shaped largely by neoliberal design created the conditions for a massive expansion in the roles and importance of NGOs. In part as a consequence of the impact of neoliberal policy reforms, public discontent and new forms of political engagement challenged traditional political orders. The Cold War had ended; globalisation became the new lexicon and a new wave of democracy was sweeping away despotic/authoritarian regimes. Such was the optimism of the
time that the end of history was briefly celebrated, while the implications of a ‘postnational constellation’ began to be seriously considered (Habermas 2001). NGOs were regarded as an integral part of this change; a sign of the emergence of global civil society counter-balancing the power of states and corporations in international relations; and, filling democratic deficits at both the national and international level and a basis of legitimacy for institutions associated with global governance. It was a role NGOs happily embraced and in many cases actively sought.

Significant change was also evident within the NGO sector at this time. To ensure that the new roles could be adopted successfully and potential social change delivered, NGOs were restructured. Previously loose collections of groups of grassroots volunteers serving a humanitarian/religious impulse became increasingly professionalised. Permanent paid staff instituted a more formalised bureaucratic/corporate structure with greater emphasis on fundraising and reputation. NGO literature became increasingly dominated by the discourse of managerialism and practices such as ‘up-scaling’ informed strategic plans evincing the new organisational awareness that was developing. NGOs began to develop a clear sense of self-identity; concern with the needs of beneficiaries was joined by consideration for the interests of the organisation itself. Within this context, the idea of accountability firmly took root. The design and implementation of new regimes of accountability were accepted as necessary if not beneficial. It was thought that such changes would mean NGOs would be taken seriously and would protect them from attack by powerful interests opposed to their new found position and influence.

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2 Up-scaling refers to the intention to increase the impact of NGO activities. In a very basic sense this involves expanding NGO operations, increasing the size and scope of the organisation for the purpose of being a more effective advocate. The term represents the shift in thinking within the NGO community, from helping local communities to tackle problems of poverty to changing the systems and structures of power responsible for these conditions (see Edwards and Hulme 2002)
There was at the time little understanding of the significant impact that these new practices would have, in terms of cost, effect on advocacy and reshaping of organisational priorities. This situation does not appear to have changed. The capacity for NGOs to act as potential agents of social change has been greatly diminished, if it exists at all. This is not to suggest that NGOs are irrelevant or serve no important purpose. It simply means that the practice of advocacy is no longer distinguishable from the role of service provision. In this respect, NGOs are still responsible for directly assisting those in need, but on a much larger scale and with all the attendant pitfalls this involves. NGOs have sacrificed grassroots humanitarianism and political activism to become corporate behemoths in their own right. This is a direct consequence of embracing practices of accountability defined on neoliberal terms. Despite the challenges and criticisms now confronting NGOs, there is still little awareness of the degree to which practices of accountability compromise the NGO mission of holding power to account.

The problem of accountability is not limited to a particular form embraced by/imposed upon NGOs. While the idea of accountability remains ill-defined, in practice accountability is a clearly defined range of mechanisms, a regime of disciplinary measures designed to ensure particular outcomes and inhibit certain behaviours. These arrangements are inescapably influenced by the ideological context in which they are applied. NGOs, much like CTTs, are governed by regimes of accountability designed to serve the interests of power, often in ways that are unrecognised and unnoticed. Among the many concerns that are explored in this thesis are the implications for democracy. Accountability is regarded as a pillar of democracy and in some respects it is difficult to separate them. But in so far as accountability serves the interests of power, to what extent might accountability be considered antithetical to democracy?
Origins and Overview of the IPA Case Against NGOs

Prior to 1998, criticism of NGOs by the IPA was infrequent and often indirect, though anecdotal evidence suggests that Public Choice theory (PCT) was already influential. The IPA had expressed concern with environmental activism and multiculturalism, indicating that the IPA was expanding its purview beyond trade unionism and the welfare state. Although there was no systematic treatment, articles dealing specifically with community groups and their political activities were included in the IPA Review as early as 1986. Browning’s (1986a) criticism of special interest groups was a feature article concerning the funding of political advocacy and the threat groups undertaking this activity posed to democracy. Browning drew on arguments made by Bennett and DiLorenzo (1986), who raised concerns about special interest groups and tax-payer funded political advocacy in the USA based on the application of PCT. In fact, not only does Browning make reference to the work published by the Cato Institute, he also contributed a glowing review of Bennett and DiLorenzo’s work to the IPA Review (Browning 1986b). Special interest groups, defined as political advocacy groups utilising taxes (PAGUTs), pursue special interests while relying on public funding with little or no accountability and producing negligible public benefit. The IPA included consumer groups among those that have been accorded a privileged position at the expense of a multitude of other community groups.

It was not until 1994 that similar issues were again canvassed by the IPA (Lederman, 1994: 43-47). Although PCT was not mentioned explicitly, the argument put forward by Lederman certainly draws on PCT. Lederman objected to what he perceived to be the privileging of an unelected few increasingly at the expense of wider public interests. Lederman opined the introduction of self-interest into public policy design through what he claimed was a selective broadening of processes of public

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3 John Hyde, an influential figure among Australian CTTs including the IPA, referred to himself as an ‘habitual user of public choice’ to explain the world (Hyde 1991).
consultation to include ‘community groups’ with no claims to public representation. Such action was deemed antithetical to the notion of representative government whose legitimacy rests on the idea of democracy as the exercise of choice in electoral polls. According to Lederman, politics is being transformed by special interest groups demanding to be heeded rather than heard by threatening to undermine public confidence in government by accusing it of being unresponsive to public concerns. Special interest groups and public servants responsible for social welfare are personally rewarded with increased funding/budgets and with it, status, influence and power. Lederman went so far as to argue that the political decision-making power of democratically elected representative government is being appropriated, rendering “the business of effective government impossible” (p.44).

Both Browning and Lederman condemned the involvement of community groups in the political process beyond participation at election time, focusing primarily on groups organised around issues concerning the environment, welfare, consumer advocacy and Aboriginal rights. At the heart of the issue and the principal cause for concern was the potential threat to economic and social stability as government failed to “keep firmly in their sights the primary tasks of government” (Browning, 1986a:15). While Lederman was concerned with what he termed the capture of government by special interests, Browning (drawing on Bennett and DiLorenzo) offered a slightly more sophisticated analysis, but ostensibly made the argument. Democracy is undermined when minority interests are given access to and have an influence on the design of public policy, especially when politicians/public servants are inclined to act in their own self-interest. Neither Lederman nor Browning made any distinction between community groups advocating for the poor, aged, and disabled and private business interests.
By 1995 Shell was dealing with the public backlash of a successful campaign undertaken by Greenpeace opposing the company’s intention to dump the obsolete Brent Spar oil platform into the Atlantic Ocean. In May 1998, the issue of civil activism was again raised in the *IPA Review* by a disgruntled former Shell Australia Public Affairs Manager and newly recruited Senior Associate of the CIS- Anthony Adair. Adair had previously contacted the Business Council of Australia (BCA) in the early 1990s in an effort to combat the rising problem of civil society activism with little result (Burton, 2007a). Adair’s contribution to the IPA Review consisted of two articles (1998; 1999a) that both featured the principal argument; NGOs lacked transparency and accountability, which necessitated the introduction of a code of conduct (see also Adair 1999b). Adair bemoaned the absence of scrutiny of the behaviour of NGOs that included environmental, social and political pressure groups, churches and aid organisations. The various codes of conduct that had been begrudgingly adopted by corporations – owed in part to the efforts of political lobbying by NGOs- now needed to be extended to NGOs themselves.

Adair insisted that public sentiment had turned against NGOs because of the behaviour and ethical standards maintained by many NGOs and their unwillingness to submit to public scrutiny. Given the growing presence of NGOs in decision-making processes and in the delivery of services previously provided by the state, Adair argued for a code of conduct to ensure NGOs met the requirements of the positions they sought to the satisfaction of the government and the public. Adair welcomed, but was critical of, the attempt by the Australian Council for Overseas Aid to implement a governance framework. The lack of scrutiny of NGO activities, specifically advocacy of policies opposed to the government of the day while receiving public funding was particularly troubling according to Adair. NGOs claim the high moral ground and defend the public interest, but the reality is that they are special interest groups converting their public standing into power to influence business investment and health, environmental and safety standards.
In a manner that was to become a hallmark of the IPA campaign, Adair insisted that codes of conduct are necessary to protect the reputation of NGOs from unscrupulous individuals’ deliberate misrepresentations in the quest for personal gain. It seemed the choice for NGOs was to accede to a voluntary code of conduct to preserve their legitimacy or be forced to comply as political pressure mounted and governments would be forced to impose one. It was not made clear by Adair where this political pressure would build from. But what soon became clear was that his lone overture was an idea whose time had come.

By 1998 the first signs of a specific campaign against NGOs were evident. The IPA had recognised the growing interest in civil society and the impact new forms of civil activism were having on public opinion and public debate. This was perhaps prompted by the growing sense of unease among powerful industrial and financial corporations that their interests were not necessarily shared by the wider public and could actually be threatened by the mobilisation of new social movements. Equally problematic to the broadening parameters of political engagement was the realisation that NGOs were considered by the public to be far more credible and trustworthy than either corporations or governments.

The intensity of anti-corporate sentiment expressed in the successful campaign against the Multilateral Agreement on Investment (MAI) in 1998 and the several days of determined civil protest on the streets of Seattle in 1999 where a meeting of the World Trade Organisation (WTO) was being held demonstrated political effectiveness formerly the preserve of old social movements such as trade unions. New social movements broadly and NGOs in particular were identified as a threat to the viability of the neoliberal project, in particular international trade (Mowbray 2003). CTTs also mobilised in response and provided invaluable intellectual, political and likely financial assistance to the IPA. There were also developments occurring within Australia with the then-Howard federal government that was sympathetic to
the IPA’s criticisms. These factors, as much as any others, cultivated a political climate in which it became possible to escalate what were previously infrequent attacks against ill-defined ‘privileged minority interests’ into a concerted campaign against some of the most well-known and widely respected NGOs.

In 1999 the IPA published an article written by then editor Michael Warby (1999:3). It began with an opening statement that set the tone of the IPA case:

“Unelected, unrepresentative bodies presenting themselves as being motivated by altruism and concern for the public interest, yet willing to engage in the most egregious distortion and blatant propagandising, are successfully using the Internet to mount scare campaigns in what is clearly a power-grab. A power grab that has serious implications for how public policy is determined.”

The IPA regarded the MAI as simply another step, albeit an ambitious one, in the ongoing process of economic liberalisation of the global economy. Unlike previous negotiations, the MAI failed. It was officially abandoned in December 1998 and according to the IPA, there was no hope of renewal. The IPA’s narrative of the failed MAI focused not on the difficulty of intergovernmental negotiations or awareness of the need to avoid drawing public attention to the purpose of the agreement, but the mobilisation of opposition against the MAI within civil society facilitated by the internet (see also Krueger 2000).

Warby claimed that many NGOs involved in the campaign were associated with the advance of human rights and had long supported international treaties. NGOs were accused of hypocrisy for selectively opposing intergovernmental negotiations for reasons of pure institutional self-interest. Whereas internationalisation reinforces the growing role of NGOs as de facto governmental authorities, globalisation reduces regulatory frameworks. The expansion of international trade compromised the importance of international organisations like the United Nations where NGOs are already deeply entrenched. NGOs had a vested interest in undermining the
WTO, where they had no presence and thus no control over the process of liberalising global trade.

Warby insisted that NGOs achieved their aim through a campaign of fear promulgated via the web with little regard for truth, completely undermining the possibility of reasoned debate in the process. According to Warby, it was the first time Australia experienced a mass campaign and he highlighted the potential costs of ignoring or under-estimating advocacy NGOs. While Warby publicly suggested it held interesting lessons for concerned citizens, privately the groundwork was being put in place to establish a new venture. NGO Watch was soon established to serve as a port of call for those interested in the activities of advocacy NGOs and foster support for the campaign to hold NGOs to account.

The IPA has made a longstanding contribution to preserving the interests of capital and ruling class privilege in Australia. It has done this in part by facilitating the transmission of obscure academic ideas to the wider public. CTTs such as the IPA have been variously described as ‘idea brokers’ (Smith 1991) and ‘second hand dealers in ideas’ (Desai 1994) and form an integral part of an international network that provides a public platform for isolated academics and obscure ideas (see also Stone 1996; Cahill 2004). Forming part of the of the New Right in the 1970s, the IPA’s contribution to establishing the dominance of neoliberal free market values and shaping political culture accordingly has also been examined and extensively documented (see for example Mendes 2003; Cahill 2004; Coghill 1987; and, Carey 1995).

However, less noted is the authoritarian impulse from which the IPA originated and that arguably still underpins its operations. The fascist tendencies of the IPA and sympathy for Imperial Japan among business leaders associated with the IPA at the time of its formation have been noted (Cahill 2007). Opportunistic self-interest may have prompted some support for the Axis powers of Germany, Japan and Italy
around the time of the World War Two, but this appears distinctly limited (Cresciani 1979 and 1990; Perkins 1991). More evident is the appeal of fascism to elite interests in fear of disenchantment among the working class finding expression as a democratic impulse. It was not just the defence of material prosperity and privilege enjoyed by elites that contributed to the formation of the IPA. A deeply felt (almost divine) right to rule embodied in the ‘big businessmen’\(^4\) behind the IPA and the threat posed by working class capriciousness and moral permissiveness ultimately shaped the function of the IPA. At the same time, it had also become evident that heavy handed tactics associated with paramilitary groups and the police were fast becoming an ineffective means of ensuring social order. The IPA was part of a far more subtle and sophisticated strategy of directing public opinion and ensuring a more compliant working class in support of industry and commerce. Although the means of achieving this and the particular interests of capital have changed over time, the IPA has been unwavering in its support for a strong state to preserve elite interests against the risks presented by democracy. It is in this context that the campaign against NGOs lies; defence of privilege constituted in ideological terms and regarded as a natural order that legitimates the existence of an authoritarian state to preserve it. These conditions are also a defining feature of what is commonly regarded as neoliberalism.

CTTs such as the IPA have been pivotal to publicising neoliberal ideas and facilitating the wholesale adoption of neoliberalism as the dominant rationale for public policy design. As Cahill (2004) has argued, CTTs helped enable the transition of obscure ideas into common sense and paved the way for the establishment of neoliberal hegemony in Australia. Harvey (2007: 5) has drawn similar conclusions observing the global diffusion of neoliberalism from a marginal to hegemonic ideology; shaping “our intuitions and instincts, to our values and desires”. The success of the

\(^4\) The term comes from the title of a book written by C. D. Kemp (1964) that focuses on four key businessmen who were pivotal to the formation and direction of the IPA.
ideological campaign has also depended on the patronage of big business and wealthy elites (for example see Coghill 1987; Hyde 2002). While this is commonly acknowledged in the literature dealing with the New Right in Australia and their counterparts in the USA (Rich 2004) and UK (Cockett 1995), the intensely private operation of the IPA means that specific detail is difficult to confirm. Nonetheless few dispute that interests coalescing around CTTs such as the IPA have exerted considerable influence on the political landscape of ideas and fundamentally reshaped political culture in Australia. The IPA is widely regarded as a free market think tank, yet the implementation of the programme of de-regulation and privatisation that it has advocated has coincided with the re-orientation of governmental practice toward security, surveillance and increasingly circumscribed civil liberties. The regulation of NGOs under the guise of improving accountability is a necessary part of this programme.

The ideological disposition and political relations maintained by the IPA are important to understanding the case against NGOs. It is not a matter of providing a clearer picture of the extensive network of interests associated with the IPA – though this remains largely under-appreciated. It is designed to provide the task of critical analysis with an idea of intent to help distinguish between what is said as opposed to what is meant; hidden in language designed to conceal rather than reveal. At a practical level, subtlety was necessary given that public trust in NGOs exceeded both corporations and governments at the time. Utilising the term accountability allowed the IPA to appear to be arguing for NGOs to be made more responsible or reasonable in their opposition to neoliberal policy reforms. In reality, being accountable meant being compliant or being made silent. The terms of the IPA case reflect the predominance of neoliberal thinking and in particular the influence of public choice theory (PCT). The purpose and effect of the IPA case is thus more important than the substance of the case. An appreciation of this reveals the extent
to which not just the IPA case, but the entire debate has been conducted on neoliberal terms.

The campaign against NGOs did attract critical attention that highlighted several notable problems with both the case and the IPA. The alliance between key industries, wealthy individuals and the international network of like-minded CTTs was acknowledged by a number of critics but rarely explored in detail. In this respect the contribution made by the under-appreciated work of Burton (2007a and 2007b) warrants attention, in particular for the candid disclosures made by IPA staff in this regard. The changing attitude toward NGOs from within the federal government was also noted. Phillips (2006) for example, noted the increasing tendency to favour market-based processes of governance resulting in further marginalisation of NGOs from public policy-making processes, as well as the growing inclination within the NGO sector to embrace practices of ‘new’ managerialism in an attempt to regain recognition.

A number of critical accounts mentioned the influence of PCT as the ideological foundation around which the IPA framed its critique of NGOs (for example see Mendes 2005; Thornton 2002), but few explored this in any detail. The most comprehensive treatment of the influence of PCT in the context of the IPA campaign against NGOs was provided by Staples (2006) and Maddison and Denniss (2005). Staples documented the active role of leading PCT intellectuals, the adoption of PCT framing by both the Howard government and the IPA for the purpose of silencing dissent from the NGO sector. The primary concern raised by Staples was that the role and purpose of NGOs in the public sphere was being reframed in a way that has a detrimental impact on democratic politics. For Staples (2006, 4), the diminishing diversity of views contesting “ideas on the society we might become” creates a politics that privileges the interests of the powerful at the expense of the wider public, in particular those already on the margins. Staples’ complaint is a concern
common to critics of the IPA. Maddison and Denniss provided even greater detail, mentioning specifically the influence of James Buchanan and the impact of practices of New Public Management (NPM) on perceptions of and the roles filled by NGOs. The recasting of NGOs as ‘rent seekers’ targets public perceptions of NGO advocacy as serving a public good. Not only is it an attempt to undermine public trust in NGOs, it also provides a justification for government to be less responsive to and more closely regulate the NGO sector.

Whether described as a constraint on participation (Thornton 2003), curtailment of democratic values (Dalton and Lyon 2005) or undermining civil society as a counterweight to the predations of a free market and unregulated corporate interests (Mendes, 2005); the IPA case was presented as a threat to Australian democracy. Hamilton and Maddison (2007) have argued that the presence of NGOs enriches public debate, holds policy makers more accountable and generally enhances a democratic political culture. Dalton and Lyons (2005) further note that NGOs are regarded as a key indicator of the state of democracy, serving to promote important democratic values of representation, deliberation and participation. In this respect, the proper conduct of democratic politics should foster broadly informed consensus-building, wherein democracy is understood to be contestatory but envisioned to be predominantly inclusive and deliberative. Similarly, Phillips (2006) insists that NGOs are important components of a participatory style of democracy that incorporates informal representation of plural interests, which is far more suited to the twenty-first century.

Much less attention has been focused on the involvement of the Christian Right under the guise of protecting ‘family values’. An often unrecognised and influential ally, the Christian Right remains a trenchant critic of progressive causes such as human rights, social welfare and environmental conservation commonly associated with NGOs. In fact at the time that the IPA was attacking NGOs for undue political
influence, a small coterie of representatives of the Christian Right met with sympathetic senior figures of the federal government. Plans were privately formulated to strengthen the Marriage Act and protect family values against the perceived threat of same-sex marriage (see Smith and Marden 2012). Maddox’s (2005) research into the emergence of what she refers to as the Religious Right in Australia and its intimate connections with the then Howard federal government provides perhaps the most detailed account at the time the IPA pursued its case. Maddox’s documented links between the Christian Right and CTTs and the extent to which the discourse of family values informs neoliberal policy design is indicative of the common ground that exists between them. In the USA perhaps more than Australia, the case against NGOs is shaped by disdainful Christian Right attitudes toward secular progressive concerns embodied by NGOs. What would otherwise appear as an unlikely alliance is formed on the basis of a shared contempt for democratic values and the idea that the legitimacy of public authority should be constituted on these (secular) terms.

The charge that the IPA case against NGOs is a challenge to Australia’s democratic political culture is certainly warranted. The Protocol is a framework designed to provide government with a means of controlling NGO access to political decision makers and processes of policy design. If adopted, the Protocol would have contributed to the regulatory arsenal available to government, enabling greater discretionary control over the advocacy undertaken by NGOs. The fact that it was not adopted even by the government at the time is not necessarily an indication of its inconsequentiality. As this thesis will demonstrate, the IPA’s commitment to the idea of liberal democracy is at best conditional. Its advocacy of narrowly defined free market values often places it at odds not only with democratic ideals, but also with the principal tenets of classical liberalism. The combination of ideological zealotry and cynical self-interested opportunism is such that realisation of the IPA’s agenda not only requires, but in fact justifies a form of authoritarianism. The reason
why this is so significant is because of the identity of the interests that the IPA represents and to which it is directly accountable.

A fundamental premise of this thesis is that the IPA is in practice accountable. The IPA is governed by both internal and external mechanisms of accountability that function in the same way as those applied to NGOs. According to its Memorandum of Association, the IPA is an incorporated (as of 1987) non-profit policy research and educational organisation under the terms of Section 50-5 of the Income Tax Assessment Act. It was granted deductible gift recipient status (DGRS) in March 2006 and since 2014 its principal purpose is defined as defending political and economic freedom. The IPA is answerable to a nine member Board, which is derived annually by election from the select fifty four members of the IPA Council. The IPA is also accountable to corporate donors. The IPA has acknowledged that “[a]ll funding comes with strings attached” (Nahan quoted in Norington 2003: URL) and that the working relationship between the IPA and sponsors can get ‘up close and personal’ (Roskam quoted in Burton 2007). The discipline of market accountability is evident in the short life of the NGO Watch newsletter which ran from April 2001 to October 2002. As Johns confessed in an interview in 2004 ‘[t]here weren’t enough buying the product’ (quoted in Burton, 2007: 112). In fact according to Burton (2007) the IPA ‘risks financial oblivion’ if the work undertaken does not produce a result that enhances a corporate sponsor’s profitability.

There is no evidence that the case against NGOs was made without consent or approval of the governing board and further, the IPA would not likely have jeopardised sources of funding by embarking on a campaign that did not meet with the approval of its financial benefactors. Given the very limited public disclosure of IPA operations, this proposition cannot necessarily be supported conclusively. Nonetheless, whether it was an action motivated by ideology (IPA staff believed in what they were saying) or cynical self-interest (IPA staff were well paid for what
they said), there is no basis for arguing that the IPA operates independently of or contrary to the interests of its influential members/supporters. This is not to argue that the conduct of the IPA is above reproach; quite the contrary. The actions of the IPA throughout the NGO campaign have at times been reprehensible, but this was done because the IPA is in practice accountable, not in spite of it.

*The Significance of the NGO Debate*

TheIPA case is significant for the impact it had on the debate concerning the problem of NGOs and the opposition it generated in response to its attack. However, to depict NGOs as victims of the IPA and the powerful interests that it represents is a serious mischaracterisation that aids rather than opposes the IPA’s agenda. The NGO sector had already been made aware that their integrity and credibility could easily be damaged or lost by either disreputable or well-intentioned but incompetent NGOs. Accountability had become a subject of interest in the attempt to establish a basis of legitimacy for expanding roles and increasing responsibilities that NGOs were taking on. The embrace of accountability in part pre-empted the campaign undertaken by the IPA - though it proved to be largely ineffective for reasons that will be discussed in detail. The principal catalyst was the criticism NGOs attracted in the aftermath of the genocide in Rwanda and the widespread assumption that good intentions alone would no longer secure legitimacy for NGOs. While the idea of accountability as a defensive measure to safeguard the reputation and integrity of NGOs from ideological and opportunistic attack was supported within the NGO sector and by interested academics, this was not the only reason for making NGOs accountable.

The response of NGOs to the Rwandan genocide is widely regarded as a pivotal moment for the NGO sector. Rwanda remains arguably one of the most visible and yet contested genocides in history. NGOs were among those that failed to grasp either the complexity or reality of events as they unfolded and in particular the
difficulty of identifying genuine refugees fleeing the violence that engulfed the country. Events in Rwanda, the scale of suffering and death and ensuing chaos are not unparalleled, but the nature and impact of NGO involvement raised for the first time searching questions about humanitarian aid and in particular disaster relief and the role of NGOs. It was argued that NGOs are not and should not be presumed to be magic bullets but their involvement in various processes designed to improve the material conditions of the poor cannot rely on ad hoc and informal accountability arrangements that were in place at the time (Edwards and Hulme, 1995b; see also Hulme and Edwards 1997).

However, it was not just a lack of appreciation of the political complexity and the under-professionalisation of NGOs that were perceived to have undermined relief efforts. What began as a humanitarian response to unimaginable horror, was described by some critics as a media focused exercise in self-promotion that effectively provided aid to the *genocidaires* and prolonged the genocide (see for example de Waal 1997). In the aftermath of the crisis, a number of evaluations of the humanitarian response to Rwanda concluded that the relief effort failed many refugees and the actions of some NGOs were seriously questioned (see for example Borton, Brusset and Hallam 1996). Curiously, the actions of Operation Blessing (Christian Right leader Pat Robertson’s principal charity) that was found to be engaged in ‘fraudulent and deceptive’ fundraising for Goma refugees did not feature in the ensuing debate over NGO accountability (see McGreal 2013).\(^5\)

As a consequence, the NGO sector commenced efforts to institute mechanisms to ensure greater accountability. These included for the first time the possibility of external monitoring – if only because of donor insistence on extensive reform and the threat of ‘heavy-handed measures’ imposed as a result (Buchanan-Smith 2003).

\(^5\) McGreal reports that an official investigation into Operation Blessing International was launched following a report by the *Virginian Pilot*. Despite finding evidence of fraud and deception, Virginia authorities did not prosecute. Leading Virginia politicians at the time received substantial donations from Robertson (McGreal 2013).
Many of the current accountability regimes in place that operate across the NGO sector broadly began as initiatives following Rwanda. Whereas NGOs had primarily been seen as benign organisations capable of self-regulation, almost every accountability regime proposed since has in some form or another been a concession to demands for formalised regimes of accountability oriented toward external or independent oversight.

What has become known as the ‘battle of Seattle’ bears almost no resemblance to what occurred in Rwanda, not the least because NGO resistance to the MAI and the WTO meeting were criticised for being too effective. The debate post-Seattle again brought into question the legitimacy of the NGO sector as a whole and a discourse of accountability developed around ‘the NGO problem’. Criticism came from a variety of sources. The campaign against NGOs conducted by CTTs was noted, though not fully appreciated by many contributions to debate (see for example Schmitz 2006). However concern over the role of NGOs in disrupting trade negotiations was also expressed by those that had previously embraced NGOs as key actors in global governance processes (Anderson 2009).⁶ Among those arguing that NGOs had over-stepped the mark was UN Secretary General Kofi Annan (2000) who chided NGOs in the following terms:

“…whatever cause you champion, the cure does not lie in protesting against globalization itself. I believe the poor are poor not because of too much globalization, but because of too little -- because they are not part of it, because they are excluded. …If there is a lesson to be learned from recent experience, it is that while globalization has produced winners and losers, the solution is not confrontation. It is not to make winners of the losers and losers of the winners. It

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⁶ Anderson is a curious figure in the NGO accountability debate. He was the featured guest speaker at the conference hosted by the IPA and AEI in 2003. Anderson was certainly critical of NGOs, but, unlike every other speaker, his criticisms were far more grounded and he also pointed to an extraordinary hypocrisy within the CTT network; vehement opposition to NGOs and the United Nations system as threats to nation-state sovereignty, yet unquestioning support for international free trade agreements and institutions such as the World Trade Organisation.
is to ensure that nobody sinks, but that we swim together with the current of our times”

In the (at times heated) debate that followed Seattle, there were few contributions that defended NGOs on the basis that there were already sufficient mechanisms in place. For the most part debate focused on how to make NGOs more accountable or at least ‘prove’ their level of accountability. There is no doubt that Seattle resulted in a great deal more pressure being brought to bear, particularly given the powerful political and corporate interests that were (temporarily) thwarted. Nonetheless, there are remarkable similarities between Rwanda and Seattle in the way NGOs were presented - as reckless and irresponsible in their conduct, acting to impede rather than assist efforts to ameliorate human suffering and in need of much greater scrutiny and monitoring.

In this respect, mechanisms that were broadly categorised as internal or informal measures of accountability did not count as genuine accountability or satisfy demands for greater accountability. While Fry (1995) had ridiculed the old management mantra of ‘what gets measured gets done’ as an out-dated approach in the very early stages of the accountability debate, the supposed shift from a culture of ‘trust me to show me’ suggests that such managerialist thinking had returned, or in fact as is more likely the case, had never been displaced (see for example SustainAbility, 1999). However, the new regimes that followed were more than a managerialist approach brought to bear on the structure and operation of NGOs. Processes of auditing and accreditation undertaken within the sector by federated organisations formed expressly for the purpose is evidence of the extent to which a culture of verification dominates NGOs and limits the range of NGO activity

Even a brief survey of NGO practitioner-generated literature indicates that even if informal measures or measures internal to the NGO sector existed, these were by
and large considered unsatisfactory. Yet many of the informal mechanisms that had been identified were arguably operating with a reasonable degree of effectiveness. There were few academic contributions to the literature that discussed informal mechanisms of NGO accountability and fewer still who considered these to be satisfactory. Among the more reasoned contributions to have figured in the debate was Wapner’s (2002a; 2002b) contribution to a symposium on NGO accountability featured in the Chicago Journal of International Law. Wapner countered some of the claims that NGOs lacked accountability by contrasting the relative accountability of NGOs by informal means as opposed to the very limited ways that states are in practice accountable. Setting aside some of the more technical aspects of internal accountability analysed by Anheier and Thermudo (2005), Wapner argued that as NGOs are different to states and multinational corporations, they are held to account differently. NGOs rely on popular support for institutional strength and so action that is not popular can result in the immediate loss of support – both political and financial. Members ‘vote with their feet’ and so exit either at the domestic or global level becomes a means by which NGOs are internally accountable. The organisational structure of NGOs also affords an element of internal accountability. Many NGOs include executive boards or advisory committees to provide an additional layer of scrutiny and review of the leadership of an NGO who are themselves often bound to prescribed fiduciary responsibilities (see Ebrahim 2003). Other NGOs within the sector also act to hold obdurately miscreant NGOs accountable. A sizable portion of NGO leverage stems from the ability to form coalitions and so without the support of peers, advocacy is much less likely to be effective. Wapner also identified various mechanisms of accountability that are external to the NGO sector. Not unlike supporters among the general public, states and intergovernmental organisations, on whose acceptance if not support many NGOs rely, are unlikely to consult NGOs that lack credibility or whose reputation has been tarnished by some political misadventure. Ebrahim (2003), in a contribution
sympathetic to Wapner’s viewpoint, identified the role of investigative journalists and the media more broadly, exposing NGO corruption and incompetence as a means by which NGOs can be held in check.

The impact of many of these mechanisms was in many respects in evidence in the aftermath of Rwanda, yet this was effectively ignored. There are a number of issues that surround this point, none-the-least of which is the idea of accountability via the donor market and the way in which competition between NGOs for funding and support can undermine genuine collaboration and stifle political action that may upset donors. As Najam (cited in Ebrahim, 2003: 193) argued, the problem lies not with NGOs abusing trust, but with “the patron’s abusing its powers of punishment”. This abuse could be extended to the media, in particular to those typically regarded as rightwing or pro-market. Whether pursuing a controversial story in the interests of profitability or prosecuting an ideological agenda, the scrutiny of NGOs afforded by the media may have little relation to the facts of the story or semblance of public interest. *The Economist’s* continuing interest in NGOs is a case in point. These issues are analysed in more detail in the discussion to follow. It is worth noting at this point, however, that critics accused NGOs of lacking accountability rather than questioning whether the way in which NGOs were held accountable was appropriate. As Wapner argued, existing mechanisms of accountability do not ensure the absence of misconduct, it merely establishes deterrence. There is no question that NGOs considered the loss of support to be monumentally detrimental. The fixation of the NGO sector with accountability that followed Rwanda and Seattle is testament. The problem comes with the recognition that during the crisis in Rwanda and after, it was financial support as much as supporting victims that mattered to NGOs despite appearances to the contrary.
The Problem of Accountability

To date the idea of accountability has received very little critical scrutiny within the debate. Being accountable is commonly regarded as a virtue in itself and integral to the constitution of legitimate public authority in democratic states. At the same time, the idea of what it means to be accountable is ill-defined and remains highly contested. The appeal of accountability lies in the noble idea of making the powerful answerable for their actions in the interests of the powerless. But what is the relationship between accountability and power in practice? What does a satisfactory account consist of and by what criteria should it be judged unsatisfactory? Who determines what the interests of the powerless are and on what terms? The capacity to sanction or punish implies a power relation, but ideally being accountable infers an obligation or responsibility to those without power. What is the actual relationship between accountability and democracy in practice and does truth figure in this? In short, what is the value of accountability?

This thesis addresses these questions by examining the issues surrounding NGO accountability and the underlying ideological influences that shaped the parameters of the debate. What it means to be accountable depends very much upon the context in which the question is being asked. Hidden within the discourse of accountability are values and assumptions that condition organisational behaviour, establishing what is acceptable, what is legitimate and what is not. Even the term accountability carries a certain influence over public perceptions; it is a powerful rhetorical device that can be readily used to disguise unpopular agendas or problematize otherwise acceptable actions. In this respect, who is asking and why are questions that should be carefully considered.

In stark contrast to the scrutiny endured by NGOs, CTTs have attracted relatively little attention. Whereas NGOs have been regarded as irresponsible and unrepresentative in their efforts to address poverty and injustice, CTTs have
dogmatically pursued a corrosive agenda opposed to any semblance of democratic politics to preserve the private interests of an elite few. Whereas NGOs are relatively transparent and give due regard to truth telling, CTTs are intensely private and frequently display no commitment to being truthful. While only a select few NGOs are represented in processes of policy design, CTTs regularly populate institutions of state and shape the agenda of institutional and policy reform. This state of affairs is not a failure of accountability, but a consequence.

In the chapters that follow the problem of accountability is explored in detail. Chapter two introduces the idea of accountability, its contested meaning and various approaches and establishes the ideological orientation of the idea of accountability that informs the debate on NGOs. Chapter three examines the characteristics that define NGOs and the premises that underpin the NGO problem of accountability. Chapter four explores the NGO practice of accountability, the origins of and impetus behind the NGO sector’s embrace of accountability and the types of regimes it has implemented. Chapters five provides an overview of CTTs; what they are, the somewhat distinctive strategies/tactics they employ and the corporate interests that have benefitted from their intervention in public debate. Chapter six details the international contribution to the campaign against NGOs made by predominantly USA-based CTTs with which the IPA was closely aligned and the very extensive network of powerful interests represented. Chapter seven provides a critical analysis of the language of the IPA case, the framing of the problem and the rationale for doing so. Chapter eight assesses the impact of the NGO debate and the implications of accountability for advocacy undertaken by NGOs, followed by the conclusion.

Each chapter in succession provides the basis for several propositions. Firstly, far from being an integral component of democracy, the practice of accountability is antithetical to democratic values. Secondly, there is no correlation between being
truthful or reasonable and being accountable. Thirdly, the ideal of accountability is entirely at odds with the practice of accountability precisely because accountability is a function of power, not a source of power. In short accountability is the problem.
Chapter 2.

Coming to Terms with Accountability

Introduction

NGOs have been the subject of considerable academic interest, with some searching questions being raised in response to the roles fulfilled by NGOs. The debate over NGOs is framed within a particular discourse of accountability that defines the types of problems that surround NGOs and frame the appropriate response. What is not obvious within the debate is an awareness of the underlying politics evident in the particular notion of accountability that informs debate. The criticism directed at NGOs is predominantly concerned with activities that could be broadly categorised as advocacy. While NGOs are at times castigated for ‘being political’, it is the widespread notion that they exercise some form of political influence that has resulted in demands for (greater) accountability. If a literal approach is taken to the classification of NGOs, then there are certainly organisations, which are not governmental, that exercise considerable influence over public policy. However, in conventional terms the categorisation of NGOs is usually defined in terms that exclude organisations of influence. Chapter three explores definitional considerations in detail, but it is necessary to note here that there is a correlation between what might be termed a progressive orientation and the demand for accountability. What is unclear is why this is the case. Interrogating the conditions in which it is considered appropriate for certain ‘types’ of NGOs to be subjects of accountability reveals some of the politics underpinning the NGO accountability debate and the meaning of what it is to be accountable.

This chapter provides an introduction to the idea of accountability in context of recent debate. The discussion includes a brief overview of the ongoing debate over the contested meaning of accountability and its place among and connection to
democratic ideals. However, the main focus of this chapter is an exploration of the influence of neoliberal ideology on the terms of accountability; the particular forms of accountability that dominate the organisational settings of NGOs. In contrast to the normative debate that continues to grapple with the confusion of what it means to be accountable and the necessary parameters that constitute a relationship of accountability; the idea of accountability that informs debate on NGOs appears much less uncertain. In fact the debate surrounding NGO accountability shows little appreciation for the history of accountability as an ideal. In this regard there is much less concern within the debate for normative issues of what is right or what is good and is instead dominated by instrumental concerns for the design of appropriate mechanisms of accountability - as though the role of NGOs was otherwise unproblematic. This claim is perhaps more justly aimed at critics associated with CTTS whose primary rationale for making NGOs accountable is to neutralise any possible impact such organisations may have that would be detrimental to elite interests. It is for this reason this chapter is concerned not just with conceptual definitions of accountability, but also the ideological context that ascribes particular meaning and utilises a particular vocabulary that shapes the contours of debate.

*Debating the Idea of Accountability*

The idea of accountability is ubiquitous. It is recommended, if not applied, to a myriad of relationships across the economic, social and political spectrum. Extending well beyond business/organisational studies of accounting; the concept is also a subject of study in political science (including comparative politics and public administration) and throughout the social sciences and humanities more broadly (including sociology, anthropology and cultural studies). So too, the rise of so-called ‘new democracies’ in the non-West and the adoption of accountability in development has given ‘accountability talk’ new purchase (see Schedler, Diamond and Plattner 1999). Indeed, accountability has been considered a measure of the
quality of democracy where the more accountability there is, the higher the quality(ies) of democracy (see Schmitter 2003). For others, accountability is the ‘DNA of development’ (Zadek 2007). Despite what appears to be an increasing scale of government and corporate scandal coinciding with the ever broadening applications, the idea of accountability remains popular. Entities that are (perceived to be) accountable generally remain positively regarded and accountability itself is frequently associated with, if not a substitute for, responsiveness, integrity and good (democratic) governance (Bovens 2010). Although the term itself does not translate well (see Dubnick 1999; 2002), there is almost universal appeal in the sentiment that accountability seemingly embodies.

Accountability is often considered closely related to concepts of legitimacy, trust and representation. In fact in some contributions to the debate the terms are almost synonymous. As a political concept the virtue of accountability is commonly associated foremost with the endeavour to ensure that power is held to account – that those exercising power are held responsible for their actions in the interests of the less powerful. It involves a rich heritage of debates, especially regarding more fundamental politico-philosophical questions as to the constitution of legitimate political authority and nature of what it means to govern justly. Although accountability in this sense has been associated with Locke (Grant and Keohane 2005), practices bearing a resemblance to accountability have been dated back even earlier as Elster’s (1986) account of Ancient Athens suggests. Hobbes defined the legitimacy of state authority in specific terms in the responsibility for security of the commonwealth (see Skinner, 2002; cf. Borowiak 2011: 186 fn. 7). This is not to suggest that Hobbes supported democratic ideals, but his inclusion raises an important question regarding the virtue of accountability. If accountability is understood to be an attempt to restrain power, then understanding the constitution of power and where it lies becomes paramount.
Accountability has particular resonance with democracy, particularly those established constitutionally. Plattner (1999) argues that both liberal and republican traditions are premised on the idea of ‘the people’ as the source of legitimate authority and governments as trustees/agents acting on their behalf. Within democratic societies the idea of accountability serves in part to underpin the legitimacy of the state constituted in terms of ideas of a social contract between rulers and the ruled. Accountability is provided in two distinct though related forms through which the power of the state is held to be legitimate by the people from whom the authority of the state is derived (see Schedler 1999). The first involves the legal framework set out in the constitution that enshrines the set of obligations between the rulers and the ruled. The second involves processes of public reasoning; debate conducted publicly that provides substance to the notion of the public will to which rulers respond to and act upon. These processes form the substance of what is commonly regarded as public accountability.

At the same time, tracing some of the purported origins of the term accountability yields a different conception of accountability as answerability. Dubnick (2002) traces contemporary notions of accountability back to William the Conqueror and the preparation of the Domesday Books in 1086, predating both Locke and Hobbes. Property holders at the time were required to “‘render a count’ of what they possessed of the sovereign’s realm... in terms set by the king’s agents”, followed by a sworn oath of allegiance (pp.7-8). Accountability describes a set of practices of calculation associated in particular with the expansion of the administrative state and more recently in the finance/corporate (market) sector (see Miller and Napier 1993). Though not without controversy, such practices constitute relations of accountability in more technical and as a consequence narrower terms. Nonetheless, the presence of these arrangements is closely associated with, if not a
precondition of, being judged to be accountable/legitimate, much as the absence of such organisational arrangements is to be unaccountable/without legitimacy. Accountability is widely noted as a particular form of power relation as is apparent in both instances, yet this appears to present a paradox. The appeal of the idea of accountability is premised on holding the powerful accountable – making them justify their actions. Yet the capacity to do so invariably requires power, in this sense the practice of accountability is effectively the exercise of power.

Despite this seeming paradox or perhaps a reflection of it, the meaning of what it is to be accountable and thus the limits beyond which an entity or action is unaccountable are highly ambiguous. At its most basic, accountability has been defined as being required to answer for responsibilities, positions and conduct (Borowiak, 2011: 6; cf. Scott cited in Morgan, 2006: 243). As such, accountability is closely associated with notions of transparency and disclosure, but neither invokes the same level of obligation that accountability often connotes. As Lane (2002) argues, transparency is defined by the absence of secrecy, but should also involve the disclosure of meaningful information relevant to the expected purpose of use. Transparency is thus a precursor to accountability as the act of evaluating and assessing the information that has been disclosed. Accountability is also more than disclosure in that not only should an account contain information that offers or allows an explanation, it also includes a justification as a second provision of accountability (Behn 2001). For accountability to be realised, it follows that both entities involved in a relation of accountability are aware of the nature of the underlying obligation(s) – in effect why they are accountable- and the standards or expectations that must be met as a consequence (Lindberg 2009). If either the entity entitled to an account or the entity obliged to render an account has insufficient knowledge of the nature of relation or the content or conduct expected, then accountability would be largely meaningless to the former and unfair to the latter.
Accountability is also commonly understood to include a third provision that entails the capacity to sanction in some form. The obligation to provide an account does not always mean that the information provided (if it is provided at all) is reliable, pertinent or readily understood. Therefore, accountability without some means of enforcement or sanction is in some circumstances unlikely to be valued highly, if at all. It may be that some entities readily render an account simply out of a principled sense of duty such that the capacity to sanction in any sense is unnecessary. For accountability to require some form of sanctioning to be available suggests that a relation of accountability is one where trust is no longer (if it ever was) present. In this respect personal relationships such as friendship would by definition not constitute a relation of accountability. However, given that accountability can purportedly be realised through the internalisation of standards designating responsible or desirable behaviour, then it is unclear how such relationships would be excluded. At the same time for sanctions to be considered extrinsic or incidental to accountability, then almost every social relation could be considered an accountability relation. Many contributions to the literature on accountability have already argued that the ever-expanding application of the idea risks rendering accountability meaningless. A far bigger threat is confining the ideal of holding the powerful to account to practices of calculation. The problem is that the meaning of accountability has been circumscribed and in so doing serves power rather than holds it to account.

Although subject to some dispute, the equation of accountability as; who is accountable to whom, for what (the content of the account rendered) and how (means of ensuring the account is provided) is widely accepted. Yet even with a basic procedural approach, there are many questions. What is the basis upon which a relation is understood to involve the discharge of accountabilities? What is the
nature of obligation and how far does the obligation extend? What, if any, normative criteria serve as a basis for justification and who determines it? Whether as a narrative or a numerical account, accountability is in effect an act of evaluation; a determination of what is acceptable and what is unacceptable based on a framework of values that governs the form explanations and justifications can take. While Borowiak (2011) suggests that justification (which would include judgement of the justification) is an act of moral reasoning, the parameters of evaluation can include value derived from efficiency, effectiveness, aesthetic appeal and so on that may be separate from determinations of good/bad or right/wrong (see Geuss 2008). This being the case, the real question is who decides or influences the particular framework of evaluation, on what basis/in which context and in whose interests? There is no reason to assume that the terms of accountability are decided by and agreed upon by the entities involved in an accountability relationship.

The complexity and uncertainty of what it means to be accountable begins rather than ends with the parameters of accountability outlined in the equation above. It is not always the case that accountability is a direct relationship between those acting and those affected by the action. In this sense, relations of accountability can take the form of ‘accountable to’ as opposed to what might be more accurately phrased as ‘accountable for’. While the former tends to imply direct answerability such as a delegate, the latter provides more scope for discretion, much like a trustee. Philp (2009) offers the hypothetical example of the accountability relationship that exists between teacher and student – a teacher can be accountable for a student’s education without being accountable to the student. In this respect, determining the parameters of who is accountable to whom is fundamental. Concepts of accountability formulated in procedural terms often stem from an understanding of such relations as linear, for example rulers accountable to the ruled. However, the reality of contemporary societies is that relations of power are rarely so straightforward and procedural approaches continue to flounder as a consequence.
At the same time, proposals for various notions of reciprocal accountability (such as mutual accountability (Borowiak 2011); ‘360 degree’ accountability (Behn 2001) or formulations based on networked governance (see for example Goodin, Rein and Moran 2008), ignore or overlook actually existing networks of power. Such approaches to accountability are often premised on the (deliberative) democratic premise that there should be no final authority (Borowiak 2011), yet the existence of very influential and well-connected networks means that particular interests are seldom more than temporarily inconvenienced by public policy outcomes. Whether understood as a movement, a network or an alliance, such interests are by nature elite and make demarcations between state and civil society or public and private in many respects irrelevant. This is only the beginning of the difficulties of coming to terms with the idea of accountability.

The phrase ‘to hold (or to be held) accountable’ has become remarkably common, to the point that Lindberg (2009) for example argues that the expansion of its application has seen the core meaning of accountability ‘hijacked’. Perhaps more appropriately, Dubnick and Yang (2011) describe accountability as a promiscuous concept. Certainly, accountability has come to mean many different and at times conflicting things to different people (Dowdle 2006). This condition is reflected in the overwhelming proportion of the accountability literature that admits the difficulty of defining exactly what being or holding accountable entails and the problems that arise when attempts are made to do so. Behn (2001:3–6) for example discusses a number of contributions to the accountability debate that either provide only a narrow definition with limited application or conversely acknowledge the expanding terms of reference and expectation that make concise definitions problematic. Similarly, Bovens (2010) argues that the study of accountability is disjointed owing to an ever-growing multitude of definitions, each designed to
clarify/specify what accountability actually is, but few of which are ‘fully compatible’. In this respect, Mosher’s (cited in Behn, 2001:4) reference to accountability as “that will-o-the-wisp” is especially accurate and even a brief survey of some of the definitions and types of accountability advanced within the literature is emblematic.

For example political accountability has been defined as “A is accountable to B when A is obliged to inform B about A’s (past or future) actions and decisions, to justify them and to suffer punishment in the case of eventual misconduct” (see Schedler, 1999: 17). Whereas Philp (2008:32) defines democratic accountability as “A is accountable with respect to M when some individual, body or institution, Y, can require A to inform and explain/justify his or her conduct with respect to M”. Despite the connotation of difference suggested by the adjectives ‘political’ and ‘democratic’, the literature on accountability does not readily distinguish clearly between such ‘types’ of accountability. The capacity to sanction appears to be a point of differentiation, but this can stem from differences between the authors’ own impressions rather than types of accountability. As a political concept, what often distinguishes types of accountability are the applications envisioned for the concept of accountability (including academic practices such as comparative analysis) or the ideological/philosophical orientation underlying individual contributions. Thus, beyond very particular and very specific relationships epitomised by explicit contractual agreements, the idea of accountability with which academics remain preoccupied remains vague.

The question of whether or not accountability entails the capacity to sanction exemplifies the complexity and ambiguity of accountability within the literature. It remains a matter of considerable debate as to what extent sanctions, commonly
understood as punishment, but also as reward (Behn 2001), are necessary or incidental to the concept of accountability. This issue is evident in disputes within the literature as to whether an internally embedded commitment to account giving is preferable over externally imposed enforcement – in essence being accountable as opposed to being made accountable. This is further complicated by contributions that question whether the concept of accountability can be expanded beyond an external obligation to include various forms of ‘internalised’ or personal accountability (see for example Mulgan 2000; cf. Bovens 2005) which makes the problem of sanctioning irrelevant. For the most part however, standards enshrined in accountability relations are generally understood to be external – either negotiated or imposed (see Stein 2008).

Sanctioning can form a core dimension of accountability in several respects; however, two notions in particular are the subject of considerable debate. The first generally configures sanctioning as the capacity to punish (or reward) only to ensure that an account is rendered (consisting of explanation and/or justification). The second formulation is defined generally by the capacity to punish (or reward) based on an evaluation of the account rendered. Stein (2008) defines the capacity to sanction simply as a consequence of the failure to meet mutually agreed upon expectations. Presumably this includes the appropriateness or pertinence of the information provided and that the information is accessible and can be comprehended, the absence of which might otherwise obstruct or inhibit evaluation. Yet such presumptions are in practice not well-founded.

Nonetheless, despite the concerns raised above, the dispute over sanctioning is a key point of contention. Schedler (1999: 14-18) argues that while the dimensions of accountability may be defined by the requirement to explain, justify and be subject to punishment, the absence of any one does not necessarily imply “diminished subtypes”. Schedler describes a number of situations in which various forms of
accountability are exercised through different mechanisms (including truth commissions and public protest) that do not employ all dimensions of accountability. For others, it is the capacity to punish that in part determines the degree to which a genuine accountability relationship exists (for example Grant and Keohane 2005). For some, sanctions bring clarity to the idea of accountability, if only through practice and only for one half of the accountability equation. As Behn (2001) argues, while many do not know what it means to hold someone accountable, those being held accountable do – “accountability means punishment” (p.2-3). The inclusion of ‘punishability’ as Schedler phrases it, frames accountability as a disciplinary mechanism and as a consequence suggests a more specific or direct relationship between those being held accountable and those holding to account.

Yet it is precisely because the capacity to punish in effect limits a relationship of accountability to very particular forms and equates being accountable to being (potentially) disciplined that some have questioned understanding accountability in such strict terms. Borowiak (2011) argues for accountability to be understood in much broader terms. Philp (2009) also argues the need for a broader understanding of the different ways in which accountability can be conceived. Philp insists that sanctioning based on the content of an account is restrictive, limiting the number that can be considered accountable and as a result unreasonably expanding the number considered unaccountable. However, Philp does not seem to distinguish between those that are unaccountable but act responsibly as opposed to those that act with impunity. Accountability may include the imposition of sanctions for reasons other than to ensure an account is rendered, but this is not considered a defining feature of accountability. Philp and to some extent Borowiak argue for a broader understanding of the ways in which an entity can be accountable, but they do so by loosening the requirements that constitute accountability. Given that in a recent survey of the literature on accountability, Lindberg (2009: 2) counted ‘well over 100 different subtypes and usages, it is not clear that the problem of
accountability stems from being narrowly conceived. Despite all efforts to the contrary, there is little evidence within the literature that what many regard as the signature problem of the idea of accountability has been improved.

Philp (2009) argues that despite all the recent attention, accountability remains under-explored and current configurations have distorted its meaning to the potential detriment of democracy. At the same time, the growing interest in accountability has produced what Koppell (2005) has termed ‘multiple accountability disorder’. Certainly there is no doubting the ubiquity of the term accountability. Whether its widespread use is owed to genuine attempts to improve government or more cynically as a rhetorical device (McGee 1980) or ‘hurrah word’ (Bovens 2005), there is no doubt the attention has had an adverse effect and the meaning and significance has been impoverished. However, this is less to do with its ever-expanding application, but to the absence of any appreciable impact on the declining standards of ethical conduct by public figures. The ongoing scandals involving governments and corporations is arguably a direct result of the absence of consequence; the failure of accountability mechanisms to involve systematic enforcement measures and thus deterrence. Yet the term accountability continues to be applied to describe these arrangements. The problem is not that accountability is meaningless, but that it is defined and practiced in neoliberal terms. This is why the ideal of accountability as a normative commitment to holding power responsible has no perceptible impact on the practice of accountability.

To argue that the value of accountability has been greatly reduced as a consequence of conceptual stretching or distortion is to suggest that the idea of accountability has some clearly defined ahistorical form or ideal type. Insofar as the meaning of accountability is context dependent, it is in practice that accountability becomes concrete and should be appreciated. In practice, accountability is imbued with particular values, has defined goals and serves particular purposes in clearly visible
ways. The point then is to analyse accountability for what it is, what it does and on whose terms. It is no coincidence that a period in which accountability has become so ubiquitous is at the same time a period in which crises of governance are globally apparent (see for example Calhoun and Derluguian 2011). The problem to date is that this paradox has been defined and approached as signs of accountability deficits. However, it is not the failure of accountability to constrain the powerful, but that the powerful inevitably shape the terms in which accountability is given meaning – terms that are inescapably neoliberal. Being unaccountable may mean a failure to fulfil requisite expectations and therefore be subject to sanctions, but the key issue is the way in which expectations are formed. As the NGO debate demonstrates, being unaccountable conflates being irresponsible, unethical and unlawful with acts of resistance and dissent. Approaching the idea of accountability in this sense is inescapably political. Insofar as politics is a question of who does what to whom, as Geuss (2008) contends, accountability has been used to depoliticise the exercise of power. It is not that the Wilderness Society is incapable of holding Exxon Mobil to account, but that the terms on which Exxon Mobil are accountable serves to reinforce rather than challenge their position of power.

The debate about NGO accountability gives the appearance of being focused on ethical concerns over the operation of NGOs and questions regarding the legitimacy of their political interventions. The value of NGOs in their capacity as advocates is a matter of perspective, but there is seemingly widespread agreement that NGOs lack regimes of accountability sufficient to ensure their operations are responsible and meet the standards expected. There are of course instances of NGOs undertaking questionable action – some in contravention of organisational principles and some illegal, though evidence of this in the NGO sector is comparatively minor. More often than not the controversy surrounding NGOs is a matter of perception, shaped by both ideology and a (deliberate) lack of concern for actual details. The public outrage that followed ‘revelations’ that the Red Cross did not direct all donations
from the Red Cross Bali Appeal (for the victims of the Bali bombing) to the victims is a case in point. Although the Red Cross was subsequently cleared of any wrongdoing, the ‘scandal’ undermined public confidence and as consequence there was a marked decline in donations to the Red Cross and other charities at the time. Despite acknowledging that the Red Cross was cleared, critics of NGOs such as the IPA continued to refer to the episode as evidence of a lack of accountability of NGOs such as the Red Cross (see for example D’Cruz 2005).

In contrast, there are numerous instances of conservative think tanks (CTTs) acting dishonestly and unethically as documented in later chapters. While NGOs have received extensive scrutiny and continue to be accused of lacking accountability, CTTs are seemingly confronted with few such questions. Given the supposed polymorphic nature of accountability (Dubnick and Yang 2011) and the ways that an organisation or entity could be considered accountable, it is an extraordinary claim to propose that the entire NGO sector could be open to the charge of being unaccountable. The controversy that surrounds NGOs and the stream of criticism objecting to their role as advocates, supports the proposition that accountability really does ‘mean different things to different people’. Yet there is an underlying rationale to accountability drawn from the values that inform the nature of the account provided and the terms on which such an account is evaluated. In fact, the underlying rationale constitutes the basis upon which the relation of accountability is configured in terms that are quintessentially neoliberal.

At least since the publication of The Economist’s (1999) widely cited article, among the most common allegations directed at NGOs by critics is that they are ‘unelected’. It was noted subsequently that The Economist and indeed the media more broadly are also unelected, pointing to the ridiculousness of the charge. Yet the question of NGO legitimacy remains and continues to be presented as a question of accountability. Rather than challenge the basis of such a question, or
indeed the particular politics evident in its framing, the NGO accountability debate appears predominantly focused on how to suitably operationalise accountability so that organisational integrity and thus the legitimacy of NGOs is assured. Yet if accountability does mean different things to different people, then surely legitimacy is equally relative? Which particular community is being served by implementing accountability, if NGOs face the prospect of conflicting accountabilities? Despite these concerns, the issue of NGO accountability is by and large approached as a matter of formulating a set of regulatory practices or procedures indicating that the contest over conceptual meaning is settled. NGOs have embraced accountability, whether willingly or reluctantly, but not on their own terms and with seemingly little recognition of the interests that it cannot help but serve. It is not a matter of NGO resistance to such terms being overwhelmed; it is that accountability cannot be practiced in any other way. This is evident in the fact that the search for ever-better regimes of accountability for NGOs continues with little or no provocation from CTTs but with seemingly increasing disaffection within the NGO sector and the communities they seek to help. These issues are discussed in detail in chapter eight. The question is; why does an idea widely regarded as a democratic virtue prove to be so detrimental NGOs and to democratic politics in the process?

The Idea of Accountability in Neoliberal Terms

The discourse of accountability is seldom challenged in any fundamental way. It is a rarity for any organisation to be criticised for being ‘too accountable’ as Koppell (2005: 94) wryly notes. In so far as it is considered essential to democracy and ensures trustworthiness and integrity, disputing the virtue of accountability is not only counterintuitive, but suggests a departure of common sense. Nonetheless, there is a broad understanding that the ethical dimension of accountability varies depending on the sector of society to which it is applied. For Goodin (2003), virtue ethics mirrors the ideal type of accountability appropriate for the third sector. In this
sense, NGOs would be held to account for the intentions or motivations that underpinned action, rather than performance or outcomes of the actions (that would more closely align with the state and market sectors respectively). In the broad idealised terms used by Goodin, the idea of NGOs being accountable is no more likely to be criticised as contrary to the public interest. Yet this is not the case in the debate over NGO accountability. While some doubts have been expressed over NGO motives, the far more common concern stems directly from the proposition that good intentions are no longer enough. This is perhaps the most visible sign of the shifting terms of accountability influenced by neoliberalism.

Almost every contribution to the NGO accountability debate prefaces the ensuing discussion with the proposition that being accountable is widely acknowledged as a public good or serves a public interest. Within the NGO community itself, despite some signs of reservation, such sentiment is evident in the continuing embrace of practices of accountability. An edited collection focusing on the issue of NGO accountability that arose from an NGO workshop includes a section on the benefits of embracing accountability, but no section on potential pitfalls (see Jordan and van Tuijl 2006b). In a Development Dossier for the UN Non-Governmental Liaison Service, Bendell (2006) questions the framing of accountability as a public good, but only in so far as less than desirable outcomes can still be produced by entities that are made accountable. However, Bendell does not question the idea of being accountable broadly, only that accountability must be formulated in particular ways to ensure that being accountable is a ‘good thing’.

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8 There are those who consider the notions of public interest and public good to be so indistinguishable that the terms can be used interchangeably without presenting any real problems (see Mansbridge 1998). Whether or not there is a reasonable basis for such a claim is not a matter that concerns the following discussion. Among much of the NGO accountability literature it is evident that the terms public interest and public good are used in such a way as for there to be almost no discernible or notable difference between them. There are some accounts that use either public interest or public good with reservations and note that such terms are highly problematic, but rarely is further consideration offered.

9 For Bendell (2006: 3) accountability would be informed by and enhance the ideal of democratic accountability - “a society where all decision making is accountable to those affected by those decisions or indecisions”.

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The concern here is not with abstract notions of accountability that might constitute a public good. Whether or not some archetypal form of accountability can be imagined that would be appropriate to the proper functioning of NGOs is in some senses irrelevant to the actual politics of NGO accountability. The current ideological context that shapes the parameters of the NGO accountability debate and provides the rationale for holding NGOs accountable is of much more significance. Dowdle (2006) alludes to a perceived accountability crisis brought on by processes of privatisation and de-regulation and consequently a concern that political forces may no longer be serving the public interest. In the same volume, Mashaw (2006) asks what accountability regimes would reassure the public suffering multiple and intersecting anxieties over the use and misuse of power. The problem is that the practice of accountability is itself constructed within the same ideological context that provides the rationale for programs of privatisation and de-regulation. The neoliberal impulse to privatisation is extended to and informs the operation of regimes of accountability and in this sense the push to make NGOs accountable is no less ideologically driven.

Neoliberalism has become a pervasive influence, not just on public policy, but as Harvey (2007; 3) argues, on the way the world is interpreted, understood and lived in. In very simple terms this means all social relations have become market relations; interactions between individuals pursuing self-interests. For NGOs, it is in effect the privatisation of the public interest they are otherwise purported to serve (Kamat 2004). To suggest that different or ever more stringent practices of accountability are required to address the NGO problem misses this crucial point. Whatever the approach to accountability, it will be evaluated and legitimacy bestowed on neoliberal terms. Any approach, no matter the ethical parameters, will be deemed insufficient and thus lacking accountability and therefore legitimacy.
Networks of powerful corporate and political interests have an obvious incentive for such framing. The extension of market relations to other spheres of social activity and performance judged accordingly harmonises the function of NGOs with the neoliberal project.

To embrace accountability as NGOs have done, perhaps unwittingly, is to forgo any potential for facilitating social change that challenges the dominance of interests vested in the neoliberal project. Though seldom acknowledged, the entire debate over NGO accountability is constructed in precisely this way; to challenge the rationality or dominance of neoliberal thinking is a sign that accountability is lacking. It is more than a sign of recklessness or irresponsibility; it is treated as a form of organisational deviance or pathology. In this way, the focus shifts from the substance of the perspectives advocated by NGOs to the organisation itself. NGOs become a subject rather than an object of accountability. Distinctions between concepts of internal and external accountability distinguished by Bovens (2010) matter little. The organisational values and norms that are internalised are no less defined by neoliberalism than the procedures or practices that govern operations. The virtue of accountability is now a performance-based measure of cost effectiveness and value for money, which provides no scope for holding power accountable.

The idea of accountability has been embraced by neoliberal ideologues who have already demonstrated a fervent and lasting contempt for democracy. The tension between democracy and accountability may seem initially implausible. Yet it is precisely the absence of concise meaning that makes accountability effective as a neoliberal construct.\(^\text{10}\) As discussed above, accountability as a democratic value lies in the idea of holding power to account. This is an idea that possesses almost universal appeal, but at the same time makes the term rhetorically useful. This may

\(^{10}\) Power (2000) makes a similar argument in response to criticism that his notion of the audit society did not include a concise definition of the term auditing. Power responded by arguing that it is precisely because the term audit is so ambiguous that his notion of the audit society is possible.
explain the adoption of accountability as a mantra of neoliberal ideologues, but it offers little insight into the ways that accountability preserves neoliberal values. It is through the particular ways that accountability relations are formalised that it becomes evident that in practice the idea of accountability is a neoliberal construct functioning in the interests of power. As Philp has noted, accountability relationships are increasingly framed in economic terms of principal/agent. Yet even within such a configuration, there is still scope for flexibility in the way such relationships can function as the ongoing debate over the nature of democratic representation demonstrates. Thus it is not simply framing accountability in economic terms that is the issue. It is the reduction of the idea of accountability to a regime of explicit ethical codes, standards and procedures that work to govern the space of ‘professional’ judgement (see Dean, 1999).

In this sense, accountability may guard against various forms of unprofessional conduct, but notions of corruption are themselves socially constructed in the same ideological context as ideas of accountability. Being accountable draws on a sense of duty, but it is duty defined in very narrow and at times technical terms that provides the appearance of autonomy or discretion, but in fact serves only to preserve the neoliberal status quo. The actions of the board of directors of Aer Lingus provide a useful example (see O’Kelly 2008). The board approved a change in flight schedules despite public opposition, which is hardly remarkable. The decision of the board is significant, however, because it was taken despite also facing vocal shareholder opposition owing to concerns about the detrimental impact that the withdrawal of services may have on regional centres in Ireland. The decision of the board of Aer Lingus demonstrates their professional obligation to maintain profitability rather than respond to the express wishes of shareholders or the broader public who held a more nuanced conception of the common good. This event, as an example of accountability properly understood, demonstrates the very real limitations of practices of accountability within the corporate sphere, much less beyond it.
Such an approach to accountability in the corporate sector may initially appear unremarkable and hardly cause for concern. But this shows the degree to which the logic of the neoliberal market dominates thinking about accountability. The fixation with profitability at the expense of all else and the extent to which this is broadly accepted as appropriate/dutiful corporate behaviour is evidence of the pervasiveness of neoliberal thinking. As argued by Friedman (1970) the social responsibility of corporations is to maximise profit. Market accountability not only measures performance in terms of profitability, it limits the parameters of judging corporate conduct to minimising financial costs and maximising revenue. In essence, financial profitability is the morality of the market. This is despite well-intentioned (though naïve) efforts to extend corporate accountability to include social and environmental cost/benefits represented by notions of the ‘triple bottom line’. The abject failure of such efforts to produce tangible results certainly in terms of a shift in corporate culture indicates some of the enduring rigidity of neoliberal ideas of accountability that dominate practice.

The underlying ethic of neoliberal ideas of accountability is significant. Neoliberal regimes of accountability such as those now implemented by NGOs represent the extension of a particular market rationality to non-market spheres of activity and the reconstitution of non-market relations accordingly. This is evident in the substitution of cost-effectiveness for profitability as a standard principle for which non-market relations are held accountable. Accountability is a measure of performance defined in terms of the efficiency of organisational operations in monetary terms. Thus, the idea of being accountable is reduced to practices of cost calculation; meeting ‘performance targets’ in the execution of the NGO duty of care to communities in need. As a rationale, the influence of efficiency as cost minimisation is not limited to undertaking advocacy while conscious of cost, it
becomes an operational end it itself – just as it is for corporations and public administration.

The prioritisation of performance judged by results belies a market orientation that Goodin (2003) associates with a utilitarian ethic. However, this is not necessarily at the expense of professional conduct or underlying intentions that Goodin associates with the state and third sector respectively. In so far as cost effectiveness is an end in itself, professional conduct and underlying intentions are themselves oriented toward the production of performance results. In this respect alone, the abstract distinctions between state, civil society (third sector) and the market made by Goodin collapses in practice. The collapse is further reinforced as the account given is judged in similar ethical terms. Those who are being held accountable are judged according to an emaciated notion of ‘value’ for money in which value is quantified in statistical cost/benefit analyses. Thus, the idea of accountability becomes simply ‘a counting,’ which as Dubnick (2002) insists is the etymological origin of the term. The neoliberal idea of accountability employs an impoverished notion of utilitarianism and the virtue of being accountable is defined by the intention and duty to be conscious of cost and reducing costs a virtue. Political action in the public sphere is increasingly shaped by and understood to be the private pursuit of material utility; public become service providers and cost benefit analyses define professional standards.

Perhaps one of the most common institutional examples of neoliberal accountability is New Public Management (NPM) as described by Hood (1991). Dominant among the “feudal fiefdoms of expertise” (Saul, 1993; 8); NPM in various guises has underpinned the reconfiguration of public administration practice and thus wholesale ‘reform’ of the public service. While there are no concise definitions or universal types, the underlying rationale of NPM is to as closely as possible re-create the competitive impulse of the free market incorporating the entrepreneurial flair
and managerial disciplines that drive profitability in the private sector. Hood (1995: 94) provides a less flattering description of NPM as “couched in the language of economic rationalism, and promoted by a new generation of ‘econocrats’ and ‘accountocrats’ in high public office”. Absent from Hood’s disparaging description are the ideologues; disciples of Public Choice Theory (PCT) that were placed in influential administrative positions from which the regulatory function of public service was turned upside down in accordance with the abstract principles of PCT.

A useful example is James Miller III when appointed executive director of the Presidential Task Force for Regulatory Relief and Administrator of the Office of Information and Regulatory Affairs for a short period during the Reagan administration. Miller is a widely recognised Public Choice theorist (serving currently as an Adjunct Scholar at the Center for Study of Public Choice at George Mason University) and has made a significant contribution to PCT. As executive director and administrator in the Reagan Administration, not only did Miller oversee a radical reduction in the regulatory framework benefitting corporate interests (Kleinknecht 2009)\(^\text{11}\), Miller (along with C. Boyden Gray and Richard Williamson) was also responsible for increasing the regulatory framework that governed the public service. Miller helped pass the 1985 Gramm-Rudman-Hollings Act which set annual limits on government spending that if not met, meant automatic cuts to departmental budgets across the board.\(^\text{12}\)

\(^{11}\) Kleinknecht documents not only the unprecedented involvement of corporate interests in defining the terms and targets of “regulatory relief”, but also the secrecy with which this process was undertaken. As Kleinknecht (2009: 109) states “the Whitehouse’s open-door policy did not extend to reporters, congressional investigators and others that might want to know about its discussions with corporate leaders on the subject of regulatory relief.” In fact House sub-committees required subpoenas to pry information from the Office of Management and Budget within which Miller worked. See chapter six for more detail.

\(^{12}\) Concomitant with Gramm’s efforts to regulate the state, as chairman of the Senate Banking Committee, Gramm supported the repeal of the Glass-Steagall Act which removed the last remaining vestiges of regulation of the financial/banking sector with what came to be commonly known as the Gramm-Leach-Bliley Act with disastrous consequences for all but the wealthy elite.
In many respects and not without some irony, NPM is an attempt to privatise the public sector. The Weberian-inspired idea that public service was performed by specially trained and disinterested staff concerned with the quality of service provision, that Hood (cited in Dunleavy, Margetts, Bastow, and Tinkler 2005) has more recently referred to as progressive public service is being displaced. NPM involved the introduction of new approaches based on entirely different truth claims regarding public servants and public service. Suffice to say “old-style bureaucrats are remade as executives subject to accounting measurement” (Hoskin cited in Watkins and Arrington, 2007: 34). The principle components of NPM include greater emphasis on explicit and measurable standards of performance and output of ‘products’; fostered by disaggregated and newly ‘corporatised’ public service units employing ‘hands on’ private sector management techniques; with a view to enhancing efficiency through competition and ‘incentivisation’ (see Hood 1991; 1995; Christensen and Lægried 2002). In practice, the effect of such a rationale is evident in the impact of measures designed to regulate government such as the Gramm-Rudman-Hollings Act. Referred to by some as the ‘doomsday machine’ (Turner 2013) and others ‘the ugliest, stupidest bill anyone has even seen’ (Rauch 2005), the Act ultimately failed in a strict sense, but contributed to PCT/NPM inspired culture within government. As Alice Rivlin, one time head of OMB during the Clinton administration, recalled “it isn’t that no one ever thought of adding prescription drugs to Medicare. We just couldn't find a way to pay for it. There was very real restraint” (cited in Rauch 2005: URL). What is effectively a form of institutionalised self-restraint was exercised in part by setting up budget deficit reduction targets that serve as clear quantifiable goals that could be judged as met or breached. Other mechanisms that new management techniques include are cost improvement programmes, performance indicators, financial management information systems, financial targets, delegated budgets, and resource allocation rules (Pettersen cited in Watkins and Arrington 2007). Improved performance
understood in these terms became the basis of reform of public service and the provision of health, education and more recently military defence and national security. Through NPM, managerial (administration) values of efficiency and frugality – ‘sigma values’ according to Hood (1991) have been embraced as institutional norms.

As an ill-defined doctrine, a number of conflicting elements have been identified in NPM. It has been argued that tensions exist between the economic and managerial imperatives inherent in NPM, manifested as the strain between greater managerial discretion or autonomy and greater accountability (see for example Christensen and Laegried 2002; Behn 2001). In this respect, NPM is somewhat paradoxical in that it created new spaces for organisational and individual autonomy (akin to free market actors) and at the same time provided new mechanisms of control in the guise of accountabilities (see Rose 1999) and explosion of an audit culture (Power 1997). Insofar as neoliberal ideas of accountability operate to make the individual both governor and governed, then the distinction between discretion and accountability essentially becomes meaningless or at least of very little significance. In other words, ‘free to choose’ and ‘free to manage’ become the same thing because the values that direct each are ostensibly the same. Both are disciplined by the rationale of efficiency and frugality (‘keep it lean and purposeful’) over values of integrity (‘keep it honest and fair’) and values of prudence (‘keep it robust and resilient’) (see Hood, 1991: 10-15). The range of freedom for choosing and managing is defined within the rationale of keeping an organisation lean and purposeful and to be accountable is to act accordingly. Discretion beyond this range is not only subject to sanctions (acting on those wishing to avoid punishment); it is also regarded as unprofessional (acting on those wishing to be good at their job).
A more evident contradiction exists between the values of efficiency in non-market spheres and profitability in the market sphere of activity. Despite the suggestion that NPM prioritises particular public service values, the real priority appears to be market sector profitability. One example is the impact of privatisation and deregulation of military services. The damning evidence of escalating costs that has emerged from an increasingly privatised military presence of US-led forces in Afghanistan and Iraq (see for example Greenwald, 2006) shows that the rationale of lean and purposeful service has only limited applicability. Despite mounting evidence, there appears to be little shift in the dominance of neoliberal managerialist principles and the political pressure to further advance programmes of privatisation and de-regulation. So too, the controversial practices and secrecy that surrounds public private partnerships in both national defence and security (see for example Scahill 2007 and 2013; Bamford 2009) demonstrates the very real limits of neoliberal accountability. By facilitating the adoption of the habits and assumptions of the private sector by the public sector (Hall 2011), NPM reinforces the impression that the private interests of capital and the wealthy elite constitute the public interest.

The influence of NPM on the arrangement and rationale of public service is not unique to the USA. Coinciding with the rise of the New Right in Australia, public sector reform informed by NPM principles was also pursued. The programme of reform and the reconfiguration of public service was not consistent. Levels of union membership and partisan politics certainly played a role (O’Donnell, O’Brien and Junor 2011). Nonetheless, reform efforts commonly included several basic aspects of NPM including, the prioritisation of cost efficiencies and a shift to performance management and individual accountability (O’Brien and O’Donnell 1999). Recognition of dedicated service through a standard programme of promotions was supplanted by a system of financial rewards, including bonuses, for meeting prescribed targets. Moreover, a shift toward short term contracts not only provided
incentives to meet managerial expectations, but also to curb the parameters of professional judgement in the interests of continued employment. Effectively compliance substituted for competence. Despite supposedly different policy platforms and approaches to public service by consecutive Australian governments, NPM remains a key influence on the institutional culture of the Australian public service (see O’Donnell, O’Brien and Junor 2011). Chapter six briefly explores the practical application of NPM principles evident in recent institutional and regulatory reforms in Australia.

In reality, the neoliberal idea of accountability is not about holding power to account, but reconstituting the basis upon which legitimacy is conferred. This is a pivotal distinction and in this sense, neoliberal regimes of accountability are not essentially anti-democratic. Neoliberal accountability reframes the parameters of obligation away from considerations of what is in the broad interests of the public to private principal/agent relationship narrowly constituted in the neoliberal terms described above. This is not entirely incompatible with notions of representative democracy. However framing accountability relationships in these terms severely delimits forms that public accountability can take and in the process relieves almost all pressure to compromise the interests of capital. Whether described as political or democratic, in practice accountability has little meaning beyond systematically organised relations and explicitly codified standards of behaviour. Any action outside of these arrangements that may challenge the status quo is by definition an act that is unaccountable and illegitimate. In this sense, the idea of being accountable is effectively de-politicised. It is not that the principal’s interests become that for which the agent is instrumentally responsible, but because the principal is constituted as a rational utility maximising agent.
At the same time, neoliberal accountability is premised on making sure that the self-interests of the agent (as the authorised representative) are met in fulfilling the role. This does not necessarily mean that the agent is monitored directly by the principal, whereby the agent acts in the (self-preserving) interests of avoiding punishment – though this can certainly be the case. The effectiveness of neoliberal accountability is derived from its influence on conduct, by working through the desires, aspirations, interests and beliefs of the agent (see Dean 1999). Further, as Rose (1999: 150) argues, the financial rationality that now dominates organisational life is a powerful technology because it works “at a distance upon the actions of others”. This is not just a matter of organisational principle; it has become an over-riding rationale for almost all social relations and a defining feature of the human condition. Accountability defined in financial terms reflects the dominance of the interests of capital, in the way expectations of appropriate conduct and the grounds for which sanctions may be applied are formed. The act of authorising or delegating authority, whether political, legal or otherwise is also constituted in neoliberal terms. In effect neoliberal accountability operates on the basis that democratic politics is made up of relationships of financial exchange in which those who are paid are obligated in particular ways to those who are paying. This means that both those being held to account and those holding them to account are both subjects of neoliberal accountability. In so far as this is the case and neoliberal accountability operates to preserve the interests of capital, then the main beneficiaries of neoliberal accountability regimes – the public interest that accountability serves - are the private interests of an extreme minority. The question in respect to NGOs is how this came to be.
Accountability in ‘An Individualistic Theory of Politics’

The pervasiveness of neoliberal managerialism within the organisational culture of NGOs is already evident and noted. While there continues to be extensive anecdotal evidence of this trend in the increasing number of positions created for and filled by candidates with management experience, this is a symptom rather than a cause of the shift in non-governmental organisational culture. There was certainly some impetus derived from the burgeoning academic interest in NGOs as organisational entities that suffered from a lack of professional management, necessary structure and proper procedures to ensure smooth operation, informed by the work of early management guru’s such as Peter Drucker (see for example Drucker, 1990). At the same time, within NGOs themselves there was a growing intention to expand from an ameliorative role in humanitarian and welfare assistance, to a more proactive role in policy design. It was argued that such a role demanded greater professionalization of NGOs, a process of changing organisational culture that focused more intently on formalising organisational structure and procedure. This process of corporatisation, also referred to as NGOisation, tends to lead to a fixation with the managerial prerogatives described above in which practices such as auditing become ends in themselves (Power 1997).

While the evidence and impact of these trends (explored in more detail in chapters three and four) facilitated the NGO embrace of neoliberal accountability regimes, it did not create the circumstances that made such trends seem like obvious developments. If indeed NGOs represent one of the dominant forms of the third sector or civil society, why then would NGOs need to be made accountable in ways more typically associated with the corporate sector and increasingly the state? NPM as outlined above was itself an ideological trend, symptomatic of a broader shift in the way state and civil society are constructed. While the application of doctrines

13 The phrase is quoted by Buchanan (1979: 3) as an alternative label for Public Choice Theory - though without attribution. Despite a brief search of the PCT literature, the original source remains unknown.
such as NPM reconfigured the organisation and function of institutions such as the public service, it was underpinned by assumptions and values of neoliberal rationality that gave the basis for such reconfiguration meaning. It was not simply that neoliberal rationality provided solutions to existing problems; it provided the outlook that problematised existing institutional arrangements.

The influence of PCT on NPM has been well documented. The work of William Niskanen and Kenneth Arrow has been widely acknowledged as having a formative role on the way that NPM re-presented the reality of public administration in line with fundamental assumptions derived from free market economics (see for example Hood 1991). It has been argued that there are a number of variations of PCT\textsuperscript{14} and in so far as this may be the case, focusing on one particular school over others might require some justification. However, nuanced differences between various key figures in the PCT tradition associated with the New Right are less important than the principle assumptions that informed the approach to the study of politics that all variations more or less shared. In so far as differences exist between different Schools of PCT, one that is of particular relevance here is the level of political activism undertaken to popularise PCT doctrines and their influence on public policy design. In this respect, the role of the Virginia School associated with James Buchanan – recognised by The Economist (2013) as the architect of PCT - is of particular importance. Not only was the Virginia School and Buchanan (among other key members) directly involved in political campaigns for various state propositions in the USA (see Buchanan 1986), Buchanan also had a close association with conservative think tanks in Australia, in particular the Centre for Independent Studies. According to documents released as part of a legal settlement, the Virginia School appears to have had a role in defending the interests of Big Tobacco. Some of these examples will be explored in more detail in this section, for now it serves to

\textsuperscript{14}PCT can incorporate approaches from across the ideological spectrum and is at times used interchangeably with rational choice theory (see Hindmoor 2006). Dunleavy (1991) offers a very helpful account of some of the distinctions between approaches.
demonstrate the extent to which the Virginia School acted on its ideological beliefs and in doing so came to be more closely associated with the conservative think tank network of which the IPA was a part. Buchanan’s role in advancing neoliberalism as a political project is also a matter of public record. As a pre-eminent figure within the neoliberal movement, Buchanan was among a number of neoliberals feted by the Pinochet regime and who expressed support for the re-organisation of the Chilean economy despite the violence and human rights abuse required to do so (Fischer 2009). In Britain, the Virginia School was placed behind the Austrian and Chicago Schools as predominant influences on the neoliberal project (see Denham 1996; Gray 2009) and in Australia, Buchanan has been named alongside Hayek and Friedman as key intellectual influences on the shape of free market thinking (Marginson 1992). This is not to suggest that Buchanan or the Virginia School more broadly were pivotal to the constitution of neoliberal rationality or that advocacy NGOs were specific targets of the public choice critique of politics – though there are indications that Buchanan was certainly critical of their role. The Virginia School offers a way of understanding the neoliberal theory of politics – in both the way the School thought and acted – and more importantly the way the case against advocacy NGOs was rationalised.

Analysis of PCT as propounded by the Virginia School yields a great deal of insight into the contradictions of neoliberalism. If neoliberalism is ostensibly known in practice for programs of de-regulation and privatisation as outlined above, then there is something of a conceptual paradox in the neoliberal idea of accountability as a regime of regulation. There is no theoretical inconsistency, however, if neoliberalism is accepted as an ideology predicated on discipline as suggested above. In the PCT tradition, limits on freedom come in the form of the enforcement authority of the state ensuring the integrity of the constitutional contract embodied in law and of self-government to moderate individual expectations of what can be achieved by “overt political interference” (Buchanan, 1975: 91). Buchanan himself
has argued that his primary concern has been to understand “how we can learn to live with each other without engaging in a Hobbesian war and without subjecting ourselves to the dictates of the state” (cited in Reisman, 1990: 155). Indeed the subtitle of perhaps his most recognisable and influential work was *Between Anarchy and Leviathan*. The essence of PCT and Buchanan’s own work is the determination of what combination of rules governing individual behaviour within the political domain can be justified as a reasonable impost on otherwise ‘independent man’ – a particular construction that Buchanan understands to be the self-awareness of individual will separate from other men, God, the state and city that he traces back to Hobbes. As Buchanan (1975: 147) argues, “[c]an we conceive of pre-Hobbesian anarchists?” (see also Marginson 1992). The ontological primacy of the individual formed the methodological basis of PCT – all analysis begins and ends with the individual. Indeed, without methodological individualism, there is no basis for the ‘calculus of consent’ (see Buchanan and Tullock, 1999[1962]). Any conception of broader public good can only be understood in aggregate terms, hence the PCT preoccupation with the ‘science’ of statistical measures of value (more often than not in monetary terms). Along with the primacy of the individual, there are a number of fundamental assumptions that form the basis of PCT. Stemming from the individualist approach, PCT assumes that all individuals are normatively equal and that each individual is defined by a unique set of interests that are best known to themselves and that these interests can only be satisfied by interaction with others. Social interaction is negotiated by the desire to maximise benefits and minimise costs and collective association is desirable only insofar as these aims are fulfilled, not because “society offers us a means of arriving at some transcendental common bliss” (Buchanan, 1975: 1). In this respect, PCT dismisses as utopian folly what is considered the alternative conception of society as one based on ‘other-regardingness’ and ‘politics as romance’ - a precursor to tyranny (Buchanan, 1975: 156; see also 1979). On this basis, all social relations are best understood as
contractual relations constituted by mutually agreed upon rules of conduct within the relationship. This is the basis upon which the social contract embodied in a constitution is theorised – an extension of the logic of market relations (and the underlying rationale) based on the notion that egoism and self-interest are the driving force of society (see Muller, 1993: 17). Public choice refers to the decisions taken by such individuals in the governmental sector.

At its most basic, PCT has been described as a theory of state failure and a strategic counter to theories of market failure that had justified state intervention in the economy. Buchanan has termed PCT the ‘economics of politics’ but it is a particular understanding of economics (Buchanan, 1978: 3). Where justification of the welfare state rested on the idea of addressing market failure, PCT argued that those engaged by or within the state were no less motivated by self-interest and therefore as markets fail, so too do states (see Hindmoor 2006). PCT as part of the neoliberal project took issue with the dominant practice of economics understood as the Keynesian form of welfare economics based on notions of scarcity constraint. In contrast, PCT was premised not only on the primacy of *homo economicus*, but that economics properly understood is the ‘science of exchanges’. PCT applied market-based behavioural models to politics, in particular to those engaged in public office or public service, so that political relations are effectively reduced to exchange or transactional relations (Buchanan 1978).

State failure refers principally to the tendency of the state to expand the range of powers at its disposal and the extent of interference in society that it conducts.  

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15 Buchanan draws directly from Hayek here, referring to Hayek’s notion of catallaxy. A concise explanation of the two foundational principles of PCT and its implications for political analysis can be found in Buchanan (1986: 19-27).

16 Typically ‘failure’ results from what Buchanan has termed post-constitutional politics which refers to the complex exchanges of the producer state (as opposed to the protector state). It is inherently conflictual as the preferences of individuals are infinitely different and no absolute consensus is possible. The Virginia School does not discount entirely the idea of public goods provided by the state, but that such goods are only legitimate if no individual is made worse off by their provision. For Buchanan at least, it is at the post-constitutional level that problems emerge largely as a result of the decline in respect for moral standards associated with the Victorian era.
The source of failure is recognised in the individual constituents that make up the institutions of the state – each a member of the polity and each actively seeking to maximise their interests. This ‘reality’ uncovers two principal misconceptions as a result – that the institutions of the state act out of some disinterested collective benevolence and that the state can deliver on its promises (see Hindmoor 2006). PCT concludes that such arrangement means that within the institutional setting of the state, individuals will inevitably seek to increase financial budgets and departmental responsibilities. This tendency is compounded by interest groups lobbying government for special privileges – termed rent-seeking. Such activity is beneficial for those involved as the effort expended is more than offset by the rewards, but comes at the expense of individual citizens whose interests are compromised, both in their marginalisation from public policy and the burden of growing budget deficits used to finance the demands of rent-seekers. From this perspective the politics of policy design and implementation that had been previously (albeit crudely) termed the process of deciding who gets what and how, was actually the exercise of institutional authority by interested rather than disinterested individual public office holders.

PCT maintained that, as Adam Smith argued, individuals pursuing and satisfying self-interests under certain conditions will collectively define the public interest, so too can individuals within the state. Where Smith sought to structure the market so that the pursuit of self-interest could benefit consumers, PCT seeks to structure the state to make the pursuit of self-interest more beneficial to its citizenry (Buchanan 1978; Muller 1993). In this way PCT has had an important role in shaping perceptions of the state and its various agencies as problematic and for which NPM was to be instrumental in addressing as a consequence. Somewhat contradictorily, Buchanan has argued that such an approach to political analysis is not designed to offer predictions as to likely outcomes of political action, but to “further the normative exercise of investigating incentive structures embodied in various institutional
forms” (Brennan and Buchanan, 2000: 80). As such, whether or not PCT reduces all motivation for political action to a utility maximising egoist (*homo economicus*), it is precisely this behaviour that NPM is premised on and seeks to direct. Indeed, proponents of PCT have argued that it offers a more realistic account of the state and as a consequence a “richer normative and positive understanding of how government can be improved” (Tollison, 2000: xi). Yet, there is a distinctive problem. As Green and Shapiro have cogently argued, analysing politics as an act of rational choice\(^\text{17}\) is yet to produce any useful empirical data to support claims that it is a genuine scientific endeavour capable of explaining or predicting political outcomes. Restructuring the state according to PCT precepts is therefore a prescriptive exercise with no verifiable empirical basis of support. In this respect, PCT is little more than ideology masquerading as science. However, in so far as state institutions are reconfigured regardless, then the rationale of PCT is self-fulfilling. Public office is ‘marketised’ as an institution of exchange which ensures that those in public office are not only compelled to act accordingly, but that the idea of *homo economicus* so directed becomes the epitome of public service. The new structure of rules and incentives put in place by NPM creates an institutional environment in which what is regarded as the public service ethic (see Hood 1991) is pathologised and requiring intervention. In this respect, whether or not self-interest is a more realistic assessment of the motivation of public office holders, PCT via NPM presents it as more desirable.\(^\text{18}\) This applies not only to those within public office, but equally to those who seek to influence the public choices made by such individuals.

\(^{17}\) Shapiro and Green refer to rational choice theory, of which PCT is a type rather than a terminological substitute. Certainly Buchanan and Tullock have been credited with being the first to systematically theorise the state in such terms.

\(^{18}\) Buchanan has dismissed critics in the past as merely ‘rent recipients’ opposed to change because it is not in their self-interest. To my knowledge, the idea that proponents of PCT themselves derive personal benefit from advancing PCT has not been cause for concern if it has been considered at all.
Despite the shortcomings of PCT, there is no doubt some element of rational choice influencing political behaviour, though this is hardly a new insight as Green and Shapiro argue. The problem, in Gray’s (1989) terms, is that the normative construction of *homo economicus* is an impoverished and overly reductionist concept with which to make sense of the richness of the human condition.\(^\text{19}\) Indeed, the entire intellectual edifice of PCT rests on a simple economic principle – that consent rather than coercion is a much more economical basis of government. Thus the normative foundation of the social contract according to PCT is efficiency – nothing more. The attempt to reconstruct all spheres of human activity to ensure that freedom was limited to the order in which *homo economicus* could flourish was the very purpose of the neoliberal project. In this sense, as Gray argues, neoliberalism is guilty of the very condition that it was so profoundly critical of - that there is some end state to which public policy ought to be directed. Understood as such the neoliberal project is every bit as teleological as the collective/planned programs of socialism and ideistically utopian as perfectionism against which neoliberals have consistently railed (see for example Hayek 1960). The majoritarian impulse (whether real or manufactured) guided by the ethic of utilitarianism would, even under ideal circumstances, inevitably lead to an all-encompassing state – leviathan. This is the chief concern that animates PCT, illustrating its affinity with the broader neoliberal project. Certainly aggregates of individual values (understood in cost/benefit terms) are central to PCT analysis, but given the general principle that public goods must leave no individual worse off, PCT is the antithesis of utilitarian thinking. Nonetheless, coercion – the defining feature of the political (non-voluntary) sphere – was a necessary feature of an ordered society capable of sustaining a free market. As Hayek (1979: 6) argued:

\(^{19}\) Of course Gray is far from the only one to level this charge against neoliberalism. The Frankfurt School condemned capitalism for its ‘one dimensionality’ (see Marcuse 1964). It is nonetheless a telling indictment when the criticism comes from a theorist considered to be a scholar of the classical liberal tradition with which Hayek, Friedman and Buchanan are commonly associated.
If all coercive power is to rest on the opinion of the majority, then it should also not extend further than the majority can genuinely agree ...mean[ing] that the individual should be bound to obey only such commands as necessarily follow from the general principles approved by the majority, and that the power of the representatives of the majority should be unrestricted only in administration of the particular means placed at their disposal.

Of course the idea that all have an interest in such power is an argument in principle. For coercion to be necessary, it must be presumed that not all will act in ways that reflect their interest in a neoliberal order. As Hayek goes on to argue:

The ultimate justification of the conferment of a power to coerce is that such a power is required if a viable order is to be maintained and that all have therefore an interest in the existence of such a power (p.6).

The key point here is that a coercive state had a legitimate role in bringing about and maintaining a political order – promoting what are understood to be public goods and protecting against what are understood to be public bads. Whether or not PCT was predicated on an idea of efficiency to bring about a minimal state – it was a state that was justified in using coercion to enforce involuntary compliance with the rules and regulations for the common good. Gray has described neoliberalism as a combination of economism and legalism, both of which stem from Hayek’s idea of a spontaneously derived order based on the free market and common law. It was a formulation constructed to ensure liberty defined as the absence of coercion enabling individuals to act to satisfy needs that they themselves identified. Hayek appeared to have no objection to freedom characterised by Marx as “the furies of personal interest” (quoted in Wilson, 1938: 71). While the process of realising the neoliberal project has in many respects merely supplanted one
rationale for the exercise of state authority with another – it is a rationale that is no less predisposed to the most extreme forms of coercion - violence and tyranny. Perhaps the most obvious example is the relationship between the Mont Pelerin Society and the Pinochet regime in Chile. Whether or not the relationship can be accommodated within Hayek’s political philosophy as some have attempted is not at issue here (see Robin 2013). What is important is the degree to which the neoliberal project can justify a coercive state that preserves freedom and recognises rights only within certain prescribed limits. This goes to the heart of the issue of neoliberal accountability.

The idea that a rampant civil society (or at least powerful interests within civil society) needs to be held in check by the state or sovereign is an old one. Such thinking is arguably evident albeit in different terms in the political philosophy of Machiavelli (Skinner, 1984), Hobbes (Skinner 2002), and de Tocqueville (Wolin, 2001) among others. Despite intellectual pretences, PCT is a perversion of such thinking. The very limited sensitivity to (or perhaps knowledge of) historical context that the Cambridge School has been so meticulous in documenting is an issue that is tangential to the critical analysis undertaken here. The influence of Hobbes has already been noted. But where Hobbes was mindful of the influence that may be wrought by powerful self-interested elites (as was Machiavelli), the Virginia School appears very comfortable advocating the removal of state regulation protecting public health in the interests of private capital. The alignment of PCT with the interests of business lobbies such as Big Tobacco, who have dedicated inestimable amounts of funding not only to preventing legislation harmful to corporate profits,

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20 Friedman’s connection through the so-called ‘Chicago boys’ has been documented (see Palast, 2002), though it appears to have generated relatively limited academic interest. On the other hand, Hayek’s relationship with Pinochet has been the subject of some (recent) controversy as essays featured on Crooked Timber and Bleeding Heart Libertarian indicates. While there are those who deny any significance in the relationship between Hayek and Pinochet personally or the fact that Chile hosted a meeting of the Mont Pelerin Society in 1981 as responses to Robin’s (2013) essay demonstrate, it can hardly be dismissed as incidental or a simple lack of judgement. As Klein (2007) has documented in detail, the occurrence of neoliberal policy regimes being implemented in states where democratic freedoms have been (arguably have to be) curbed if not entirely suppressed must be significant and occurs too frequently to be coincidental.
but have also undermined public trust in scientific research such as the harmful 
effects of smoking. By contrast, PCT and indeed Buchanan remain far more 
concerned with the risks of a new leviathan emerging from the perceived influence 
of civil groups seeking political solutions to the problem of increasingly unrestrained 
corporations and complicit states.

**Conclusion**

The above outline is by no means comprehensive, nor does it necessarily do justice 
to the complexity of PCT, the thinking of James Buchanan or the range of critical 
responses to the Virginia School. The following chapters cover some of these 
aspects in more detail as the influence and implications of PCT perspectives on 
politics and NPM principles on institutional arrangements of the state become more 
apparent. What is important at this stage is to provide a basic account of the 
normative parameters to which notions of the public interest or public good are 
confined and the reconfiguring of accountability to this end. Forming a key part of 
the neoliberal project, PCT assisted in constructing a new landscape for 
understanding politics. Broad albeit vague distinctions between notions of public 
and private interest, whether understood in either utilitarian (aggregate) or 
communitarian terms, have been reconfigured in such a way and to such a degree 
that notions of the public interest are now almost inseparable from private 
interests (of capital). As a consequence, the design and implementation of 
mechanisms of accountability expressed in terms of economic efficiency and cost 
effectiveness are a logical and common-sense response. The influence of 
neoliberalism is not limited to the answer to the simple equation of accountability –

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21 There has also been revelations that the Virginia School acted as a conduit for Tobacco money to be 
funnelled to support PCT-based opinion pieces in mainstream media condemning government initiatives 
(including those designed to reduce smoking) as unreasonable restrictions of free enterprise. Amongst a 
huge cache of internal documents released by various tobacco companies as part of a negotiated settlement 
of a class action, named the Virginia School as a key distribution point for tobacco sponsored funding and 
key figures among the Virginia School as both organisers for the distribution of and recipients of these funds. 
Whilst the activity certainly fits with the precepts of PCT and to my knowledge has not been explicitly refuted 
by any from within the School, it has not (at least at the time of writing) yet been conclusively verified. 
Nonetheless, the point of criticism stands.
who is accountable to whom, how and for what? The equation itself is value-laden, based on beliefs and interests that inform a particular understanding of the world, the aims and goals that should be prioritised and the way society should be ordered to achieve them.

The influence of neoliberalism facilitated by the networks of interests represented by CTTs has given rise to a discourse of accountability that reconfigures notions of legitimacy and obligation and the balance of power relations between NGOs, states and corporations with resounding implications. The idea of accountability continues to be widely regarded as or in keeping with the public good, but in practice the public interest served is defined in very narrow terms and so warrant much closer scrutiny.

Chapters three and four explore these issues further by analysing the terms of debate surrounding NGOs and the problem of accountability. Underlying the analysis in these chapters is a more penetrating question. It is not so much who is asking for NGOs to be made more accountable – though this is clearly important. A more helpful approach to understanding the politics of accountability is to ask: why and in what context did the problem of NGO accountability emerge? What are the underlying politics? The following chapter addresses these questions by providing an overview of NGOs, how they are defined and the premises upon which the need for accountability is based.
Chapter 3.

NGOs and the Question of Accountability

Introduction

Having outlined in broad terms the idea of accountability as a neoliberal regime, this chapter examines the debate on NGO accountability, identifying some of the broad themes and the assumptions that inform the debate. There are two principal concerns that are addressed in this chapter. The first issue is the continuing uncertainty that surrounds the definition of an NGO. The second is the basis upon which neoliberal regimes of accountability have come to be considered appropriate for and indeed beneficial to NGOs. In many respects, the two concerns are intimately related. Understanding the rationale for subjecting NGOs to the rigours of accountability regimes – in essence a set of practices designed to ensure compliance through measures of performance – is at the same time to come to terms with what NGOs are, or at least have become. This is as much an indictment of the shifting nature of the NGO sector as it is of the political forces and ideological context within which NGOs operate and the terms of reference of accountability are set. The idea that NGOs are socially constructed, products of the social environment rather than fixed apolitical entities, is unlikely to be found controversial. The question – constructed on whose terms and for whose benefit – not only offers more insight as to the realities of politics at the coalface, it avoids the pitfalls of endless abstract debate by providing an account of NGOs in practice.

As argued in the previous chapter, while the political ideal of holding power to account alludes to an underlying liberal principle of justice or republican principle of non-domination, neoliberal accountability is principally concerned with economic efficiency. This is not to argue that it is devoid of moral or ethical concerns; simply that evaluation is done on market terms (see Sandel 2012). Despite such limits, many argue that such regimes are not only suitable for NGOs to adopt, but are
imperative if NGOs are to be considered credible and accorded political legitimacy. The need to make NGOs accountable rests largely on an uncritical (perhaps unconscious) acceptance of neoliberal rationality. Perhaps the most striking aspect of this acceptance is found in the broadly held and largely unquestioned assumption that within democratic politics, NGOs are problematic. The framing of ‘the NGO problem’ is followed by a fervent belief that being (more) accountable is the solution. This belief holds whether the NGO problem is verily accepted or resolutely disputed. In so far as this is the case, the question as to why NGOs should be made accountable is not only a question that is distinctly ideological, it is a question of genuine political importance.

Defining the character of NGOs

Almost all contributions to the NGO debate acknowledge the ambiguity of the term nongovernmental organisation. It is a curious admission, given that part of the accountability equation is who is accountable and what are they accountable for? The absence of specific terms demarcating the organisational form of NGOs has not prevented demands for NGOs to be accountable. Certainly there are some basic organisational characteristics commonly shared by NGOs, but these characteristics are hardly unique to NGOs. In this sense, even if a generic definition of NGOs is developed it is likely to be so broad as to offer little if any genuine analytical insight into the politics the NGO accountability debate. The particularity with which NGOs have been made a subject of accountability stands in stark contrast with the difficulty of defining what they actually are. This contrast is perhaps the most visible sign of the ideological influence of neoliberalism on the terms of debate. There is a clear distinction between non-governmental organisations that are the subject of debate defined as NGOs and non-governmental organisations that are not. An NGO in this regard is not simply a non-governmental organisation in some generic sense; it is an easily identifiable organisational entity that is regarded as problematic.
because it lacks a clear basis of political legitimacy. The analysis in this chapter is not undertaken to provide either a definition or a typology of NGOs. Such an endeavour is inconsequential to understanding the debate over the accountability of NGOs. The issue of importance is establishing the basis upon which certain types of organisations, not of the government or the market, are accused of being insufficiently accountable. As this chapter shows, NGOs are a problem because of what they are, not how they operate. On the neoliberal terms in which accountability is constituted, NGOs are problematic because the progressive agenda for tackling conditions of poverty, environmental destruction and state violence that they represent is portrayed lacking legitimacy precisely because it threatens powerful interests and the ideological status quo.

There is little evidence to suggest that accountability is presented as anything other than a necessary, even desirable step in the continuing maturation of the NGO sector. Indeed, insofar as the virtue of being accountable was questioned, it was a matter of whether NGOs had already been made suitably accountable (Wapner 2002a) or that such regimes needed to properly formulated to avoid being detrimental to the work of NGOs (see for example Edwards and Hulme 1995a; Ebrahim 2003). Very few contributions to the debate seriously questioned either the reasons why NGOs need to be accountable or the proposition that being more accountable would benefit NGOs within the terms of the debate. Similarly, the study of NGO accountability is not commonly preoccupied with precise definitions of what constitutes an NGO. Some focus on the nature of civil society itself, perhaps as a consequence of NGOs seemingly defying definition (Gray, Bebbington and Collison 2006), whereas for others NGOs represent a distinct subset of civil society (Kaldor 2003). In contrast, some argue that NGOs are more closely aligned with (strong) states or governments and/or in opposition to broader civil society movements (Hayden 2002; Shivji 2007). Some contributions focus more specifically on NGOs, even though the meaning of NGO is considered only briefly (Bendell 2006) and in
some cases, concern with the accountability of NGOs involves very limited (if any) consideration of the definition of NGOs themselves (Gourevitch and Lake 2012a; Unerman and O’Dwyer 2006).

The benefit of providing some basic features by which NGOs could be identified may help to contribute to a broader understanding of the dynamics of the NGO sector (see Vakil 1997). However, defining specific features requires a judgement as to what is meaningful and pertinent and perhaps as a consequence appears to be avoided in much of the literature. As it is, the characteristics used to distinguish NGOs are generally so broad (or vague) that very few organisations can reasonably be excluded. It is a problem that has existed from the beginning of recent academic interest (Salamon and Anheier 1992a; 1992b). Nonetheless, most contributions to the debate have a particular impression of NGOs in mind, even if the basis for this impression remains conceptually ill-defined and perhaps increasingly unfounded. There has been an ‘explosion’ in NGO literature contributing to an expanding body of knowledge of the tasks and challenges specific to NGOs (Edwards and Fowler, 2002b) and the distinctiveness of the third sector itself (see Goodin 2003; Young 2000). Amidst this literature is an increasing interest in the issue of NGO accountability. There are now myriad studies, critiques and defences, tackling the complexity that surrounds applying the concept of accountability to organisations commonly associated with civil society. What is less evident is awareness that the identification of the NGO problem and the subsequent application of regimes of accountability have changed what might be termed the texture of the NGO sector. While Gray, Bebbington and Collison (2006: 322) suggest that the lack of an accepted definition may be responsible for a body of literature that lacks coherence and inter-relatedness, it may also be a sign that NGOs are losing the organisational distinctiveness and the political significance that initially attracted academic interest.
Historically, the form of political organisation that NGOs represent has a longer tradition than the term itself. For example, NGOs almost certainly have parallels with the forms of political and civil association that Tocqueville (1969) noted as an important foundation to the practice of democracy. At the same time, voluntary associations of the kind represented by NGOs may well have been included among ‘those things that weaken a Common-wealth’ by Hobbes (1996:230) “like worms in the entrayles of naturall man”. The origin of the moniker NGO appears to lie in the inclusion of the term nongovernmental organisation in the United Nations Charter.\(^\text{22}\) Already informally included in the debates and deliberations of earlier international governmental organisations, such as the short-lived League of Nations, the presence of NGOs was formalised in Chapter Ten, as a source of consultation for the Economic and Social Council.\(^\text{23}\) From these somewhat humble beginnings, recent decades have witnessed prolific growth in number and size of NGOs. The roles and functions that different types of NGOs are expected or imagined to serve have also expanded considerably. The increase in size, scale and scope of NGO operations is perhaps exceeded only by the various interpretations of what the presence of NGOs signifies (see Kaldor 2003). Thus from the relatively simple activity of providing for the needs of the destitute and advocacy for solutions to the conditions associated with poverty (often with an underlying religious mission), NGOs now figure prominently in many sectors of societies across the globe.

NGOs have been identified as part of a reawakening of new forms of social movements, new sites of struggle and avenues of empowerment and hence transformative (Habermas 2001; Gautney 2010); the actualisation of the ideal of civil society as a third sector exerting a civilising or democratic influence over state

\(^{22}\) Among the more ideologically extreme contributions, Stalin is credited for coining the term (Evans and Evans, 2003). According to Evans and Evans, when Stalin was questioned about the legitimacy of the representatives of Soviet labour unions who accompanied him to the newly formed United Nations, Stalin is quoted as replying “Ah, but these are Non-Governmental Organisations”.

\(^{23}\) For more detail on the historical origins of NGOs see Charnovitz (1997; 2006).
power and/or the interests of capital and hence reformist (Salamon and Anheier 1996; Grant and Keohane 2005) or filling the gap created by state contraction and market failures (Smith and Lipsky 1993; Kamat 2004). The aura of virtuousness that continues to surround NGOs has contributed to broad and some very ambitious ‘horizons of expectations’ (Toulmin, 1990: 2) and at the same time, NGOs have been criticised for undermining the diversity and strength of grassroots associations that would be widely regarded quintessentially as civil society (Tvedt 1998). While expectations that surround NGOs and the significance of their development was contested, there was at least a broadly uniform and somewhat cohesive sense of what NGOs might be.

While most contributions appear to share views on what NGOs are essentially about; the terminology remains in question and demarcation of what is and what is not an NGO remains imprecise. Salamon and Anheier (1992a) distinguish the non-profit sector by key features that include: a formal constitution; non-governmental in basic structure; self-governing; non-profit distributing; and, voluntary to some meaningful extent – all of which must be present in some fashion. Jordan and van Tuijl (2006a) offer a brief albeit qualified definition of NGOs that is similar. In essence, according to Jordan and van Tuijl, NGOs are self-governing, private, non-profit, usually non-membership based, have an explicit social mission and are situated between community based organisations and broader social movements (p.8-9). In both cases, the features that are listed appear to present a quite particular description of NGOs. But even in such terms the constitution of NGOs remains vague and somewhat problematic. Both accounts suggest that being part of civil society means that NGOs are organisations with private and public dimensions, but are nonpolitical in that there is no desire to undertake governing activities.

24 In contrast, Anheier and Thermudo (2005) state that not only are NGOs membership-based, but that terms of membership can alter the character of the NGO quite dramatically – for example between member-owned and member-supported (see pp.187-189)
A conception of politics that is limited to governing suggests that very few organisations are actually political and provides no scope for an appreciation of the complexities of political power. Such a constricted definition provides almost no scope for critical analysis and avoids the problem of NGO legitimacy by denying it altogether. Young (2000; 158) insists on much broader terms for civil society, consisting precisely of private associations springing from “the everyday lives and activities of communities of interest” given expression in the public sphere. Young captures the essence of Tocqueville’s impressions and the reason why such activity is of interest. This may offer no advance on a definition of NGOs, but it underscores why NGOs are important. Some contributions to the NGO literature have adopted a more pragmatic approach to NGOs. Tvedt (1998) for example adopts a more grounded approach to the study of NGOs (limited to foreign aid) and uses the term as a common denominator in an attempt to capture what he describes as the hybrid forms of NGOs. Tvedt argues that the term NGO refers to all organisations that are institutionally separate from (though not necessarily opposed to) the state apparatus and are non-profit-distributing (p.16-17). Tvedt draws on Salamon and Anheier, though with more flexibility relative to changing political contexts. Rather than a rigid technical approach, Tvedt insists that it is the degree to which an organisation exhibits autonomy that qualifies it as an NGO, not its particular organisational character.

Such an approach belies a great deal of debate that is in some respects hardly surprising given the range of types of organisations that are listed as NGOs. NGOs can include organisations that are locally and internationally based; membership numbers counted in the millions or simply one individual (briefcase or suitcase NGOs); represent a single issue or champion an entire ideology; involve high profile celebrities, business and political leaders or grass roots activists; control budgets involving millions of dollars or operate on a shoestring (see Lehr-Lehnardt 2005: 3-4; Anheier and Themudo, 2005: 185). To further demonstrate the complexity and in
further defiance of simple classifications, Amnesty International is often referred to as an international NGO (INGO), with a professional organisational structure and yet essentially presents itself a grassroots movement (see Amnesty International 2014). Perhaps as a consequence, even the acronym ‘NGO’ has generated debate as to its appropriateness. Some have expressed frustration with the lack of clarity and the connotations that ‘NGO’ may have. There is a concern that NGO represents a negative term, a ‘catchall word’ or ‘rubbish bin’ for everything that is not of the government (see Martens, 2002: 277). In so far as the term NGO continues to be widely recognised and used as a reference, there have been proposals to change the wording to ‘necessary governance organisation’ for example. While such terminology may avoid the negative resonance associated with ‘non’, it is does little to clarify what NGOs are, particularly as ‘governance’ is itself a term that is being emptied of any genuine political value owing to its ever broadening application. For others, the preference is to move completely away from what Toulmin (1990) describes as privative terminology by using the term civil society organisation (CSO) (see Kaldor 2003: 15; Naidoo 2003). There is certainly appeal in incorporating civil society as Kaldor acknowledges and it defines these organisations as entities unto themselves rather than by what they are not. Yet civil society itself as a political concept remains contested. The idea that NGOs may be self-organised private communities of interest demonstrates the uncertainty. For example Zürn and Walter-Drop (2009) define NGOs in opposition to interest groups drawing on the public good/private interest divide whereas Halpin (2010) suggests there is little distinction.

Most efforts to define NGOs seek merely to establish some basic organisational parameters or features that distinguish NGOs from government institutions of the state and profit-generating commercial entities. While not really providing a great
deal of clarity it avoids imposing overly restrictive terms or unrealistic expectations. There is a more worrying effort that seeks to define NGOs out of politics altogether. While some NGOs, such as the Red Cross insist on political neutrality as a necessary feature of their mission (Naidoo 2003), few if any NGOs are in a position to insist that this be respected (see Smillie 2012). As Smillie notes, neutrality is a political tightrope that even the Red Cross has difficulty navigating. Applying this condition as a desirable aim for all NGOs is not only wishful thinking, it positions NGOs as subservient to power. Fowler (2002) insists that NGOs must remain neutral, situating themselves in a fourth sector so as to act as intermediaries between the state, market, and civil society (see also Ellis 2010), but it is far from clear that victims of humanitarian disasters share such a commitment (see Hammond 2008). The danger of such an approach is reflected in the growing number of critics that set NGOs against grass roots movements, acting to undermine radical dissent. The idea of ‘NGO neutrality’ envisioned by Fowler is itself political, but not in a way that supports democracy.

The absence of clarity and whether or not NGOs can be defined by what they are not has not prevented robust discussion of the significance of NGOs and the type of organisation that is the subject of debate. Few would argue that Amnesty International is not an NGO and in many respects typifies organisations that would generally be included as belonging to the NGO sector. This is precisely the point. While debate over definitions continues, organisations like Amnesty International, Oxfam and Greenpeace (all named in the IPA case) are nonetheless regarded as NGOs. These organisations all share what might be termed a progressive agenda informed by values like social justice and equality that envision the common good in collective terms. Yet, none of the definitions outlined above actually specifies this as a defining feature. There is scope within the broad parameters outlined above to include organisations such as CTTs and parachurch organisations that are part of the conservative/rightwing political network. In fact the IPA is nominally an NGO, a
classification that is not disputed by the IPA itself. CTTs equally claim to be apolitical/non-partisan, non-violent and non-profit organisations pursuing common goals, underscored by the charitable status that most have been granted. Yet CTTs are not commonly regarded as NGOs and have not featured in the NGO accountability debate except as protagonists.

In many respects, distinguishing Amnesty International as an NGO from the IPA (CTT with deductible gift recipient status) and Focus on the Family Australia (registered charity of the Christian Right) for example, can only be done on the basis of political values. Almost all such organisations are constituted on the basis of a particular set of values held by those associated with or supportive of the organisation. Of course making distinctions is not always easy. For example, Freedom Organization for the Right to Enjoy Smoking Tobacco (FOREST) is active in the UK promoting ‘smoker’s rights’ and lobbying for regulations to create ‘smoker friendly’ workplaces (see Unerman and O’Dwyer 2006). Smoker’s rights are a cynical idea, forming part of the tobacco industry’s well-funded and extraordinarily self-serving plans to avoid regulation and litigation. The National Right to Work Committee (NRTWC) in the USA is a non-profit citizens group’ advocating for the basic right to earn a living without being forced to join or affiliate with a union. In actuality, the NRTWC is a central part of a well-funded network actively campaigning to undermine unionism, particular in the public sector. In this instance, ‘the right to work’ is protected, but within conditions set by employers (Bottari 2014). In essence, the distinguishing feature that separates NGOs from organisations like CTTs is the underlying ideological orientation.

However, this is not to suggest for a moment that CTTs and NGOs can or should be considered of equal merit as non-governmental and non-profit organisations serving the public interest. To do so would be to ignore the underlying politics of
accountability. Even a brief examination of the activities of NGOs reflects a deep and abiding concern over the suffering associated with poverty, state violence and environmental destruction as issues of social and environmental justice and human rights that benefits the broader community. Insofar as NGOs address these concerns as consequences of the neoliberal free market and powerful interests, the question of accountability is raised. In contrast, CTTs express concerns over collective interference in individual freedom, but often on issues and in ways that preserves the liberty and material prosperity of a powerful few at the expense of the broader community and making a mockery of the moral and philosophical traditions CTTs claim to be associated with. In fact, as the following chapters will document, CTTs have contributed extensively to changing the political terrain within which NGOs operate and setting the terms of debate within which the accountability of NGOs is questioned. To date there is no serious debate over or concern with the accountability of CTTs by academics on a scale similar to that which NGOs have been subjected.

Reactions to the term progressive exemplify the ideological undertones of the NGO accountability debate and the meaning and application of language that constitutes the discourse of accountability. Freeden (2014) argues that progressivism is better understood as a disposition rather than an ideology, it is nonetheless infused with ideological baggage. There is the obvious problem of conflicting conceptions of what the term progressive has come to signify and from the practice of applying the term progressive to all sorts of competing political programmes. Progressive has been applied to a conservative programme of ‘gradual, organic change’ (Hogg cited in Freeden, 2014: 71), which is quite opposed to social change designed by reform programmes such as Roosevelt’s New Deal. If progressive is a derivative of progress, then almost every organisation associated with the international CTT network could be termed progressive as all share a belief in the idea of progress as economic growth generated by the free market. Yet a common theme that persists in much
neoliberal and Christian Right thinking is opposition to what is deridingly regard as liberal (in the USA), secular or social democratic progressivism constituted by policies of redistribution and ideas of social justice – ‘augmented happiness through social reform’ (Freeden 2014). There is little doubt that NGOs are associated with progressive agendas defined as such. For Habermas (2001) and Toulmin (2001) for example, NGOs are the actualisation of a more humane politics beyond the state.

NGOs are the subject of inquiry in part because a ‘progressive agenda’ is no longer accepted in itself as a basis of political legitimacy. This concern is not without foundation. The changing NGO organisational culture and adoption of corporatised practices of branding and self-promotion have confused being progressive with being popular. In this respect, NGOs should be criticised for the concessions that have been made that compromise or detract from their ability to help communities in need. These issues are discussed further in chapter eight wherein the consequences of accountability are analysed. The point of concern here is the framing of meaning within the NGO accountability debate. It is not just a matter of the definition of the term NGO, but the impression that is generated by its use. From the moment that accountability was raised as problem with/for NGOs, the beneficial and positive connotations associated with the term and all that it represents, all that NGOs try to do became contested. From this moment, the potential of NGOs as agents of social change was gradually compromised because public support had to be justified and legitimacy became conditional. The overriding imperative subtly hidden within the discourse of accountability is not that NGOs betrayed their founding mission or are misguided in the execution of their mission; the problem is essentially the mission itself and the values upon which they are founded. This is clearly evident in the ways in which the accountability of NGOs has been called into question and the premises of accountability that reinforce rather than subvert neoliberalism.
Premises of NGO Accountability

The question as to why NGOs should be held accountable could elicit a broad range of responses. Among which may include fundamental ethical concerns of justice or normative issues of legitimacy and representativeness to more practical matters of legal obligation or financial probity. The responses to such a question are inescapably connected with judgements as to what is expected of NGOs – potentially quite demanding responsibilities as to the moral conduct of social relations broadly or very particular obligations as to the way budgets are met. In the former, the action is primarily a normative judgement as to what is appropriate or acceptable in the circumstances. This might inform the choice potential donors make as to how well an NGO embodies ideals or values that they themselves hold. The worth or virtue of an NGO is understood in terms of the degree to which it adheres to the principles that underpin the organisation – the mission that is the NGOs reason for being. In the latter, accountability is conceived in more technical or managerial terms. In this instance, virtue may be tied to organisational compliance with legal obligations and achievement of performance targets (see for example Kaplan, 2001). Yet even in the form of a box ticking exercise, accountability is valued as a means of ensuring economic efficiency and financial cost effectiveness. Despite the differences in form, both are understood to share a number of premises that define why NGOs should be accountable.

For the most part the need to be accountable was accepted if not embraced as inevitable, unavoidable and even beneficial. In fact for some the first responsibility of NGOs is to define their own accountability (Jordan and van Tuijl, 2006a: 4). From among the contributions to the debate that did address the question why, several premises were identified. Though not definitive, there appear to be four basic premises underlying the problem of NGOs as a question of accountability. There is a normative element coupled with a pragmatic acceptance of the purported
conditions that mean NGOs are required to be accountable. The starting premise appears to be that NGOs are capable of exercising some form of power or at least political influence. Coupled with this and in some respects as a consequence of this capability, it is assumed that there are obligations that condition the actions of NGOs – entities of some description to which NGOs have a duty. Both the exercise of power and the existence of obligations bring forth practical issues of trustworthiness as regimes of accountability are rarely required of entities that are trusted. Lastly, there is an underlying assumption that being accountable is a good thing in itself. Throughout the NGO accountability literature, the combination of these premises does vary. In some contributions to debate, there is a considered treatment of the basic premises, but for the purpose of justifying the need for NGOs to be accountable (see Unerman and O’Dwyer 2006). Few contributions subjected the premises themselves to serious scrutiny.

The need for NGOs to be accountable is first premised on the seemingly broadly held assumption that NGOs are capable of wielding some form of influence over governments and corporations. Though there is debate as to the extent to which NGOs actually exercise power as a ‘fact of the new world’ (Spiro, 2002: 169) or a matter of perception (O’Dwyer and Unerman 2008); it is widely accepted that NGOs have the capacity to direct or effect social change at some level. In many respects, the influence of NGOs is characterised as the power to hold governments and corporations accountable - to “tame and to exploit the coercive power of specific institutions” (Schmitter, 2003: 1-6; see also Sending and Neumann 2006). Keohane (2002) specifically links accountability and power and perhaps as a consequence expressed doubts as to the ‘pure good’ of making NGOs accountable owing to the fact that NGOs are comparatively powerless. However, by 2005 Grant and Keohane (2005) had included NGOs among those responsible for the abusive exercise of power in world politics, although it was not made clear who suffers the abuse. Grant and Keohane are not alone. There are growing concerns that NGOs are increasingly
acting to further the agendas of powerful Western donor governments and international development agencies - increasing the distance of NGOs from grass roots communities (White cited in Mercer 2002). Insofar as such action reinforces neoliberal policies, critics have called for NGOs to be accountable in much the same way as state institutions and transnational corporations. Conversely, the IPA case was highly critical of the extensive influence of NGOs on public policy and undue pressure put on corporations, both of which undermined obligations to the public as voters and shareholders. Even such a brief survey of the range of complaints targeting NGOs indicates the very peculiar and in some cases perverse configuration of power relations associated with or attributed to NGOs.

It is also not simply a matter of those critical of NGOs that have called for NGOs to be made accountable. The contributions to the debate from those supportive of the presence of NGOs, similarly base the need for accountability on the effectiveness of NGOs. Clark (1992) offered an optimistic assessment of the achievements and potential opportunities opening up for NGOs to have an effective impact on development. Reflecting on developments at the time, Salamon (1993) made his often cited assertion that a ‘veritable associational revolution’ was underway. Such predictions pre-empted and perhaps provided the initial basis for subsequent calls for accountability. By 2001, the idea that NGOs had become a force to be reckoned with was recognised at the international level with Kofi Annan remarking that NGOs had become a ‘definitive force’ (Annan cited in Cohen, 2003; see also Kennedy 2004). The association between power and accountability continues to be broadly noted in the NGO accountability literature. Edwards (2006: ix) argued that even though NGOs may exercise ‘soft’ power and/or informal authority, accountability is the ‘price to be paid’ to legitimately exercise it in a democratic society.25 Jordan and van Tuijl (2006a: 4) argue that NGOs broadly are being subject to accountability as a

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25 It is interesting to note that previously Edwards and Hulme (1995a) defined accountability as the answerability of individuals or organisations to a recognised authority. This is not necessarily the same thing as holding power to account.
consequence of the rapid growth in the NGO sector, in terms of numbers, size and funding of organisations, and their increasing influence over public policy. Courville (2006) too notes that the NGO accountability debate has emerged at a time that the growth in the NGO sector has led to claims that NGOs are wielding considerable power. Whether responses are based on political expediency, normative concerns or a combination of both, the need for accountability is nonetheless premised on NGOs as a source of political power.

The nature and extent of the power that NGOs exercise may well be a point of contention, if for no other reason than how does one measure political influence? Given the difficulty that CTT critics of NGOs have measuring their own level of influence, it begs the question: what is the basis for claiming that NGOs do? ‘Visibility’ infers that NGOs occupy positions of influence or power, whether in consultation with intergovernmental organisations, states or corporations and/or a presence in public debates through various mainstream media. However such positions can mean little for NGOs as the following chapter will show. Very few contributions to the NGO accountability literature offer much detail as to what constitutes NGO power or examine the extent to which this is still the case. Such concerns have not had any recognisable impact on debate, precisely because there would appear to be little point in demanding accountability from an organisation incapable of effective action. Political action that has no perceptible impact on public policy or influence on public debate is not likely to be the subject of demands of accountability. No matter how objectionable or flawed the agenda of NGOs may be, the call for accountability makes little sense in the absence of a widely held impression that NGOs can actualise it. An NGO that had no visible impact would have little to be answerable for, unless of course it claimed otherwise and then failed to deliver. But even here, support for NGOs making such claims is still

26 Comments posted in response to a blog entry by Andrew Norton highlight the difficulty of measuring influence even for CTTs like the Centre for Independent Studies and the IPA. See Norton (2008).
premised on the initial belief in the capacity to deliver; to be able to effect change or reform that would not otherwise occur in their absence.

A second premise underpinning calls for advocacy NGOs to be more accountable is based on the notion that NGOs are subject to a set of obligations that serve to constitute a relationship of accountability. It may be that NGOs voluntarily choose to be open and transparent in the disclosures it makes regarding organisational operations. However, the debate over NGO accountability is not framed in these terms and in this respect, NGOs are not free to choose the ways in which they are accountable. If the obligation to give an account is a defining feature of a relation of accountability (Bovens 2010), then by definition an NGO must be obligated to an entity or entities beyond itself to be accused of lacking accountability. More importantly, in the absence of some form of obligation, demands for information and/or the application of sanctions are discretionary acts of coercive power that are unjustifiable. The question is on what basis are such obligations constituted? Accountability is a relational concept, such as that defined in terms of the principal and agent. It is found in the obligations binding corporate boards to shareholders and the more complex obligations that exist between governments and voters. This is not to suggest that financial and democratic accountability are not contested, but that the basis of the obligation is regarded as relatively straightforward (Gray, Bebbington and Collison 2006).

NGOs, however, are considered to be much more complicated. Courville (2006) argues that economic and democratic forms of accountability are inappropriate for the NGO sector, albeit because of the impracticalities of such mechanisms rather than any normative objection. Courville may well be right, but the assumption remains that NGOs are nonetheless duty bound. In the absence of clear delineations of responsibility, NGOs have been required to satisfy what are held to be multiple and often competing obligations. Despite Koppell’s warnings against what he has
termed multiple accountability disorder mentioned in chapter two, many contributions to the debate have insisted that NGOs should be accountable on these terms (see Naidoo 2003). Such contributions have identified an expanding range of ‘stakeholders’ to which NGOs are obliged as evident in the argument that NGOs need to be more ‘holistically’ accountable (see O’Dwyer and Unerman, 2008). It is far from clear how financial obligations to donors (particularly governments and corporations) can be coherently incorporated and equally considered alongside the moral obligations to communities in need that NGOs seek to assist.

NGO stakeholders are generally regarded as those that have an interest in or are affected by the activities of NGOs. In this sense it is a derivative or a consequence of the premise that NGOs are influential. It also reflects how indeterminate the exercise of that influence is. For example, for Unerman and O’Dwyer (2006), NGOs should be accountable to all entities with which they engage. But such an expansive notion of obligation in itself raises questions. Non-profit organisations providing public services are bound by explicit contractual obligations as to the level and quality of service to be provided and performance targets that must be satisfied. Although concerns have been raised as to the impact these arrangements have on the quality of government accountability (see Mulgan 1997), there is at least a clearly defined relation of accountability between the contracting parties and between service providers and clients. For NGOs engaged in advocacy, however, an obligation to the state and/or corporation is problematic. Insofar as states or corporations are the target of NGO advocacy campaigns, then both should be included among those entities to which NGOs are accountable. Such an obligation would mean that any action deemed objectionable by either states or corporations would be unlikely to solicit their approval and so by definition NGOs undertaking such action would be branded unaccountable.
A third premise of the NGO accountability debate is the issue of trust in or trustworthiness of NGOs. NGOs have been popular among the wider public and as the often cited Edelman Survey (2001) noted, despite anomalies in the USA, NGOs are more commonly trusted than governments and corporations. Much of the growth in the NGO sector could be attributed to the level of trust that NGOs have enjoyed among the wider population and as a result the reason why governments and corporations have sought to liaise with NGOs to improve their own public standing (Wapner 2002a). Under circumstances where such popularity continues, concerns over accountability are unlikely to arise, at least not with any real purchase. If an organisation is trusted to operate in accordance with expectations and diligently meet obligations, there can be no purpose or need to subject them to greater scrutiny. Dunn (2000: 74) cites Hobbes in arguing “that a Man never provideth himself by a second Way, but when he mistrusteth that the first will not hold”. Of course, what may constitute trust and the conditions required to establish trustworthiness are perennial questions. It hardly needs stating that the problem of trust has a much broader bearing than simply the NGO sector. It may even be that the problem of trust for NGOs may in fact reflect a deeper fracturing of social relations (see for example Seligman, 1997). Nonetheless, questions over the accountability of NGOs have largely been preceded by concerns over trust (Ebrahim 2010). As the title of a contribution to the debate implied, NGO accountability signalled ‘the end of blind faith’ (Naidoo 2005).

The absence or decline in levels of trust has been associated with a number of factors. In Australia, isolated cases of mismanagement, incompetence or internal dysfunction, such as the controversy surrounding the Red Cross Bali Appeal and the subsequent distribution of funds have not helped, but appear to have had little lasting impact on credibility. Humanitarian action in Rwanda after the genocide and coordination of opposition to the MAI and WTO in Seattle are widely regarded as presaging the NGO problem of accountability as the outlined in the introductory
chapter. Yet the controversy surrounding both events does not correlate with the findings of surveys such as those conducted by Edelman that public trust in NGOs was increasing (Edelman Survey 2001). This is hardly an incidental observation. The response to these trends by powerful interests represented by CTTs is examined in more detail in the chapters that follow. What should be noted is that the growing levels of public trust did not assuage academic concerns that NGOs were still insufficiently accountable.

As Dunn (1999) notes, accountability may act to prevent wrongdoing, but it is primarily considered consequential with judgement (and possible sanctioning) occurring after the event. Whether or not allegations of misconduct directed at NGOs had any veracity, the very public scrutiny and the consequences for the NGO sector that followed provides a clear indication of who NGOs must answer to. It is validation of the belief that impressions whether real or imagined, the consequences are certainly real. The NGO accountability debate can be characterised, with few exceptions, as comprised of essentially two positions. Either it is a matter of needing to prove trustworthiness or it is necessary because NGOs cannot be trusted; but in both cases greater accountability in the sector is the answer.

Despite the lack of compelling evidence, even those sympathetic to NGOs have expressed concerns over the extent to which NGOs can be trusted in the absence of external oversight. Typical of such concerns are Gourevitch and Lake (2012a) who assert that the virtue of NGOs – sincere commitment to their cause - is not enough. Although acknowledging that the broader public seems unperturbed by claims of questionable conduct, Gourevitch and Lake (2012b) insist that NGOs must strive to ensure that measures are in place to reassure sceptical audiences that the organisation (and NGO sector more broadly) are trustworthy.\(^{27}\) This of course begs

\(^{27}\) The contribution to the NGO accountability debate by Gourevitch presents an interesting case. Lemarchand (2014) raises questions as to the basis of Gourevitch’s position on NGO accountability.
the question, if it is not the broader public, then who is the ‘sceptical audience’ that Gourevitch and Lake refer to that must be reassured and on what basis?

There is a tenuous connection between questions of trust and regimes of accountability. While trust may absolve the need for monitoring, Power (1997: 1-2) argues that monitoring no matter how extensive does not absolve the need for trust. At some point trust must be placed in the systems or persons responsible for monitoring – “checking itself requires trust” (p.2). In the absence of trust in people, systems of verification become the means by which compliance is assured and integrity maintained. For organisations like NGOs that are beset by continuous calls for greater accountability – many of which come from within the NGO sector itself – the emphasis shifts from the actual substance of NGO operations, its mission and the impact it is having, to the continuous refinement of accountability regimes. The risk is that in the absence of evidence of results, accountability becomes simply the performance of rituals of verification – a possibility that Gourevitch and Lake themselves recognise. It is even more disturbing when this action is in response to accusations made by CTTs who are unconcerned with the validity of their allegations. In this sense, accountability potentially becomes a means of suppression by employing the very language that NGOs have attempted to use against states and corporations (Gray, Bebbington and Collison, 2006).

Regimes of accountability continue to be regarded as the answer to the problem of trust in NGOs, even as questions about organisational integrity continue to be raised. The irony and frequently overlooked fact is that trust is not necessarily the product of rational calculation, but at times precisely the opposite. As Dunn (2000) notes, trust is a passion and as such cannot be simply chosen at any particular time. This perhaps explains the claim made by Gourevitch and Lake - that citizens broadly

Examining Gourevitch’s hugely influential early account of the atrocities being committed in Rwanda, Lemarchand finds a moving description of the horror, but one short of a keen understanding of historical and political context. There is also a matter of Gourevitch’s ‘breathless tribute’ to Paul Kagame as the unqualified hero that brought an end to the slaughter.
trust NGOs despite evidence to the contrary. Thus the fixation of NGOs on improving regimes of accountability, to better provide empirical evidence of the quality and effectiveness of organisational performance – to prove they are trustworthy - is largely inconsequential to a broader public who give every indication of being supportive of NGOs. Drawing from Dunn (2000), it may be that NGOs are trusted despite the operation of regimes of accountability. Perhaps it is the staff of NGOs and their dedication to missions that are not self-serving that is the repository of public trust. Why then would NGOs prioritise operations that are measurable/verifiable potentially at the expense of the substance of their missions? The question: whose trust do NGOs seek is a matter of singular importance for the issue of NGO accountability.

When questions regarding the trustworthiness of the sector as a whole are raised, then the means for restoring credibility must be drawn from entities external to the sector. Gardner (2006: 239) argues that calls for an entity to be held accountable (at least in terms of applying some form of sanction) “cannot but rely on the suspicion of wrong doing.” Suspicion can be created simply by raising the question of accountability and as well as by claiming in response that ‘we are not unaccountable’ (see Lakoff 2004). This appears to be precisely the purpose of the IPA case – to create the perception of wrong doing and undermine confidence in the NGO sector as a whole. For NGOs to then be regarded as suitably accountable and confidence in the sector to be restored, external or independent monitoring becomes absolutely necessary. In this sense, trust is not restored simply by implementing regimes of accountability; it is restored at the discretion of those considered responsible for monitoring such regimes (see Dunn, 1999). If the sector as a whole is perceived to be unaccountable, then in effect, only those outside the NGO sector are capable of judging whether or not NGOs are accountable. This has profound implications. This is a key difference between those concerned with actual examples of NGO misconduct, witting or unwitting and those involved in or
sympathetic to the IPA case. The gravity of this difference also appears to have been overlooked by many contributions to the NGO accountability debate made by those otherwise supportive of the role of NGOs. To argue that NGOs must be accountable to a sceptical audience is to argue for the suitability and validity of initiatives such as NGOWatch undertaken by the American Enterprise Institute and the Federalist Society. Doing so places responsibility for determining the credibility of NGOs firmly in the control of those ideologically predisposed to resenting the presence of NGOs as a threat to elite interests in the first instance – not NGOs themselves or their supporters/members.

The final premise that appears largely unquestioned within the debate is that being accountable is a good thing. As detailed in chapter two, the idea of accountability is largely conceived as an unqualified public good. This sentiment in various guises dominates the debate over NGO accountability. There are those who consider NGOs already sufficiently accountable and simply require better management to improve performance (see Charnovitz 2006). For others, making NGOs accountable is not only a good in itself, but it works in turn to make the institutional decision-making systems in which NGOs are now involved more accountable and so stable (Spiro, 2002). There are some qualifications surrounding the institution of regimes of accountability, but these qualifications mostly hinge on the particular design of accountability and/or ‘getting the balance right’ between competing stakeholders. A number of contributions warn specifically of the dangers of ‘upward accountability’ (for example to government either as major donor or host) becoming the predominant influence on NGO decision making (see Ebrahim 2010). There are also concerns that accountability regimes may compromise the flexibility of NGOs (see Naidoo 2005); their ability to perform (Spar and Dail 2002); and, constrain the possibilities for political participation both within NGOs and broader institutional settings (Kingsbury, 2002). Despite such concerns, the idea of accountability is still
considered to hold a great deal of promise for these NGOs allowing them to continue their ‘vital’ work (McGann and Johnstone 2005).

In contrast, some of the more strident critiques of NGOs have questioned the level of accountability that the sector observes, precisely because too little consideration is given to the legitimate authority of states and corporations that provide a great deal of support to NGOs. As the IPA case demonstrates, this critique is defended on the basis that NGOs threaten to usurp the public interest and marginalise the majority of individual citizens who are dis-organised. Both states and corporations are presented as benign entities representing the interests of citizens and legitimate corporate stakeholders and therefore accountable to them and only them. The questions raised about NGOs “legitimacy, representativity [and] accountability” (WTO cited in Charnovitz, 2006: 30) are a challenge to the inclusion of NGOs in policy making, whether at the national or international level. Ideologues such as Bolton (2000) have argued that states have no business engaging with NGOs as they are little more than private interest groups usurping the public authority of the state to achieve their ends at the expense of the public interest. At the same time, international development institutions have adopted what appears to be a more reasonable position that NGOs have an important role in development, but not if they “are opposed to social change and technological innovation” (Reuben, 2002: 3). While both positions are seemingly at odds, it is clear that inclusion in public policy/development programmes is conditional. It is the terms of accountability that legitimates inclusion of NGOs and this is precisely the purpose of the IPA case – to ensure that being accountable means embracing and seeking to work within the status quo defined in neoliberal terms.

Bolton’s ideological agenda and political associations have been clear for some time. As a young lawyer at Covington and Burling, Bolton helped two law students settle a legal dispute with Harvard Law School over the title of a journal to serve as a platform to publicise conservative legal opinion. The law students were E. Spencer Abraham and Stephen Eberhard and the journal, Harvard Journal of Law and Public Policy became the official journal of the Federalist Society (see Daniel 2005).
Wapner (2002a) suggests that despite such criticism, there has been a broadly held perception that NGOs themselves are often associated with civic mindedness, engaged in political activity and pursuing agendas with broad public appeal – most commonly understood as mollifying the harshness of the market sphere and making an aloof state more democratically responsive (see for example Powell and Clemens 1998). As Gourevitch and Lake (2012b: 207) argue, accountability will serve to “reveal the virtue of the virtuous”. Underlying such an embrace of accountability as a public good is firstly the assumption that accountability is a practice devoid of ideological baggage. Secondly, that state and corporate interests calling for NGOs to be more accountable are largely benign or at least not unreasonable. This may be based on the expectation that as states and corporations are accountable, so too should NGOs (see for example Unerman and O’Dwyer, 2006) or that just because states and corporations are less accountable does not mean that NGOs can rest on their laurels (Edwards, 2006: vii). Where state and or corporate demands for accountability are recognised as self-serving, politically or ideologically motivated, it is understood that NGOs are not only capable of identifying and resisting such demands, but that the adoption of appropriate accountability regimes will offer protection from such pernicious demands in the future (see for example Naidoo 2005). Edwards (2006) argues that NGOs are only vulnerable to criticism insofar as they have failed to ensure adequate accountability. However, such contributions miss the point. Being accountable may well be a public good, but not on the terms that NGOs face.

Conclusion

The difficulty of defining what NGOs are is a problem of increasing irrelevance. In many respects, the futility of concise definitions or even typologies lies in the increasingly imperceptible distinctions between the operation of state institutions, market enterprises and civil society organisations. The non-profit sector’s increasing
emulation of for-profit organisational structures and rationale (see for example Weisbrot 1998) and the increasing tendency to hold governments, corporations and NGOs accountable to the same framework and according to the same principles of transparency and disclosure (see for example One World Trust) are symptomatic. Academic efforts to categorise NGOs often overlooks the degree to which the representation of NGOs and the mission they serve have been politicised. This is not simply a matter of different perspectives among those who are generally supportive of NGOs, but the impact of interests ideologically opposed to the presence of NGOs in the public arena. Feher (2007) argues that it is not opposition to those who occupy positions of public authority, but the way that authority is exercised – challenging how rather than who is governing is the distinctive promise of NGOs. Understood thusly, NGOs became problematic not because of organisational form or operational procedure, but because of the nature of politics that NGOs represented, the values that inform it and the desire to be governed accordingly.

Designating NGOs as autonomous and private has been central to the case against NGOs and forms the basis for charges that such organisations are unaccountable. Autonomy or independence may well be an NGO value, but in the discourse of NGO accountability such traits are recast as signifying that NGOs are unresponsive and therefore failing to meet obligations owed to those with a stake in the organisation – in particular donors. In the same way, the association of nongovernmental with private is pejoratively reconfigured to frame the agenda of NGOs as one of self-interest. This is further reinforced by attempts to restrict the definition of charity and depoliticise suffering this framing advocacy as self-serving activism (for example see Fox 2006). In such terms the practice of advocacy becomes indistinguishable from the increasingly scandal-prone practice of lobbying – rent seeking by special interests- thus holding no moral or ethical standing over any other form of organisation seeking advantage from government. The role of language and framing is the focus of chapter seven. This chapter has sought to demonstrate the ways in
which the terms used to define NGOs and the basis upon which the question of accountability is premised are ideological and thus privilege particular interests. The following chapter critically examines how the terms of NGO accountability affect practice.
Chapter 4.

Accountability in Practice

Introduction
This chapter critically examines NGO practices of accountability in terms of what they are accountable for, how they are accountable and to whom. While these terms, commonly referred to as the accountability equation, provide a useful framework for analysis, in practice the different elements of accountability are not always easily separated. Understanding how an NGO is accountable is informed by what it is accountable for, but the limits of how an NGO can be accountable also shape what an NGO can be accountable for. More importantly, in practice what an NGO is accountable for and how, is defined by the capacity to hold NGOs accountable. This capacity is a function of power, not the moral obligations that bind NGOs. Much of the literature has noted the multiple accountabilities to which NGOs are beholden and the difficulty of ensuring that NGOs’ respond to what are at times competing ‘stakeholder’ interests with some modicum of balance. Yet ‘balance’ is rarely an accurate description of NGO operations that meet the requirements enshrined in frameworks of accountability. In practice, the reality of donor influence is unmistakable and unsurprising. The challenge is to explain why this situation persists and how NGOs are complicit.

Actualising NGO Accountability
At almost every stage of the NGO accountability project, criticism of existing practice has focused on the influence of donors at the expense of almost all other interested parties. While this has at times been crudely apparent through official policy directives, more often than not, the effect of accountability regimes is much more subtle. The discourse of accountability operates to limit the legitimate scope of NGO
action, the expectations they can be held to and the purpose of the activities they undertake. More than anything else, accountability functions to limit NGO operations to those for which an account can be rendered. The problem is not whether an NGO has failed to meet its obligations, but that it is unable to produce documented evidence of having done so. Within the domain of legitimate engagement so defined, political action aiming at social change must not only be amenable to documentation in ‘log frames’ but it must also be agreeable to NGO stakeholders. Certainly the accountability equation for NGOs is far from straightforward, but analysis of the technicalities of the equation alone offers little genuine insight. Considering the constitution of power relations that inform the practice of accountability reveals the often stark contrast between the rhetoric and reality of NGO accountability.

The problem of NGOs defined as a lack of accountability has a relatively short history and is regarded as a distinctly under-analysed and under-theorised ‘crisis’ (McGann and Johnstone, 2005). At the same time, there is a voluminous literature that explores in growing detail the design and operation of accountability mechanisms for NGOs. Inventing ways of making NGOs accountable has become a veritable growth industry, drawing increasing interest from those with expertise in management and accounting. The burgeoning expansiveness of new proposals for NGO accountability appears to know no bounds. In fact there are donor-led initiatives that endeavour to develop methods for assessing the impact of accountability mechanisms developed by NGOs – regimes for holding NGO accountability regimes accountable (see for example McGee and Gaventa 2011).

As argued in the previous chapter, much of the literature on NGO accountability focuses specifically on how to improve existing regimes. While justified on the pretext that greater accountability will enhance democracy and ensure NGO legitimacy, there is often a lack of appreciation for the interests that greater
accountability invariably serves. Terms such as brand protection (Brown, Ebrahim and Batliwala (2012); innovative performance assessment (Edwards, 2005); good governance (Harrington, 2011); and, a culture of greater transparency (McGann and Johnstone, 2005) are an indication of how normalised managerial terms have become in the discourse of NGO accountability. But what do such terms actually mean and what is the relation of such terms to the ideal of holding power to account? Efforts to adapt regimes of accountability to be more democratic as a means to reconciling competing claims through inclusive deliberation of multiple stakeholders deny the very existence of power relations (for example Bendell, 2006). There is a growing discord between the practice of NGO accountability and the imagery conjured by the language of accountability appearing in the literature. The discord is reflected in the growing disparity between the idealised NGO represented in the various ‘articles of faith’ (see Tvedt, 1998) and the reality of what NGOs are becoming - corporate entities for whom social change is largely an advertising slogan used to ‘build brand awareness’.

There also remains a distinct lack of acknowledgement or wilful ignorance of the impact that powerful interests and the prevailing neoliberal orthodoxy have on the ways NGOs are held accountable. This is perhaps best demonstrated by the mistaken assumption that NGOs can control or shape the regimes of accountability by which they are governed as argued in the previous chapter. However, this does not account for the willingness with which NGOs have sought to comply. The accountability initiatives formulated for and on behalf of NGOs engender the appearance of a sector committed to ensuring its multiple accountabilities are met. However, far from ensuring that NGOs adhere to their mission of social change, the sector’s own regimes of accountability do little except reinforce a neoliberal rationale and the interests of capital. Detailed mission statements, complex procedures and extensive reports, the scope and substance of NGO accountability – where it matters – has little to do with holding the powerful to account. The reality
of NGO accountability is precisely the opposite. This is the paradox of NGO accountability. The continuing failure of NGOs to meet the expectations of supporters and reflect the values with which NGOs self-identify is not because NGOs are unaccountable, but because they are. The idea that underpins much of the literature on NGO accountability is that NGOs can be made (more) accountable and so address current failures and improve performance in the future. However, the moment that NGOs become effective agents for change, they will be judged unaccountable by the voices that really matter – the interests that control the terms of the debate and the mediums within which the debate is conducted. Of course such a proposition assumes that there is a potential for NGOs to be agents of change. It may well be that NGOs had the kind of promise envisioned by Toulmin (1990), who was writing after the collapse of the Soviet empire and by Habermas (2001) whose ideas on NGOs preceded 9/11 and the ensuing global war on terror. Indeed, the initial success of several NGO campaigns, including abandonment of the MAI and the formalisation of the Rome Statute were signs of the potential for NGOs to effect social change. Such potential, however, has not materialised and in many instances what have been heralded as victories have been shown to be temporary setbacks to the pursuit of a global system increasingly predisposed to the interests of capital.

While neoliberalism has been the dominant ideological influence over the NGO sector for some time, the environment within which NGOs operate has changed considerably. The intensification of surveillance by states preoccupied with national security and the increasingly obvious corporate influence on public policy suggest faith in the transformative ability of NGOs increasingly misplaced. The revelations provided by and subsequent treatment of whistle-blowers, particularly those connected to Wikileaks and Edward Snowden, is indicative of the form of accountability valued by political and business leaders. The proposition that increased political engagement by NGOs was unwelcome is further reinforced by
evidence that the CIA aggregated research undertaken by CTTs for security purposes. While the impact and significance of these developments is largely beyond the scope of this thesis, it is raised here to highlight an often overlooked juxtaposition between NGO accountability as opposed to democratic states and corporations. The comparison is drawn not to highlight the inequity of accountability – though this is nonetheless relevant. It is a reminder of the temper of the times in which NGOs operate and the attitude to accountability evident within the institutions and entities with which NGOs sought to collaborate.

The reality of what Vidal (2014) has termed the ‘national security state’ or as Bacevich (2011) more recently labelled ‘Defense Inc.’ does not figure prominently, if at all, in the literature devoted to NGO accountability. So too, the idea that the political order, at least in the West, exhibits characteristics that befit the description ‘Democracy Inc.’ (Wolin, 2008) also appears to have remained unnoticed. Faith in the transformative capability of the NGO sector among the ‘believers’ - as Sogge (2002) terms them- appears undaunted. As mentioned, much of the enthusiasm for NGO accountability rests on the premise that NGOs can remake the world. The problem is that this belief continues to rest on a mistaken understanding of politics. It is not just that the reality of what states and corporations do is not sufficiently factored into the literature focused on the question of NGO accountability. It is only by wilfully ignoring these realities that the question itself can be asked. As Dunn (cited in Burton 2013: 8-9) has argued, political debate in the form of well-defined political questions and compelling answers offered in response can only occur at a distance from the world “[and] if you pull a long way back from the world of politics, you just lose politics. It’s gone.” Many of the contributions to the NGO accountability debate presuppose roles for NGOs that give every indication that Dunn’s ‘intuitive judgement’ is entirely accurate.
Accountable for what?

Much of the literature devoted to NGOs demonstrates a persistent belief in the capacity of NGOs to deliver progressive social change that benefits communities in need. While this may be defined in innumerable ways, NGO programmes are often inspired by or based on the capabilities approach and the idea of human development (Sen 2001). Though there is some doubt as to whether NGOs are being responsive to the needs of local communities, an issue explored in more detail in chapter eight; human development thinking clearly informs the direction of social and political change that NGOs seek to bring about. The variety of actions in which NGOs are engaged for the purpose of realising change can be divided ostensibly into two principal categories. The first involves the traditional role of service provision and advocacy. The second and related role is associated with transnational processes of governance that incorporates a ‘watchdog’ role for NGOs. The distinction between the two roles is not easily defined, but it is made here to assist analysis of the broad-ranging and ill-defined NGO sector outlined in the previous chapter. It also makes a useful delineation between the common complaints made about NGOs and the nature of their activities that have been called into question.

The role traditionally associated with NGOs is the provision of assistance to communities in need, suffering from poverty and/or persecution. There are doubts about whether this can be sustained and some question the point of doing so. As Fowler (2002: 22) notes, some NGOs remain “ladles in the global soup kitchen”, though it is a lament and he argues that this role is likely to decline as downward trends in the volume of aid continue (see also Edwards 1999). Similarly, direct support for victims of human rights abuses also continues. The International Committee of the Red Cross (ICRC) evolved out of concern for the suffering of soldiers injured on the battlefield (see Bennet, 2005) and while its role has
broadened beyond the battlefields that so shocked Dunant, its mission remains largely unchanged. For the most part however, the role of NGOs has been expanded by the identification of multiple conditions of exclusion, oppression and exploitation of people and the environment. At the same time, voluntary assistance became more formalised as NGOs became involved in official development processes, acting not only as conduits for western aid but transforming victims/beneficiaries into clients. In different ways, the actions of NGOs were both conditioned by and a response to neoliberal approaches to development and represented a considerable shift in the operation of NGOs. Nonetheless, Fowler’s lament was not a judgement of the virtue of assisting those in need, only that it is palliative not transformative.

Since the mid-1990s NGOs have sought a much more active political role, moving beyond (though not forsaking) the provision of assistance to attempt to address the causes of suffering. In different ways, NGOs have been encouraged to leverage their role as service providers to advocate for change (see for example Fowler 1997). While advocacy and service delivery are often regarded as separate and distinct functions, in practice the lines of demarcation are blurred. In Australia there is an historical connection between advocacy and service provision, in particular in the period leading to the formation of the welfare state (see Murphy 2011). Moreover, the increasing professionalization of NGOs and adoption of managerialist practices, both intimately connected to the accountability agenda, is contributing to an NGO sector in which advocacy is merely one among a number of services that NGOs provide to their clients. For the same reasons, there is also an increasing problem of distinguishing between advocacy and self-promotion (see Polman 2010). These concerns are examined in more detail in chapter eight.

NGOs have also been selectively criticised for their conduct in both roles. The two events that prompted the debate on NGO accountability are illustrative in different ways. In Rwanda, NGOs were subjected to condemnation for both their
humanitarian efforts to assist victims of the genocide and their depiction of the genocide in their effort to raise awareness. In the campaign against the MAI, NGOs were prominent critics of the agreement, but also played an important role coordinating protest and resistance. Attacks on NGOs by CTTs in the aftermath of the defeat of the MAI, targeted both aspects of the NGO contribution to the campaign as already outlined.

The embrace of advocacy and more active engagement in public debate coincided with various challenges to the legitimacy of NGOs. Yet the practice of advocacy has a long and noble tradition that has rarely attracted so much controversy. Advocacy by NGOs is primarily undertaken in the interests of communities in need; an act of charity defined in the Latin *advocare* – meaning come to the aid of (Reid 2000). As mentioned above, the purpose of support provided by NGOs was increasingly oriented toward long term solutions rather than short term aid. Whether it is small-scale action aiming to empower local communities or larger initiatives generating pressure through broad-based social movements; the intention of advocacy is to draw attention to the plight of those suffering as well as the causes that are responsible for it. Advocacy is depicted as akin to ‘living in truth’ (Havel 1985) or Freire-inspired critical consciousness (see for example Edwards and Hulme 1995c).  

Edwards and Hulme (1995b: 226) argue, “to achieve real change NGOs must focus on changing relationships between people and institutions, and values on which they are based”. Accepting a more active role and seeking involvement in processes of policy design, however, risked the perception that NGOs were effectively reinforcing/legitimating the systems they sought to change. While these risks were appreciated, it was clear that the prevailing attitude was that with appropriate regimes of accountability in place the risks could be managed (see for example Edwards and Fowler 2002b). It quickly became evident that the nature of the

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29 Paul Freire coined the term ‘conscientization’ to refer to the process of creating critical awareness of the structural constraints that were both a cause of marginalisation and a barrier to emancipation of the lower classes in Latin America.
opposition arrayed against NGOs was in many ways misunderstood and as a consequence the level of political influence NGOs could command vastly inflated.

It is in part because NGOs advocated for reform informed by what Fowler and Edwards (2002a) rather obsequiously term ‘non-market values’ that made NGOs the target of a coordinated campaign that used the idea of accountability as camouflage for a far more sinister and self-serving ideological agenda. In doing so, NGO critics have been no less prone to exaggerating the level of influence exercised by NGOs documented in the chapters that follow. NGOs were decried for seeking to undermine the political legitimacy of democratically elected authorities and usurp the property rights of shareholders. Some critics even warned that governments and corporations have become vulnerable to ‘NGO swarms’ (Ronfeldt and Arquilla cited in The Economist, 1999) and present an existential threat to national security (see Gordon 2014).

Whether naïve or self-serving, both supporters and critics of NGOs infer a shared perception of NGOs and deny the reality of where power lies in contemporary democracies. Manji and O’Coill (2002) argue that the fundamental role of many NGOs going back to the colonial era has changed little – a role that they term the ‘missionary position’ effectively describing development NGOs as among the more sophisticated instruments ensuring the continuance of forces of exploitation.

Whether criticism of NGOs is not entirely novel, it is a harsh indictment of NGO action because it brings into question the underlying intentions of NGOs and donors. Roy

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30 Gordon refers specifically to NGO Monitor - an organisation based in Jerusalem that claims to hold NGOs accountable for what it derides as anti-Israel bias (see for example Steinberg 2004). NGO Monitor is very much like the IPA in terms of tactics (see Gordon 2014); campaigns against high profile NGOs (see Right Web 2011) and intent (Public Library of US Diplomacy 2010); connections to and alignment with powerful interests (see for example Abunimah 2017; Remez 2009) and a number of people associated with NGO Monitor involved in what Mearsheimer and Walt (2006) have called the Israeli Lobby. NGO Monitor has been listed as an example of right wing groups committed to undermining the credibility of NGOs (see Bob 2012) and it similarly displays the shadowy nature of the CTT network and critics of the organisation have raised questions concerning its own lack of transparency (see for example Sheizaf 2012). Nonetheless, there are direct connections to the CTT network such as John Bolton (see NGO Monitor 2018); its benefactors in the USA such as Paul E. Singer (see REPORT 2017) and in particular the Islamophobia network (see Wajahat et. al. 2011; Blumenthal 2011). Constraints of space prevent further examination of NGO Monitor.
(2004) too has been a strident critic of NGOs, seldom showing little reservation in her wholesale condemnation of the development project that she holds NGOs in part responsible for (see also Roy 2014). ‘NGOisation’ is a pejorative term that has emerged to describe the negative effect of NGOs in development, identifying problems with the rationalisation of NGO operations and the co-optation of dissent. While these concerns are examined in more detail in chapter 8, the problem addressed here stems not from the lack of appreciation for ideological influences. NGOisation is not only an oversimplification of complex processes that govern NGOs, it also does not challenge the CTT narrative of the NGO problem.

The continuing search for accountability regimes to improve the responsiveness of NGOs to beneficiaries suggests that NGOs remain driven by well-meaning albeit misguided intentions. The problem is the mistaken assumption that NGOs would ever be freely granted space to advocate for change to improve social and environmental conditions on their own terms. The choice for NGOs is not between donors and beneficiaries, but compliance and non-compliance, a direct consequence of the discourse of accountability that so dominates the NGO sector.

The NGO sector has been admonished for not balancing competing relations of accountability, at the same time that NGOs are expected to make progress on changing processes/structures responsible for conditions of poverty, exploitation and violence. At a very basic level advocacy cannot satisfy all so-called stakeholder claims if only because there is no agreement as to what actions are necessary to address these conditions and no way to aggregate conflicting cultural visions of what development should encompass (see Schmitz, Raggo and Vijfeijiken 2012). In this respect, advocacy is bound to be regarded as lacking accountability depending on the perspective that NGOs adopt. However, the criticism attracted by NGOs has often been consistent and the NGOs targeted quite specific in a way that suggests no such incommensurability exists.
Organisations of the Christian Right equally claim to be defending the interests of communities in need and contributing to the common good. Indeed, the qualities and purpose of NGOs outlined by Edwards and Hulme are in many respects applicable to Christian Right groups such as the Australia Christian Lobby (ACL). While the advocacy undertaken by the ACL is premised on the threat to family values, their identification of problems associated with consumer culture, the decline in standards of civility and the loss of what might be described as ‘habits of the heart’ is not entirely at odds with the sentiments expressed by Freire. The importance of family and the desirability of belonging to a community would also find a receptive audience among NGOs. The objections to what are perceived to be the selfish fetishes of identity politics and the disconnection and emptiness of modern consumer life are shared by both social and religious conservatives and draw on a communitarian critique of liberal individualism (see for example Santorum 2005). In this respect, such a disposition clearly incorporates social and environmental concerns that would be shared by NGOs opposed to over-consumption and corporate-sponsored consumer culture. Moreover, there is evidence that the advocacy undertaken by Christian Right groups has been influential. In Australia the ACL has had extensive contact with and influence over public policy, particularly regarding same-sex marriage and reforms to the Marriage Act (see for example Smith and Marden 2012; Smith and Marden 2013). Despite sharing some concerns and characteristics common to Oxfam for example and having access to policy makers, the accountability of ACL was never in question. While the ACL did not have deductible gift recipient status (DGRS) at the time, CTTs such as the Centre for Independent Studies (CIS) that form part of the Christian

31 While the Frankfurt School would be thoroughly opposed, critics of liberal individualism such as Alasdair Macintyre are cited in support of Santorum’s vision. Communitarians such as Jean Bethke Elshtain and Amitai Etzioni also appear regularly in the more reasonable Christian Right literature.
Right did. The accountability of the CIS has also not been called into question in any serious or sustained way.

The problem for NGOs is not advocacy of supposed non-market values or even a progressive agenda, but pursuit of an agenda that is opposed to the neoliberal project and in some way threatens elite interests. This accounts for the absence of Christian Right groups, who are intimately connected to CTTs as well as progressive NGOs such as World Vision. While some contend that World Vision is associated with the Christian Right (see Barker 2009), it is nonetheless widely regarded as a progressive NGO and has contributed to efforts to address the perceived accountability crisis within the NGO sector. Yet it was not among the NGOs that the IPA seriously criticised for lacking accountability. It also explains what might be termed the politics of inclusion; the basis upon which some NGOs were welcomed or at least tolerated by both governments and corporations, while other NGOs, such as Aid/Watch, were not only excluded but actively threatened with disqualification of their DGRS classification by the Australian Tax Office (see Goodman 2011).

No doubt in part a consequence of this treatment, the practice of advocacy has changed. By 2003, a shift in the approach to advocacy was evident; moving from confrontation to cooperation. This is an important point to which discussion will return to below. As early as 2003, studies of the NGO sector indicated many NGOs were seeking to collaborate with governments and corporations and work within the market system (SustainAbility 2003). Aside from the obvious financial incentives, there appeared to be a presumption that entrenched interests are susceptible, if not open to persuasion and dialogue and that cooperative approaches can potentially yield real change. The naivety of such thinking is laid bare in the chapters that follow. Rather than mollify CTT critics, however, the adoption of a more market-friendly approach merely reinforced the neoliberal characterisation of NGOs as
organisations driven by their own private self-interest. In the same way, the extension of the neoliberal market discourse to the NGO sector redefining charity as a ‘competitive donor market’ blurred distinctions between public interest advocacy and private interest lobbying. In yet another paradox of neoliberal thinking in the NGO sector, collaboration displaced confrontation in relations with states and corporations (see for example Zadek 2007), while an ethic of competition was introduced into a sector previously defined by its collaborative efforts (see for example Schmitz, Raggo and Vijfeijken 2012). The role of language and the reframing of NGOs is analysed in more detail in chapter seven. The point made here is that the approach to advocacy in both form and substance and the public impression of what it connotes have changed as a consequence of being accountable. In short, the terms of accountability for NGO advocacy are defined in accordance with the interests of the powerful.

The rising prominence of NGOs in the public arena has also attracted the attention of academics concerned with processes and institutions of transnational governance. NGOs have been heralded as a potential counter-balance to the power of states and corporations in two principal ways. The first role envisages NGOs filling what has come to be regarded as the democratic deficit suffered by various governmental institutions, particularly at the international level. At the national level, the deficit is associated with democratic elections showing a pattern of decreasing voter engagement and political parties with declining membership, which is argued to be evidence of a growing disenchantment with mainstream politics. At the international level the deficit is formed by the absence of democratic processes entirely. Notwithstanding whether or not such interpretations of the state of politics are accurate, the question is whether NGOs can serve to remedy such problems. Governments and Intergovernmental Organisations (IGOs) have certainly been inclined to be more inclusive of NGOs, with certain important qualifications, which has led some to suggest that this may be a basis for a renewal of
enhancement of the democratic legitimacy of governmental authority (see Halpin 2010; Collingwood and Logister 2005). In different ways, such claims tend to presume a conception of governance that is participatory, negotiated through a non-hierarchical network of public and private actors (Weale 2010: 58) and that is by nature cosmopolitan (see for example Rosenau 1998; Kohler 1998) and deliberative (Dryzek 2010).

For others, NGOs contribute to making the exercise of power more accountable with a view to limiting abuses of power. This second role, described as the practice of accountability politics (Keck and Sikkink 1998), wherein NGOs act as independent monitors of the activities of both states and corporations. In this capacity, NGOs assist the development of a more responsive or participatory form of governance, supporting and building on emerging legal and institutional forms that are no longer the sole province of states at the international level (see Mattli and Woods 2009) or conventional political institutions at the national level (see Goodman, 2011). The delineation of such roles often varies depending on the issue being contested, the avenues through which action is directed and the formation of alliances with other NGOs who may or may not have a direct interest, but are involved on the basis of shared principles.

While there are some doubts expressed within the literature at present as to the degree that NGOs actually fulfil this role, a normative commitment to the potential benefit of NGOs in such a role remains. NGOs are thought capable of making states more responsive to a broader set of needs beyond the more immediate and at times particular concerns that states pursue. Examples of NGOs acting in such roles include: unofficial watchdog (for example Public Citizen), monitoring elections (for example The National Endowment for Democracy and The Carter Center) and official corruption (for example Transparency International) to environmental impacts (for example Greenpeace and World Wildlife Fund). Such propositions
suggest that the problem with public policy stems from the exclusion of a broader range of interests beyond a privileged few and thus the inclusion of NGOs broadens the scope of representation in processes of public policy design. More voices mean more interests are represented. For reasons that are not dissimilar, it is thought that NGOs can moderate what is otherwise the single-minded pursuit of profitability by corporations. Various initiatives have been proposed to encourage collaboration with NGOs to incorporate social and environmental goals into corporate agendas. FairTrade is heralded as one example of corporate practice that benefits a wider range of stakeholders. Collingwood and Logister (2005) further argue that NGOs (presumably NGOs such as SustainAbility) can assist corporations in the design and monitoring of corporate social responsibility frameworks. Although the potential for co-optation under current accountability frameworks/arrangements has been recognised, there is still an expectation that corporations will change to actively support partnering NGOs to conduct greater critical scrutiny of their operations (see Baur and Schmitz 2011).

NGO influence over either states or corporations, as already argued, is highly unlikely and the practice of including NGOs merely reinforces this proposition. The problems of institutional capture identified by Fogarty (2011) are part of an underlying politics of inclusion identified above. Moreover, the changes in organisational culture that NGOs have undergone in order to be included further inhibits the potential for NGOs to facilitate reform (Sending and Neumann 2006). While these concerns are explored further below and in chapter eight, there is a salient point to be made here. NGOs are neither invited nor welcomed to participate in processes of policy design in any genuine sense and evidence of this is the particularity of the campaign against NGOs already identified. Invitations to NGOs are conditional upon their level of accountability which is defined in proportion to the degree that NGOs do not challenge the status quo. Inclusion is symbolic only, a means by which processes of public consultation appear to be conducted
extensively prior to the announcement of policy decisions that were already
determined. Despite the enthusiasm for ideas such as ‘collaborative governance,’
there is virtually no evidence that the effort to upscale operations, much less ‘the
inclusion’ of NGOs has made the slightest difference to the neoliberal project. In fact
it has been during this period that preparations were made to facilitate arguably the
largest transfer of wealth from the poor to the rich through a range of free trade
agreements, including the TransPacific Partnership.

Even the notion that NGOs are the actualisation of (global) civil society is less and
less plausible. It is not just opposition from states and corporations that confront
NGOs. The presence of organisations\textsuperscript{32} constituted by or associated with the
Christian Right at the United Nations is an example of the coordinated opposition to
NGOs constituted by civil society based organisations (see Bader 2007; Butler
2002). The efforts of the Christian Right directed at undermining the development of the
rights of children and women at the United Nations may appear to be regressive,
but as part of a broader effort to reshape political culture the intent is fundamental
social transformation (Smith and Marden, 2012; Smith and Marden, 2013).\textsuperscript{33} At the
same time, in the United States for example, various organisations including Grover
Norquist’s influential American Taxpayers Alliance exhibit all the organisational
traits associated with NGOs except that their collective agendas are extraordinarily
compatible with the ideological status quo and in most cases seek a reversal of any
gains made by NGOs.\textsuperscript{34} In this respect, even a normative commitment to a role for

\textsuperscript{32} Referring to Christian Right groups as civil society organisations is not based on any discernible
organisational distinction with NGOs. Aside from ideological influences that have shaped debate, the
distinction made here is also made for purposes of clarity. In fact, at the UN, such groups are registered as
‘nongovernmental organisations’ (see Hardisty and Furdon 2004).

\textsuperscript{33} The attack on human rights initiatives at the United Nations in the interests of children in particular is
paradoxical. Despite the unmitigated condemnation of what is widely regarded as the secular/progressive
culture of death regarding legislation surrounding abortion and abortion clinics (see for example the ‘End of
Democracy’ symposium published in First Things, Various 1996), the Christian Right have sought to
undermine the Convention on the Rights of the Child specifically to prevent the US states’ rights to execute
minors. The absence of condemnation of much despised Clinton Administration for the deaths of an
estimated 500 000 children owing to US sanctions against Iraq – a count that Madeleine Albright defended
as worth the price of regime change (see Blum 2005) is no less hypocritical.

\textsuperscript{34} In fact such organisations are intimately involved in the CTT network and entirely opposed to virtually
everything that NGOs stand for. See chapter six for more detail.
NGOs in governance is not only (proving increasingly) unrealistic, the idea of governance itself appears compatible with, if not part of the neoliberal project.

There is no doubt that the social dislocation of economic reform and the concomitant decrease of the size of the welfare state in accordance with neoliberal principles have necessitated NGOs shouldering a greater burden of the provision of social services. Where this has occurred, NGO service provision is a perhaps unavoidable outcome of neoliberal reform. The concern with ensuring that NGOs can validate claims to be efficient and more cost-effective than state providers is entirely misplaced (see for example Fowler, 2002a). To debate such concerns provides undue respectability to a policy framework that is little more than an ideological attack on lower socio-economic classes; reinforces neoliberal values of efficiency and cost effectiveness and ignores the colonisation of non-market spheres of human activity by neoliberal rationales. NGOs have been forced to become a provider of last resort; of welfare, human rights protection and environmental conservation among others. There is a morality and indeed humanity to this aspect of the role that NGOs fill and provides some credence to Edwards (2005) assertion that the world is better for the presence of NGOs.

The problem is the nature of the political role that NGOs have adopted as a consequence. Rather being involved in social movements like Occupy that have sought to confront powerful interests and the system that sustains them as they did in the past, NGOs are now more likely to promote notions of capacity building, enabling or empowering local communities to become more self-reliant and autonomous. NGOs have embraced neoliberal managerial practices such as ‘consulting with stakeholders’ and subjected themselves to ever more scrutiny through increasingly onerous accountability regimes – at a time when governments and corporations have conspired to dismantle regulation of economic activity. What
this might actually mean, how it might be achieved and in what ways it will address poverty, exploitation and state violence is not clear. Other initiatives based on ideas such as participatory development, although difficult to define, have perhaps held promise. So too, the ‘rights-based approach that entails NGOs acting to assist marginalised communities to more effectively demand states fulfil their duties is regarded as the mission NGOs must adopt (see for example Jordan and van Tuijl 2006b). The problem is that participatory development, along with capacity building, social entrepreneurialism and civic innovation are now ‘buzzwords’, emptied of transformative meaning (if ever there was any) and co-opted into the service of neoliberal development policies (Leal 2011). Participatory development has effectively come to mean enabling people to better engage in the (global) economy – as though it is the lack of access to markets that is the source of impoverishment. By adopting such roles NGOs do become agents of the neoliberal project (arguably both in the West and non-western worlds), acting as pressure relief valves for growing discontent and thus maintaining the integrity of the system itself. More than this, while NGOs pursue such strategies governments and corporations have actively sought to limit the means by which they can respond to members of the public. These actions are briefly addressed in chapter six, but are largely beyond the focus of this thesis. The chapter now moves to examining how NGOs have been made accountable and in the process reveal the extent to which NGOs unwittingly and unnecessarily submitted to disciplinary regimes in spite of the increasingly obvious evidence that governments and corporations do not abide by the same rules.

Accountable how?

Despite the existence of various means by which NGOs could be scrutinised and held responsible, such means were either ignored, or not considered sufficient conditions of accountability – a charge that continues to be levelled at NGOs (see Chapter 1). In
response to concerns that NGOs were not sufficiently accountable, a raft of accountability regimes were developed and adopted by NGOs initially in the humanitarian sector. While not necessarily applicable to the NGO sector as a whole, initiatives such as the Sphere Project, the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) and the Humanitarian Accountability Project (HAP) have influenced or served as the basis for almost all initiatives that have followed since. Other important NGO initiatives include the 2006 International Nongovernmental Organisation Accountability Charter, which involves a set of ten commitments against which the performance of NGOs is measured and independently reviewed (see Accountable Now 2017). There are also external agencies, such as One World Trust, which in different ways have taken on responsibility for monitoring the accountability of NGOs – essentially watchdogs of the watchdogs. The following discussion focuses on the Sphere Project (Sphere). Not only does Sphere continue to be important and widely supported within the NGO sector, it was designed and is maintained by NGOs. It is thus in effect a good representation of the way NGOs approach to the practice of accountability.

Launched in 1997, the Sphere Project expresses a commitment to two core principles: “that all those suffering from disaster or conflict have a right to dignity and therefore assistance and that all steps should be taken to alleviate human suffering as a consequence of disaster or conflict” (Sphere Project 2011). Sphere established minimum standards of quality in the provision of humanitarian relief to ensure human survival with dignity, including adequate nutrition, shelter, sanitation and water supply. As well as practical standards, Sphere also established ‘protection principles’ as guidelines for NGOs, making their obligations to affected populations more explicit. These principles are:

Protection Principle One - all humanitarian agencies should ensure that their actions do not bring further harm to affected people;
Protection Principle Two - that their activities benefit in particular those who are most affected and vulnerable;

Protection Principle Three - that they contribute to protecting affected people from violence and other human rights abuses; and,

Protection Principle Four - that they help affected people recover from abuses.

The roles and responsibilities of humanitarian agencies in protection are, generally, secondary to the legal responsibility of the state or other relevant authorities and protection often involves reminding these authorities of their responsibilities (Sphere Project 2011).

Developed in consultation with donors and affected populations, governmental, inter-governmental agencies and linked with the HAP and ALNAP, Sphere’s charter of responsibilities is one of the most widely recognised and typical of efforts within the NGO sector since Rwanda. The framework, contained in the Sphere Handbook, is designed not simply to offer direction or guidance to NGOs it formalises and effectively limits NGO responsibilities in the sector. In doing so, Sphere depoliticises the circumstances in which NGOs are involved, for whatever the causes of the humanitarian crisis, NGOs are responsible (and can be held accountable) for the provision of assistance in the areas for which minimum standards are specified and in accordance with the two core principles. To be active in any other capacity is to be beyond the brief approved for NGOs and the criteria against which the performance of NGOs can be measured - the sphere in which NGOs can be judged accountable.

Sphere requires NGOs to:

- describe in their reports (assessment, evaluation, etc.) the gap between the relevant Sphere indicators and the ones reached in practice
• explain the reasons for this and what needs to be changed

• assess the negative implications for the affected population

• take appropriate mitigating actions to minimise the harm caused by these implications.

(Sphere Handbook, 2011: 9)

The Sphere Project was the well-intentioned result of a great deal of ‘soul searching’ among the humanitarian sector (workers, agencies and donors) in the immediate aftermath of Rwanda (see Sphere Project 2012b), but in many respects the focus on the role of NGOs helped negate the imperative to engage in a much more thorough reckoning of the causes and perpetrators of genocide and mass murder.

As an accountability initiative that continues to be developed through collaboration and consultation with governmental and intergovernmental institutions, Sphere will not contribute to holding the powerful to account nor will it protect NGOs that might make any meaningful deviation from the status quo. Re-examining the events that led to Sphere reveal not only the culpability of state agencies, but also a plausible reason why NGOs were targeted as scapegoats. But this is not the most significant observation to be made about Sphere. More than anything else, Sphere demonstrates that NGOs were already accountable as it was a response to critics (donors in particular) who judged NGOs to have acted poorly in Rwanda. Sphere served to reinforce the prioritisation of powerful interests by reducing the scope within which NGOs could respond to the needs of suffering communities and in doing so highlights the disconnect between moral obligations to the poor and the practice of accountability.

The danger of including governments in the consultation process for Sphere can be found in the humanitarian disaster that was the genesis for Sphere. Even in the immediate aftermath of the genocide, the role of the United Nations had been the
subject of considerable critical reflection, as had Belgian and Rwandan (Hutu) authorities. However, details that have emerged since regarding responsibility for the Rwandan genocide cast an even larger shadow over the inclusiveness of Sphere. The actions of RPF and Tutsi leader Paul Kagame in delaying local intervention for strategic reasons (see Dallaire 2004); the extent to which France assisted Hutu forces (see Wallis, 2006); and, the purported actions of the US and UK governments in stalling international intervention and supporting Kagame’s plan to ‘cleanse’ Hutus from areas destined for Tutsi re-settlement (see for example Herman and Peterson 2010) beg the obvious question, if governments are willing to pursue strategic interests in spite and with foreknowledge of such catastrophic results, on what basis are they suitable to prescribe the terms of NGO accountability? Further to this, given the propensity of states to resort to violence and in such a covert fashion, what chance do NGOs realistically have of fulfilling the principles of Sphere in any meaningful way?

The ongoing debate over Rwanda shows that humanitarian disasters, conditions within which NGOs are expected to operate, are rarely straightforward. While historic rivalry between tribes was widely blamed for the violence in 1994, the International Panel of Eminent Personalities (2001) noted in their report that the social dislocation of economic reforms adopted by the Rwandan government in the years prior to 1994 could not be overlooked. Given the role of international development institutions in the formulation of policy programs for development implemented by the Rwandan government, both the institutions and the approach to development must be included in attempts to identify precursors to the massacre. At the same time, Goldhagen’s (2002) powerfully argued account of the Holocaust is a pertinent reminder that in the haste to attribute responsibility in the aftermath of genocide, it is not only the role of powerful institutions that is often avoided but also the willingness of individuals to choose to commit horrendous acts
of violence. Whether or not there is some basis for enmity – a narcissism of minor difference (see for example Ignatieff 1997) – that is cultivated strategically by political leaders, ignoring the agency of individuals involved is to deny the humanity of those involved in the killing. As Goldhagen (2002: 10) argues:

“The human beings who slaughtered the victims had views about what they were doing, and these views substantially informed their choices to act in the ways that they did.”

The expectations surrounding initiatives such as Sphere ignore the fact that NGOs have very little control over and at times knowledge of the circumstances in which they operate. More to the point, it is doubtful whether those holding NGOs accountable appreciate the difficulties that NGOs face and if they do that it would result in concessions being made to NGOs. The reality of accountability in practice is the prioritisation of donor interests, a reward structure that undermines responsiveness to local communities and increasingly complex compliance regimes that absorb ever more resources and specialist staff (Schuller 2012).

There is no doubting the obvious resistance to any form of radical change from neoliberal development institutions such as the World Bank or the World Trade Organisation, which have actively constructed a global system that compromises the minimum standards outlined by Sphere (see for example Zeigler, 2013). Support from less ideologically driven IGOs such as the United Nations is questionable – typified by Kofi Annan’s views cited above. The World Bank has recently acknowledged the failure of donor countries to provide adequate funding to expand basic services such as sanitation and water. If basic services were already non-existent, it would seem to be a statement of monumental obviousness that NGOs will be unable to meet minimum standards in the aftermath of a natural disaster as

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35 Berkeley (2001) offers a useful account of the Rwandan genocide (among several other episodes of mass killing in Africa), covering some of the issues raised by Goldhagen in his attempt to discern reasons why these events (continue to) occur.
directed by the Sphere Handbook. This is not a failure of procedure to account for reality. The absence of water and basic sanitation to 2.6 billion people demonstrates the fatuousness of a vision promoting the dignity, livelihoods and security of those affected by disaster. As Bucknall (quoted in Harvey, 2011: 27) states very bluntly, when “2.6 billion people don’t have a means of separating themselves from their faeces ... [i]t is a moral outrage.” The guidelines contained in the Sphere Handbook give no indication of moral outrage in response to such widespread circumstances that are an obvious obstacle to dignity, livelihoods and security – particularly to the most vulnerable.

The continuing revelations surrounding the Rwandan genocide should be the impetus for serious critical reflection on the burden of responsibility carried by NGOs – both in terms of what they did (accepting responsibility for supporting what were held to be perpetrators of genocide) and for what did not occur as a consequence (a more thorough reckoning of the entire episode). With history already forged in regimes such as the Sphere Project, if a more extensive moral reckoning does occur, it is unlikely to be a result of pressure mounted by NGOs. There are two pressing issues for NGOs in light of continuing debate over the ‘facts’ of the Rwandan genocide. How are NGOs to address the perilous moral issues that inescapably surround humanitarian missions and at the same time avoid undeserved recrimination when aid inevitably proves almost futile in conflict situations? Terry (2002) offers a detailed account of the disturbing predicament confronting Medicins sans Frontieres staff at the time working in the refugee camps including Goma. The choice between continuing to offer assistance knowing that a number of ‘victims’ had not only committed murder, but after being treated would continue to do so or withdrawing assistance knowing that innocent civilians would perish as a result. As Terry (2002:2) argues

“The moral quandary we faced and the intense, emotional and at times acrimonious debate that surrounded our decision left an indelible mark on my conscience. It
pushed all of us in MSF to reflect deeply upon what humanitarian action represents, and at what point it loses its sense and becomes a technical function in the service of evil. It invoked a basic question: Can we in the name of moral principles, cease to aid a population in need? And it prompted us to think about what our responsibility is for the fate of people under our care when we are unable to influence the overall context.”

Sphere assists resolution of the kinds of moral dilemmas faced by NGOs by circumscribing the scope of moral consideration. It does not work to prevent a repeat of the mistakes made by NGOs and more importantly, it does not strengthen their ability to expose the actions of those responsible for suffering. In effect Sphere works to shield NGOs and thus donors from controversy insofar as it places the mission to hold power to account outside the purview of accountability. It requires NGOs to ask few critical questions about the underlying causes of the circumstances to which they are responding or the complex dynamic of domestic and foreign political (and economic) motives underlying the formation of the dominant narrative that has defined the disaster.

The priority given to helping those in need is not at issue here. However, the humanitarian duty to provide assistance based on the fundamental human right to dignity of all individuals can provide an alluring and simple moral absolutism. When challenged on this by critics more often than not a utilitarian justification is offered; the victims would invariably be worse off if NGOs were not present. No doubt there is some truth to this despite critical accounts of the aid industry (Polman 2010) and manipulation of humanitarian action (Donini 2012). The problem is that it can be difficult to determine who the victims are (undermining Protection Principle 1 and 2) and that the provision of aid absolves governments of responsibility and often blame; it ensures that any proposed change to deal with the crisis at issue will not
address the underlying causes of disaster (undermining Protection Principle 4). It may be that many of the participants in the Sphere Project sought to address the concerns raised by Terry. However, the moment that the issues were framed as a problem of accountability, the moral dimensions were immediately circumscribed.

These objections are not raised here for the purpose of assigning blame for the failures of NGOs or to present NGOs as victims. NGOs are simply organisations with very limited agency. Widely regarded and apparently influential accountability regimes such as Sphere fail to address the very challenging issues of moral responsibility that confront NGOs in practice. As a tool to enhance the ethical practice of NGOs, Sphere limits accountability to a reckoning of ‘how well water was delivered to those in need’ as opposed to the invariably more difficult task of reflecting on the long term impact of the short term zeal to aid. There is no imperative to investigate the causes of suffering or advocate for these problems to be addressed – the space NGOs have sought to occupy since the 1990s. The financial imperative that dominates NGO reporting further limits ethical consideration to crude measures of monetary value; ‘was delivery of water to those in need done cost effectively’. This is symptomatic of the growing deficit between being accountable and acting morally, but it is hardly inadvertent.

The very nature of humanitarian aid relies largely on donor countries providing ‘charitable’ assistance to those whose inability to achieve minimum standards is often an outcome of the ideology and powerful interests that drive the agenda of donor countries and the development institutions such as the World Bank - and arguably the WTO after Doha. The practical reality of being accountable to donors means that advocacy undertaken by NGOs is unlikely to challenge the authority or position/power of donors and limits the scope in which NGOs can respond to communities in need. As Klein (2007) laments, donor driven agendas are seldom genuinely concerned with questions as to why aid/assistance is required, except
perhaps to discourage such questions being asked in any meaningful way. The ideological context that gives accountability meaning limits the scope of moral consideration to the provision of value for money. Sphere is a managerial discipline working above all else to enhance the image of NGOs as professional, quality providers of aid. The very idea of NGO accountability in this respect is both a cause and a consequence of humanitarianism becoming simply another client-based service industry – the further colonisation of a formerly distinct sphere of human engagement by market rationalities.

Devotees to the idea of NGO accountability continue to search for ever new ways and means of making NGOs more responsive to the needs, interests and opinions of those NGOs are seeking to assist (see for example INTRAC 2013). The condemnatory judgement by Zadek (2003: URL) that “much of what currently passes as accountability within the NGO community just doesn’t cut the mustard” typifies the attitude of many practitioners to NGO accountability.\(^\text{36}\) The critical review conducted here has focused primarily on one albeit very prominent example. However, despite apparent differences and ever more complex advances in various regimes of accountability, in practice NGOs continue to be answerable to the interests and responsive to the concerns expressed by those that fund NGOs – the very condition that evolving regimes of accountability are designed to overcome. Certainly there is still a great deal of enthusiasm for continuing innovation in the design and application of regimes of NGO accountability. New frameworks with varying degrees of internal, informal and self-regulatory mechanisms with carefully constructed processes of independent oversight and review of more detailed reporting measures seems to do little to abate criticism of NGO performance. Since the problem of NGOs was first identified and calls for greater accountability voiced,

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\(^{36}\) At the time Zadek was a prominent contributor to the NGO accountability debate and was Chief Executive of AccountAbility – a not-for-profit organisation that nonetheless did not regard itself as an NGO.
the welfare of the powerless continues to show few signs of improvement and NGOs appear no more able to answer to or for those suffering.

Conclusion

There can be little doubt as to whom NGOs are accountable to and the influence this has on what remains of the accountability equation. The terms of accountability are defined by relations of power, though this is not always a financial relation. It was not donors that insisted in the strongest possible terms that NGOs depart refugee camps in Goma, nor were donors the first to allege that NGOs had inadvertently assisted the genocidaires. The Kagame-led Tutsi regime held NGOs responsible and Western allies assisted by failing to support NGOs. The complexity of Rwanda underscores the serious limits of simple frames such as donors/powerful and beneficiaries/victims. Such framing not only disguise active configurations of power and hidden networks of influence, it demonstrates the utter folly of referring to ‘multiple stakeholders’.

The continuing identification of accountability deficits suffered by NGOs and how these deficits are addressed ensure no challenge to either powerful interests or the system that is responsible for their position of privilege will be presented. This is not simply a consequence of active interference silencing dissent, but a self-imposed discipline reflected in the broad acceptance of the need for regimes of accountability by NGOs and academics who study them.

From the outset, the impact of practices of accountability on the operation and purpose of NGOs is clearly visible. Accountability regimes function to limit the potential for NGOs to challenge the ideological status quo because it restricts the scope of advocacy. The suffering in Rwanda was (and continues to be) depicted as a combination of age old tribal hatred, vestiges of colonial influence and UN/NGO incompetence. Nowhere in this configuration did the impact of neoliberal development policies or nation-building projects supported by Western interests
appear. As consequence, the reforms that followed the very public attribution of blame targeted organisations, institutions and practices in ways that preserved powerful interests and left the continuing dominance of neoliberalism unchallenged. The following two chapters extend this argument by identifying the interests represented by CTTs and how/why the campaign against NGOs was so influential.

Chapter 5.

An Account of Conservative Think Tanks

Introduction

Having outlined accountability and its impact on NGOs, this chapter provides an overview of the CTT network and the interconnected and highly influential interests that support them. The idea of accountability must be understood and appreciated as a neoliberal construct in practice - a disciplinary regime that is concrete, specific and clearly identifiable. Moreover, the kinds of social relations that should be subject to regimes of accountability and which should not and the nature of the obligation owed are also constituted in neoliberal terms. The ideological imprint is evident in the NGO debate in so far as advocacy undertaken by NGOs is problematised in the same way that the activities of corporate lobby groups are questioned. Public concerns regarding social welfare, human rights and the state of the environment are treated as competing private interests that should not be privileged. Yet CTTs largely avoid scrutiny despite a clearly demarcated role protecting corporate profitability and preserving the interests of capital.

The following analysis of CTTs as the principal agitators of the case against NGOs serves two principal purposes. Firstly, it is preliminary groundwork necessary for demonstrating how the entire debate over the NGO problem is ideologically
constituted and whose interests this serves. It is not just contributions made by CTTs that are ideological. As mentioned above, the framing of the NGO problem is one aspect of the privatisation of public concerns associated with neoliberalism. Almost every contribution to the debate that recognises the ideological orientation of CTTs seems to presume that this is the limit of ideology – whereas CTTs are ideological everyone else is debating ideas. Meanwhile the primary contention of the CTT case – that NGOs have too much influence – is accepted almost without question.

The second purpose is to show that there is no direct correlation between being accountable and a commitment to being truthful. The imagined connection between normative ideals of accountability and truthfulness hides the disconnect that occurs in practice. It is not a matter of necessity or cause. The overview of CTTs provided in this chapter details the basic purpose of CTTs, how they are effective and to whom they are answerable. There is no suggestion that CTTs do not meet the accountability obligations that govern them. What is at issue is their conduct while doing so. The evidence outlined below shows that meeting the technical requirements of accountability does not require a commitment to truth-telling. In fact close examination of the campaign against Rachel Carson, which forms part of the attack on NGOs, makes it apparent that being truthful and being accountable can be incommensurable. The proposition that CTTs serve private interests rather than public purposes is a reasonable conclusion given the evidence presented below. However, it is the willingness to deceive (or the inability to avoid being deceptive) that nullifies any claim to serve the common good and undo any obligation to listen, much less consider their contribution to public debate.

Making up the opposition to NGOs: What are CTTs?

The literature on NGOs suggests that the embrace of the practice of accountability was done warily, even reluctantly but with a firm belief that NGOs could set the terms. This remains a serious under-estimation of the array of influential interests
allied by a common purpose of neutralising any potential political threat that NGOs may pose and a naïve belief in the agency of NGOs – limited rather than non-existent. As argued in chapter three, despite assumptions to the contrary there is little evidence that NGOs wield the sort of political power or influence that is commonly attributed to them. Among the very many instances that demonstrate the limits of NGO power is the NGO accountability debate itself. At the same time, however, the idea that NGOs had to adopt regimes of accountability to remain legitimate political actors and deflect criticism implicit in much of the literature on NGO accountability is also inaccurate. While there may have been costs involved, such as the loss of funding, the following chapters demonstrate why the idea of accountability was never going to be the panacea that many supporters of NGOs envision.

In many respects, the practice of accountability, the design and implementation of various regimes at local, national and international levels has been a reaction to accusations of misconduct and the perception of an accountability crisis within the NGO sector. The most critical accounts of NGOs are often associated with if not originate from CTTs. In Australia, not only was the IPA the most public and prolific critic of NGOs, causing some NGOs to enlist the support of academics to counter IPA claims, it was also the recipient of a government contract to investigate the relations between various NGOs and several government departments. In Australia, the IPA case against NGOs effectively became one side of the debate, dominating to such a degree that NGOs struggled to counter the attack and in many cases retreated from public advocacy (Hamilton and Maddison 2007). In the USA, a similar campaign conducted primarily by the American Enterprise Institute and the Federalist Society with close connections to the Bush Administration was also effective at intimidating NGOs (see Hardisty and Furdon 2004).
Despite the degree to which CTTs featured within the debate, there has been a surprising lack of attention given to the CTT network, its role and whose interests they represent. Accounting for the effectiveness of CTTs in setting the agenda and shaping the debate provides some insight as to why donors find funding CTTs so appealing. Though many contributions to the NGO debate acknowledge the prominence of CTTs, few seriously question the reasons why they are so prominent and there has been almost no recognition of how well connected the network of interests that surround CTTs actually is. A detailed understanding of the politics of CTTs begs an important question; why did the CTT case against NGOs prove to be so formidable? While the veracity of the CTT case against NGOs is at issue, the profoundly more important question is: why was such an attack conducted by organisations with a history of at times visceral animus against challenges to the interests of capital taken at all seriously?

CTTs are obviously not solely responsible for framing the discourse of accountability and stifling any political opposition potentially mounted by NGOs in the process. Attributing policy effectiveness to any particular interest or advocacy group is a fraught exercise if only because of the very subtle and often complex processes by which institutional change occurs in practice (Cahill 2013). However, approaching politics as a contest of ideas and interests and public policy as rational decision making undertaken by a disinterested or neutral state in the liberal tradition as described by Paton (2012) is itself problematic. The deliberately contrived role for CTTs outlined by Hayek (Cockett 1994) and Chodorov (Friedman 2005) was inspired in part by the influential means by which socialist ideas were popularised among the intellectual class. Whatever the intentions for founding organisations such as the Mont Pelerin Society and the Intercollegiate Society of individualists (later intercollegiate Studies Institute), the label ‘think tank’ is misleading. CTTs are primarily agents of artifice dealing in propaganda for the purpose of shaping public perceptions to which end truth or fact is incidental. The waxing-waning political
fortunes of the IPA reflect their strategic function; directing public opinion rather than the production of good ideas or critical insights. The ongoing deployment of CTTs such as the IPA at moments of crisis for elite interests suggests that CTTs are effective and worth the investment.

A critical introduction to the literature on CTTs generally and the IPA in particular provides a broad outline of the contemporary debate on CTTs, but not necessarily an accurate description of the nature and purpose of CTTs. Despite continuing confusion over precise definitions evident in the literature on think tanks and concerns that too little scholarly analysis of their activities has been undertaken, there is for the most part very little mystery surrounding CTTs. CTTs are not principally concerned with reasoned debate nor the validity or veracity of their contribution, despite displaying an impression of regard for factual accuracy and truth. They organise and disseminate propaganda designed to manage public debate and at the same time deflect attention from or disguise the narrow private interests that benefit as a consequence. As such, only the appearance of plausibility is required for CTTs to be effective and this is achieved in part by systematic and repetitious denigration of opposing voices. An array of public relations techniques including the aptly termed ‘echo chamber effect’ coupled with privileged access to policy makers and much of the mainstream media, allows CTTs to exercise a degree of influence at odds with the level of public support they attract.

The impact of CTTs is not achieved simply by the deluge of propaganda disguised as reasoned argument or disinterested/expert opinion. Their effectiveness lies in part in the ability to maintain a façade of intellectual integrity, operational autonomy and in appearing to be above politics. While political influence is notoriously difficult to substantiate, much less define, the capacity of CTTs to move obscure ideas from the intellectual fringes to mainstream political debate is an indication of how well connected CTTs have become. The ideas and issues promoted by CTTs are not
always necessarily important in themselves – it is not the substance or validity of an idea, but the often subtle effect it has on public debate that determines its worth. In essence, CTTs have consistently demonstrated a proclivity for the art of misdirection rather than a propensity for telling the truth. While the IPA in particular shares many organisational traits common to NGOs, even a brief examination of its political activity reveals the disdain that the IPA exhibits for any semblance of a free market of ideas despite its claims to the contrary. Its engagement in public debate over the many decades that it has operated (albeit with varying degrees of vehemence and incivility) is typified by a strident inability to listen to much less consider opposing arguments or critics. The provision of a very public platform to an extraordinarily narrow range of ideologically driven opinion is in stark contrast to the intensely guarded privacy of its own operations. Such hypocrisy is not just enduring organisational habit; it is enshrined in the memorandum of understanding that forms the legal foundation of the IPA itself – for the IPA to act in any other way would render it unaccountable and its staff liable to disciplinary action. This striking paradox is discussed further below. It is not a matter of contention that the IPA serves a very narrow range of private interests; it is legally obliged to do so. Thus in all matters of its operation, its range of functions and the campaigns it mounts - the IPA is accountable in the same way it recommends for NGOs.

Nonetheless, there is still concern that think tanks (and CTTs in particular) remain an under-researched subject of study. A growing literature is devoted to understanding the apparently changing role of think tanks, explaining (rather than questioning) their effectiveness, the dramatic increase in numbers and geographical spread particularly since the 1990s. Paradoxically, with the increased attention some have argued that the term think tank has become ‘overworked and underspecified’ (Stone 2007:2). Think tanks are commonly associated with policy research and understood to be a transfer point between knowledge/scientific expertise and power/policy making (see for example UNDP 2003). However, as Stone argues there
is a growing inclination among all manner of organisations (such as NGOs and universities) to present themselves as think tanks.

CTTs do figure in much of the analysis of the think tank phenomenon. CTTs have been associated with the invigoration of the (neo)conservative counter movement in the USA (see for example Rich 2004) and the rise of the New Right in the UK (see for example Denham 1996) and Australia (see for example Coghill 1987) and the resurgence of economic liberalism broadly (Cockett 1994). The presence of CTTs and the nature of their (often covert) association with major corporations and conservative philanthropy has also attracted the attention of numerous investigative journalists (Easterbrook, 1986; Blumenthal 2008) and intellectual activists (Stefancic and Delgado 1996; Beder 1997) dedicated to exposing an otherwise hidden agenda. CTTs also became the focus of more considered (and in some respects less critical) treatment in academic disciplines such as political science and comparative politics (for example Abelson 2006). Such studies notwithstanding, CTTs are often analysed in varying degrees of isolation - without recognition of the extensive network of supporting interests; separated from the long-term neoliberal agenda of wholesale politico-cultural change; and, often in ignorance of the ideologically charged invective commonly found in their contributions to public debate.

Efforts within political science to distinguish traditional think tanks from other research or advocacy-based organisations miss several essential points, none-the-least of which is the effect of neoliberalism on the tertiary and non-profit sectors. Where the literature suggests that the term think tank is being conceptually stretched to incorporate new forms, it is perhaps more accurate to suggest that universities and NGOs for example are embracing neoliberal rationalities - compensating for the increasing emphasis in funding of evidence-based results in the production of market ready knowledge. Much of the research on think tanks
increasingly appears to be conducted with little consideration of the pioneering 
literature focused on public relations and media manipulation that formed part of 
the corporate assault on public opinion. Where the narrow scope of some analyses 
argued that think tanks were undergoing a shift from policy analysis to political 
avocacy, critics such as Alex Carey (1995) viewed think tanks as part of a much 
broader project that became increasingly evident after the first world war as the 
potential of technologies of public relations was realised as a means of managing 
democratic risk and protecting the interests of capital (see also Fones Wolf 1994). As 
early as 1909, Lowell and Wallas warned of the potential for democracy to be 
subverted to the interests of the powerful through their harnessing of technologies 
for “the production of emotion and opinion” (cited in Carey, 1995: 21). So too 
Eisenhower warned against the ‘acquisition of unwarranted influence’ by the 
military-industrial complex. The CTT network with its access to vast financial 
resources and utilisation of public relations technologies and strategies have 
become a means by which unwarranted influence has been realised. The 
determination of private capital associated with corporations such as Walmart to 
exert influence and the benefits to them of doing so are well documented (see for 
example Moreton 2009). Too seldom in the literature on CTTs is this recognised as 
the context in which CTTs should be examined – as agents of the neoliberal project.

The neoliberal project represents a decisive shift in thinking about public goods such 
as social welfare that has been brought about with the whole-hearted support of 
some of the most pernicious, egocentric and ruthless among the wealthy elite. Their 
agenda is not simply to extend the privileges they enjoy. It is better understood as 
an attempt to reconstruct what Edward Bernays nostalgically referred to as the time 
“before people got a social conscience” (Edward Bernays cited in Ewen, 1996: 12). 
As Ewen describes it, social conscience arose as aristocratic rules of deference 
declined – when modern democratic public ideals required the elite to justify 
privileges that were previously accepted as rights of birth. Bernays’s attitude is far
from anachronistic. It typifies the underlying intention of those that exerted a formative influence over the means by which neoliberal project was executed; to eliminate the necessity for the ruling elite to justify their wealth and privilege in the face of ever increasing inequality. An early edition of the IPA Review reflected this attitude. Then director of the IPA C. D. Kemp (1948) bemoaned what he regarded as the demise of the upper-middleclass - ‘the vanishing race’ - owing to the burden taxation and the increasing cost of domestic help. The likelihood that a deeply hostile view of the broader public, in particular of the less fortunate among them, could re-emerge to form the basis of a dominant political narrative would once have been incomprehensible. Yet the idea that property rights are inviolable and wealth is deserved predominates. The argument that social welfare is economically burdensome, if not parasitic, and responsible for creating damaging relations of dependency is widely accepted as a matter of common sense. CTTs have played a pivotal role facilitating this shift in political culture.

Although elite interests have been influential in creating the conditions and providing the support necessary to create the network of CTTs, this does not adequately capture the formative role of ideology. The long history of antipathy with which the ruling elite have viewed the masses has been well-documented. This includes progressive philanthropic foundations connected to the Carnegie, Ford and Rockefeller fortunes that have functioned to undermine radical opposition and preserve the status quo (see for example Roelofs 2003). However, CTTs are not simply a means by which the powerful seek to protect their interests whether defined by a profound sense of entitlement or simply the will to self-preservation. The existence of CTTs is a consequence of the rivalry that exists between capitalism and democracy. In short, CTTs are a technique for safe-guarding the fortunes of capital from the demands of democracy.
The idea that democracy and capitalism are basically incompatible is a familiar one among some observers of politics. Wolin (2004) identifies a number of tensions that contradict the apparent public faith of a harmonious coexistence between the two forms. From the needs of the economy (a balanced budget, political stability and unrestricted movement of capital) to the type of individual (self-interested, competitive, exploitative and insecure); the requirements of a thriving capitalist system undermine conditions necessary for the constitution of a vibrant democracy. Geuss (2001b) goes further, arguing that the assumption that the basic elements of democracy, capitalist economy, the state, liberalism and the doctrine of human rights form a coherent/consistent model for thinking about politics is an illusion. As the conjunction of these elements is historically contingent and particular, not only are the individual elements not always clearly understood; there is significant tension between them. This means that it is not simply a matter of disagreement between CTTs and NGOs as to the distribution of resources or preservation of the environment by the state.

Recognising the conflict between values and beliefs associated with democracy and capitalism has profound implications. Wolin concludes that democracy is “beleaguered and permanently in opposition to structures it cannot command.” (p.601). Wolin is not alone in his assessment that democracy has been subverted, however further exploration of this crisis is not within the bounds of this thesis. The contribution that CTTs have made to bringing about the primacy of capitalism and how the campaign against NGOs fits within this agenda is the focus of this thesis. Placing the campaign against NGOs in this context allows a number of key points to be made. Insofar as democratic principles and practice has been subverted to the needs of the economy, NGOs advocating recognition of social justice, human rights and environmental issues are distinctly disadvantaged against CTTs. Not only do the issues and interests represented by CTTs predominate, the means by which NGOs might influence public policy -through popular support- has been largely
undermined. This is a matter of importance that will be taken up in more detail in later chapters. The question here is to what degree has this perspective informed analysis of the CTT phenomenon?

Growing awareness of the operation of CTTs in has produced some interest in the nature of their contribution to public debate. The correlation of the rise of the CTT phenomenon and the shift to public policy design based on neoliberal principles has resulted in efforts to define CTTs and the role they play. Monikers such as ‘second hand dealers of ideas’ used to describe CTTs specifically or notions of ‘epistemic communities’ (see Haas 1992) and ‘thought collective’ (see Mirowski and Plehwe 2009) that include CTTs as part of a broader movement are certainly helpful. Both include characteristics such as a set of shared normative beliefs; the identification of a central set of problems; a relatively uniform methodology that validates knowledge as an area of expertise; and, a common policy enterprise – drawing “…presumably out of the conviction that human welfare will be enhanced as a consequence” (Haas, 1992: 3). Most CTTs fit the characteristics defined by Haas, but there is little evidence of a genuine commitment to human welfare amidst the ideological zeal. At the same time, the particular interests served by the neoliberal project suggest there is very little correlation with the idea of episteme defined by Foucault (2002) upon which Haas draws.

Alternatively, the term thought collective advanced by Mirowski and Plehwe (2009) encapsulates more specifically and more accurately the purpose of CTTs involved in the neoliberal project. Mirowski (2009b) has argued that the absence of parochialism, the long term commitment to a radical political project by a very private coalition of powerful interests and the strategic design of the CTT network are among the factors that distinguish the CTT network as a ‘transnational discourse community’. The term fits well perhaps because it is derived specifically from a study of neoliberalism that emanated from the distinctly influential Mont Pelerin
Society. For the purpose of this thesis, it is useful because it positions particular CTTs such as the IPA within a much broader network arranged so as to maximise the potential realisation of the neoliberal project. In this sense, not only does the IPA and its case against NGOs essentially represent a designated contribution to a larger project. More importantly, as part of a thought collective it is functionally incapable of making any other kind of contribution.

CTTs have remained enigmatic. In many cases the depth of ideological fundamentalism that defines their contribution to public debate and the anti-democratic sentiment of the powerful interests that support them have not been adequately recognised. This is in some respects understandable in so far as the façade presented publicly is part of a deliberate strategy and its success helps explain the continuing presence of ‘expert’ commentary from CTTs in mainstream media. There are few attempts to distinguish CTTs even from other think tanks and thus their role is often presented as policy advocacy, idea brokerage or research. In each case, the public interest is supposedly served either directly by CTTs contributions to public debate or indirectly as the production of expert knowledge ‘trickles down’ enhancing the quality of public debate as a consequence (see Stone 2007).

CTTs themselves have emphasised their contribution to the free market of ideas undertaken with a view to shaping economic and social political agendas (see for example Counterpoint 2005). In this respect ‘think tank’ and staff referred to as ‘research fellows’ would seem appropriate. At the same time, CTTs have been distinguished from other think tanks on the basis of their political advocacy which seldom strays from support for the free market and limited state intervention (see Hart and Vromen 2008). It is the orientation toward a very public practice of political advocacy and at the same time careful positioning close to the processes of public policy design that has been noted as a distinguishing feature of CTTs. Marsh (1995)
notes that no other advocacy organisation has sought and arguably manoeuvred so successfully to be in such close proximity to decision makers.

Of course, this aim is greatly assisted by and allows for coordinated access to senior figures within the executive and parliament by assorted CTT ‘experts’. Coming together under the auspices of a CTT conference not only cultivates intimate networks among influential figures within the public and corporate sectors, agendas are formulated and policy proposals discussed in a space relatively immune to public oversight. Coalescence – a practice of identifying and privately fostering interests in common - as much as advocacy is an important function of CTTs and as such defining CTTs as “nonprofit, public policy research and advocacy organisations that promote core conservative ideals” tends to exclude organisations on technical or semantic grounds that ought to be included (Jacques, Dunlap and Freeman, 2008: 355). This is a matter of some importance. If the influence and effectiveness of CTTs is to be appreciated, then the identification of CTTs must be broadened so that the varying range of contributions from like-minded, if not intimately connected, organisations to the CTT agenda can be recognised. In Australia, organisations such as the Samuel Griffith Society, H.R. Nicholls Society, the Lavoisier Group and the Galatians Group all serve a similar purpose to their better known counterparts the IPA and the CIS and share sources of financial support (see Maddox 2005; Cahill 2004). At the same time, organisations such as Access Economics (now Deloitte Access Economics) and the Grattan Institute (regarded as non-partisan/for-profit and bi-partisan respectively) should be included on the basis that each reinforces the framing of issues in market terms and in some cases employ staff closely connected to CTTs. Whether or not there are direct connections between the various organisations mentioned, each contributes to the preservation of the neoliberal status quo – defined by the dominance of a particular idea of the free market rather than the free exchange of ideas that lies at the core of classical liberalism at least since Mill (1972).
Viewed in isolation, it is easy to underestimate the impact and effectiveness of CTTs. The labyrinth of CTTs and supporting organisations and interests also makes detailing much less analysing the network as a whole practically impossible (Mirowski 2009a). Nonetheless, there is ample evidence that provides a clear sense of the scale, level of coordination and overall cohesiveness of the overarching CTT network. For example the New Right included notable right wing figures such as Richard Viguerie, Paul Weyrich, Tim laHaye, Jerry Fallwell, Jesse Helms; affiliations with organisations such as the National Religious Broadcasters; philanthropic support of Joseph Coors and Richard Mellon Scaife and corporations such as Sears-Roebuck, Dow Chemical, General Motors, Mobil, Pfizer and Chase Manhattan Bank (see Phillips-Fein 2009). More insidiously, as Bellant (1991) has documented, the New Right also included a neo-Nazi oriented alliance of the extreme right behind the American Security Council and with close links to the industrial military complex and the Pentagon. More recently, Sears-Roebuck heiress Nina Rosenwald formed Gatestone – a far right anti-Islamist and pro-Israel organisation that has hosted Geert Wilders, has connections with the hard-line NGO Watch based in Israel and advocated a much more hawkish response to Iran (see Institute for Policy Studies 2015; Blumenthal 2012). While such cultural/religious connections may be thought to distinguish the US-based New Right from its economically dry Australian counterpart, this is not entirely accurate. For connections between the Christian Right in the USA and Australia see Smith and Marden (2012). As mentioned in the introduction, Australian business elites also shared the fascist/Nazi sympathies of their USA and British counterparts both prior to and after the culmination of WWII. Australia is distinguished by the support among some of its elite class (in which the IPA is deeply implicated) for imperial Japanese and its possible future rule of Australia (Cahill 2007). Such broad-based connections and the influence of such contemptible dispositions seldom figure in academic analyses and are almost entirely overlooked in the NGO accountability debate. In fact, as Burton (2007b)
argues, NGOs themselves have often misunderstood or been completely ignorant of the constellation of powerful interests against which they are allayed.

There is instead a continuing focus within much of the literature on think tanks to quantify/measure the level of influence (if any) that is wielded and by which think tanks from across the political spectrum, from single issues such as the organisation of environmental scepticism focusing specifically on CTTs (Jacques, Dunlap and Freeman 2008) to more broad-based studies asking whether think tanks matter (Abelson 2002). While such contributions can be helpful, many are limited by the underlying assumption that think tanks operate in a public sphere that is best described as a free market of ideas with an abiding commitment to democratic principles and within which political partisanship is a broad marker of ideological division. This is in many respects a political illusion. Class-based corporate activism (see Carey 1995; Phillips-Fein 2009), combined with the religious zeal of wealthy conservatives (see Dochuk 2011; Moreton 2009) brought forth an alliance of faith in free market and traditional family values at the grass roots level (see for example Williams, 2010) providing both a receptive audience and support base for CTTs.

Far from being a recent or isolated phenomenon, CTTs are the end result of the early mobilisation of business interests against the welfare state, part of a broad and carefully orchestrated long term campaign to bring about the comprehensive proliferation of neoliberal ideas (Harvey 2007). CTTs occupy the ideological battlefield where the interests of capital continue to define the public interest and a powerful elite is preserved despite a brief challenge in the post-WWII settlement and liberal consensus. As Phillips-Fein (2009: 268) notes “stridency has given way to a subtler tone; the very success of the market agenda has rendered the old political register of their rhetoric obsolete”. Though there is a continuing effort, even among some CTTs, to provide evidence of influence, such concerns are almost academic. The evidence is overwhelming. The fact is that CTTs are perceived to be influential –
to provide value for money as they continue to be generously funded, well supported and highly visible when and where needed.

**Strategies and Tactics**

An oft-cited metaphor for CTTs comes from a moment of apparent candidness by former senior vice president of the Heritage Foundation Burton Yale Pines. Pines (cited in Egen, 1996: 6) referred to CTTs as “the shock troops of the conservative revolution”. Such a description belies any claim to intellectual integrity, disinterested expert analysis or concern for the truth beyond a desire to impose a particular ideological agenda and for approaches to policy design to be defined on their terms. This is not necessarily an indictment of the intellectual origins of neoliberalism nor should the conditions that facilitated neoliberalism as a critique be disregarded. The problem is what neoliberalism has come to mean. Plehwe (2009) has argued that focus on the marketing of neoliberal ideas has contributed to the ‘scholarly production network’ being underappreciated. This may be so, but popularising neoliberal ideas – especially among the business community that has funded the marketing network – does shape the form neoliberal ideas take in practice. Scholarly production and marketing are both processes within which the meaning of neoliberalism(s) evolves. Many of the principal intellectual figures have described themselves as activists (see Marginson 1992) and several early intellectual pioneers subsequently distanced themselves from Hayek and others precisely for these reasons (Hoover 2003). The point is that neither Hayek’s idea of spontaneous order nor Buchanan’s cherished principles of public choice could be considered common knowledge even among policy makers. However, the idea that government meddling in the economy should be strictly limited certainly is and it is reasonable to presume that this is precisely what neoliberals intended.
Any account of CTTs that does not acknowledge this risks misconstruing their political activity as an earnest commitment to public deliberation and genuine attempt to persuade public opinion by reasoned argument. Such a commitment may be apparent, but is at best instrumental; useful only insofar as it serves in the cause of eliminating competing ideas. To this end CTTs have demonstrated their willingness to abandon principles of intellectual honesty, decency and truth. If it is a battle of ideas, then it is being fought by almost any means necessary. At the same time, uncritically accepting the characterisation of CTTs as troops of any kind merely serves to reaffirm the effectiveness of CTTs as a PR strategy – to provide cover for the influential configurations of power and the contingency of neoliberal arrangements that remain hidden. The identification of particular strategies in this chapter is not exhaustive, but is designed to provide an indication of how such small organisations, often demonstrating limited scholarly insight, exert such an impact on public debate and policy design.

The ability of CTTs to influence public debate in part comes from the CTT network being able to portray itself as an ensemble of disparate organisations providing opportunities for incisive political commentators and original conceptual thinkers to be heard – individuals and ideas that would otherwise be ignored or actively overlooked by what have been colloquially termed the chattering class among other things. Jamieson and Capella (2008: 76) define the echo chamber as “a bounded, enclosed media space that has the potential to both magnify the messages delivered within it and insulate them from rebuttal”. For CTTs, the ‘echo chamber effect’ is the impression of broad-based support and intellectual credibility for ideas that would otherwise have little political appeal and exist on the fringes of academic debate (Burton 2007a). Ideas and perspectives that are ideological rather than empirical reverberate around the echo chamber repeatedly, becoming normalised in public discourse and displacing previously accepted thinking. This role was envisaged by Hayek (1949) when he referred to second-hand dealers of ideas, intellectuals that
could popularise otherwise marginal ideas and create the appearance of a groundswell in support (see also Desai 1994). Other prominent neoliberals such as Milton Friedman and later James Buchanan were also active in lending support to the network of CTTs that served to popularise neoliberal ideas (particularly their own). Continuing the military narrative in the UK, organisations such as Mont Pelerin Society and to a lesser extent Institute of Economic Affairs have provided the long range artillery with organisations such as the Centre for Policy Studies providing the short range artillery (Frost cited in Plehwe 2009). Further adding to the network, organisations such as the Adam Smith Institute distilled the abstract theoretical ideas into concrete policy proposals – an army core of engineers (see Hoover 2003; Pirie 2012). Corporations confronted with public image crises and in desperate need of countering unfavourable changes to industry regulation were also showing interest in the possibilities of mounting public relations campaigns designed to generate public support. Burton traces the term to an internal memo written by John Scruggs of Philip Morris with a subject line “THE ECHO CHAMBER APPROACH TO ADVOCACY” in 1998 now held by the Legacy Tobacco Documents Library. Scruggs (1998) describes the Echo Chamber public relations strategy as an approach that:

“...attempts to cause favorable information to resonate with and from various sources in order to increase its credibility with the target audience. ...The more a particular view or piece of information "echoes" or resonates through this group, the greater its impact. ... Grasstops or "Influentials" campaigns work because those highest on the hierarchy scale, with the greatest degree of credibility, repeat the same or similar messages. You will note that the echo chamber effect can work in two different ways. First, the same message can reverberate among multiple sources toward the target Members. ... Second, similar but complementary messages can be repeated by a single source. ...Either the repetition or "piling on" approach provide the same result: enhanced credibility and influence of the essential message.”
The question as to whether or not the echo chamber operates to influence the opinion of politicians or the broader public should be set against the long term shift of thinking in policy-making circles. As George (cited in Giroux, 2004: xiii) observed “in 1945 or 50, if you had seriously proposed any of the ideas and policies in today’s standard neoliberal toolkit, you would have been laughed of the stage or sent off into the insane asylum”. In other words, it is not whether a particular policy outcome favoured by CTTs eventuates that matters. What is important is that the ‘merits’ of policy proposals are assessed within a values framework that largely reflects neoliberal ideas of the public good. The very nature of the echo chamber also makes it very difficult to document its effect. The network of think tanks, mass media, prominent journalists, politicians, blogs and websites - the propaganda network -that produces the echo chamber effect is so vast and the connections between points of reverberation so indistinct that accounts of its existence tend to be dismissed as partisan jealousy or belonging to the realm of conspiracy. Further complicating the matter and adding to the effectiveness of the echo chamber is the seeming unwitting coverage of echo chamber talking points and ‘talking heads’ by mainstream media outlets and indeed by some academics. In this way coverage by the so-called liberal media has worked to unwittingly support conservative causes (see for example Conason and Lyons 2000). Uncritical acceptance of what are ostensibly narrow ideological and at times mendacious viewpoints that are then presented as ‘one side’ of the debate is certainly part of the problem, however, this is not necessarily the purpose of the echo chamber. The point of the echo chamber is to saturate the public sphere with highly inflammatory and divisive hyperbole to which those responding are forced to defend against or refute. The result is not a public debate balanced by equal coverage of divergent or opposing views, but a series of outrageous statements or allegations that by design paralyse more meaningful discourse. The echo chamber ensures at the very least that debate is not
conducted on terms that the interests behind the echo chamber find entirely disagreeable.

Ongoing efforts to rehabilitate the reputation of Dichloro-Diphenyl-Trichloroethane (DDT) and demonise the legacy of Rachel Carson illustrate how effectively the echo chamber propels outrageous claims made by marginal figures with very particular agendas into mainstream debate. The reinvigorated debate over the use of DDT has once again been punctuated by sensationalist claims that Carson is responsible for the deaths of millions – placing her in the company of Hitler and Stalin as one of the great mass murderers of the twentieth century – as a consequence of her efforts to raise awareness of the dangers of pesticide use at the time (see Stauber and Rampton 1995; Smith 2001). It should be noted that Carson did not advocate a ban on use of DDT much less all pesticides. Her contention was that “a citizen shall be secure against lethal poisons” (cited in MacGillivray, 2004: 44) and to this end she argued that the use of chemical pesticides can and should be significantly reduced. Insofar as pesticides incapacitate approximately one million people of whom twenty thousand die (MacGillivray 2004), Carson deserves her reputation as a great humanitarian rather than vilified by CTTs at the behest of the chemical industry that ignored her warnings and demonised her work.

One of the earliest appearances of the ‘mass murderer’ claim comes from an address given by Dr. J. Gordon Edwards (1992[emphasis in the original]) who stated:

“A leading British scientist pointed out that ‘If the pressure groups bad succeeded, if there bad been a world ban on DDT, then Rachel Carson and Silent Spring would now be killing more people in a single year than Hitler killed in his whole holocaust.”

Edwards provided no reference to the source of the quote or name of the British scientist in his paper published in Lyndon Larouche’s 21st Century Science and Technology Magazine. Larouche and his acolytes (otherwise known as Larouchites)
have a reputation for peddling ‘kooky’ science. However, as King (2007) argues, it is precisely this reputation that has provided cover for much more sinister and calculated political activity and links that have included political elites, organised crime and fringe elements of the extreme right. Among the many groups/movements targeted within Larouche’s carefully coded fascist ideology (in short, a dictatorship of the ‘humanist elite’ ruling on behalf of industrial capital according to Berlet and Lyons 2000), were environmental movements. Donald Roberts, one of the more prominent critics of Carson and the ban on DDT, also had several articles published in 21st Century Science and Technology Magazine (see for example Roberts 2010). Given Roberts is often cited as an international authority in his numerous public appearances, one might wonder why he would resort to such a fringe publication. But of course Roberts’s views occupied the fringes until he was placed within the CTT echo chamber. By this account Larouche too fits within the network of interests surrounding CTTs.

More recently, author of fiction Michael Crichton has been cited as a source for those claiming that DDT poses no environmental or public health risks and that Carson was responsible for the death of millions. State of Fear was a work of fiction that has been referred to by almost every sceptic of anthropogenic global warming. However, it also contained dialogue between characters including the following:

“Banning DDT killed more people than Hitler, Ted. And the environmental movement pushed hard for it.” “But DDT was a carcinogen.” “No, it wasn’t. And everybody knew it at the time of the ban.” “It was unsafe.” “Actually, it was so safe you could eat it” (2004: 467).

However, as Crichton’s (2003) views on the ‘religion of environmentalism’ indicate, it is also his avowed personal view. Invitations received by Crichton included the US Senate Committee on Environment and Public Works (accompanied by Dr. Donald Roberts) and was invited by Karl Rove to a meeting with then President George
Bush. In Australia, Crichton has been lauded by right wing journalists and CTTs, in particular the IPA (Wilson 2006a). His views on DDT were repeated with support in the *National Observer; The Weekend Australian; the Sun-Herald;* and, *Quadrant* along with CTTs such as the Lavoisier Group and the IPA and several nondescript websites.

Hysterical accusations against Carson also originated and reverberated throughout the Christian Right. Here Carson is accused of being responsible for the death of millions, many of whom are children and she should be judged accordingly (see for example Sowell 2001; 2010). Sowell’s arguments are repeated approvingly by Bill Meuhlenberg (2011) – a prominent figure among the Christian Right in Australia. Meuhlenberg also refers to Andrew Klavan who literally demonises environmentalists; blaming them for 50 million deaths as a result of the ban on DDT (see Klavan 2011). Muehlenberg also refers to the CTT promoted and industry funded documentary *Not Evil Just Wrong* by Phelim McAleer and Ann McElhinney (Meuhlenberg 2009). In an address to the Conservative Women’s Network luncheon at the Clare Boothe Luce Policy Institute (associated with The Heritage Foundation) McElhinney (2009) made the extraordinary claim ‘...why is Africa a mess? They’re sick all the time and they wouldn’t be sick if we could just cover the place in DDT’.

For a useful overview of the links between the directors of *Not Evil Just Wrong* and the CTT network see Grandia (2009).

Where references to scurrilous sources such as Edwards are not explicit, the reasoning is, essentially, DDT kills malaria carrying mosquitos, Carson and her acolytes distorted science and pressured politicians to ban DDT, malaria cases have since exploded exponentially killing millions, therefore Carson is a mass murderer. This is a claim made/supported by high profile rightwing figures Glen Beck (2009) and Rush Limbaugh (2013) and promoted on websites including Rachel Was Wrong.
(a project of the Koch funded Competitive Enterprise Institute) and Junk Science\(^{37}\).

In Australia, much like the press in the USA (see FAIR 2007), Rachel Carson has been excoriated for inciting anti-DDT hysteria resulting in a ‘holocaust’ (Bolt 2010\(^{38}\)); mobilising an environmental movement whose arrogance has killed millions (Lapkin 2003); launching the cultural left’s anti-DDT crusade with millions killed because of the chattering classes (Terpstra 2007); responsible for ‘millions dying so that fish may live’ (Devine 2005); author of an infamous junkscience best-seller (Stone 2001); and responsible for one of the most dangerous environmentalist alarms in history (Green 2011). Such claims have populated almost every right-wing media outlet, think tank, blog and among the posted comments even on left wing blogs.

As Oreskes and Conway (2010: 240) argue, whether “true or false, sensible or ridiculous, fair-minded or malicious... [t]he Internet has created an information hall of mirrors where any claim, no matter how preposterous, can be multiplied indefinitely. And on the Internet, disinformation never dies”. This situation is both a part of and further reinforces the potency of the CTT network echo chamber. Jamieson and Capella (2008) concluded that there is a correlation between echo chamber coverage and public perceptions of truth – the more it is discussed, the more people believe it is true. This explains why the ‘Carson is a mass murderer/equivalent to Hitler and Stalin’ myth persists despite numerous accounts detailing the misrepresentations, inaccuracies and falsehoods. In fact a simple google search of ‘Rachel Carson DDT’ will yield results that suggest her legacy is...\(^{\text{37}}\)

\(^{37}\) Junkscience.com is website founded by Steve Milloy who is/has been associated with Fox News, CEI and Cato Institute among others (for more detail see Sourcewatch 2008; Hoggan 2009) and has been named as a Washington Times Senior Fellow – a newspaper that has been termed ‘the GOP’s $3 billion propaganda organ’ run by Reverend Sun Myung Moon (Parry 2006) Milloy’s books are also promoted through conservative foundation largesse, published by organisations such as Cato Institute and Regnery Publishing. Junkscience.com includes a banner that states ‘DDT. A Weapon of Mass Survival’. In 1997 Milloy began working with J Gordon Edwards to re-publish his critique of Silent Spring and soon thereafter began echoing Edwards’ claim. Edwards’ critique appeared in the Journal of American Physicians and Surgeons in 2004. The journal is published by a libertarian political group called Association of American Physicians and Surgeons that, among other things, filed a law suit in defense of Rush Limbaugh (see Oreskes and Conway 2010).

\(^{38}\) In an interesting aside, IPA senior fellow Sinclair Davidson argued that equating climate change scepticism to the Holocaust is the mark of a moral dwarf” (Davidson 2009). Yet referring to the ban on DDT as the cause of a ‘green holocaust’ as Bolt and many others have asserted is apparently unproblematic (see Bolt 2006).
controversial if not unfounded, which has detrimental implications for the environmental movement that Carson helped to inspire.\footnote{Among the first ten webpages listed by Google in a search undertaken in 2014 is the CEI sponsored ‘RachelWasWrong.org’ and an article in Forbes Magazine (May 9 2012) ‘Rachel Carson’s Deadly Fantasies’ by Henry Miller (Hoover Institute) and Greg Conko (CEI).}

The second function of CTTs is to act as a point of coalescence for like-minded individuals, organisations of shared interests and ideological sympathies, while at the same time maintaining the appearance of separation and camouflaging any suggestion of orchestrated alliance. As with the echo chamber, coalescence is difficult to document as the contours of cooperation are at the same time both extensive and in many cases subtle if not hidden. Documents released as part of legal settlements, such as the Legacy Tobacco Documents Library provide an indication of how far corporations, with the assistance of public relations strategists, are willing to go to ensure the continued profitability of their industry and how through agents such as CTTs, allies are courted and networks of mutual interest are cultivated. Beder (1997: 75) argues that CTTs use conferences, seminars and workshops, publishing books, briefing papers, journals and media releases, liaise with bureaucrats consultants, interest groups and lobbyists for the purpose of influencing policy or establishing a reputation for ‘policy expertise’ (developed in part through the echo chamber) and become directly involved in the policy design. The anti-DDT ban campaign is instructive for the ways in which CTTs act as a conduit for corporate and philanthropic foundation largesse and how an ensemble of seemingly unconnected and unrelated interests are brought together. Although a relatively minor CTT operation, the pro-DDT/anti-Rachel Carson campaign includes such an extensive network of industry contacts, institute affiliations, financial supports, scientists and fellow protagonists as to make mapping the connections well beyond the limits of this chapter. Even focusing more specifically on one of the key figures supported by the CTT network is difficult, not only because of the multitude of connections but also because many of the connections are not public
knowledge or remain hidden among vast repositories of public documents⁴⁰. For these reasons, the political relations of Roger Bate (a key figure at the 2003 CTT Washington conference on NGOs) mapped in this section can only be indicative. Nonetheless, it provides an idea of the nature of and how extensive the network of common interests brought together both within and through CTTs is. It also provides an indication of the narrow politics of the network in question and the influential connections supporting a figure that has been again thrust into the public spotlight as yet another CTT campaign takes shape.

Underpinning his contribution to the CTT campaign against NGOs, Roger Bate has been among the more prominent (though less apoplectic) campaigners against the ban on DDT. Bate has not explicitly endorsed the claim that Carson is a mass murderer akin to Hitler and Stalin and even acknowledges the ‘many ill-informed arguments’ that populate the blogosphere (Bate 2008). However, Bate has certainly argued that environmentalists (among others) have used a baseless DDT scare campaign to further their political agenda and have knowingly sacrificed millions of lives (many of them children) to do so (see for example Bate 2001; 2008; and Roberts, Bate and Tren 2011). It is worth mentioning that Bate’s role in the campaign against Rachel Carson and so the World Health Organisation and environmentalists generally is utterly hypocritical bordering on criminal. Not only have the tobacco and chemical industries actively worked to secure their interests with full knowledge of the enormous costs imposed on public health and human life; it is becoming increasingly evident that the pharmaceutical industry is more than willing to sacrifice public health in the pursuit of profits. – all of whom Bate has actively lobbied for and bankrolled the CTTs where Bate is employed.

Bate argues essentially that DDT saves lives with little evidence of residual impacts on human populations or the environment and so its ‘scandalous underuse’ needs

⁴⁰ For example the Legacy Tobacco Documents Library contains some 30 million documents.
to be reversed (see for example Bate 2008). Whether or not Bate might be regarded as a more ‘reasonable’ figure within the debate, he rarely corrected the excessive claims made by other defenders of DDT and continues to support their work. For example Bate (along with Richard Tren, Denis Avery, Michael Crichton among others) appears in the documentary *3 Billion and Counting*41 and in an article published in the *Wall Street Journal* claimed that the World Health Organisation, in the grip of environmentalists, was responsible for the death of 50 million people owing to the ban on DDT (Bate 2009). In *The Telegraph*, Bate (2005) insisted that the resurgence of malaria in Sri Lanka following the 2004 tsunami can be stopped “but only if ill-informed prejudice against DDT, the insecticide, is dropped.” There is no question that Bate is a prominent figure in the campaign against Rachel Carson. It may also be that as an economist, Bate has some expertise in matters of public health. But it is not his expertise that has made him a prominent figure and his commitment to the campaign against Carson (among other CTT supported campaigns) despite its falsehoods indicates that public health is unlikely to be his primary motivation. As one comment posted online in response to Bate pointed out – people who are genuinely interested in public health tend not to request funding from the tobacco industry (see Bate 2008).

A brief overview of Bate’s political associations not only reveals how intimately connected Bate is to the CTT network, it also provides a sense of how extensive the CTT network is. The American Enterprise Institute, where Bate is a ‘Visiting Fellow’ lists some of the connections to various CTTs that Bate has. These include: Board Member and Director of Africa Fighting Malaria; Founder and Director of Environmental Unit, Institute of Economic Affairs; Co-founder and Director of International Policy Network; Co-founder and Director of European Science and Environment Forum (ESEF). ESEF, originally Scientists for Sound Public Policy, was

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41 *3 Billion and Counting* is a reference to the number of deaths attributed to the ban on DDT – said to be “[t]he greatest ecological genocide in the known history of man‘ brought about by ‘politics” (3 Billion and Counting 2010).
established by public relations firm APCO Associates to replicate Milloy’s The Advancement of Sound Science Coalition in Europe for Philip Morris (Monbiot 2006; Tobacco Tactics 2013). This does not appear on the AEI website of course. On some AEI publications, Bate is named as Legatum Fellow in Global Prosperity and the Legatum Institute – a pro-market London-based think tank funded by the private investment fund the Legatum Group based in Dubai – has hosted Bate (Legatum Institute 2012). As of 2009, other than Bate, all other staff of the Legatum Institute were former Bush Administration veterans including three National Security Council officials (Sarvana 2009).

There is no mention of Bate’s early efforts to counter anti-smoking measures including a major contribution to the fight against passive smoking regulation funded generously by the tobacco industry (Sourcewatch 2009b). Bate was a fellow at the Competitive Enterprise Institute which was founded by Fred Singer – a notorious figure who has actively campaigned against regulating tobacco, CFCs, carbon pollution among others (Hoggan 2009; Oreskes and Conway 2010). Like the Competitive Enterprise Institute, Bate received considerable funding from the tobacco industry, at one point earning up to GBP 10,000 per month from Philip Morris according to an internal email of Philip Morris (Roberts 1998). In the same email, it was noted that Bate’s primary interest was malaria and that Bate could play a very useful role at the UN. There is no doubting the common cause shared by the chemical and tobacco industries in fighting environmental regulation and attacking national and international institutions such as the Environmental Protection Agency and the World Health Organisation. In fact included in the Philip Morris archive are documents wherein funds are solicited for Bate’s anti-malaria campaign. It was thought that it might yield supporters in Africa sympathetic to the tobacco industry and prove to be useful in the fight against UN/WHO (Bate 1998a; 1998b). In response to another funding proposal, internal correspondence confirmed that at “17k/month,” (Winokur 1998) Bate “returned value for money” (Bushong 1998).
Bate has also received support from the network of rightwing philanthropies that have bankrolled much of the conservative movement. According to Sourcewatch (2009b), Bate received financial support from the Earhart Foundation via the CEI in 2001 to assist preparation of a pro-DDT monograph titled *When Politics Kills – The Political Economy of Malaria Control* and via Africa Fighting Malaria for whom the Earhart Foundation is listed as a donor. AFM also received funding from Searle Freedom Trust – established out of the financial largesse of the pharmaceutical company G. D. Searle & Company which was at one time run by Donald Rumsfeld. The president of the Searle Freedom Trust, Kimberly Dennis, is chairman of the board of Donors Trust and a trustee of the Earhart Foundation and is/has been associated closely with Philanthropy Roundtable, John M Olin Foundation, American Enterprise Institute, among other connections to the rightwing philanthropy network (Donors Trust 2013). Also among the donors to AFM is Bate’s own International Policy Network (IPN), which was also listed as a participating organisation at the 2003 CTT Washington conference. IPN continues to receive funding from numerous rightwing philanthropies including the Sarah Scaife Foundation, the Atlas Economic Research Foundation and the recently controversial Koch backed Donors Trust and Donors Capital Fund. IPN has received considerable funding from PhaRMA – the industry lobby group that includes almost every major biopharmaceutical company based on the United States (see American Bridge 21st Century Foundation 2011-2014a) and ExxonMobil – a major financial contributor to the CTT network including Tech Central Station which lists Bate as a contributing writer (ExxonSecrets no date2).

Another source of funding is the Heartland Institute. The Heartland Institute is already widely known for its fervent denial of global warming, however it has also been active in promoting the claim that ‘Rachel was wrong’ and providing a platform for Bate. The Heartland Institute, like many CTTs, cultivated close connections to the tobacco industry, but also to the Manufacturing Chemists Association, which is now
called the American Chemists Association (ACC) (Oreskes and Conway 2010). The forerunner to the MCA, the Chemical Manufacturers Association, was involved with a number of other trade associations in attacking the credibility and integrity of Rachel Carson shortly after *Silent Spring* was published in 1962 (Markowitz and Rosner 2002). The American Chemists Council (ACC) continues the entrenched resistance of the petrochemical and plastics industries to regulation, being implicated in a multi-million dollar lobbying campaign to forestall legislation aimed at securing the safety of the chemical industry (Hind, Stevens and Williams 2009). The ACC has very close connections to the American Petroleum Institute (see for example American Bridge 21st Century Foundation 2011-2014b; ExxonSecrets no date1) and a shared agenda that is evident by their association with American Legislative Exchange Council (Sourcewatch 2013b). Among the key members and financial supporters of ACC is Dow Chemical, one of the largest chemical companies in the world and also associated with the American Enterprise Institute and the American Council on Science and Health (ACSH) (PANNA 2010) - a noted pro-DDT organisation that has promoted Bate’s work. ACSH came to the attention of the MCA in 1978 and the sympathetic view of the chemical industry was noted. Despite claims to independence, ACSH has had a close association with numerous corporations in the petrochemical industry (see for example Sourcewatch 2013a). While direct or explicit connections between Bate and some of the organisations, trade associations and companies mentioned are not always evident, the Legacy Tobacco Document archive demonstrates that honesty and transparency are anathema to the function of the CTT network. Nonetheless, the evidence cited, not an exhaustive account by any means, supports the central argument that CTTs are a point of coalescence. CTTs serve as a space for strategies to be formulated to direct

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42 As Markowitz and Rosner note (2002: 175) the petrochemical and plastics industries were already sensitive to the impact that exposes such as Carson’s *Silent Spring* (and Nader’s *Unsafe at Any Speed*), which ‘publicized the worst kind of nightmare faced by major industrial executives’ and the consequent need for discretion within the respective industries. Manufacturing Chemists Association was later actively involved in, if not at the centre of, a conspiracy to hide mounting evidence of the carcinogenic effects of PVC to protect profits and delay regulation. Its list of members included Monsanto, Goodrich, Union Carbide, Dow, Shell and ICI.
public opinion; for the public speaking and media skills of staff to be honed; for like-minded individuals or groups to be brought together and networks of common interest developed; and for wealthy benefactors to coordinate and distribute financial support for the mutual benefit of otherwise unrealised alliances of common interest. Through a combination of the echo chamber effect and the extensive cultivation of points of coalescence, financial contributions underpinning campaigns conducted by CTTs can yield far greater results than would otherwise be the case.

The third function of CTTs and perhaps the least recognised is what is here termed the strategy of misdirection; a technique that is pivotal to the public relations industry. Akin to the creation of illusion in the performance of a magic act, CTTs manufacture ‘crises’ to distract public attention so that the discord that often exists between the select interests of capital and the broader public remains obscured. As the following chapter on CTT accountability demonstrates, there is no question that CTTs represent and are accountable to the interests of a privileged minority. However, the ways and means by which CTTs serve these interests is not always obvious or immediately self-evident in the output made publicly available by CTTs. The pro-DDT campaign is presented as an effort undertaken by a ‘besieged few’ to combat the powerful political forces of Western (liberal/secular) environmentalists in the interests of public health in the developing world, to salvage the practice of ‘sound science’ and restate the invaluable contribution made by chemicals to the western way of life (see for example Dunn 2007). To accept such a description is to suspend the PCT dictum that individuals are best understood as utility maximisers. Quite unlike environmentalists, those involved in the pro-DDT campaign are motivated by selfless altruism – a desire to see bring about desperately needed improvements in public health in the developing world that is its own reward. Such a proposition seems – at best - highly unlikely.
Speaking truth is an instrumental concern to CTTs, as the admonition of IPA stalwart John Hyde indicates. Reflecting on a period of diminishing support for the IPA, Hyde (cited in Burton 2007a) insisted that staff of the IPA must be concerned with the truth if the Institute was to improve its standing and survive. Indeed, the hyperbole and mendacity of extreme claims made against Rachel Carson outlined above illustrates the degree to which truthfulness is incidental to the agenda of CTTs. On this basis alone there is little reason to accept that the health and well-being of communities—particularly children—beset by malaria is a concern of those involved in supporting the campaign to ‘cover Africa in DDT to ensure their prosperity’ (McElhinney 2009)43. Given the very selective and at times extraordinarily inaccurate claims made about *Silent Spring* and regulation of DDT, the value of DDT is not in combating malaria but in discrediting Rachel Carson and her work. Oreskes and Conway (2010) argue that the campaign to expand the use of DDT is in fact a well-orchestrated attempt to challenge the legacy of the person widely noted as the founder of the modern environmental movement. It has been executed not to expose *Silent Spring* as ‘junkscience’, the very influential work of an ‘hysterical woman’ and most ‘likely a communist’, but to challenge the veracity of the case for greater regulation of industry/capital and the integrity of those making the case. Even without the actual modus operandi detailed in corporate documents released as part of the tobacco settlement or uncovered as part of discovery in legal cases against lead, asbestos or PVC industries, the pro-DDT case makes little sense otherwise. More than this, despite detailed and repeated refutation of the basis upon which Carson and the environmental movement are accused of the preventable/avoidable death of millions, the claim continues to be made. To have proven so utterly resistant to the weight of argument and incapable of accepting the

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43 There is a clip of McElhinney exhorting her audience to take up the fight against the ban on DDT. It is worth viewing if only to see the passion with which McElhinney conveys her questionable convictions. The irony of Rachel Carson being dubbed an hysterical and overly emotional woman is palpable.
falsity of a claim demonstrably wrong indicates a preoccupation with matters beyond concern for truth or reasoned argument.

There are of course more straightforward tactical aims preoccupying the pro-DDT campaign. In seeking to avoid the possibility of increased governmental regulation of various industries of questionable public benefit, creating scope for mistrust and division between otherwise likely allies would seem provident. Indeed Bate has indicated as much in correspondence with tobacco companies from which he has sought financial support. For example, in one pitch, Bate advises:

“‘opponents’ of tobacco are quite disparate, yet we have not divided them and shown each how the other’s agenda is damaging their own. [To be more successful] we need to . . . pick issues on which we can divide our opponents and win. Make our case on our terms, not on the terms of our opponents – malaria prevention is a good example. Show our opponents where their alleged allies are harming their cause” (Bate cited in Sarvana 2009: URL).

In this instance, the groups identified as sharing a common cause were environmentalists and those concerned with public health. The division was to be fomented around not just environmental versus public health concerns, but also between western activists and developing country communities. CTTs have labelled various environmental NGOs as eco-imperialists rather than well-intentioned civil activists or a sign of an emerging global/transnational civil society (see for example Driessen 2005). The issue of global public health has also been a target of divisive CTT commentary. Bate was among those decrying the World Health Organisation’s concern for non-communicable disease burdens in the developing world. Consistent with his plans communicated to the tobacco industry, Bate (2000:URL) has criticised recent institutional efforts to promote public health as attempts by “bureaucratic elites to bypass normal codes of political conduct, sound science and economics, and to stretch their power base”. Ill-health as a consequence of smoking (‘a free
choice with health consequences’) or dietary related conditions such as heart disease and diabetes (‘lifestyle diseases’) belongs in the domain of ‘commercial free speech and individual choice’ not public health (cited in The Lancet, 2000: 1923). However, as The Lancet notes, the insidiousness of CTTs agenda is not the attempt to have communicable prioritised over non-communicable disease, but the creation of an artificial distinction between the two - “[t]his new, and more sinister, tactic aims to divide a complex and interconnected subject into the false dichotomy of communicable and non-communicable disease” (The Lancet, 2000: 1923).

However, the most successful or perhaps least challenged misdirection cultivated by CTTs is the idea that big business (corporations such as Pfizer and ExxonMobil) is under siege and governments kowtowing to highly influential and generously funded NGOs, a united and cohesive environmental lobby and powerful regulatory institutions (such as the Environmental Protection Agency and the World Health Organisation). Not only is the credibility of such a claim eminently suspect and in contravention of available evidence, it is also not immediately obvious that such organisations are actually diametrically opposed to the agenda of big business. There is already clear evidence that the ongoing effort of various corporate alliances have effectively undermined any regulatory potential envisioned for agencies such as the EPA. As Markowitz and Rosner (2002) note, not only are regulatory agencies such as the EPA confronted with the scientific challenge of detecting the damage that various industrial substances may wreak, it also faces extraordinarily well resourced campaigns more than willing to exploit technical difficulties to stymie any political action, as well as an ideologically derived anti-regulatory culture fostered by numerous ideologues (many with corporate connections) appointed to senior government positions. For further discussion of the impact of this process see chapter six. Oreskes and Conway too note the often overwhelming task of countering the ‘merchants of doubt’ to ensure the necessary political will to act on the weight of evidence of looming social and environmental disasters.
In Australia too, corporate agendas remain largely untroubled by either NGOs or regulatory agencies. Pearse (2007) offers a detailed account of problems such as regulatory capture that stymie attempts to regulate market activity. In this instance, a group that refers to itself as the ‘greenhouse mafia’ has had extraordinary access to and influence over environmental policy and obstructed attempts to address climate change (see also Hamilton 2007). Burton (2007a) has extensively documented the collusion of NGOs such as the World Wildlife Fund Australia and the impotence of international institutions such as the United Nations Environmental Program (UNEP) that are overly reliant on corporate support to finance UNEP initiatives. The complicity of both WWF and UNEP has not prevented either being accused of opposing the use of DDT and therefore responsible for the death of millions (see Discover the Networks 2005). Much of the problem lies with the ideological context described in previous chapters, wherein the importance of the free market and corporate profitability enabled by a business-minded state are assumed as given in almost every debate. In this sense, while NGOs such as the Environmental Defence Fund and National Resources Defense Council (both derided by the pro-DDT camp) continue to push for reform without fundamentally challenging the primacy of corporations and the unquestioned commitment to economic growth, they are unwitting allies rather than polar opposites (see for example St. Clair and Issel 1997). This may be the reason why NGOs (and the regulatory agencies they supposedly drive) are denigrated so vociferously by CTTs as the primary political adversary of corporate interests – not to counter any potential threat, but to maintain the pretence that NGOs are a serious threat comprised of radicals and extremists. This idea is explored further in following chapters.

Conclusion: Accountable as opposed to truthful

The overview provided in this chapter demonstrates the disconnect between fulfilling the institutional requirements of accountability and the responsibility to be
truthful. Throughout this chapter evidence has been detailed to support the argument that the purpose of CTTs is to convince the public of the paramount importance of the interests they represent – by any means necessary. It is not that CTT claims fail to meet some imagined criteria that distinguishes truth from ideological fantasy or rhetorical fiction; only that truth by any measure is incidental to CTTs - important only insofar as it serves the purpose of persuading the public. Whether it is the false impression of representing the interests of the unorganised majority; the failure to engage critics directly; the unwillingness to amend statements that have been proven to be inaccurate and the refusal to acknowledge inaccuracy; the absence of any evidence of critical self-reflection; indeed the absence of reliable evidence to support their claims; none reflect an inclination to be concerned with the truth.

The claim that Rachel Carson is a mass murderer is absurd. NGOs involved in the environmental movement may well be open to criticism, but to argue culpability on this scale is no less preposterous – whatever mistakes NGOs have made. What should matter is the conduct of various CTTs publicising spurious claims designed specifically to undermine the reputation and legacy of Carson and environmentalism. Here a definitive judgement can and should be made in public and the fact that CTTs have escaped serious public scrutiny is an indication of how little value accountability currently has. The importance of practicing accountability pales before the fundamental principles of responsibility and moral integrity. As Williams (2002) argues being truthful implies a respect for the truth and a commitment to virtues of sincerity and accuracy. What does it matter that the IPA for instance is accountable when, at best, its doctrinal belief in freedom condones the freedom to be dishonest? The question of intention – whether CTTs are staffed by ideologues that are self-deluded or consciously dishonest - is addressed in following chapters. The point made here is that CTTs have proven themselves to be
publicly untruthful and yet the accountability of CTTs is not a subject of public controversy.
Chapter 6.

Tracing the Contours of an International Network

Introduction

This chapter examines the international network that was closely aligned with the IPA in the campaign against NGOs. The IPA drew on and was supported by a number of what it publicised as international experts in making its case against NGOs. Whether invited to address IPA events, published in the IPA’s Review or referred to in its own published commentaries, the IPA relied on figures and organisations from outside Australia to bolster its critique of NGOs. In this chapter some of the key CTTs, the curious alliances that formed and the interests that were represented that had a particular influence on the shape and conduct of the campaign are identified and examined. While the previous chapter outlined some of the tactics used by CTTs, this chapter outlines the powerful and well-placed international connections from which the IPA drew support and their intentions for the campaign against NGOs. Understanding the nature of the ‘NGO problem’ as an issue of accountability (or lack thereof) from a CTT perspective is aided by an appreciation of the character of the international CTT network directly involved in pursuing the case against NGOs. Far from valuing freedom and opposing government regulation, CTTs willingly invoke the need for a regulatory state to discipline dissenting voices that oppose the neoliberal agenda. While the material interests of capital are a defining influence shaping the neoliberal agenda; organisations associated with the Christian Right also have a significant role that is explored in this chapter. The purpose of the NGO campaign is to close down the public spaces open to NGOs and preserve a mutually reinforcing ideological status quo, but the distinct conservative religious dimension is often overlooked. The influence of the Christian Right extends beyond shared opposition to NGOs. It configures accountability as the obligation to a Christian God.
who rewards the righteous with wealth and power. This chapter identifies the curious configuration of the case against NGOs and demonstrates how such a narrow and largely isolated view of NGOs came to occupy such a prominent place in public debate and shape the tone of the response by policy makers. Perhaps more than any other chapter in this thesis, this chapter demonstrates the extent to which power defines accountability on its own terms.

**Rhetoric versus reality of the CTT world**

An obvious starting point is the CTT conference held in Washington in 2003, which drew attention to what was defined as the NGO challenge that was attended by and featured several IPA staff. The title given to the conference “We’re not from the government, but we’re here to help” is most likely inspired by the well-known quip made by Ronald Reagan at a press conference in 1986. The almost Manichean dichotomy of ‘market is good, state is bad’ that is presented by neoliberals explains the attempt to depict NGOs as merely another form of statism. The paradox of course is that the AEI, along with many of the CTTs represented at the conference were already firmly ensconced in the Bush Administration. It is thus no less ironical than the original statement by Reagan sixteen years before. The sentiment evident in the title of the conference is also reflected in a very narrow selection of speakers and approaches to NGOs. Almost all speakers prefaced a scathing assessment of NGOs with an acknowledgement of the (proper) role fulfilled by NGOs at a local level providing relief and support to those suffering hardship. In this role and this role only, NGOs exemplify the virtue of charity that has for some time been associated with private (non-state) voluntary associations and accordingly

44 In expressing his sympathy for struggling American farmers, Reagan stated “the nine most terrifying words in the English language are ‘I’m from the government and I’m here to help’”. In an irony at the time that may or may not have been intentional, Reagan went on to boast of the size of his Administration’s financial support package and to pledge his unwavering support as president to farmers. The result of Reagan’s ‘support’ was record foreclosures on small family-owned farms and record profits for rapacious corporations such as Cargills despite almost stagnant sales growth (Kleinknecht 2009).
celebrated. The problem with NGOs occurs when they become active politically, effectively straying into territory in which they have no business and no legitimacy. This was the main theme of the conference. There was no recognition, much less scrutiny, of efforts within the NGO sector to improve accountability through initiatives such as Sphere and no inclusion of speakers or moderators outside of the CTT network. This is hardly surprising as virtually every figure that was featured at the conference is known for their antipathy and in some cases hostility to NGOs and their utter conviction that freedom, prosperity, democracy and sovereignty, among other values are directly threatened by NGOs and the vested interests that support them. In fact, to the unwitting observer, the conference would have given the impression that unchecked NGOs threatened Western Judeo-Christian civilisation itself. As the blurb to the conference warned:

“...an unelected few have access to growing and unregulated power... Politicians and corporate leaders are often forced to respond to the NGO media machine... The extraordinary growth of advocacy NGOs in liberal democracies has the potential to undermine the sovereignty of constitutional democracies” (Pletka, Bate and Entine 2003: URL)

Far from being hyperbolic, the statement epitomised the intensely serious tone in which all contributions to the conference were made and then answers in response to questions from the audience.45 What is not obvious is whether such views are genuinely held or strategically cultivated. However, a number of panels (made up of two presenters and a moderator) included high profile figures of dubious reputation that have already featured in previous chapters. Among these were Roger Bate who was introduced as a fellow of the International Policy Network and director of Africa Fighting Malaria; IPA fellows Mike Nahan and Gary Johns figured prominently, particularly Johns who was credited as the inspiration for the conference; Fred

45 The following overview of the Conference is based on a transcript prepared from a tape recording of the entire proceedings (see AEI 2003).
Smith, founder of the Competitive Enterprise Institute who remarked at the closing of the conference that NGOs must be confronted if the future of humanity and the earth itself was to be preserved; and John Fonte was at the time a senior fellow at the Hudson Institute. He has been closely involved with Lynne Cheney’s continuing attack on universities in the USA for promoting left wing views and being anti-American as a member of the American Council for Trustees and Alumni, programme administrator at the National Endowment of the Humanities and director of the of the Committee to Review National Standards under Lynne Cheney at the AEI.

Other panel members of less notoriety were nonetheless notable for some extraordinary claims made at the conference itself. Jeremy Rabkin is a Professor of Law at the George Mason University School of Law and is a frequent contributor to Federalist Society conferences, Chairman of the Board of Directors at the Center for Individual Rights, a member of the AEI’s Council of Academic Advisors and involved closely with the secretive Coalition to Preserve American Sovereignty. Rabkin devoted a considerable amount of time warning the audience of the threat to state sovereignty posed by NGOs. According to Rabkin the socialist orientation of NGOs could be traced back to Stalin, the first to coin the term ‘nongovernmental organisation’. David Riggs, at the time a director of Green Watch at the Capital Research Center and formerly a senior fellow at the Competitive Enterprise Institute and an officer of the Charles G. Koch Charitable Foundation (John William Pope Foundation 2012), argued that it is little known NGOs that are the real driving forces of UN policies of global governance and that if this is allowed to continue, NGOs will be able to implement and enforce these very policies. Brian Hook, at the time

46 Almost every organisation listed to document the interconnections of the CTT network in this chapter is of the same character: very limited or non-existent public membership; funded by neoliberal/conservative philanthropy; close ties to and shared staff with other like organisations. Behind the façade of multiple public interest advocacy organisations campaigning on a number of disparate public issues is a very small and very private network of staff and donors, indicating a degree of coordination and mutual support not otherwise obvious. Sourcewatch is an excellent starting resource for details of the interconnections, which are too numerous to detail within the constraints of this thesis.
Director of the Federalist Society’s International Law and American Sovereignty Project, echoed the concerns expressed by Riggs. Hook argued that NGOs in particular have been using international law to secure legal policy agendas that could not otherwise be achieved domestically and in the case of the USA, were not part of the original Constitution. The importance of this otherwise non-descript point and the impact of the Federalist Society is discussed in more detail below.

Other contributions to the conference raised concerns about the growing threat of NGOs as a powerful political movement conspiring to achieve global domination. Jarol Manheim then Professor of Media and Public Affairs and Political Science at George Washington University and CTT luminary on anti-corporate campaigns, proffered his idea of biz-war conducted by an out of power elite constituted by the progressive left that is using social networking to effectively undermine the confidence in corporations as a means of expanding the progressive left movement. Manheim argued that the progressive left is well-funded and strategically coordinated through various leftist NGOs. Drawing inspiration from the conservative movement that brought about the Reagan and Bush Administrations, the progressive left returned to dominate the political scene in the USA evidenced by the Clinton presidency. An example offered by Manheim was the action during the 1990s against Nike and the company’s subsequent agreement (under pressure from the Clinton Administration that was under pressure from activists) to sign up to the Fair Labor Association and its codes of conduct.

Also present was Marguerite Peeters who offered a European perspective on the rise and threat of NGOs. According to Peeters, universal human aspirations for peace and prosperity were being hijacked by a new threat – sustainable development. Working closely with the Socialist Party, Brussels based NGOs are behind the institutional consolidation of Europe. Building on rising anti-American sentiment, NGOs are seeking to reposition Europe as a global leader in sustainable
development drawing in values of participatory democracy, global governance, a social market and corporate social responsibility. For Peeters, institutionalising participatory democracy in Europe will provide NGOs with unrivalled political influence and through an alliance between the Socialist Party... the Socialist International, the NGO movement, the NGO consortia in Brussels, the anti-globalization movement, the anti-war movement... and also with U.S. Democrats’ a new global order will be realised. Jon Entine, who writes for the Ethical Corporation magazine, became increasingly concerned with the power of NGOs that he argues is underpinned by the social investing movement; ‘the ideological and financial fuel’ of NGOs. With companies like the Bodyshop and Ben and Jerrys providing leadership, an ‘unholy alliance’ between NGOs and the social investment movement (also referred to as socially responsible investing and ethical investing) puts pressure on corporations (like Citibank) through cleverly crafted media campaigns to conform to their shared agenda. According to Entine, the agenda includes an ‘anti-science wing of environmentalism, rigid pacifism, animal rights on a par with human rights, and a vague notion of social justice’.

The very narrow range of otherwise sensationalist views featured at the conference is absolutely unremarkable given the nature of CTTs from which panellists were drawn and support for the conference was provided. The most prominent CTT associated with the NGO conference is the American Enterprise Institute of Public Policy (AEI). It was formed in 1938, but there was a noticeable shift in both the ideological orientation and function of the AEI following the mobilisation of the New Right and the formation of new CTTs such as the Heritage Foundation. The AEI has been involved in U.S. politics and has been a familiar presence in the corridors of federal government institutions for some time. There is, unquestionably, scope to devote an entire chapter to the role of the AEI, as a public platform for key right wing figures and the promotion of public policy initiatives central to the neoliberal project that reinforce and extend the broader underlying shift in American political
culture. Unlike other CTTs present at the conference, the AEI and its role as part of the CTT network is relatively well-known making further detail here unnecessary. Nonetheless, there are several salient points to be made concerning the AEI and the campaign against NGOs that require consideration.

The ideological orientation and the policy agenda of the AEI are already familiar to those who have observed the changing role of CTTs. However, there is a distinct lack of awareness of the extensiveness of the AEI’s network of connections – formed in part through mutual interests shared with other organisations – and a longstanding contempt for democratic politics or the plurality of values. The AEI’s longstanding advocacy of de-regulation and privatisation overshadows other elements of the neoliberal agenda that are evident in the campaign against NGOs. There is an explicit intention to preserve if not strengthen national sovereignty and the autonomy of the state. In this respect the narrative of the NGO conference bears a remarkable resemblance to far right New World Order conspiracies. While the patriotic/nationalist tone of the case against NGOs is discussed further in chapter seven, the issue here is the role of the state. Clearly there is a desire to restrict the capacity of states to regulate capital. CTT concerns with global governance abetted by NGOs stands in stark contrast to their almost unqualified support for international trade regimes such as the North Atlantic Free Trade Agreement and the Trans Pacific Partnership. Rather than yet another instance of stunning hypocrisy, this stance clearly illustrates the CTT agenda; it is not a reduction, but a reorientation of the role of the state that is sought.

The purpose of the AEI is better described as ensuring that there is, as the US Chamber of Commerce terms it, “more business in government” (cited in Frank, 2008: 42). This has also involved completely reconfiguring the regulatory apparatus of the welfare state, ostensibly from a rationale of government regulating industry to one of industry regulating government. In essence, as a pivotal part of the CTT
network the AEI has helped create a political climate in which government is conducted in accordance with and comprised of business interests and business interests form the key constituency of government. While this has been enormously beneficial to the CTT network in ways outlined below, it also explains the almost venal opposition to NGOs at the conference.

The idea that ‘government should be market based’ was echoed by George W. Bush upon taking office in 2000 - helpfully assisted by Federalist Society members both on the Supreme Court and in the legal team representing Bush in the Supreme court case that decided the outcome of the presidential election. Once in office, Bush proceeded to appoint people with connections to CTTs to influential positions throughout the Administration. Further evidence of the blurred line of demarcation between the private (civil society) and public (the state) certainly reinforces the view that distinguishing between the two spheres has questionable analytical value (see Tandon and Mohanty 2003). It also supports the idea of a ‘deep state’ (Scott 2014); comprised in part by what is euphemistically called ‘private enterprise’ (Lofgren 2014); and, ‘visible to only a carefully vetted cadre’ (Priest and Arkin 2011). However, the focus here is the wholesale transfer of the private agenda of CTTs into public policy goals that such appointments facilitated. The continuing migration of CTT personnel into government has fostered public policy designed to suit particular interests that present themselves as universal ones; disguising the uncompromising pursuit of increasingly private interests as the performance of public politics and embodying the common good (see Geuss 2001a). Only at a time when corporate profitability is widely regarded as a quintessential public good could the insistent CTT claims that NGOs are a threat to the proper function of states and corporations be accorded any merit much less require action. While the conference was promoted as a conservative ‘call to arms’ in the war against NGOs, there is little evidence of a battle of ideas being waged within the corridors of the institutions of state. The presence of CTTs represented at the conference in the Bush
Administration and thus actively involved in the process of reconfiguring regulatory frameworks to suit business interests is only part of this picture.\footnote{In appointment after appointment, candidates were plucked from CTTs to manage the very departments they were ideologically and/or theologically opposed to. A report compiled by Media Transparency (2006) details a number of the extensive appointments through which the policy agenda of CTTs became the agenda of the United States Federal Government.}

Aside from implanting CTT staff into regulatory agencies to effect institutional reconfiguration, CTTs within the Bush Administration and in concert with industry executed bold plans to institutionalise the regulatory agenda of CTTs. A key figure in this enterprise is Jim Tozzi, a long serving bureaucrat who worked in various federal agencies until his appointment to the Office of Management and Budget by the Nixon Administration. In that time Tozzi acquired an intimate knowledge of the federal regulatory framework which he used (with considerable industry support) to induce ‘regulatory sclerosis’ and give consumer and environmental protection groups “gastronomical pains” (Tozzi cited in Mooney, 2004: URL). It also contributed to a number of child fatalities (Kleinknecht 2009). As Mooney has documented, Tozzi has strong links with industry groups, particularly tobacco, which have a vested interest in undoing industry regulation. In 1983 Tozzi started the Multinational Business Services offering consulting services to business and in 1996 established the Center for Regulatory Effectiveness, a for-profit CTT. Both organisations have been very effective in effecting ‘regulatory reform’ that has benefited clients otherwise impacted by regulations designed to combat environmental pollution and obesity. However, until the election of the Bush Administration, Tozzi’s efforts were directed at impeding regulation only once it had been formulated and opened for public consideration. New legislation formulated by Tozzi, in particular the Data Quality Act passed in 2001, has opened the process of public policy design to input from industry groups in ways never before available. As Mooney (2004) states, the Data Quality Act “… allows businesses to challenge not just government regulations, but the taxpayer-sponsored science which agencies rely upon to formulate these
rules in the first place”. William Kovacs, a Chamber of Commerce Vice President at the time and who worked closely with Tozzi to ensure the passage of the Act through Congress, confirmed that the Data Quality Act “allows you to begin inputting, and access the process [from] the very beginning.” (cited in Mooney 2004). In one particular case in 2003, the Competitive Enterprise Institute used the Data Quality Act to commence litigation regarding the National Assessment of Climate Change, a government report produced during the Clinton Administration. As Mooney contends, the matter settled out of court but it appears that the action provided cover for the Bush Administration to ignore what was otherwise a scientifically sound government report. Opening publicly funded and peer reviewed reports increasingly to analysis by industry groups has created more opportunities for industry funded reports of questionable quality, including those produced by CTTs, to be considered when formulating regulatory measures. The dangers of this are obvious, but it is also further evidence of the monumental hypocrisy of the rationale for the NGO conference.

The particularity of the CTT rationale for directing the nature of state intervention in the economy is further evident by the starkly contrasting career of a similarly zealous public servant. A. Ernest Fitzgerald was a cost estimator working in the Air Force from 1965 when he joined the Pentagon. Like Tozzi, Fitzgerald was inquisitive as well as stubborn with a firm belief in the discipline of efficiency and cost control that had been instilled during his years in the private sector. Unlike Tozzi, Fitzgerald’s career was defined by a scrupulous commitment to these principles and in 1968 he testified that a contract with Lockheed was potentially facing US$2 billion in cost over-runs (on top of an initial projected cost of US$1.9 billion) and in the process exposed the Pentagon’s and Lockheed’s deliberate efforts to mislead Congress and the stock market. Despite considerable pressure, Fitzgerald continued to publicise the record levels of public spending ‘waste’ that accompanied the industrial military complex (Fitzgerald 1972). In fact without Fitzgerald’s
involvement, Hartung (2012) argues that the scandal surrounding the C-5A Galaxy contract would likely have remained hidden from the public and Congress. Again unlike Tozzi, Fitzgerald’s efforts made him a pariah and effectively ended his career. Within four months of his initial testimony, Fitzgerald was placed in charge of assessing the cost effectiveness of a bowling alley being constructed in Thailand. Although he had considerable Congressional support, Fitzgerald was referred to as ‘the most hated man in the Air Force’ with the order to neutralise him coming from then President Nixon. The contrast between Tozzi and Fitzgerald typifies the particularity of the CTT discourse of cost effectiveness and efficiency applied to government spending. It does not mean minimise public spending per se, but in fact endeavours to ensure that public spending maximises corporate profitability to the greatest degree possible.

A further example of the intrusion of CTTs into the processes and institutions of government regulation is to be found in the function of the Office of Information and Regulatory Affairs (OIRA) operating within the Office of Management and Budget. Frank (2008) describes OIRA as one of a number of anti-agencies; agencies that are formed specifically for the task of dismantling the regulatory apparatus of the welfare state. OIRA is the very epitome of the changing public service culture and the underlying rationale of New Public Management and thus a product of the success of CTT propaganda. It was established during the Reagan Administration also under the guidance of John Tozzi. According to Frank, OIRA formed strategic chokepoints as it was able to pass judgment on all proposed federal regulations. It became a contact point for industry to provide advice on existing and proposed regulatory measures and in the process allowed industry to weaken, delay or overturn rules altogether. In 2005, the Bush Administration appointed Susan Dudley to head OIRA. Dudley was previously Director of the Regulatory Studies Program at the Mercatus Center, a CTT based at George Mason University with close

48 Hartung (2012: 81) quotes Nixon as saying “get rid of that son of a bitch”.
connections to the Koch brothers. The appointment was hardly surprising as the Mercatus Center contributed 14 of the 23 regulations to the hit list compiled by the Bush Administration in its first year in office as priorities for elimination or modification (Davis 2004). According to a report by Public Citizen and OMB Watch, Dudley is an anti-regulatory zealot when it comes to industry but is extremely supportive of ways to increase regulation of government departments. These include requiring exhaustive studies proving beyond all doubt the cost benefit of regulation and sunset clauses on all regulations that would require regulatory agencies to repeatedly prove a regulation, such as lead-free petroleum, was still needed (Anderson, Pelkey and Smith 2006). OIRA has contributed significantly to ‘paralysis by analysis’ and in doing so has greatly exacerbated the cost and undermined the effectiveness and integrity of the public service, the very problems that were used to justify OIRA and the Data Quality Act. While the rationale of New Public Management was infused with the language of accountability, in practice it has created a regulatory burden and an institutional culture that has decimated the ranks of the public service and further eroded its capacity to meet its responsibilities (Frank 2008). This has been compounded by dramatic funding cuts to various social welfare departments and programmes that have reinforced a culture of public sector austerity (see Kleinknecht 2009). Given the very close ties between key proponents of NPM, CTTs and industry initiatives, such an outcome was intended from the very beginning; despite and with full knowledge of the human costs. Any other conclusion is simply implausible.  

Such institutional arrangements are not limited to the USA. In Australia, the aptly named Taskforce on Reducing Regulatory Burdens on Business (TRRBB) epitomises the logic of NPM. Established in 2006, TRRBB was charged with reviewing Australia’s regulatory framework to identify areas of over-regulation that were creating

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49 It is worth noting that the Mercatus Center is merely the latest name given to an organisation that has previously been known as the Center for the Study of Public Choice and the James M Buchanan Center for Political Economy. Its long term benefactors include the Koch Family Foundations (SourceWatch 2014c).
excessive compliance costs and stifling innovation and global competitiveness (Australian Government cited in Colton 2013). In keeping with this endeavour, the Department of Finance and Administration was re-named the Department of Finance and Deregulation – a designation that Colton notes was retained by the following ALP government. Following this the Office of Best Practice Regulation (OBPR) was established in close consultation with the Business Council of Australia, which is closely affiliated and ideologically aligned with the IPA. OBPR operates in a similar way as OIRA, instituting a new regime governing approval of changes in regulation. Any proposed adjustment to existing regulation requires a Regulatory Impact Survey (RIS) to be undertaken by OBPR to identify potential burdens or costs to business. The ideological orientation of the RIS process is obvious, not on the least because it does not include social or environmental impacts and is designed to limit participation by the broader public (see Burton 2008). As Colton argues, it is a new regulatory framework that underscores the prioritisation of business as a core concern and the influence of corporate interests over the machinery of government; sacrificing imperatives of environmental protection, social responsibility and cohesion. Whether or not such arrangements meet the strict criteria of NPM, given that it has been argued that the influence of NPM in countries such as Australia is waning (see Dunleavy, Margetts, Bastow and Tinkler 2006), public administration is still accountable to business interests above all others.

CTTs have presented themselves as independent, non-partisan institutes undertaking research or providing educational services and therefore exercising influence depends entirely on their intellectual output reaching and persuading decision-makers. In this sense, CTTs may make a democratic contribution to public policy design and inform public debate whether through processes of deliberation or agonistic rivalry in the competitive environment of a free market of ideas. However, such a scenario would suggest that CTTs have come to dominate the public policy arena because of the merit, veracity and intellectual superiority of their
ideas. Progressives have attributed the dominance of the conservative agenda to the organisational breadth and depth of CTTs and in particular the funding that the CTT network has attracted. As a consequence, progressives appear to believe that NGOs (among other groups of the political left) need only emulate the organisation, coordination and strategy of the CTT network to recapture control of or influence over public policy design. In both cases, not only are the intent, capability and resources of corporations alone significantly underestimated, so too is the depth of change in political culture defined by a new rationale of government.

Intellectual activists deride the increasingly obvious convergence between mainstream political parties and the ongoing preferential treatment of particular interests despite changes in government (see for example Nader 2014). While this is certainly problematic, it is symptomatic of the ideological context of the times. It is not just a case of CTTs benefitting from the support of an extremely well-resourced and influentially-connected network or the mutual benefit attained through cooperation with other CTTs such as the example of the Federalist Society and AEI referred to above. Though such networking remains fundamental to the success of CTTs, the dominance of the narrow set of ideas referred to here as neoliberalism makes the position of CTTs, particularly in their proximity to government a matter of common sense. Not only are neoliberal values such as cost effectiveness and efficiency accepted as public policy imperatives, for government to be comprised of people with a neoliberal disposition is also accepted as necessary if not desirable. In this context, the idea that staff with expertise in or a disposition associated with even the major welfare, environmental or human rights NGOs would be suited to occupy such positions of authority would be regarded not simply as undesirable, but irrational.

Not only has significance of the shift in political values and culture been under-appreciated, it has also been misunderstood. While the dominance of neoliberal
ideology has been recognised, the role of the neoliberal state is not well understood within the NGO accountability literature. As already mentioned, CTTs have ensured that corporate interests constitute the over-riding interests of states and the business community remains the core constituency on whose behalf the state governs. To preserve the ongoing viability of this institutional arrangement from opposition mounted by neglected constituencies, the state has not only expanded its powers of coercion, it has considerably expanded its capability of exercising these powers. At the same time, provisions for external oversight have been significantly reduced, in some cases oversight occurs in name only. CTTs have had a major role in all aspects of this shift in which the discord between democratic society and the state representing elite interests is becoming increasingly obvious. This often overlooked aspect of the neoliberal project and the role of CTTs is explored in detail in the following discussion. What needs to be made clear at this juncture is that any broad-based progressive challenge to the agenda of CTTs is to all intents and purposes a confrontation with the state. This in itself is not a new phenomenon (see for example Zinn 1990). The novelty is perhaps in the range of technologies, of vast information gathering and processing capability that provides knowledge of and the means to undermine civil dissent well before a critical mass can be organised.

The Federalist Society - Writing the Rule of Law

Of the CTTs involved in the NGO Conference in 2003, the Federalist Society for Law and Public Policy Studies (Federalist Society) attracted the least attention. This is both remarkable and at the same time entirely in keeping with the operation of the Federalist Society. It continues to be among the most influential CTTs and has a pivotal role in the success of the neoliberal project. The Federalist Society has been

50 Under-appreciation of the pervasiveness of the CTT network is not limited to the contributors to the NGO accountability debate. For example, more significant political theorists such as John Dryzek appear unaware of the existence, much less effectiveness of the CTT network. Dryzek (2010) has argued that the influence of the sceptical discourse of climate change is waning owing to the exposure of corporate funded front groups such as the Global Climate Coalition and that the corporate practice of pretending concern for the environment while funding climate sceptics is likely over. Evidence to the contrary is plentiful, however the constraints of space within this thesis prevents a more detailed examination of Dryzek’s folly.
engaged in a sophisticated campaign to reconfigure legal institutions and reorient American jurisprudence in accordance with neoliberal principles. Informed by a conservative/libertarian philosophy of law, the Federalist Society has made a significant contribution to undermining the constitutional legitimacy of the welfare state and expanding corporate freedoms. The Federalist Society’s opposition to NGOs is unremarkable, given its agenda. However, this is not what makes the Federalist Society significant in the CTT campaign against NGOs. There are aspects to the Federalist Society’s contribution to the CTT campaign that are far more profound. The Federalist Society’s influence is evident in reorientation of US jurisprudence in accordance with the legal doctrine of originalism. Far from limiting the scope of the US Federal government to regulate corporations, the Federalist society has made a significant contribution to the expansion of Executive power. Despite common perceptions to the contrary, the agenda of the Federalist Society is directly aligned with the precepts of neoliberalism and the need for a strong state.

The rule of law is fundamental to the neoliberal project. The idea that individual freedom is the basis of market relations is a founding principle of neoliberalism. However, this is qualified by an explicit awareness that not all individuals possess a suitable personal morality to temper the pursuit of self-interest. While respect for private property rights is held to be a basis for any grounded moral framework, neoliberals recognise that appropriating property by illegitimate means is within the purview of self-interested behaviour. Without a proper regime protecting property rights, human dignity, individual liberty and prosperity cannot be realised. The collectivist state remains the greatest threat to this end (Hayek, 1944).\footnote{Among the jacket notes for the first edition of the *Road to Serfdom* Hayek writes “What our generation has forgotten is that the system of private property is the most important guarantee of freedom, not only for those who own property, but scarcely less for those who do not.” (see Hayek 2005: 36)} Much of Hayek’s most influential work was concerned with outlining the general principles that define a free society and the criteria by which policy measures must be judged if a regime of freedom is to exist. In what was arguably his most important
theoretical work *The Constitution of Liberty*, Hayek (1960: 5) stated that his chief aim was to bring together the philosophy, jurisprudence and economics of freedom. In perhaps his most concise statement of basic tenets underlying the general principles of liberty, Hayek (1967: 162-3) argued:

> “The central concept of liberalism is that under the enforcement of universal rules of just conduct, protecting a recognisable private domain of individuals, a spontaneous order of human activities of much greater complexity will form itself than could ever be produced by deliberate arrangement, and that in consequence the coercive activities of government should be limited to the enforcement of such rules…”

So too Buchanan acknowledged that liberty existed somewhere between anarchy and leviathan. Buchanan maintained a distinction between the rule of law established by the constitution and what he pejoratively termed ‘post-constitutional politics’ (Buchanan 1975). Post-constitutional politics referred to the process by which the original constitution was altered by influential groups for personal gain – the practice of rent seeking. For Buchanan, the restoration of freedom required the restriction, if not cessation, of post-constitutional politics and reinstitution of the original constitutional edifice. Whether neoliberal principles defined by Hayek and Buchanan were influential is not clear. However it is clear that the principles are shared by the formative influences in the establishment of the Federalist Society.

The Federalist Society - was formed by three law students in response to what was what was at the time held to be the domination of liberal/leftwing/progressive values on prevailing thinking at USA law schools (Watts 2010). The organisation draws inspiration from James Madison52 –one of the founding fathers who became a vocal critique of centralised political power - and its mission statement features several fundamental principles:

52 The Federalist Society logo is a silhouette of the bust of James Madison replete with a nose job.
“...that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be.” (Federalist Society 2014a: URL)

The Federalist Society is technically prohibited from active political involvement due to its status as a charity, but it effectively functions to form and inform potential advocates and activists to foster involvement in public policy design and agitate on conservative legal issues. The website for the organisation includes an array of testimonials from ardent supporters such as Ronald Reagan, to political opponents such as the American Civil Liberties Union and People for the American Way and critics such as Cass Sunstein (Federalist Society 2014b). It creates the impression of an organisation that is controversial, but devoted to enhancing understanding of USA law; deeply concerned about legal and judicial issues; open to broad robust debate between competing views/interpretations of legal principle and function of associated institutions; and above all eschewing any form of advocacy or political lobbying. Despite carefully crafted appearances – like all CTTs - the reality is an organised and very well-connected attempt to re-write US law to suit the interests of capital and undermine any genuine practice of democracy.

The ‘Federalist Society’ is an innocuous but deceptive appellation. In the same way that the Institute of Public Affairs opposes notions of the public, the Federalist Society is avowedly opposed to federal regulation of economic activity and in particular the capacity of Congress to legislate. There are, however, some qualifications to the guiding principles of the Federalist Society that require qualification. At the most fundamental level, the legal philosophy that underpins the Federalist Society is the conservative doctrine of originalism – a jurisprudence of original intent. Although there are internal debates over the meaning and basis of originalism (for example whether it is the text or the intentions of the Framers that matter), there is a firm belief that the US Constitution is a fixed document and this
almost always results in an approach to the law that is beneficial to elite interests. Moreover, while the Society presents itself as holding both conservative and libertarian approaches to the law, there are limits to defining its over-riding legal philosophy as either conservative or libertarian. The broader conservative movement from which it draws its membership is a fractured and fractious amalgam of loose-knit alliances of convenience (Riehl 2007). However, despite the appearance of diversity within the Society and its reputation for welcoming vibrant debate on important legal issues, there remains an underlying homogeneity in the interests served and reflected in its sources of funding and the values that underpin the agenda it has pursued with considerable success. Deviations in the campaigns mounted by the Federalist Society are more likely explained as a response to the partisan orientation of changing Administrations and Congress. As Millhiser (2013) has also argued, there is a vast difference between the years that the Society was formed and what was thought necessary/possible at the time and present circumstances. Nonetheless, the principle that still animates Federalist Society functions and adorns most public documents is the belief that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be.

Putting this principle into practice has meant the Federalist Society fervently opposing federal government programs promoting diversity and affirmative action for example. While various legal campaigns undertaken by the Federalist Society have sought to challenge the constitutionality of public programmes of this kind, there is a deeper political/ideological opposition to the idea of plurality or diversity as a good. As Cokorinos (2003) has argued, the Federalist Society has worked assiduously to undermine the notion that government should have any role in promoting diversity or advancing social justice. The goal of this action is not simply to remove any regulation that requires consideration of potential forms of discrimination to be addressed, but the intention is to make such considerations illegal. While the ideological disposition is distinctly conservative and in opposition
to liberal progressive values of equal opportunity and denial of fundamental human rights, there is a distinctively (neo)liberal principle evident in the intention to limit the role of the state and expand the realm of civil (as market) society. The idea that such retrograde action could be justified on liberal grounds has already been posited. Losurdo (2005) argues that contrary to accepted wisdom, the institution of slavery was not a conservative tradition that fell to the evolutionary march of liberalism and the progress of human freedom. His analysis suggests that liberalism and slavery not only peacefully coexisted, but that liberalism was incubated within and used to defend social orders built on slavery. In so far as Losurdo is correct, the assault on diversity detailed by Corkorinos is not a conservative/neoliberal reactionary backlash against liberal progression, but a restoration of the liberal order.

The Federalist Society has launched or been involved in a number of high profile legal test cases challenging the constitutionality of affirmative action on the basis that such action is itself discriminatory – against white males – under the provisions of the Fourteenth Amendment’s ‘Equal Protection’ clause (applicable to states) and the Fifth Amendment’s ‘Due Process’ clause (applicable to the federal government) (see Corkorinos 2003). Had such a strict notion of equality dominated historically, it would have ruled against civil rights preventing landmark decisions supporting school desegregation and prevented initiatives such as Roosevelt’ New Deal. While the grounds for such an understanding of equality are contentious and the implications of such an ideologically imbued notion of equality are extraordinary, there is an obvious affinity between conservative legal scholars, corporate interests and wealthy figures within the conservative establishment, which has helped the Federalist Society achieve almost unrivalled influence over politico-legal institutions.

Since its formation, the Federalist Society has sought to and largely succeeded in cultivating a close knit network of conservative legal scholars, practitioners/judges
and students. Through carefully maintained and somewhat guarded connections, legal students are not only able to interact with judges from various levels of the judicial system, but they are encouraged and financially well-supported to form Federalist Society Chapters in their respective law schools. The success of this program is difficult to exaggerate. What began as an idea formed by three law students with some assistance from Robert Bork and the John M Olin Foundation now has a chapter in almost every law school in the USA as well as international connections across the UK, Europe and Australia, in particular through the similarly oriented Samuel Griffiths Society. Students are schooled in conservative/libertarian legal philosophies and trained to articulate legal opinions and rhetorical strategies to counter liberal progressives in every arena. The public image of the Federalist Society as a forum for broad debate where dissenting views are welcomed helps shield it from criticism, but it also enhances the reputation and legitimacy of the organisation and further sharpens the rhetorical armoury of its members. Members of the Federalist Society are also advantaged professionally. Almost every position within the legal profession, from clerkships to Supreme Court appointments has for some time been assisted by association with the Federalist Society. For example, during the H. W. Bush Administration, Lee Liberman was the most important member of staff of C Boyden Gray (White House Council and prominent figure in the CTT network) screening nominees for judicial appointment (Avery and McLaughlin 2013).

Whatever ostracism may have been suffered by conservative legal scholars at the time that the Federalist Society was formed, there is little dispute that the Federalist Society now occupies an incredibly influential position in the American legal community and in politics as a consequence. After almost two decades of orchestrating strategic placements and cultivating an extensive network during two
Republican Administrations and harrying Bill Clinton during his two terms, the Federalist Society was poised to capitalise. Jerry Landay’s account in 2000 captures the moment:

“Tonight at the Mayflower you get a sense of just how powerful and far-reaching the [Federalist] Society is. There are stars from every corner of the establishment in the room… Members of [Kenneth] Starr’s old team, like Ronald Rotunda (who counseled (sic) Starr that he could indict a sitting president) rub shoulders with old-timers from the Reagan administration – former Attorney General Edwin Meese, Solicitor General Charles Fried, and Civil Rights commissioner Linda Chavez – and with former Bush White House Counsel C. Boyden Gray. The room bulges with partners from among the most powerful law firms in the land… And then there are the judges.”

The influence of such a gathering, which included some of the most well-connected figures in politics and the law, is underscored by the fact that the Federalist Society was on the cusp of helping to install George W Bush in the Whitehouse. All of which was accomplished with less than 8000 fee paying members and 25000 members in total (Avery and McLaughlin 2013). This is no exaggeration given that in Bush v. Gore – the Supreme Court case that called a halt to the Florida recount and thus decided the outcome of the 2000 Presidential election which Dworkin (2008) has labelled among the worst decisions in the history of the Supreme Court – the case for Bush was argued by senior figures from the Federalist Society and heard by several Supreme Court Justices that are not only members of the Federalist Society, but have solicited donations on its behalf (see for example

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53 Federalist Society members were central to the unstinting campaign to impeach Clinton. Yet despite an almost venal hatred of Clinton, no CTT seriously pursued Clinton for the misuse and abuse of executive power involved in the raid, then siege that culminated in the death of approximately 70-80 people (estimates range from 17 to 26 children) at the Branch Davidian Mt Carmel complex near Waco Texas. The Christian Right was also decidedly uninterested despite then Supreme Court Justice Antonin Scalia stating “[a] Christian should not support a government that suppresses the faith or one that sanctions the taking of innocent human life” (Various, 1996). For all its posturing on values of small government and the rule of law; for all the anti-regulatory zeal for which it is so well funded; for all the hubris surrounding ‘family values,’ the CTT network remains unperturbed by a horrific act of state violence targeting a small religious community that was hardly a threat to state authority and civil order.
Alliance for Justice 2011; Vogel 2011). Appointments during the George W Bush Administration have resulted in access and influence that far surpass the early plans for the Federalist Society. John Roberts confirmation as Chief Justice of the Supreme Court followed by confirmation of Samuel Alito brings the total of Supreme Court Justices with strong links to the Federalist Society to four. The Robert’s Court is already noted as fast becoming one of the most socially conservative/pro-business courts in US history (Sunstein 2005). However, this is merely a small, though significant, indication of the success of the Federalist Society and its supporters. The George W Bush Administration has increased exponentially the number of Federalist Society lawyers with valuable public service experience via aggressive ideologically charged hiring processes. In fact, the recruiting effort was so blatantly targeted that independent investigations concluded that the basis of appointments was highly inappropriate. More than this, the Federalist Society effectively replaced the American Bar Association as the principal nongovernment organisation vetting potential nominations for the judiciary. Such entrenched influence ranges well beyond periods dominated by Republican administrations. The Federalist Society is now able to coordinate much more hostile and ideologically charged opposition to Democrat nominees and policy initiatives such that any sense of balance brought by successive administrations has been almost entirely undone. The impact has been as palpable as it has been profound.

The Federalist Society was already entrenched in various departments of the Bush Administration when terrorists attacked on September 11 2001, but the Justice Department is arguably where the influence of the Federalist Society was most potent. It was there that Federalist Society members authored the requisite legal discourse that justifies much of what the US state now does covertly in the name of

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54 Clarence Thomas’s appointment to the Supreme Court was aided by the smear campaign involving various figures connected to the CTT network conducted against Anita Hill in response to her likely valid claims of sexual harassment some years prior to his nomination.

55 John Roberts was ably assisted by Leonard Leo, who took leave from his position as executive vice-president of the Federalist Society to help coordinate support for his nomination (Dworkin 2008).
national security. The expansion of executive powers orchestrated principally by former vice-president Dick Cheney relied upon legal argument that originated largely from the Federalist Society. Among the contributions made is the now infamous torture memo penned by then Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, Department of Justice, John Yoo that sought in effect to delimit the claims of international law on US sovereignty. The determination that detainees from the war on terror would not be treated as prisoners of war sanctioned, among other things, the practice of torture – disingenuously termed ‘enhanced interrogation techniques (authored by John Yoo and signed by Jay Bybee) – and extraordinary rendition that both led to the horrors of Abu Ghraib and continuing scandal surrounding prisoners at the US naval base in Guantanamo Bay, Cuba among others. For a detailed collection of the memos see Greenberg and Dratel (2005). In the introduction to Greenberg’s and Dratel’s edited collection, Lewis (2005: xiii) said of the memos:

“[t]hey are an extraordinary paper trail to mortal and political disaster: to an episode that will soil the image of the United States in the eyes of the world for years to come. They also provide a painful insight into how the skills of the lawyer… can be misused in the cause of evil.”

Lawyers including John Ashcroft, John Yoo, Jay Bybee, Robert Delahunty and Timothy Flanigan, among others (all closely associated with the Federalist Society) built on an originalist theory of the unitary executive, first promoted by Edwin Meese and then further developed at the Federalist Society by Stephen Calabresi, Jeremy Rabkin, Geoffrey Miller and John Yoo, that the president has the independent power to determine the constitutionality of laws and executive acts (see Avery and McLaughlin 2013a). In fact, a memo signed by Jay Bybee (written

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56 Adherence to the idea of the unitary executive doctrine now extends to the Supreme Court, with Justices Roberts, Alito, Thomas and Scalia all having expressed support for it. As Justice Alito explained to a Federalist Society audience, “all federal executive power is vested by the Constitution in the president” (cited in Dworkin, 2008: 28).
by John Yoo) sent to then Counsel to the President Alberto Gonzales, effectively concluded that there was very little that the president could not authorise in the interrogation of ‘enemy combatants’ (Bybee 2002; see also Avery and Mclaughlin 2013a).

Notwithstanding the public scandal and the level of abuse suffered by detainees of an organised, internationally operating system of torture involving public authorities and private contractors, the influence of Federalist Society members has been even more pernicious. The Patriot Act, attributed principally to then Assistant Attorney General Viet Dinh, built on provisions in the torture memos pertaining to domestic security and executive powers to establish a significant curtailment of civil rights in the interests of national security. Much like torture, the president could order the surveillance of US citizens without judicial oversight and any foreign or domestic law that inhibited executive discretion in what are deemed the interests of national security is by definition unconstitutional. 57 Again, the Federalist Society network was intimately involved. 58 As with the torture memos, the drafting of the Patriot Act relied on an originalist argument developed by legal scholars closely connected to the Federalist Society that there is no right to privacy enumerated within the Constitution and therefore no legal protection for citizens. It was subsequently defended by numerous Federalist Society members appointed throughout the George W Bush Administration.

While cases such as Citizens United v. Federal Electoral Commission (Citizens United) have attracted a lot of attention and are widely viewed as a consequence of the conservative Roberts Supreme Court, other cases are equally telling. The National

57 Following the rationale of the unitary executive doctrine properly understood, Dworkin (2008) has argued, threatens a genuine constitutional crisis that can only properly be resolved by the Supreme Court. The problem, as Dworkin elaborates, is that the Supreme Court has at least four Justices that would be doctrinally opposed to intervene in such a crisis. Dworkin notes Alito stating during his confirmation hearing that congressional control of the president is a ‘political question’ and therefore must be resolved by the two branches of government involved. As Congress has no capacity to sanction the president without judicial enforcement, the current Supreme Court could well preside over a period in which arbitrary executive authority becomes a political norm entrenched in legal precedent.

58 At a Senate Judiciary Committee Dinh admitted his membership of the Federalist Society.
Federation of Independent Business v. Sebelius (NFIB) (a test case brought by private business and states to challenge the constitutionality of the Affordable Care Act) exemplifies the shift. While the action was considered frivolous by legal experts and unlikely to be taken seriously, the Supreme Court heard the case (see Stolberg and Savage 2012). The action demonstrates the influential web of connections maintained by the Federalist Society. As Avery and McLaughlin (2013a) note, the decision by the Supreme Court to hear the case was made on the same day that several Supreme Court justices appeared (two being guests of honour) at a Federalist Society fundraising event. The event was also attended by Federalist Society members who were directly involved in preparing the case and would appear before the Supreme Court with the financial support of the Koch-backed Americans for Prosperity and Karl Rove’s American Crossroads and the US Chamber of Commerce. Although the decision reaffirmed the constitutionality of the Affordable Care Act, it did so in terms that are considered to be a victory for the litigants. As Randy Barnett (2012), high profile and influential member of the Federalist Society and considered to be the primary intellectual force behind the challenge stated “who would have thought that we could win while losing?”

The influence of the Federalist Society is not an example of conservative Republicans out-maneuvering progressive Democrats in the short term. To present it as such would be a serious underestimation of the profound and continuing impact of the Federalist Society. To argue that the Federalist Society is powerful ignores the fact that it operates within a broader movement and benefits from close alliances with mutually supportive CTTs such as the AEI as well as the CTT network more broadly. Nonetheless, as a pivotal organisation within the conservative movement, the Federalist Society has not simply assisted Republicans in achieving a more sympathetic judicial review process; every single federal judicial appointment made by the George H. W. Bush and George W. Bush Administration was a member of the Federalist Society or approved by members of the Federalist Society (Avery
and McLaughlin 2013a). It has helped to reconfigure political and legal discourse along conservative lines and changed the ideological/legal terrain making cases such as *Citizens United* more likely to be successfully argued and more commonplace. Partisan affiliations are almost inconsequential in this respect, especially given the longevity of judges as opposed to politicians. The benefactors ultimately are the wealthy elite. Not only does winding back economic regulation present the opportunity to intensify capital accumulation, the expansion of the scope of freedom of speech offers ever greater opportunities for capital to dominate elections as never before.

In a scathing critique of the rightwing shift in the political orientation of the Supreme Court, Dworkin (2008) has warned of the damage that could be done to American democracy by the current Supreme Court. Given the narrow ideological orientation of a majority of Supreme Court justices, many of whom owe their appointment to the Federalist Society, the potential for legislation protecting the environment, consumers and workers to be significantly wound back if not completely undone was already evident. How successful this endeavour may turn out to be, there is no doubting the intention. One of a number of examples explored by Sunstein (2005) is the attempt to revive the obscure non-delegation doctrine. The non-delegation doctrine is drawn from Article 1 Section 1 of the Constitution and states that Congress is not permitted to delegate its lawmaking powers to any other body.\(^{59}\) If adopted by the Supreme Court (Clarence Thomas is a strong supporter), it would mean that every administrative agency including the EPA, the Federal Communications Commission, the Food and Drug Administration, and the Securities and Exchange Commission would be unconstitutional (Sunstein 2005). Such a dramatic change in the understanding of the meaning of the Constitution would both severely constrain the ability of the state to regulate capital and greatly

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\(^{59}\) Article 1 Section 1 actually states: “All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.”
impede democratic efforts to reinstitute regulation – in ways that are already obvious given Supreme Court decisions such as *Citizen United*. In essence, the agenda of the Federalist Society is eliminating the possibility of any genuine democracy by writing the character of democratic values out of US constitutional law.

It is increasingly obvious that there is a legal/judicial aspect to the CTT agenda and it offers a glimpse of the decidedly anti-democratic disposition that is at the heart of the neoliberal project. The existence and extent of CTT influence on the law is not so readily acknowledged, yet intuitively it is not an unreasonable proposition; the law, as another form of politics, is a matter of power in terms of who does what to whom. In this regard the practice of accountability is hardly exempt. It too rests on the formation and enforcement of binding rules outlining quantifiable standards of behaviour and objective measureable targets. Accountability regimes are first and foremost written codes of conduct that reflect- or at least present no threat to- the interests, values and intentions that dominate at any given time. Whether this dominance is a matter of coercion or persuasion; imposed or embraced; blatant or implicit, it is inescapable because meaningful accountability demands the capacity to enforce and enforcement requires power. This does not necessarily mean that such dominance is necessarily self-serving or injurious to the interests, values or intentions of others. However, neoliberalism is an ideology that sanctifies property rights and holds self-interest to be the defining character of the virtuous and all other values are subservient if not disregarded completely. In a neoliberal ideological context, accountability is a binding assurance that an agent will fulfil commitments given to a principal forming a relationship that is constituted by an alignment of private (self) interests. The reality of this arrangement could not be clearer. Whatever else the Federalist Society may purportedly represent, it serves private interests as directed by philanthropic foundations that make ever more stringent commitments to honour the express intentions of benefactors. Far from a
vast right wing conspiracy, the Federalist Society is the epitome of actually existing accountability.

The changing politico-legal culture embodied in cases such as *Citizens United* not only makes such cases conceivable in the first instance, but instils a climate in which political opposition is far more manageable. It is in this context that the campaign against NGOs should be understood. The case against NGOs, based on an exceedingly cynical use of the term accountability, forms part of the neoliberal project intended to strengthen the regulatory capacity of institutions of the state responsible for preserving the interests of capital. In this respect, ensuring NGO compliance is merely an aspect of the larger effort to coordinate democratic processes and direct public politics for the private benefit of a ruling elite. As mentioned at the outset, however, powerful interests are not defined in economic terms only.

*Common Interests and Shared Faith*

The political alliances of CTTs such as the Federalist Society provide an example of the expansiveness of the CTT network and its reach into institutions of the state. However, the connections maintained both within and through the Federalist Society are not just ideological, nor are they simply pragmatic alliances for the purpose of mutual personal gain. Religious faith also forms a basis of shared concern and for building alliances. In terms of the Federalist Society and organisations of the Christian Right, there appears to be a level of compatibility and cohesiveness in plans for the judicial system at least in the USA. While the Federalist Society has exhibited no overt religiosity, the same cannot be said of many of its high profile members or donors. In particular, several justices of the Supreme Court that are closely involved with the Federalist Society have also displayed and acted on a strong conservative Christian faith. Such political relations are not simply an alliance of convenience between organisations representing the interests of capital and
Christian Right faith. In fact an appreciation of the web of relations fostered by and through CTTs reveals a network that criss-crosses partisan, national and social divides, in some cases pursuing a very private agenda and preserving the interests of a select few largely hidden from the public.

It is certainly not evident within the literature on NGO accountability that there is any significant awareness of how beneficial the Christian Right has been to advancing the agenda of CTTs or the antipathy harboured against all that NGOs represent. Indeed, the contours of the network and the shared interests that draw the network together are not always well-documented or understood. Nonetheless, there are examples that provide a clear indication of the concerns shared by the Christian Right and the Federalist Society. In 2005, a conference titled ‘Confronting the Judicial War on Faith’ was organised in response to action taken against Chief Justice of the Alabama Supreme Court Roy Moore and held immediately following the death of Terri Schiavo. The flyer for the conference stated:

“We have come to perceive activist judges as the greatest threat to life and liberty. When the courts abandon their legitimate role as impartial arbiters and seek to impose their will on a nation, a free people must respond.” (cited in Goldberg, 2007: 155).

As Goldberg has documented, the Christian Right originally mobilised in part as a response to Supreme Court decisions such as *Roe v. Wade* and prior to that *Griswold v. Connecticut* (1965 decision that struck down bans on birth control) that inferred a right to privacy that the Christian Right fundamentally opposes. According to the Christian Right, the courts have also been responsible for advancing a secular/left wing agenda that includes: women’s rights generally and reproductive rights and access to contraception in particular, undermining the sanctity of marriage and the

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60 For a summary of the contempt for the Supreme Court justices and the judiciary in general see Milbank (2005) and Blumenthal (2005).
61 Contraceptives have long been opposed by many on the Christian Right as abortifacients. Goldberg’s concerns about the erosion of rights to privacy were well-founded. The recent decision, written by Bush
family through protection of ‘unnatural’ lifestyles such as homosexuality and strengthening equality opportunity; and circumscribing religious freedom like restricting school prayer. What became clear in the aftermath of the conference was a renewed emphasis on changing the legal culture and restoring the Constitution to its ‘true meaning and original glory’. It was an acknowledgment of what are perceived to be the unavoidable limitations of the democratic politics; their need to compromise as a minority group that was further compounded by the ability of the judiciary to overturn hard won legislative victories.

Prominent Christian Right leaders had already established their own educational systems to train a new generation of legal scholars and practitioners versed in biblical verse and constitutional law. Universities such as Liberty University founded by Jerry Falwell (motto: ‘Training Champions for Christ since 1971’), Regent University (motto: ‘Christian Leadership to Change the World’) and latterly Patrick Henry College (motto: ‘For Christ and Liberty’). Jerry Falwell’s Liberty University, saved from bankruptcy by Reverend Sun Myung Moon, is now ranked among the top ten US universities for receipt of federal funding (US$445 million in 2010) with sixty four thousand students (Berkowitz 2011).62 Patrick Henry College was the brain child of Michael Farris, a former lawyer for Beverly LaHaye’s Concerned Women of America and the founder of the Home School Legal Defense Association.63 Farris was responsible for running several high profile cases over the course of the 1980s on behalf of various Christian Right groups asserting violation of their civil rights for their children to be required to read books considered ‘anti-Christian’ and to expunge all trace of what was argued to be the religion of secular humanism from school curricula (see Diamond 1989). Though small, Patrick Henry

appointee and Federalist Society member Samuel Alito, in Burwell v. Hobby Lobby Inc. endows corporations with religious rights for the first time. For further implications of the decision see Goldberg (2014) and Pollitt (2014).

62 Berkowitz contrasts Liberty University’s funding with National Public Radio’s US$2.7 million in federal funding.

63 The Home School Defense Fund is arguably a forerunner to a number of pro bono organisations such as Allied Defense Fund staffed by lawyers trained by Regent, Liberty along with a host of Christian Colleges.
College boasts influential conservative connections enabling its graduates to move on to employment with Congressmen, Senators as well as Karl Rove (Bates 2008). As a very influential figure within the Christian Right movement, it is worth quoting Farris’s modus operandi at length:

“I want to train them from scratch to believe in the principles that this nation was founded on. … The Bible is the inspired and inerrant word of God. Genesis is literally true… That doesn’t mean we don’t study evolution – we don’t do what the Left does to Christians and censor them – we often study things we don’t believe, to assess the weaknesses and strengths in the pursuit of truth.” (quoted in Bates, 2008: 344)

It is hardly surprising that Farris was also closely involved with the Judeo-Christian Council for Constitutional Restoration. Insofar as the teaching of Rousas Rushdoony and the idea of Christian Reconstructionism have been influential on and in the home schooling movement, reversion to the original Constitution has become a religious mission. As Bates suggests Rushdoony most likely believed that the Constitution was an ‘entirely God-breathed document’.

There are a number of points where there is a clear alignment between the aims of the Federalist Society and the Christian Right underpinned by mutual efforts to advance the legal doctrine of originalism. While it is not necessarily clear that the Federalist Society would share the belief that the Constitution originally had an explicit Christian orientation, a number of prominent members evidently do. By no means an isolated or incidental example, one of the Federalist Society’s most influential figures, both politically and intellectually and listed as an ‘expert’ is Edwin Meese III. Since his appointment as Attorney General by Ronald Reagan, Meese has advocated returning to ‘a jurisprudence of original intent’ (see Moss 1987).

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64 It is difficult to exaggerate the breadth and depth of Meese’s connections throughout and influence over the CTT network. Meese is cited as an incredibly important figure in the success of the Federalist Society. One of the first to recognise the value of the Society, Meese brought a number of Federalist Society’s young lawyers to the Department of Justice, including the three founding members (New York Times 1986).
Indeed, Meese is considered by some within the Society as the single most important figure in making originalism an idea of important and visible public policy debate (Clemetson 2005). However, Meese’s concept of original meaning is informed by if not reliant on conservative Christian doctrine. Meese has argued that the Founders did not include a provision in the Constitution defining marriage as between a man and a woman because at the time nobody would have conceived it to be otherwise. For Meese, it “shows how the culture has deteriorated over two centuries. ... This idea that somehow there is some obscure right in the Constitution to defy nature, as they do in homosexual marriage, is just ludicrous” (quoted in Tashman 2012). In fact, his membership of the highly secretive Council for National Policy (CNP) identifies Meese as a key figure in the leadership of the Christian Right and suggests a strong affinity with Christian Reconstructionism if not Christian Zionism (see Bates 2008).

Other figures such as former Attorney General John Ashcroft make distinctions between the Christian Right and the Federalist Society appear superficial at best. At the same time, Christian Right leaders, Jerry Falwell, Pat Robertson, Ralph Reed Jr. and Don Hodel have all been members or allies of the Federalist Society. Further evidence of the cohesiveness of the shared vision for judicial reform and in turn constitutional restoration can be found in the close partnership between select members of the Federalist Society and the Christian Right formed to guide the George W. Bush Administration’s judicial nominees through Senate confirmations (Avery and McLaughlin 2013a). The Federalist Society’s Religious Liberties Practice group also includes key legal advisors to the Christian Right such as William Saunders who is senior counsel for Americans United for Life and Senior Advisor

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65 CNP was founded in 1981 by Tim LaHaye and is described by Conason and Lyons (2000: 138) as “the central committee of a theocratic ‘popular front’”.
66 In fact, Reed has stated that the ‘vicious treatment’ by the radical Left of Clarence Thomas and Robert Bork was an important catalyst to the formation of the Christian Coalition (Avery and McLaughlin 2013a)
67 Saunders was among the USA delegation to the United Nations Summit for Children lobbying for a ‘culture of life’ while successfully opposing a ban on executing minors (Kaplan 2004).
Robert George has been called the ‘reigning intellectual godfather of the Religious Right’ (Montgomery 2014).  

The relationship between the Christian Right and CTTs such as the Federalist Society go beyond common interests and mutual support. There is an abiding and defined affinity between Christian Right values and the principles of neoliberalism. An obvious example of this is the unstinting pursuit of religious freedom conceived in terms that are entirely compatible with the interests of capital. Religious freedom is pursued ostensibly to allow adherents to pursue public policy designed in accordance with traditional (Christian) values. Privacy Rights and civil liberties that are not enshrined in the Constitution are being recognised by the courts and used to sanction what are considered abhorrent practices such as abortion and gay marriage. Morality is defined in conservative religious terms as the Christian duty owed to God that is essentially an ethic of individual responsibility for life choices – an obvious point of agreement with neoliberals. As such there is virtually no active recognition of social justice issues and in fact there is diametric opposition to any progressive attempt to remedy health, welfare and education inequality through public policy as the over-reach of a regulatory state.

Of course the Federalist Society is a reflection of the interests it represents. Among the numerous conservative philanthropies that fund the Federalist Society’s operations, a significant contribution comes from the DeVos family foundations. The DeVos family is a prolific though often overlooked source of funding for conservative causes and whose conservative Christian activism is coupled with an equally zealous belief in what is lauded as the virtue of free enterprise. With a vast fortune derived from the Amway corporation, successive generations of the DeVos family have contributed vast sums to the Republican party and CTTs with the aim of fostering a

68 Amway was founded by Richard DeVos and Jay Van Andel in 1959 in Ada Michigan. In 2013, Amway earned revenues in excess of $11 billion and was ranked 28th largest private company in the USA by Forbes Magazine with its own Congressional representatives dubbed the ‘Amway caucus’ (Burstein and Lauerman 1996).
policy framework of religious/market fundamentalism to further entrench the interests of capital and also, not incidentally, vastly improved the considerable fortunes of Amway corporation in the process. Republicans have made various legislative changes that directly benefited Amway, including inserting a $283 million tax break into the 1997 Congressional budget (Ivins 1997). The DeVos family’s support for ‘donor advised funds’ such as Donors Trust, mean that the size and beneficiaries of DeVos family largesse remain to a large extent unknown (Kroll 2013). While the beneficiaries of these grants are not always clear, the ideological agenda is. As founder and executive director of Donors Trust Whitney Ball (cited in Miller 2009) stated, “Greenpeace will not get a dime from us”. The amount of money channelled through vehicles such as Donors Trust and the animosity harboured by wealthy conservatives for such progressive causes underscores the ominousness of this statement.

While the DeVos family defines the American way (Amway) as a combination of free enterprise and conservative Christian values, Amway itself operates as a form of religion with its own practices of worship. Butterfield (1999: 2-3) describes Amway as a religious cult, arguing that it:

“sells a marketing and motivational system, a cause, a way of life, in a fervid emotional atmosphere of rallies and political religious revivalism… Here is obviously a new power in American life: a corporation with immense popular appeal, a grassroots following among all classes and trades, an explosion of political and religious energy such as has not been released since the growth of industrial unions in the 1930s”.

Butterfield is not understating the political orientation of Amway. The company is not only a vehicle through which the political views of the leadership are broadcast

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70 According to Donors Trust 990 form, the board of advisors includes senior figures from CTTs such as the Acton Institute, Heritage Foundation, AEI and the Independent Institute – all of whom have benefited from DeVos Foundation money. The figures are staggering. In 2010 alone Donors Trust received almost $30 million in revenue and dispersed in excess of $22 million in grants
through self-help materials that the lower ranked Amway distributors are pressured to buy, it is also used for electioneering, campaign fundraising and lobbying (see for example Burstein and Lauerman 1996). The religious zeal which accompanies the pursuit of profit is shared among the funding network associated with the DeVos family. Charles Koch is known for delivering regular addresses, almost sermons, to employees celebrating the enduring virtue of free enterprise (Fang 2013). Similarly the Walton family (owners of Wal-Mart) have long supported efforts to expose as many as possible to the virtues of Christian free enterprise (see Moreton, 2009).

Among the benefits that their long term commitment to changing American political culture has reaped are *Citizens United v. Federal Election Commission* and *McCutcheon v. Federal Election Commission*. Both cases decided by the Supreme Court have endorsed money as a form of political speech that is protected by the First Amendment (*Citizens United* for corporations and *McCutcheon* for individuals) and makes any remaining restrictions almost redundant (Choma, Clozel and Novak 2014).71

In practical terms, the effect of Christian Right activism exercised through or in concert with the Federalist Society is substantial. According to Avery and McLaughlin (2013a) Christian Right figures were pivotal to the success of *Citizens United*. While the decision has been criticised for allowing unlimited spending by corporations as the exercise of free speech rights during elections, it offers the same rights to non-profits. For many among the Christian Right, *Citizens United* brings the overturning of *Roe v. Wade* that much closer given the multi-million dollar budgets controlled by the Christian Right on top of foundations controlled by the likes of the DeVos family. In effect judgements like *Citizens United* undermine legal constraints on political campaign funding designed to provide democratic politics with a degree of

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71 Richard DeVos Jnr has stated that *McCutcheon* works by providing transparency to those making their voices heard, yet analysis of the record of donations compiled by the Center for Responsive Politics (2014) shows that only 0.03% (318 people) of the US population are in a position to ‘make their voices heard’ in the way celebrated by DeVos.
accountability. Since *Citizens United*, one organisation within the Koch brothers funding network has spent more money in one electoral cycle than all liberal non-profits and unions combined (Maguire 2014). The subtlety of activism on this scale gives truth to the claim that terms such as ‘free enterprise’ are merely buzzwords; “strongly suggesting that if you pull back the curtain, you’ll find right wing corporate operatives skulking in the wings” (Martens, 2002: URL)

There are yet even more influential and largely hidden connections within the CTT network that are religious-based and the antithesis of the grassroots support associated with NGOs. While the Christian Right remains a relatively public though arguably unappreciated influence, the intensely private and almost invisible presence of the group simply known as The Family is overlooked completely. Even Sharlet’s (2008; 2010) incisive and detailed accounts of The Family can only hint at the extraordinary reach and influence of the group. Nonetheless Sharlet has documented connections to The Family that range from the upper echelons of the US military, to the boardrooms of multinational corporations, crossing partisan divisions and reaching all the way to the White House. The Family also extends well beyond the USA. Not only were Australians present at The Family’s C Street complex, it is comprised of an array of dictators from across the globe and in the past cultivated connections with fascists and Nazis. More disturbing is the utter disregard for democratic values apparent in the inspiration The Family draws from the political movements built by Stalin and Hitler and the absolute commitment to the idea and purpose that brought the movement together. As a one Family member enthused after reading *The Rise and Fall of the Third Reich*:

“What a lesson in vision and perspective! Nazism started with 7 guys around a table at the back of an old German Beer Hall. The world has been shaped so drastically by a few men who really want it such and so. How we need this same kind of stuff as a Hitler or a Lenin” (cited in Sharlet, 2008: 216-17).
Sharlet (2010) emphatically states that The Family’s ‘first brother,’ Doug Coe, is not a neo-Nazi. Hitler is used as a metaphor to represent Jesus as pure power and it is power that The Family seeks. In practical terms this means powerful men or men that can be placed in positions of power; divinely appointed and answerable only to God – “For there is no authority except from God, and those that exist have been appointed by God” (cited in Sharlet, 2008: 220). Not theocracy, but theodicy and a direct challenge to the democratically derived legitimacy of state authority.

While there would appear to be a vast difference between an elite network of the powerful wrought by a shared faith in Jesus and an organisation formed to further conservative/libertarian understanding of the Constitution, there is a definite coherence in the basic principles that form the ideological foundation of both The Family and the Federalist Society. According to Sharlet (2008), free enterprise, unrestrained capitalism and property form the foundation from which The Family believe all other freedoms are derived. The Family does not necessarily concern itself directly with shrinking the size of the state. It is instead focused on placing members into positions of power or reaching out to those already in power through Jesus and in the spirit of brotherhood cultivated by The Family. Power is viewed as providential, God-given to the chosen few who answerable to none but God. Nonetheless, among the array of individuals and groups associated with or working through the family demonstrates, a conservative disposition defined by strong male leadership and respect for order and hierarchy is common. At the same time, there is a deep abiding faith in the entrepreneurial spirit as a divine virtue; of individuals freely making choices between right and wrong. This is not inconsistent with the conservative disposition and in many respects entirely compatible also with neoliberalism. The market is the proper sphere where individual character is tested; the chosen will prosper and the weak will suffer ignominy. The welfare state not only restricts the ability of individuals to choose freely and therefore demonstrate their virtuousness, it also protects those who choose wrongly. For both neoliberals
and the Christian Right, a disciplinary state is required to keep the entrepreneur/the virtuous free from the demands of those less worthy (see Maddox 2005). As Sharlet (2010) argues, it is for these reasons that elite fundamentalists celebrated *Citizens United* and *Holder v. Humanitarian Law Project* (which curbs the ability of human rights groups to assist peaceful settlement of conflicts and for development/welfare organisations to supply aid) as expanding the scope for the powerful to direct actions of the masses.

The kinship that exists between the Federalist Society and The Family is also reflected in the involvement of key men associated with the Federalist Society in prayer circles organised and run by The Family. Given the shadowy nature of the relationships cultivated by the Family and its fixation with power, key individuals and their relationships become an important means of tracing the contours of like-mindedness. As mentioned above, Edwin Meese is an important figure throughout the CTT network and accordingly it is difficult to exaggerate, much less assess, his influence. As Sharlet notes, Meese regularly presides over prayer breakfasts at the Family’s Washington complex known as ‘The Cedars’ which often included unlikely groups of ambassadors, business leaders and American politicians. Meese was also important in getting Supreme Court Justices in Roberts and Alito through their nomination processes and endorsed Michael Mukasey’s appointment to Attorney General. Continuing the Federalist Society/Family connections, Clarence Thomas sought refuge at the Cedars during the Anita Hill controversy and John Ashcroft has maintained a long association with the Family (Sharlet, 2008: 2010). There are also less direct associations of convenience, between big business, political leaders and CTT figures working through the Family. For example, the Azerbaijan Chamber of Commerce established by the predominantly Islamic Azeri government with funding from prominent oil companies. Sam Brownback is on the board with Joe Pitts and

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72 Though Sharlet does not often use names, some of the ambassadors have included Richard Sezibera (former Rwandan Minister of Health and Secretary General – East African Community) and dignitaries from Uganda, Benin, Libya (under Gaddafi) and many others (see Sharlet 2008; 2010).
Edwin Meese (all Family men). Other board members have included Henry Kissenger, Dick Cheney and Richard Perle. Brownback, with the assistance of financial support from his biggest donor Koch Industries\textsuperscript{73}, was instrumental in overturning trade sanctions imposed on Azerbaijan in response to the Azeri blockade of predominantly Christian Armenia.\textsuperscript{74} Lucrative trade deals, corporate profit and political alliance facilitated by the Family, unbeknownst to the broader citizenry (and most likely NGOs) and at the expense of human rights and environmental concerns.

**Conclusion**

Public intellectuals continue to rail against the increasingly obvious convergence between mainstream political parties and the ongoing preferential treatment of particular interests despite changes in government (see for example Nader 2014). While this is certainly problematic, it is symptomatic of the ideological context of the times. It is not just a case of CTTs benefitting from the support of an extremely well-resourced and influentially-connected network or the mutual benefit attained through cooperation with groups such as the Family described above. Indeed, given the interconnected network of associations and memberships, attempts to compartmentalise the network are not only misguided but assist CTTs to continue to hide in plain sight. The very existence of these networks and the limited public awareness of them is an indication of how influential the interests represented by CTTs have become. The creation and maintenance of what might be considered hidden influence is not wholly explained by the formation of political alliances based on shared interests and mutually beneficial political agendas. It is unlikely that the CTT network would have proven to be as resilient or cohesive if cooperation and mutual support were based solely on immediate self-interests.

\textsuperscript{73} According to the Center for Responsive Politics (2010), Brownback’s largest single donor was Koch Industries and the oil and gas industry the third biggest campaign contributor.

\textsuperscript{74} Case (2004) provides a detailed account of the very questionable relationship between the Azeri regime, the Bush Administration and oil interests. Case does not mention the Family.
At the same time, it is also arguable that wholesale social change benefiting only an elite few would be expected to generate much greater public opposition. As previous chapters have demonstrated, information concerning the CTT network, its purpose, sources of funding and goals are increasingly publicly available. Yet there continues to be no obvious groundswell of opposition to the place CTTs occupy in public debate or the extensive role of CTTs in state institutions responsible for the design and implementation of public policy. This state of affairs is not simply a consequence of conservative political parties forming government, though CTTs are clearly much more closely affiliated with conservatives. There is no obvious setback to the agenda advanced by CTTs no matter which political party is in power. The disparity that exists between the misuse of power that NGOs are accused of as opposed to what is actually the case is significant in this regard. The campaign against NGOs and the progressive values they represent conducted by CTTs not only offers few benefits for the vast majority of their supporters, it undermines the plurality and vibrancy that should epitomise democratic politics. Questions of fairness in public policy design remain unaddressed because of the absence of any serious consideration of alternative voices and the ideas they express. Not only are neoliberal values such as cost effectiveness and efficiency accepted as public policy imperatives, for government to be comprised of people with a neoliberal disposition is also accepted as necessary if not desirable. In this context, the idea that staff with expertise in or a disposition associated with even the major welfare, environmental or human rights NGOs would be suited to occupy such positions of authority would be regarded not simply as undesirable, but irrational if not dangerous. Yet, given the supposed predominance of democratic values in the political culture of Western societies, how has such a state of affairs been achieved? The role of language, the framing of the case against NGOs has played an important role in removing the potential of NGOs to be agents of change. To this end, the following chapter analyses the framing of the IPA case in particular in detail.
Chapter 7.

Holding NGOs to Account or Being Paranoid?
Examining the IPA Case

Introduction

This chapter focuses specifically on the language of accountability and the representation of NGOs in the IPA case. It is an obvious statement that language is an important aspect of the NGO debate. Ill-defined in abstract terms, political formations such as NGOs and concepts such as accountability are given particular meaning insofar as the activities of certain organisations become the subject of scrutiny conducted in particular terms. Conceptual imprecision gave way to concern over whether Oxfam, Amnesty International and Greenpeace (among others) breach their political and fiduciary obligations when voicing opposition to government policy. Yet the very question ‘are NGOs accountable?’ is not only value-laden, but inherently ideological. It is neither incidental nor accidental that NGOs are accused of lacking accountability where organisations in the CTT network are not. This is despite NGOs having conscientiously expended considerable effort to set in place regimes of accountability. This effort has had little impact on the way NGOs are portrayed by critics such as the IPA.

Why has the representation of NGOs by the IPA been so effective when the imagery of NGOs as an almost unstoppable force bears so little resemblance to reality? Language clearly matters, but framing alone does not explain why NGOs seem so vulnerable to the IPA campaign. Limited access to mainstream media and a particularly unsympathetic federal government at the height of the IPA’s campaign go some way toward explaining the inability of NGOs to respond effectively or decisively. However, neither should have been a concern for NGOs that were bolstered by considerable public support at the time that the CTT campaign
commenced – a point often overlooked. More than a matter of language or powerful interests, the ideological context within which the debate continues to take place is significant for the way particular values, interests and beliefs shape the identification and nature of any given problem with little conscious awareness much less critical scrutiny. This explains why the hysterical and alarmist claims included in the IPA case were not be derided and subsequently dismissed as it rightly deserved.

The terms in which the IPA case is made is important not for the actual substantive meaning, but for the effect that such terms are designed to achieve. However, it is both the attack on and defence of NGOs that must be examined to reveal where power is hidden and how particular interests remain preserved. This chapter does not therefore analyse the substance of the IPA case as such. Aside from the self-evidently preposterous claims made by the IPA, the IPA case was also subject to critical analysis and detailed rebuttals by several academics and journalists.75

Ascertaining the veracity or accuracy of IPA claims is to accept the IPA case as a genuine contribution informing public debate that deserves to be taken seriously and assessed on its merits. Engaging CTTs such as the IPA as interlocutor provides a veneer of respectability and legitimacy that is underpinned by a misguided insistence that CTTs must be heard to ensure public deliberation is inclusive. It also presumes that CTTs engage in public debate, reflecting on and responding to criticism and contributing to some process of public reason. Undergoing a critical examination of the merits of the IPA case misses the point. CTTs are ostensibly disinterested in the validity of their claims to truth (much less critical reflection). Engaging the IPA as interlocutor in this instance serves not only to reinforce the impression that the IPA represents the opposing side of the NGO accountability debate, but that there is in fact a problem requiring attention. The primary purpose of CTTs has already been established in previous chapters. The various interests that

75 Given the strategies and tactics employed by CTTs outlined in chapter five, a point by point rebuttal of the IPA’s claims serves no useful purpose.
are served by the CTT agenda and the purpose for calling into question the accountability of NGOs have also been clearly identified. The very narrow range of corporate and state interests that benefit from a compliant NGO sector belie claims that making NGOs accountable serve the public interest. There is thus no need to further detail the political relations, alliances and oppositions that have formed. NGOs, such as Oxfam, Greenpeace and Amnesty International are identified and targeted as a consequence of their antipathy toward public policy that furthers the neoliberal project and their pursuit of an agenda that is opposed to the interests of capital. This is the essence of the ‘NGO problem’ and it is framed as an issue of accountability not because CTTs are concerned with incompetence or corruption within the NGO sector, but because it allows CTTs to deny their aim of making democracy safe for capital. This chapter sets out how accountability is a weapon used to discipline NGOs in ways and for reasons that are entirely at odds with the notion of accountability as a democratic ideal.

**Demonising NGOs**

First and foremost, the IPA case against NGOs created a new narrative that challenged the commonly held perception that NGOs are manifestations of private action for public good, if not public goods in themselves.76 NGOs had previously been the subject of criticism, but this was largely a consequence of NGOs neglecting or failing to deliver on the promise of social reform if not transformation. The IPA case represented one of the first serious challenges to the perception of NGOs as beneficial because they seek to change the status quo. It is not that NGOs can do badly despite noble intentions, but that such a representation of NGOs is at best a

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76 This is the starting premise of a collection edited by Walter Powell and Elisabeth Clemens (1998) and acknowledged by Johns (2002a). While the representation of NGOs as private agents engaged in public action underpins both accounts, the underlying values that inform each account are entirely opposed. Powell and Clemens are supportive of public action as the embodiment of democracy, Johns is clearly not. While appearing to be on opposing sides of the political spectrum, a case of irreconcilable values, the difference is deceptive. NGOs are better understood as variations in the way power prompts acts of resistance. The question is the degree to which NGO engagement is a genuine act of resistance. This proposition is explored further in the chapter that follows.
misnomer and at worst a deliberate and self-serving misrepresentation. According
the IPA case, NGOs are little more than groups of self-interested individuals that
have formed organisations to outcompete unorganised interests in the market place
of political influence.\footnote{According to the IPA, such influence is very rewarding: “In fact large NGOs, such as Greenpeace, World
Wide Fund for Nature, Oxfam and World Vision, now provide much safer, longer and more lucrative career-paths than do government and business” (Nahan, 2004a: 2).} There is no conscientious service to the public good and no
measure of ‘other-regardingness’. Virtues such as altruism are defined as voluntary
private action that directly assists the poor (by providing food) and preserves the
environment (by planting trees). Yet even in this regard, charity is much like any
sector of the free market economy, it operates (best) when guided by the invisible
hand of the market through competition between charitable organisations (see for
example Johns 2004a; 2005). There are a number of questionable assumptions that
the position of the IPA rests upon, as well as significant implications for, among
other things, the normative basis of the welfare state and the values and ethical
sensibilities that inform its constitution. For the moment, however, the issue is how
this positions NGOs. Far from occupying a position of moral superiority, NGOs
become no different and certainly no better than a business lobby group seeking to
advance organisational interests by influencing the formation and/or
implementation of public policy.\footnote{One of the initial broadsides that signalled the IPA’s intention to confront NGOs began as follows;
“Unelected, unrepresentative bodies, presenting themselves as being motivated by altruism and concern for
the public interest, yet willing to engage in the most egregious distortion and blatant propagandizing, are
successfully using the Internet to mount scare campaigns in what is clearly a power grab. A power-grab that
has serious implications for how public policy is determined” (Warby, 1999: 3).} In essence, NGOs are rent seekers for whom
there is no basis for granting privileged access to consult with government. Far from
advocacy of public values, NGO demands for social justice, human rights and
environmental protection disguise a private agenda that is as much about ideology
as a ‘hunger for more aid money’ (D’Cruz 2005). In fact according to the IPA, such
demands made in the West are inventions, responses to problems that do not exist
(Johns 2002b). Rather than embodying democratic norms or a civilising influence
tempering state and corporate power in practice, NGOs are presented as a
marauding threat to freedom, creating civil unrest, subverting the rule of law (in both the developed and developing world) and must be curtailed if liberal democracy is to have a future (see for example Nahan and D’Cruz 2004; Nahan 2003a).

In this respect, one of the most easily discernible tactics evident in the IPA case is the deployment of highly emotive and alarmist slogans, the use of inflammatory language and simplistic metaphors designed to sway public opinion – part of the art of manipulation through propaganda. The IPA certainly used controversy within the NGO sector to reinforce the negative imagery it projected onto NGOs, whether or not there was any evidence of actual wrong doing or misconduct. In some cases where there was no evidence of wrong doing, it was merely the possibility for such action to occur that should have alarm bells sounding (see for example Johns and D’Cruz 2004). However, the target has always been NGOs themselves, or more accurately the public image of NGOs. There are numerous examples of such tactics in IPA commentary provided to the media aimed at the general public; grass roots propaganda for consumption by the wider public. In some instances, NGOs are heralded as the latest incarnation of the socialist left; red terror masquerading as concern for the environment to perpetrate collectivism by stealth. The imagery is somewhat anachronistic, harking back to the practice of red baiting during the Cold War, yet it also bears all the hallmarks of modern public relations propaganda; catchy phrases that are derisive as they are dismissive; sound bites that are designed for impact not insight.79 For example, NGOs have been derided as ‘well-known Western watermelons [...] green on the outside but red to the core’ (Nahan (2003b:2). The watermelon is a simplistic metaphor that requires very little thought to appreciate. It is an innocuous medium for conveying the subtle message that NGOs are a sinister menace that should be feared and confronted. As Collins and Glover (2002) insist, this is language that has an impact beyond its meaning.

79 Dezenhall (2001) is a typical example.
regardless of the truth of the words. It is not intended nor does it matter that it does not withstand interrogation.

The assertion that NGOs are anti-capitalist (used interchangeably with anti-progress and anti-development) is a continuing motif, but the demonization of NGOs takes other linguistic forms. As the ‘new missionaries of the Third World’ NGOs stand accused of harrying corporations from projects in the developing countries, thus denying possibilities for economic growth (meaning development as modernisation) and consigning locals to remain in ‘the Stone Age’ (see Johns 2004b; cf. Manji and O’Coill 2002) or ‘noble savages of the new age’ (Nahan 2004b: 2). NGOs are elsewhere associated with disease, mental illness (or breakfast cereal), greed, and rodents (see Carter 2004). NGOs are accused of being predatory, utilising wolf pack tactics in the hunt for weak or vulnerable firms to subdue and in the process, NGOs have become the nation’s ‘most successful rent seekers’ (O’Neill 2004; Kerr 2013). Climate change alarmism is another CTT trope that presents NGOs as an integral component of the “worldwide, systematic, institutional, money-driven misinformation campaign about climate change” (Berg and McIntyre, 2005: 11). Such accusations fit seamlessly with the outlandish claims expressed by US-based CTTs exported to Australia and publicised by the IPA (see for example Fonte 2002). Fonte’s warnings of a new transnational progressivism pursued by/through NGOs that threaten state sovereignty bear a striking resemblance to the delusional fears of world government that animate the networks of the Christian Right and right-wing paramilitary groups discussed previously. It is not only an entreaty to the far right advocated for tactical reasons; it is an extension of the national security state trope representing the securitisation of the idea of the relationship between civil society and the state.

While such wildly inflated terms would seem to have no place in a democratic society, the IPA sees no discord between the terms of its campaign and a properly
constituted liberal democracy. In fact, the IPA positions itself as the erstwhile defender of liberal democracy – a system wherein policymakers are protected from the vicissitudes of an overly active citizenry while given ready access to ‘expert opinion’. This arrangement is not simply a political abstraction. The IPA is constituted by and operates in accordance with the self-same principles and in many respects it also accurately describes the current state of democracy; more akin to the hierarchical corporate culture of command and control. There are many notable recent critiques of the condition of democracy. The excessive influence wielded by corporate lobbyists that seems to be broadly expected if not accepted is lampooned as the ‘best democracy money can buy’ (Palast 2002). The impoverishment of political discourse and absence of genuine ideas from public debate is decried as signifying the decline of politics (Marden 2003) and the vastly limited capacity for criticism as a consequence is cast as spectre of inverted totalitarianism (Wolin 2008). The IPA case and the campaign against NGOs are representative of the very problems confronting democracy in the form of entrenched opposition to democratic values harboured by ruling elites and embedded in the ideological fabric of neoliberalism. The politics of the IPA are much more closely aligned with authoritarianism, an ideology of far greater instrumental value to the interests of capital insofar as it can inform the exercise of authority needing only to maintain the appearance of being democratic; in this case hidden within demands for greater accountability of NGOs. In essence, the symbiotic relationship between corporate interests and government agendas is, for the IPA, the natural (post)political order.

The issue then is why does a campaign reflecting such a perverse view of democracy get taken seriously? Demonization of NGOs alone is unlikely to be effective even by CTTs whose connections to the powerful described in chapter six are not widely appreciated. Had the IPA case merely contained wildly inaccurate or exaggerated claims regarding the perniciousness of NGOs, it is unlikely that the IPA would have attracted nearly as much media attention, federal government support nor indeed
even the interest and enthusiasm of the international CTT network. The discourse of accountability provides the means to disguise the real agenda of the IPA and the interests it so faithfully serves; it appeals to an abstract ethical sensibility encapsulating the public interest that in practice operates to secure the private interests of capital. The self-serving agenda of a powerful minority is presented instead as a matter of public concern in a way that is difficult to dismiss without appearing unreasonable and/or unethical. As the IPA has self-righteously claimed, “[t]his is not about the Government silencing critics. It’s about accountability” (Nahan 2003b: URL). Nahan’s assertion and the repeated attempts by the IPA to position itself as a very reasonable and disinterested interlocutor are disingenuous at best. The IPA case is not about silencing critics insofar as it is not intended to render NGOs voiceless. What the IPA case intends is for ‘standing’ to be reserved only for NGOs that do not present a challenge to interests privileged by the status quo. The purpose of the IPA case is to de-legitimise genuine dissent without revealing the appearance of democracy to be a façade. It is not silence that the interests represented by the IPA intend, but compliance. The question is how such an entirely anti-democratic endeavour is made to appear reasonable.

The inverted worldview in the IPA case

Underlying the more egregious claims contained in the IPA case, is a somewhat more considered narrative that focuses upon two primary issues. The IPA case questions the legitimacy of NGOs for what it regards as their lack of representativeness and expertise. More often than not, these are the terms that NGOs have relied on to justify their requests to be consulted over policy design and their contributions to public debate. In essence, it is the basis of the NGO claim to speak for the public interest that is in question. In contesting this claim, the IPA is not simply questioning the legitimacy of NGOs, but the parameters within which legitimacy is prescribed. The IPA case is therefore not simply about NGOs. It is the
reconstitution of liberal democracy as a series of clearly defined relations and demarcated responsibilities within a hierarchical ordering of authority. The IPA case does not represent the classical liberal concern for the potential threat of tyranny by a democratic majority. More than anything else, the IPA case is the application of neoliberal managerialist principles to democratic practices involving a reformulation of the spaces within which dissent is articulated, tolerated and regarded as legitimate. While the IPA case is conveyed in terms that utilise the appeal of democratic sentiment that is nonetheless mindful of the vagaries of public opinion and how easily it can be swayed, it is little concerned with avoiding tyranny. The case against NGOs bears all the hallmarks of elite fears of popular participation that have animated politics for some time and in this regard is part of a long reactionary tradition that has involved often brutal repression using the institutions of state.

Underpinning the IPA’s attempt to fashion a new perception of NGOs is the assertion that the nature of civil society has changed. For the IPA, civil society is characterised by its traditional opposition to government, securing formal legal and political liberties negotiating the social contract that held the powers of the state as leviathan in check. However, according to the IPA, new forms of activism have emerged which challenge the nature of the relationship between civil society and the state and politicise the role of the citizen beyond that which was accepted in the past. The problem for the IPA is that representative institutions such as political parties are no longer the primary conduit through which the citizenry participates in politics (see for example Johns 2002). The civilising influence of civil society was supposedly found in the mediation of the plethora of private claims on the state and fostered by civic associations such as trade unions, employer associations and political parties. However, new activist organisations based on new forms of political identity are challenging traditional political cleavages and placing new demands on public policy that are unmanageable at best and highly destructive at worst. The problem is compounded by politicians who are inclined to attempt to grant these
demands to enhance their own chances of re-election and in doing so create an unsustainable burden on the resources of the state that essentially means an unacceptable tax burden on capital. Rather than ‘crowding the political field with agents’ as participatory democracy does (Johns 2005b), politicians must be insulated to ensure that ‘people get what they need, rather than what they say they want’ (Johns 2000: 9). The influence of PCT is clear.

Such claims are not without an element of truth. The fetishism of consumer culture and the concerns associated with individuals ruled by short term appetites are not new. As Stedman Jones (2012) argues, Adam Smith was cognisant of the distinct possibility that individuals did not always know what they wanted and that what was delivered by the market (as an expression of consumer demand) might be the unfortunate and undesirable mentality of the herd. In democratic terms Tocqueville expressed similar concerns regarding the potential for a tyranny of the majority, the oppressive nature of public opinion distinguished by its banality and mediocrity. Quite opposed to the brute force associated with a tyrant ruling by divine right, it was the pressure to conform to the will, the opinions and values of the masses that Tocqueville feared (see Wolin 2001). This is typified by his seeming lament in the introduction to Democracy in America “…so the sometimes oppressive but often conservative strength of a small number of citizens has been succeeded by the weakness of all (Tocqueville, 1969: 15). As argued in chapter two, despite the ideological commitment to *homo economicus*, neoliberals such as Buchanan also acknowledged the need to limit individual freedom to preserve social order. In this sense, the IPA’s concern with the potential for people to act irresponsibly is not in itself illiberal. Nonetheless there are fundamental inconsistencies between the IPA’s claims and a more accurate rendering of Smith’s contribution to the classical liberal tradition. Firstly, the types of behaviour and choices that the IPA has derided as irresponsible and self-indulgent are not what concerned Adam Smith. In its critique, the IPA is referring to NGOs advocating social welfare, human rights and
environmental conservation rather than astro-turf groups that demand consumer rights to use tobacco products or corporate front groups that oppose restrictions on the right to pollute or poison the environment. Secondly, whereas the IPA insists on the state being unresponsive to public concerns and instead open to consultation with experts as a counter balance to the private demands of civil society, Smith recognised the importance of cultivating appropriate moral sentiments to temper the pursuit of self-interest. As Smith (2000: 27) argues:

“And hence it is, that to feel much for others, and little for ourselves, that to restrain our selfish, and to indulge our benevolent, affections, constitutes the perfection of human nature; and can alone produce among mankind that harmony of sentiments and passions in which consists their whole grace and propriety.”

Such a disposition corresponds far more closely to that commonly associated with NGOs as opposed to CTTs and it is precisely these sentiments that the IPA case condemns as the underlying motivation for action that the IPA regards as at best patronising and at worst is an unjustifiable interference in the freedom of others. The novelty of the IPA case is also reflected in the disdain expressed by Tocqueville for politics constituted as the private pursuit of material gain; a form of politics that Tocqueville regarded as mundane (see Wolin, 2001: 6). In what is perhaps something of a paradox it is a powerful minority represented by the IPA that is imposing an agenda that has contributed to the impoverishment of politics and inverted the liberal humanist tradition in the process. Wolin (2001: 258) has argued that “instead of civic habits modifying the drive of private interests, the private would condition the public”. The IPA case serves exactly this process by dismissing the civilising influence of concern for the plight of others as private indulgences and celebrating the pursuit of private material gain as public good.

The concern expressed by the IPA for the danger of ‘participatory’ democracy is ironic if not entirely disingenuous. The historical record of political campaigns
conducted by the IPA against any form of working-class consciousness, much less organisation is indicative of a deep-seated antipathy to any form of democracy – representative or participatory. However it is not just the long-standing opposition to trade unions and the associated threat presented by the idea of the welfare state that is at issue. Given the role attributed to CTTs in chapter five, the idea that the IPA would lament the fracturing of traditional political loyalties borders on the comical. It is not the stability of a liberal democratic state, but preservation of the established market order that is the purpose of the IPA case. The appeal for a return to political stability that was achieved through loyalty to mainstream political parties is in itself an attempted misdirection. As Wolin (2004: xvi) notes new political identities expressed in terms of gender, race and environmental consciousness for example have empowered the marginalised, but such identities have also splintered opposition movements making it easier to ‘divide and rule’. In this respect, presenting NGOs as unaccountable as opposed to trade unions should not be understood as a softening of the IPA’s militant anti-unionism. It is instead recognition of a potential alliance built on a mutual distrust of NGOs perceived opposition to the free market and the ‘economic growth means employment’ mantra avowedly professed by both major political parties in Australia. That such an alliance is even possible is a reflection of how de-radicalised and thoroughly neoliberal some trade unions have become in Australia. At the same time, it is also no doubt motivated by an attempt to forestall the identification of common interests between various NGOs and unions to prevent the formation of a genuine and far more cohesive opposition movement dedicated to a much more radical and emancipatory agenda.

This reconstitution of the public is evident in the grounds upon which the IPA contests the legitimacy of NGOs. The IPA contends that ‘standing’ should only be recognised if an entity can prove that it is representative or can offer particular expertise that ‘adds value’ to policy initiatives. Both conditions appear entirely
reasonable or a simply a matter of common-sense, yet it is on these terms that the IPA denies any legitimacy to NGOs. In keeping with the neoliberal formulation of politics as public choice, the only genuine public interest is that which garners the support of every individual member of society. Such an absolute consensus can only be assured for the constitutional framework that governs democratic society, which ensures that power of balanced and dispersed (Johns 2001). The IPA argues that the only genuine representatives of the public are those that are elected to parliament in accordance with constitutional rules and therefore are the only recognised source of public authority (see Johns, 2002b). This is reinforced by the oft-repeated refrain that NGOs are ‘unelected’. Despite elsewhere insisting that NGOs must provide proof of membership or support base to satisfy the public’s ‘need to know’ (see for example Johns and Roskam 2004), the IPA affirms that “the surest way to maintain an open contest for influence on collective decision-making is for government never to confer the mantle of public authority on nongovernment organisations” (Johns, 2000: 2). In short, only government can claim to represent the public and NGOs are simply ‘the new class of interest group in politics’ (Johns 2005a).

The issue of expertise is similarly framed. The meaning and implication of adding value as the criterion for judging whether advice should be heeded should by now be obvious and require little further explanation. Again, the reality is that in spite the IPA repeatedly insisting that it is only concerned with disclosure, there is little that NGOs have to offer that would enhance the quality of public policy. Given the limited voluntary service role that the IPA envisions for NGOs, it follows that the only expertise that would add value in CTT terms would involve the more efficient ladling of soup or planting of trees. Even when a more expansive view of NGO expertise is allowed for in the IPA case, there is no requirement for government to listen and there is no scope for NGOs to advocate or lobby government unless the organisation in question wishes to forgo all government support (including Deductible Gift Recipient Status)(see Fox 2006). As Johns (2000:12) makes clear:
“The only standing that NGOs have is that of any other interested bystander. They may insist on being heard but there is not a right to be heard. No amount of formality in process or professionalism in lobbying can change that. They may be of great assistance in the development of policy, but only if they add value, and only governments… or a company and its shareholders… can be the judges of that [author’s original italics].”

The IPA case does not stop at undermining the legitimacy of NGOs however. The IPA further compounds the challenges presented by NGOs with the assertion that not only do NGOs displace ‘unorganised’ interests from processes of policy making, the demands that they make are ‘dangerously flippant’ (Johns, 2000: 5) or worse highly irrational. According to the IPA it is clear that NGOs are acting as advocates for changes in public policy; facilitating the ‘reallocation of resources or changing laws’ to suit the interests of activists as opposed to everyone else. The IPA argues that key components of the liberal democratic system including the rule of law, evidenced-based policy, accountability of policy-makers through regular elections and the distribution of the economic surplus are now at risk of falling to a ‘dictatorship of the articulate’ (Johns 2002b:4). The issue however is not just the self-interest of NGO activists. The IPA argues that NGOs are powerful organisations that are capable not just of pressuring governments to achieve their goals, but potentially displacing government and the institutional arrangements that hold them accountable altogether (Johns 2001; Johns 2005c). The problem identified by the IPA is that NGOs are leveraging their reputation as public interest advocates to gain an unfair advantage over other interest groups lobbying government and their success in doing so has created a new power elite; a rising privileged class of ‘opinionmakers’.

In essence, NGOs are circumventing competition in the market of political influence

80 The basis for such an extraordinary claim rests in this instance on evidence that includes for example an ‘NGO journalist’ quoted as writing “NGO relations are already strained with a Labour government whose democratic legitimacy – and the claims it makes to speak for the poor- rests on just 25 per cent of eligible British voters” (Johns, 2001: 2)
and distorting public policy outcomes as a consequence. The failure of states and indeed corporations to ignore the demands of NGOs has led to the marginalisation of unorganised voter and shareholder interests respectively. Reaffirming the distance between activist interests and the public interest, the IPA argues that evidence of the NGO threat lies in the litany of apparently appalling initiatives that NGOs have advocated. The ‘worse than Hitler’ travesty of Rachel Carson is merely one example of the retrograde, anti-development agenda of NGOs that callously disregards the role of evidenced-based science and the notion that economic growth is sustainable (for example see Marohasy and Johns 2002).81

With little sense of the hypocrisy that accompanies it, the IPA states that its motivation for exposing the activities of NGOs is that ‘we care about public policy’; a concern that is based on the belief that democracy is inherently elitist and that the only place ‘an unorganised non-political public’ has in politics is the polling booth on election day (Johns, 2005b). The unreasonableness and irrationality of the NGO dictatorship is underlined by reference to the almost unprecedented material prosperity and benign technological advancement occurring in Australia. For the IPA there is too much at stake for public policy to be shaped by the whimsical fancies of organisations of irresponsible interests with no competent understanding or appreciation of the complex dynamics of a market economy or the finesse, accommodation and common-sense required for government (see for example Johns 2000).

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81 Johns (2005c) has compiled a useful inventory of some of the more scurrilous proposals that the IPA accuses NGOs of abetting. The inaccuracy of the list is matched only by the complete lack of evidence. According to Johns, NGOs: increase the risk of bushfires in native forests because they curtail the scientific approach to forest management; ensure water restrictions because they have governments too scared to build dams; are used as an excuse by weak governments to avoid decisions such as dredging Port Phillip Bay, or licensing GM crops, or allowing reasonable access to the Great Barrier Reef; want to kill the Australian wool industry because they do not believe that humans should live off animals; sue chicken farmers for allegedly polluting streams when scientists have already set safe standards for runoff; interfere in Indonesian sovereignty using Australian aid monies; raise millions in the name of tsunami victims and then promptly send the money to the US or Switzerland; agitate for Third World debt forgiveness, even though previous rounds have encouraged corruption.
The concerns of the IPA are amplified by orders of magnitude with the development of new forms of NGO activism that transcend state borders. International NGO coalitions or global social movements involving NGOs denote a new form of transnational progressivism in the international political arena that presents an even greater challenge to the institution of state sovereignty (see Fonte, 2002: 3). In keeping with the criticisms expressed by USA-based CTT representatives at the 2003 Washington conference, international NGOs (and supporting institutions including the United Nations and the European Union) have been castigated for perpetrating a new form of collectivism by stealth (see Johns, 2001). The IPA argues that seemingly well-intentioned capacity-building approaches widely adopted within the foreign aid network foster empowerment of local communities is actually a campaign ‘by the new left of the wealthy West, using aid foreign funds to wage proxy war’ (Nahan, 2003a: 3). According to the IPA, it is a war that is being fought on virtually every front. The range of self-appointed responsibilities and causes is allegedly so extensive it is difficult to conceive of an issue in which they are not involved. Nahan (2003a) is comprehensive in compiling a list of issues and activities in which advocacy NGOs are not only included, but act as decision-makers in the international arena. This includes:

“…foreign aid flows and policy […] the environment, health, trade, economic policy, labour regulation, population, gender, legal, education and investment policy processes. They advise governments and international bodies; they are included in official parties; they advise regulators; they represent the poor and virtually every ‘harmed party’; they help draft legislation; they lead protests and they are the first port of call for the media. Importantly they frame the policies and priorities of countries of the Third World as well as the West.” (p.8)

While the idea of civil society presented by the IPA may appear to bear a resemblance to an ideal type associated with Ferguson (1978) and the classical liberal tradition of Smith or Tocqueville; a closer inspection of the IPA’s terms
reveals its case to be a simplistic caricature devoid of moral sensibility. Spatial constraints prevent a more detailed refutation of the IPA’s various claims to represent the classical liberal tradition. However, it is already apparent that there is considerable discontinuity between classical liberalism and neoliberalism. Gray (2008: 83) has described Hayek’s idea of spontaneous order created by the free market as an “archetypal utopian idea in modern guise” and so more closely aligned with the ideas of Herbert Spencer and Karl Marx. In a somewhat more sympathetic treatment, Stedman Jones has nonetheless argued that neoliberals drew selectively on the liberal tradition first articulated by Smith. For neoliberals it was a “virulent faith in the individual and his economic behaviour under market conditions rather than any conception of cultivated behaviour, manners, or Smithian moral sympathy that was important (Stedman Jones, 2012: 115). Stedman Jones argues that such faith was a product of a time characterised by the deepening embrace of collectivist thinking in public policy. For neoliberals such as Hayek, Friedman and Buchanan, belief in individual liberty was expressed increasingly “in apocalyptic terms as a struggle between free societies and communist totalitarianism” (p.116). Positing the political contours of post-World War Two society in such crudely polarising terms hints at the neoliberal intolerance of democratic pluralism and a doctrinaire faith in freedom as the absence of constraint that has since become far more pronounced. Whether or not such concern was then warranted, there is surely no basis for it now. The result, somewhat paradoxically, is that in narrowing the range of democratic possibilities, neoliberalism has proven to be just as prone to determinism as the ideologies that it supposedly opposes. The commitment of neoliberals to an absolute conception of corporate private property rights and their willingness to justify the exercise of the coercive power of the state to protect such rights is indicative of an ideological claim to embody the “one right way to live, one true value-structure” (Hardy, 2002: x), a form of monism explicitly rejected by Berlin
The theoretical imperatives underlying the IPA case epitomise the neoliberal commitment to a particular end; of politics conceived in free market terms and the sanctity of the private property rights from which all political obligations flow and all conceptions of the public interest are derived. The question what is good for society is understood and can only be understood as what adds value to capital (or in more modern terms, what advances private property rights) and on these terms NGOs have very limited value.

There is nonetheless a recognisable ideological imprint on the IPA case. The representation of NGOs as private agents making claims on the state that are little more than acts of self-interested rent seeking is clearly informed by PCT. NGOs are engaged in a form of action that public choice theorists have disparaged as post-constitutional politics. Yet in similar ways, the case against NGOs also reflects the charge that the original intent framed in the constitution has been perverted by activists seeking to impose their own (collectivist) agenda. Whereas PCT depicts NGOs as having failed in the market to achieve their objectives and so rely on government and Originalists posit that NGOs failed in the political process and so resort to the judicial system and in particular the favour of judicial activists. In both cases it is alleged that the scope of state authority has been expanded in ways to cater to organised interests that imposes unjustifiable constraints on individual freedoms. It is not simply that such activity does not serve the common good; it is in violation of the original terms of the social contract. In this respect, the entire IPA case rests on two distinct ideological abstractions. One is the notion of the ‘veil of uncertainty’ used by Buchanan and Tullock as the basis for the legitimacy of constitutional authority and the second is belief in the (divinely) inspired words/meaning of the framers of the constitution.

As Berlin (2002: 214) states “…it seems to me that the belief that some single formula can in principle be found whereby all the diverse ends of men can be harmoniously realised is demonstrably false.”
The significance of these distinctly ideological terms is difficult to understate, insofar as the CTT network exerts the level of influence that is outlined in this thesis. The obvious effect is to recast any form of progressive/transformative politics as a private self-interested endeavour and the reactionary politics of the CTT network as disinterested expertise and in the public interest. This effectively represents a radical substitution of terms. As there is very little about the CTT network that is public in any meaningful sense, there is very little commitment to any genuine concept of democracy. At best, the IPA presents the polity as little more than an extension of market relations and political values as little more than the expression of consumer preferences. At worst, the IPA is radically opposed to any political engagement by the public and views politics as the realm of elected officials and experts whose legitimacy is based on a keen appreciation of what is needed by industry and what is good for the market. It is an arrangement that more closely resembles a dictatorship than a liberal democratic state.

Truth, integrity and propriety are valued only insofar as they help to bring about the desired outcome, therefore the focus must instead be on identifying the means/tactics by which the IPA sought to discipline NGOs. In this sense, the purpose of analysis is not to examine the IPA case as reasoned argument based on evidence to ascertain its validity and coherency, but to understand the strategies and techniques embedded in the IPA case and the rationale behind the use of certain language.

**Framing the paranoid style of the IPA case**

The crude depictions of NGOs cited above are not simply examples of juvenile ridiculing but what Lakoff (2004) refers to as framing; words/metaphors that evoke an image that fits a particular worldview. It is the symbolism rather than the meaning of the narrative that is important. The metaphors used in the IPA case represent NGOs in a decidedly negative way; irrational, power hungry, out of control,
unscrupulous. Such descriptors depict NGOs as entities that are not to be trusted much less heeded when debating issues of public importance. By insisting that NGOs must be made accountable, the IPA is positioned as the reasoned defender of the integrity of the policy making process. The IPA’s position can be presented essentially as thus; of course NGOs have a place in the public arena, so long as they conduct themselves professionally and meet certain requirements (are representative or possess expertise); the problem is that NGOs are increasingly failing to do this. In reality, the IPA is fundamentally opposed to any serious consideration being given to the interests, issues and values that NGOs have mobilised to defend. The IPA case is based on the widely believed perception that the NGO mission has evolved from amelioration of social afflictions to transformation of the structural conditions that cause or at least exacerbate such afflictions. It is this shift, this resolve that makes NGOs ‘unaccountable’.

Insofar as the IPA can cultivate a public perception of NGOs as self-interested, vocal and well-organised minorities, then NGOs can be excluded on the pretext that they are ‘unrepresentative’ of the mainstream. In the same way, portraying the agenda of NGOs as absurd, naïve and irrational fosters a perception of NGOs as economically illiterate and socially irresponsible and thereby challenges the notion that NGOs offer any relevant ‘expertise’.

The persistence of NGO demands in spite of their illegitimacy thus requires a strong response. The framing of the IPA case means the actions of those conducting the campaign against NGOs, such as the IPA and the former Howard Federal government, become necessary and decisive (almost heroic). What is cast as an antidemocratic attempt to silence dissent is countered as an entirely commendable (see for example Woods 2003), wholly justifiable (see for example Quadrant 2003) and almost righteous endeavour to preserve democratic stability threatened by unruly NGOs. The end result is that the exclusion of NGOs from any meaningful role in policy design and the continuing
marginalisation of dissenting views can be presented as reasonable and necessary for the preservation of stability and order.

The demonization of NGOs serves the purpose of reinforcing what Lakoff (2004) refers to as the ‘strict father model’ of the nation a narrative that fits seamlessly with the national security state. According to Lakoff, this worldview is premised on the idea that:

“The world is a dangerous place, and it always will be, because there is evil out there in the world. The world is also difficult because it is competitive. There will always be winners and losers. There is an absolute right and an absolute wrong. Children are born bad, in the sense that they just want to do what feels good, not what is right. Therefore they have to be made good. What is needed in this kind of a world is a strong strict father…” (p.7)

NGOs variously appear as evil, wrong, acting as children or catering to the needs of children. In each case, what is required is the imposition of regulations as NGOs simply do not possess the moral wherewithal to act for the common good. An authority external to NGOs is required if discipline is to be instilled. This is equally true of NGO supporters or IPA critics who argue against the need for NGO accountability; the absence of punishment encourages/rewards irresponsible behaviour. The IPA has criticised philanthropic foundations (Johns and D’Cruz 2003), corporations (Johns 2002c; 2005b) and governments (Johns 2002b; 2005a) for failing to take a much firmer stand against NGOs. Much of the IPA case employs terms found in the strict father frame described by Lakoff. Those in positions of (social, economic or political) authority that form partnerships with or include NGOs in decision making to placate an otherwise hostile/temperamental force serve only to hasten their own capitulation to the ‘radical ideology’ of NGOs. It is an admonition that reflects the mantra of conservative approaches to parenting ‘spare the rod,

83 Johns (2000: 9) certainly infers this role for NGOs when he chides voters who ‘would rather have what they say they want rather than what they need’
spoil the child’ and instead insistently urges an approach to NGOs that ‘dares to discipline’. Of course the corollary to this is that the act of subjecting oneself to (greater) accountability is essentially an admission that there is potential for wrong doing or at least mistrust and thus reason for suspicion (see Gardner 2006).

The framing does not have to be widely believed for it to be effective. It has only to create doubt about the role of NGOs by presenting itself as the opposing side of the argument. This serves to both depoliticise neoliberal free market reforms and politicise criticism of the impact such reforms have wrought on the vulnerable. Presenting NGOs as radical/utopian progressives occupying the very outer limits of mainstream political debate disguises the real nature of CTT agenda which is based on a set of reactionary ideas once considered to be on the fringes of respectable debate. More importantly, it displaces the possibility of a more radical critique of neoliberalism, one that fundamentally challenges the rationality of capitalism, consigning it to political oblivion.

The attribution to NGOs of such facile labels is also typical of the paranoid style of right-wing organisations. It is hyperbole strategically selected for the purpose of crafting and popularising an alternative narrative to counter the positive image of NGOs that was evident at least until 1999 and the public esteem in which they have been held. The IPA case presents a more palatable sounding version of right-wing paranoia that can generate mainstream appeal without marginalising the right-wing fringe where conspiracy thinking is common. This aspect of the IPA case also encourages a necessarily combative approach to NGO relations by corporations and the state, a hardened uncompromising stance that resonates with the ‘war on terror’ and ‘tough on crime’ narratives of the national security state. Indeed, various consultants associated with the IPA have insisted that ‘PR is war’ with NGOs a named enemy that responsible governments (meaning those that have not already

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84 This is the title of a best-selling book by the exemplar of the strict father model James Dobson cited by Lakoff. Dobson is also Christian Right leader who is intimately connected to almost every initiative of the Christian Right pursued through the CTT network.
succumbed to the NGO mindset) and corporations ‘should not be afraid to attack’. The attempt to self-identify with soldiers in battle, utilising otherwise questionable tactics and making necessary sacrifices is unmistakable. In battle values of integrity, responsibility and honesty necessarily give way to deception and deceit, justified by the admonition that the enemy has been effective precisely because it does not ‘play by the rules’. Among the tactical armoury that has been embraced in the campaign against NGOs are; astroturfing (fake grassroots groups established to support unpopular corporate/government causes); promotion of false statistics and misleading claims with little regard for factual accuracy or reason; networking with far right groups; aggressive demonization of community-based groups and prominent figures within them; and, how to break the law to achieve desired outcomes (see Wilson 2005). An indication of the paranoia among CTTs is that absence of evidence that NGOs actually resort to such tactics much less need to.

There is a likely element of opportunism inherent in the IPA case against NGOs, an issue that could be used to attract corporate funding that few other CTTs had acted on. At the same time, the (at times) hysterical claims made and the extreme language used in the IPA case are arguably examples of the millenarianism inherent in modern politics identified by Gray (2008). Whereas Hofstadter (1964) described the paranoid style of American politics in terms of ‘modes of expression’, Gray views contemporary politics as the latest chapter in the history of religion. From this perspective, the demonization of NGOs takes on new meaning. As Gray argues modern political religions rely on demonology; the concoction of vast conspiracies of dark forces at work against which the missionaries of the new utopia must struggle to overcome for progress to advance. The sinister disposition associated with NGOs, the underhanded tactics to which NGOs resort and the fantastic

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85 By no means is Irvine atypical. Eric Dezenhall is also a public relations strategist and former Reagan staffer in the Office of Communications who advocates aggressive counter-measures against NGOs and has been featured in the IPA Review. Dezenhall, known by his maxim ‘you don’t win by surrendering’ argues that the corporate response to NGO campaigns needs to have the same objective as ‘anyone in a boxing ring’ (Dezenhall 2001).
delusions that underpin the NGO agenda is presented as a dystopia that must be resisted at all costs – despite the fact that such a conspiracy is itself a fantastic delusion. To depict the IPA case as a product of carefully managed public relations propaganda – to create a need (for accountability) where none existed – underestimates the degree of coordination that would be required to assure that the anti NGO message is cohesive and consistent across such a wide-ranging network. It also ignores the ideological framework within which the IPA case against NGOs is constructed. Although a very crude example, the IPA case bears the hallmark of a form of millenarian belief in salvation. This is not to suggest that the IPA has adopted an explicitly Christian Right agenda nor espouses a belief in the Christian Right worldview, though as argued previously there is clearly common ground. The IPA case itself contains elements of almost every feature that distinguishes millenarianism as a particular form of religious belief that Gray argues is distinctively modern yet its antecedents can be traced back to the origins of Christian apocalypticism. Gray draws extensively on the influential work of Norman Cohn (1993), using the distinguishing characteristics of millenarianism identified by Cohn as a guide to establishing the Christian apocalyptic roots of modern utopian thinking. The implication is that the IPA case is not simply opportunism, but the result of a deep-seated and dangerous faith that is impervious to evidence or reasoned argument and is a catalyst for political action that is absolute, uncompromising and providential.

The demand for greater transparency, for disclosure of the sources of funding, details of membership, political affiliations and evidence of expertise appear entirely reasonable. So much so that many NGOs already comply and willingly accommodate enquiries for more information regarding organisational operations. On a number of

86 Hofstadter also noted parallels between his own work and that of Cohn.  
87 The project of neoliberalism in Australia exhibits features that approximate the characteristics identified by Cohn. Unfortunately, there is not the space to explore the significance of Gray’s ideas in more detail. A critique of Australian politics drawing on ideas of political theology can be found in Smith and Marden (2012).
occasions even the IPA has noted that NGOs are often forthcoming with operational
details, despite the fact that such transparency provides information that is used
against NGOs. However, the rhetorical power of the language of accountability is
such that to deny even spurious demands for accountability is to risk being
perceived as unaccountable with all the obvious negative connotations that this
implies. That the IPA itself lacks credibility and that the many accusations it levels
against NGOs are largely, if not entirely, baseless do not matter. This is evident in
the effectiveness of the IPA’s churlish and predictable response; the opposition of
the NGO sector to the IPA case is, as Nahan (2003b: URL) has bluntly stated “an
example of the sector’s aversion to accountability”.

Had the IPA simply demanded that NGOs stop meddling in political affairs of state, it
is highly unlikely that the many preposterous claims made by the IPA would have
gained any political traction. Yet the IPA case has received serious attention and it
has been effective in ways that are not immediately obvious. The NGO sector would
seem to have little need to be concerned over demands for transparency in
operation and disclosure of political and financial arrangements. In the absence of
any genuine scandal, greater accountability is superfluous.\(^88\)

\textit{The NGO response... acquiescence.}

The IPA case is not just a matter of language games, using different frames to evoke
negative impressions of NGOs and unsettle the largely positive perception of NGOs
to advance the neoliberal project. Certainly re-framing NGOs is part of the CTT
strategy, working to establish parameters for debate that make voicing genuine
criticism of the IPA case more difficult. The paranoid style of the IPA and the crudely
subtle influence of the narrative of Christian apocalypticism may account for the

\(^88\) It should be noted that the continuing incidence of corporate scandal, the circumstances surrounding the
collapse of corporate giants such as Enron and the practices of international finance that led to what is
ominously referred to as the global financial meltdown – all of which are an indication of the massive
incompetence and corruption of the corporate sector – no case for corporate accountability has been made
by any think tank involved in the campaign against NGOs.
appeal of the IPA case against NGOs to a conservative audience (nominally either secular or Christian) with no clearly defined or immediate material self-interest in curtailing NGOs. Yet it does not adequately explain the reasons why the idea of accountability had been advocated for the sector by those ostensibly supportive of the NGO mission and embraced by the sector prior to the CTT campaign. It does not explain why the IPA case was given any serious consideration, why it provoked such sustained though uncritical/shallow public debate in Australia despite being an opportunist attack with so little substance and why there seemed to be little public backlash as a consequence (the latter may help explain why the NGO community felt so vulnerable against the accusations made by the IPA and its coterie of international ‘experts’). It also does not explain why accountability regimes inevitably fail to meet expectations which then prompt the search for new and improved regimes. In many respects, the IPA’s demands for NGO accountability merely reflect the rationale already evident among practitioners and those studying the NGO phenomenon. The issue lies not with the type of accountability forced onto the sector by the CTT network, but with the idea that the challenges facing NGOs are understood as problems of accountability.

The IPA case was effective not because it forced NGOs to be compliant, but because of the implied rewards that would come from being accountable. The promise of political access and the lure of political influence to an NGO sector with aspirations of social reform has proven irresistible and resulted in profound changes to the politics of NGOs; changes that are largely self-imposed and justified as reasonable if not necessary. Perhaps more than anything else, for NGOs the idea of being accountable means legitimacy as political actors of importance and their role in democratic processes undeniable. Conforming to the requirements of an accountability regime - becoming more professional - is held to be a small sacrifice in the interests of being taken seriously by those that matter – those in the position to effect changes in public policy.
Accountability becomes a means of external control or discipline, implying the absence of internal mechanisms (for an organisation) or sense (for an individual) of ethical or professional standards. Where public trust may have once rested on the discretionary judgement of those responsible for the operations of an NGO, this has been replaced by trust in regimes of procedures and processes that ensure compliance with a given set of standards (Ranson 2003). Arguably trust within NGOs is also shifting from people to regimes. Gardner (2006) argues that the basis for making someone accountable can in fact encourage the very behaviours (the pursuit of self-interest at the expense of professional responsibility) that were the justification for implementing an accountability framework in the first place. If self-interest is the primary motivation for action, then there will be an instinctive desire to avoid the consequences for (proposed) action that may be deemed unjustifiable. So too, with the dissolution of public trust in professional judgement itself for a determination of appropriate practices of advocacy, professional judgement is reduced to determination of the best (as efficient) means of adhering to and satisfying accountability requirements specifically (Ranson 2003). In a sense, the need for accountability regimes that are increasingly specific and comprehensive becomes self-reinforcing. The critical observations by Ranson and Gardner offer useful insight into the ways that accountability regimes act on the behaviour of individuals within an organisational or institutional context. However, there are even deeper issues hidden in the discourse of accountability. The adoption of regimes of accountability as appropriate mechanisms to ensure the legitimacy of NGOs effectively imposes ideas of human behaviour understood within a market context, rather than civil society understood as a sphere separate from the state and market. In effect, the values that define NGOs, particularly in terms of other-regardingness are redefined as private interests.

Aside from the regulatory burden that regimes of accountability place on NGOs that already struggle with limited resources, it subverts the obligation within the
accountability relation between state and civil society. The effect is subtle, but stunning. The problem is evident in the particular aspect of the accountability equation directed at NGOs; it is not what NGOs are being asked to be accountable for but who NGOs are required to be accountable to. The assumption ever-present in the IPA case is that NGOs must be answerable to government and corporations — the very entities that NGOs (as the third sector) are supposedly to hold to account for their failure to ameliorate poverty, exploitation and oppression. It is the powerless providing an account to the powerful to ensure recognition as legitimate public actors; in effect, NGOs accepting that only advocacy permitted by the state can be undertaken. The fact that relationships are constituted in financial/legal terms (between donor and recipient as principal/agent) is an indication of how circumscribed the normative ideal of accountability has become and the degree to which neoliberal ideology has colonised political culture. It is also an indication of the degree to which NGOs have chosen to be involved in relations of dependency. While states seeking to control dissent is an accustomed threat to democracy; organisations within civil society that willingly submit to the requirements that states impose to effect control threatens the existence of a viable and vital democracy. NGOs that hold the state accountable on its own terms do little more than enable the pretence of political accountability to be maintained — a service that does not serve the common good in any meaningful sense.

**Conclusion**

The IPA case is not designed to encourage critical thinking or rational inquiry among the broader public. Neither is it meant to reveal new insights into social/political phenomena based on studious research and careful investigation. The IPA case is designed to provoke a response among the public that is unthinking and instinctive, to create a political climate conducive to a predetermined course of action that has very little to do with the purported objectives. For NGOs, the CTT campaign has
been an exercise in demonization. It is intended to disrupt the tendency to associate NGOs with credibility, respectability and trustworthiness; organisations dedicated to political action that benefits society. CTTs efforts to foster a public perception of NGOs as conniving, disingenuous and power hungry does not have to be realised, only that the prevailing impression of the virtue of NGOs become subject to doubt even suspicion. In this respect, CTTs do not have to become master of symbols to become master of the current situation as Lippmann (1922) contended. For a public already cynical of the actions of corporate and political leaders, all that is required is for public cynicism to be extended to NGOs. The purpose of the IPA case is to dislodge the public perception of NGOs as being part of the solution to problems that governments and corporations have created and hence make the nature of their involvement in policy design subject to question. The IPA case does not have to increase public support for plans to curtail the role of NGOs in policy design and public debate, only decrease the likelihood that such plans would not provoke a popular backlash in support of NGOs and, importantly, that the NGO sector is aware of this. In this respect, the failure of the Draft Charities Bill proposed by former federal Treasurer Peter Costello to be legislated and the eventual victory in Federal Court in the Aid/Watch case does not necessarily mean that the IPA’s efforts has been ineffective. The real impact made by the IPA is the contribution to the noticeable decline in the level of NGO political engagement and the much narrower purview of NGO critique of public policy.

The starting premise of this chapter is that the purpose of the IPA case has always been to undermine the public esteem in which NGOs have been held. The critical analysis of the IPA case conducted in this chapter is undertaken therefore to reveal the hidden meaning of the language used by the IPA, the purpose underlying the framing of its case against NGOs, and the effect that such framing has. The implications derived from this analysis stretch beyond NGOs and CTTs however. The most insidious effect of the campaign against NGOs is the delimitation of what is
widely accepted as the legitimate parameters of public debate, how it is conducted and the severe circumscription of what constitutes reasonable/credible dissent. In essence, the IPA case was never about silencing NGOs, but ensuring that a compliant NGO sector is regarded as representing the spectrum of critical voices and alternative ideas. Such an arrangement preserves the appearance of democracy while presenting no genuine threat to the neoliberal state.

Attacking NGOs as unaccountable is a strategic manoeuvre that is both subtly effective and difficult to resist. In linguistic terms, accountability is in effect the political equivalent of motherhood – conveying an idea or imagery that transcends socio-cultural particularities and thus has universal appeal. It thus makes opposing accountability tantamount to a confession of unscrupulous behaviour – there is no reason to oppose it unless there is something to hide. No NGO would publicly admit to being unconcerned about accountability and therefore accusations that NGOs lack accountability were always certain to elicit a response, which NGOs dutifully and predictably did. The problem NGOs confront, however, is not a matter of fact but a problem of perception. It did not matter that the IPA’s claims were unfounded. In terms of substance, the IPA case could have been and in fact was easily dismissed as baseless and extraordinarily hypocritical by several critical responses. Thus there is a degree of culpability in so far as NGOs have sought to position themselves in proximity to political influence. The question is what impact has this had on NGOs and the role they fulfil.
Chapter 8.

NGOs and Accountability: Implications for Advocacy

Introduction

This chapter evaluates the impact of accountability on the practice of advocacy performed by NGOs. Despite the rhetoric, the IPA and its cohort of supporters clearly envision no political role of consequence for NGOs. Unlike ideologues associated with the CTT network, however, many contributions to the debate accept the possibility that NGOs could have an important role in politics if only they are made accountable. While debate continues as to the nature and scope of the NGO problem, very few consider accountability to be part of the problem. While many contributions profess to be sceptical of the merits of the IPA case, the debate concerning the problem of NGOs fails to progress beyond the terms set by the IPA. More than anything else, there is an overriding conviction that accountability remains fundamental to the legitimacy of NGOs as though the idea of accountability is itself unproblematic. For many the lingering NGO problem is fundamentally a question of legitimacy and for which the answer still lies in making NGOs properly accountable. Some critics have argued that there are too many obstacles to ensuring NGO accountability, which precludes any recognition of NGOs as legitimate representatives of the impoverished/dispossessed. Other critics have argued that NGOs are representative, but of powerful neo-colonial/patriarchal interests and/or interests of capital. It is perhaps then unsurprising that among the NGO community there is an explicit reluctance to claim any representative role.

This chapter argues that assessing the practice of NGO advocacy in terms of accountability is the problem. It is an approach that is in different ways misguided, inappropriate, and at best, based on a naïve understanding of political power. This does not mean that NGO advocacy should be unaccountable, but that accountability
should not extend beyond a basic responsibility to members/supporters to be honest about the intent and purpose of its actions. It is the determination to confront the injustice inflicted upon the powerless that is the basis of public support for NGOs and is the source of their political legitimacy – nothing more. The ongoing obsession with accountability is problematizing the role of NGOs in ways that inhibit the formation of broad-based public opposition to neoliberal agendas in part because the demands of accountability are defined in neoliberal terms. The form and impact of technocratic constraints imposed on NGOs by the implementation of accountability regimes has been already considered. This chapter examines critically the ways in which NGOs are held to account in academic literature to show how the discourse of accountability delimits NGO advocacy and works to undermine the capacity for NGOs to make an active contribution to political change that addresses the interests of the powerless.

A Question of Representation?

It is clear from the debate focused on the issue of NGO accountability that the legitimacy of NGOs rests primarily on the advocacy that they undertake. There appears to be broad agreement that above all else, NGOs can play an important role empowering communities that are misrepresented or neglected entirely in mainstream political debates; the question is whether NGOs actually do. The continuing search for an agreeable basis of legitimacy for NGOs - for ways and means of ensuring that NGOs act for rather than act instead of the powerless (Näsström 2015) - presumes that the fundamental challenge is how to ensure that the interests of marginalised communities are not misrepresented by NGOs. Certainly the very nature of the conditions that marginalised communities suffer places overwhelming constraints on the potential for NGOs to be instructed in any conventional sense. For the most impoverished and/or traumatised (much like the environment or the dead), it is not simply a matter of being unheard, but of being
unable (O’Neill 2001) or lacking the resources or motivation to speak (Maia 2012). The problems involved in getting proper authorisation are ostensibly inescapable because the relationship between NGOs and the communities they seek to advocate for can often be tenuous at best. But the more important issue is that the same forces responsible for exclusion, prompting action by NGOs, also act to deny authority and undermine legitimacy that might otherwise be bestowed on NGOs.

This predicament has confounded many contributions to the debate, yet understanding of the need for NGOs to have a representative role remains (see Vieira and Runciman 2008). The absence of progress appears to be contributing to scepticism as to whether it is even possible for NGOs to be legitimate representatives. However, it is never entirely clear how accountability might be properly constituted because it is unclear what sorts of outcomes should be occurring or in whose terms representation by NGOs might be regarded as authentic. If poorly represented communities were in a suitable position to ensure that NGOs were responsible for and responsive to their needs, then it is more than likely that advocacy on their behalf would be unnecessary. In concert with an increasing expectation that NGOs should provide their credentials before being heard, there have been a number of recommended approaches outlining the basis upon which NGOs could secure representative legitimacy. However, not only does this reinforce the idea of the NGO problem reinforcing the ideological framing of the debate, it further limits potential avenues through which public attention might be drawn to the plight of marginalised communities and points of solidarity recognised. Making NGO advocacy more accountable does not reopen spaces for the excluded to participate in public politics, it simply makes NGOs easier to ignore and in the process diminishes their potential to contribute to the mobilisation of resistance against powerful interests. This is precisely the intended purpose and outcome of the IPA case.
The idea of political representation and the formation of mutual obligations shared between those consenting to representation and those authorised to represent have long been both complex and historically conditioned (see Pitkin 1967; Plamenatz 1968). While three basic conceptual types of representation have been distinguished in principle: interpretation (representatives decide what to do); instruction (representatives are told what to do); and replication (representatives copy what to do) (Pettit cited in Vieira and Runciman 2008); the idea of representation is being actively reconsidered with searching questions being asked of formal or legislative representation. Recent interest has prompted renewed consideration of the constitution of representative claims (Saward 2006) and recognition of forms of non-electoral representation (Urbinati and Warren 2008). The idea of non-electoral representation is hotly contested. In responding to what Rosanvallon identified as a crisis of representation, the ‘constructivist turn’ has raised serious normative issues for the formulation of a constructivist account of representation (see Disch 2015) and questions as to its analytical value (Conti and Selinger 2016). These challenges are further confused by the difficulty of distinguishing between ideal types of representation in practice as Vieira and Runciman (2008) have noted. Despite the initial embrace of NGOs as a possible answer to growing recognition of the limits of conventional or legislative representation (commonly enacted through elections), a basis of legitimacy for non-electoral representation remains elusive. These challenges are not the focus here however.

A problem with the normative debate is that NGOs and the role they serve are abstracted from what might be regarded as the conditions of real politics – “the way the social, economic, political, etc., institutions actually operate ... and what does really move human beings to act in given circumstances... and what actually happens as a result” [italics original] (Geuss, 2008: 9-10). Approaching the problem of NGO representation from this perspective is designed to show some of the limits
of abstract debates concerning the idea of representation in terms of the politics of NGO accountability and the conditions that confront NGOs in practice. It has been argued recently that the opposite of representation is not participation but exclusion (Plotke, 1997). However, whereas Plotke argues that representation is constitutive of democratic politics rather than a poor substitute for participation; the problem facing marginalised communities is that the politics of the powerful is acutely anti-democratic if not tyrannical. It is not a failure to include that is the problem, but purposeful and deliberate exclusion. As Roy (2014) points out there are no voiceless, only the deliberately silenced and preferably unheard. In this respect, debating the merits of political representation as opposed to political participation is a moot point when powerful elites both desire and organise assiduously to ensure that the interests of the broad mass of the global population have no serious impact on the institutional design of public policy.

The representative role predominantly associated with and performed by NGOs is advocacy. While the nature of advocacy has also changed over time, the principal concern here is identifying the ways and in whose interests the discourse of accountability delimits the practice of advocacy – shaping perceptions of what is regarded as the proper conduct of advocacy. The practice of advocacy is by nature representative insofar as it involves acting in the interests of others (see Pitkin 1967). Historically, advocacy has a long association with the humanist tradition of noblesse oblige; an obligation derived from the privilege enjoyed by the aristocratic class and based on the assumption that they knew better the needs of the destitute that were subject to their authority. In the tradition of representative democracy it is commonly associated with Edmund Burke and the idea of the natural aristocracy as the trustees of the welfare of the public (see Williams 1998). The task of holding governments (and corporations) accountable that has more recently been associated with NGOs is an example insofar as it is undertaken to protect the interests of communities that are unrepresented in state initiatives such as free
trade agreements like the Trans-Pacific Partnership. It involves NGOs speaking out against the creation or exacerbation of adversity suffered as a consequence of social and environmental considerations being made marginal by a narrow economic agenda. However, the idea of representation as trusteeship has been thoroughly rejected because it is not premised on accountability mechanisms. In essence NGOs are not recognised as authorities in themselves and therefore have no legitimate claim to knowing better the needs of the impoverished than the impoverished themselves. The issue for NGOs is not whether advocacy is accurate, appropriate or beneficial, but proving that marginalised communities approve of it.

Contributions to the debate that contest the legitimacy of NGO advocacy on this basis suggest a concern for the existence and imbalance in power relations that exist between those speaking and those being spoken of – creating a condition that Said (1989) has scathingly described as a ‘thunderous silence’. Said’s criticism was directed at an anthropology that failed to appreciate the impact of values, beliefs and interests that made the study of anthropology not only subjective but socially constructed in ways that perpetuated relations of domination. The questions posed by Said surrounding who speaks, for what and to whom form part of a greater sensitivity to non-Western cultural and social values that appears to have influenced thinking about NGO advocacy. There is an acute sensitivity to accusations of misrepresentation that has made advocacy in any form that might be regarded as trusteeship unacceptable; NGOs simply cannot know what marginalised communities need. In some respects this position is as ridiculous as it is craven. As Geuss (2008) argues, for all sorts of reasons and in all sorts of circumstances, people do not always know and are not the best or most reliable judges of their own interests (see also Hobbes 2014). Duflo and Banerjee (2011) have documented practical examples of development projects that have failed because of choices made by beneficiaries such as food aid that does not decrease malnutrition because recipients don’t eat more food but choose more exotic food over the usual boring
meals. There are of course examples where marginalised communities suffer from the representations of even well-intentioned NGOs, but this is not Said’s concern. Drawing attention to the plight of others is not the same as speaking for them if the intention is to create a space where suffering can be publicised. Yet NGOs have proven to be so sensitive to such criticism that even the term representative is avoided (Hudson 2001; Rubenstein 2014). Denying in principle the legitimacy of advocacy in this sense may well avoid the risk of misrepresentation, but may effectively deny the powerless a voice of any sort. Being mindful of the effect of representation, ‘looking at where the speech goes and what it does there’ as Alcoff (1991) argues is one thing, but it is also necessary to consider the implications of not speaking at all or at least speaking in terms that will be heard or understood. This issue is discussed further in the chapter. However it does raise an obvious question; if marginalised communities are themselves prevented from speaking then who is voicing objections to NGO advocacy and on what basis?

In response to the apparent accountability deficit, NGOs have sought to form partnerships with marginalised communities; a strategy that approximates the idea of representation as replication and draws on the idea of presence. In very basic terms, the idea of presence denotes a ‘speaking likeness’ (Skinner 2005); a descriptive or indicative sample of the represented (Pettit 2009) embodied in the representative. In some respects, the interest in NGOs as representatives stems from the challenge to liberal conceptions of representation expressed as the politics of difference and recognition of the importance of identity to representation (see Young 1990; Phillips 1996). For some, closer partnerships with marginalised communities are essential and the political responsibility owed to those whose suffering is being publicised is a source of legitimacy (Hudson 2001; Jordan and van Tuijl 2000). Nonetheless and despite early promise, NGOs have been criticised for being unrepresentative on these terms (see Peruzotti 2004); and ‘partnering’ is described as mediocre and second best (Rubenstein 2014). For some critics, even
NGOs based in the south offer a ‘poor imitation’ of the disenfranchised (Nyamugasira 1998). The reference to ‘strategic partnerships’ made by NGOs is more likely a pragmatic organisational response to legitimacy concerns by adopting the rhetoric of ‘donor-speak’ (see Lang 2013), but it does not mean that the intention is still to help. The underlying presumption appears to be that NGO advocacy is lacking because they are not constitutive of marginalised communities. NGOs are outsiders that ‘lack a nuanced understanding’ of conditions of exclusion because they have not suffered it (Rubenstein 2014; see also Kamola 2015). NGO representation is thus a very poor substitute for participation of those otherwise excluded.

Paramount among the many objections to this argument is the misapprehension that the state will listen to radical political perspectives that challenge the status quo – as long as those advocating it are authentic representatives. The sympathetic hearing given to the IPA case in Australia suggests that whether or not NGOs accurately and appropriately replicated the concerns of marginalised communities, the government was not going to be receptive. The problem here is not simply the stubborn obstinacy of a conservative government - though still a factor - but the ideological framework that conditions the way interests can be given shape, social problems defined and meaning attached to these conditions. The virtue, integrity or credibility of NGOs; their engagement with and experiences of working within marginalised communities is irrelevant. The masses, as Foucault (1972) argued:

“...are certainly capable of expressing themselves. But there exists a system of power which blocks, prohibits, and invalidates this discourse and this knowledge, a power not only found in the manifest authority of censorship, but one that profoundly and subtly penetrates an entire societal network.”

Throughout the literature the subject of scrutiny is the performance of representation by NGOs with little consideration given to the ideological context
within which NGOs operate. The discourse of accountability is part of the system of power referred to by Foucault and in this regard the academic debate of the accountability of NGOs is no less ideologically driven than the IPA case. The problem is the representation of NGOs, not representation by NGOs; the problems for NGOs, not the problem of NGOs. In neither case is accountability the answer. The inability of academics to appreciate this means that they are complicit in the neoliberal project and are reinforcing networks of power and privilege that reside within the status quo. It is not to excuse the failures of NGOs, but to identify why these failures occurred, the constraints preventing NGOs from acting otherwise and who benefitted from this.

The response by NGOs to the genocide in Rwanda from which the NGO problem and the crisis of accountability first emerged is instructive. The continuing investigation of who was actually responsible for the genocide indicates that the recriminations suffered by NGOs were unwarranted and misdirected. Continuing speculation surrounding what actually occurred in Rwanda is not a matter of the difficulty of moral judgement raised by Arendt (2003); of the profound difficulty of distinguishing between the secret heroes and willing accomplices of mass atrocity on an individual level after the event. The disaster in Rwanda demonstrates the acceptability of calculated barbarity forming part of the plans of political leaders. There is evidence that; then Tutsi leader now Rwandan President Paul Kagame delayed military action until a sufficient number of Tutsi’s were massacred to fulfil his political aspirations (Dallaire 2004); the UN kept atrocities committed by Kigame’s RPF forces confidential (Des Forges 1999); France was closely connected to and provided material support to Hutu extremists (Melvern 2014); and, the existence of The Family – a secretive elite international network based largely in the USA – suggest a much more intimate connection between extraordinarily influential figures in the USA, Uganda’s Museveni and Kigame. Given that even the narrative of the Rwandan genocide is now being challenged (Herman and Peterson 2013); it is
unreasonable to attribute any significant degree of responsibility to NGOs. Doing so is in fact reckless and irresponsible. It continues to provide an all too convenient distraction from the deliberate actions of powerful interests in pursuit of their own largely private agenda.

This is not to argue that the advocacy undertaken by NGOs for Rwandan refugees was without problems; but that it was largely inconsequential to the human suffering that was inflicted. This is true even of Operation Blessing International, mentioned in the introduction, whose fraud nonetheless had little impact on the scale of the disaster (McGreal 2013). By almost any normative criteria; either dealing with victims who pleaded for assistance (delegation); experiencing first-hand the trauma and scale of suffering (replication/presence) or simply knowing what assistance was required to alleviate suffering (trusteeship), NGOs were in a position to represent the interests of the refugees in camps in Goma to the international community and the victims of the genocide were not rendered voiceless/were not marginalised because of NGOs. NGOs could not reasonably have been expected to have any knowledge beyond the immediate misery of those in the refugee camps. To condemn NGOs for their ignorance of underlying causes implies that there are deserving and undeserving victims of brutality and that humanitarian assistance that is properly accountable will not advocate assistance for deserving victims. It also overlooks the intentions (and personal sacrifice) of the volunteers that worked in refugee camps – a role that has been described as one of the world’s most dangerous professions (Georgieva 2012). The organisational process of advocacy and fundraising may be distasteful, but the willingness to witness the horror of the camps to try to help stands in stark contrast to those occupying various institutions of the state which did nothing. NGOs were largely powerless to do anything except try to tend to the suffering or leave the camps. The fact that Rwanda remains a narrative of catastrophic failure on the part of NGOs even within the NGO sector emphasises how little influence NGOs exercise. The problem then, as it is now,
remains the entirely unaccountable exercise of power by elites in positions of privilege that makes a mockery of the notion of accountability.

In many ways advocacy is compromised from the moment NGOs endeavour to draw attention to the plight of a particular marginalised community. It is not simply the harsh international geopolitical realities that NGOs confront, typified by the need to seek permission from state authorities that are likely responsible for the suffering that NGOs are trying to publicise. The difficulty of arriving at a ‘nuanced understanding’ is further exacerbated by the covert operations of powerful alliances within and between states, the use of propaganda and public relations practices and an increasingly sycophantic media. However, it is not simply an issue of NGOs being able to know the facts or truth of the matter. Even if NGOs are able to pierce the veil of subterfuge, those suitably critical of governments are often met with responses that range from indifference to outright hostility along with political strategies that range from co-optation to extra-judicial intervention (see Jordan and van Tuijl 2006a). More than this, there are inescapable ideological constraints that shape the practice of advocacy. The very character of NGOs which is defined as consensual, inclusive, non-violent and neutral imposes limits on the nature of advocacy in which NGOs engage. In this respect, it is not limited understanding but limits on speaking that NGOs suffer from; limits that are often self-imposed. NGOs cannot confront powerful interests when they expect to engage constructively with them and be accountable to them as relevant stakeholders. Indeed, problematizing the role of NGOs in this way further depoliticises the plight of the powerless because it overlooks the ways in which the ‘nuanced understanding’ demanded by Rubenstein is itself framed in ideological terms. This is a point that will be taken up later in the chapter.

Some of the proposals to move beyond this seeming impasse offer little assistance to the problems confronting NGOs. The idea of surrogate representation – the
appointment of NGOs by a third party (see Mansfield 2003) does not address the issues raised above. In the same way, discursive representation – NGOs embodying a particular discourse rather than a constituency (see Dryzek and Niemeyer 2008) does not appreciate the limited agency and discursive constraints that bind NGOs. Firstly, as Lang (2013) notes, the regulatory framework that governs non-profits in most notionally democratic states restricts advocacy undertaken by organisations that have tax-deductibility status - non-profits are not supposed to represent their clients “… feed them, just don’t lobby for better anti-hunger programs” (Berry and Arons cited in Lang, 2013: 100). Not only does accountability undermine public politics by effectively making it a ‘pay to play’ activity; it reinforces the impression that policy design is the preserve of ‘expertise’ not a forum for politics which is little more than a vulgar contest of private interests. Representative legitimacy rests on a particular disposition; one that assumes constructive and inclusive engagement with other parties earnestly seeking resolutions which through deliberation and mutual compromise will achieve a reasonable consensus. Being responsible for the interests of marginalised communities may require a non-conciliatory and antagonistic approach, confrontation as opposed to mediation precisely because the interests of marginalised communities are irreconcilable with powerful vested interests. Advocacy that is confrontational and uncompromising does not meet the requirements of discursive representation. In essence, NGOs are allocated a place but only if they behave.

Intimate knowledge of the interests and bearing responsibility for the welfare of those rendered voiceless has also been put forward as a basis of legitimate representation (see O’Neill 2001). For O’Neill, the problem of whose knowledge claims count is likely to remain unresolved, yet this is a mischaracterisation of the problem facing many NGOs. As Chalmers (cited in Nyamugasira 1998) has noted it is not just voicelessness, but invisibility that characterises life for the most vulnerable and destitute. In practice it is not competing knowledge claims, but the dismissal of
certain claims as reckless and irresponsible demands made by organisations that are unrepresentative and unaccountable. Invisibility is a political condition rendered by a dominant ideology that cannot be overcome within the system no matter who makes representations. Misinterpretation of this condition has prompted some to dismiss any representative role for NGOs. NGOs remain the problem, but it is their exercise of power not the performance of representation that should be acted on (Rubenstein 2014). Rubenstein, like many others, assumes that once the plight of the marginalised is given space to be publicised and properly understood, appropriate action will be forthcoming. None of these approaches address the distinct and observable lack of agency that confronts NGOs when they are isolated from active grassroots support or the impact on people that makeup NGOs that attempts to address the accountability deficit have had.

Beyond the more abstract dimensions of social alienation and disenchantment (see Hopgood 2006) are practical issues of ‘aid worker burnout’ (Cook 2013). Cook describes a number of aspects associated with this condition, from psychological conditions, the absence of fruit and vegetables and inability to exercise. Excessive workloads, the stress of working in one of the most dangerous sectors and depression due to disillusionment and overwhelming feelings of helplessness creates a ‘core fear of personal disintegration’ (Knops cited in Cook 2013). Measures to address these concerns such as periods of rest/recuperation, psychological support by qualified counsellors and professional training require the kinds of financial spending that might otherwise be deemed wasteful and managerial processes that might otherwise be condemned as bureaucratic managerialism. It is not simply that practices of accountability do not recognise these conditions as an issue of accountability or that the drive to reduce costs leaves mechanisms and processes to deal with these conditions under-resourced. Such conditions are individualised, matters of personal responsibility divorced from the organisational
context. The oft-cited pattern of privatising profit and socialising costs is in this sense inverted.

The lack of political power is a precondition of marginalisation not a consequence of it. As intimated above, the question ‘by what authority’ directed at NGOs originates primarily from those whose interests are responsible for or (literally) vested in economic and environmental exploitation, political oppression and social decay. It is not a question of ignorance or lack of appreciation, but an unwillingness to be concerned. The case for NGOs seldom recognises the implications of this very salient point. NGOs do not command an audience; much less compel action. Any moral legitimacy that may come from being intimately acquainted with the needs of marginalised communities has been shown to mean little. The IPA case is little more than an ideological attack on the messenger precisely to avoid having to address concerns of injustice, inequality and environmental despoliation. Other contributions to the debate have failed to adequately consider the reasons why NGOs were subject to criticism in the first place. Whether targeting NGO campaigns responding to humanitarian disaster after the massacre in Rwanda or in opposition to the MAI, critical attention focused not on NGO calls for international action in the face of impending global crisis, but whether NGOs were suitably qualified to make such calls.

In contrast, the mounting evidence that states and corporations are very much aware of the complex crises that beset humanity and have known for some time is little short of scandalous. Instead of acting to address these problems, powerful interests have organised cynically and worked cooperatively to prevent public awareness. Indeed, the vast and highly intrusive system of surveillance maintained by states has the potential to provide a level of historically unparalleled awareness of peoples’ problems, their associations, conversations and movements. States and corporations are listening and watching, but it is for the purposes of control and
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(see Hodai 2013). Whereas NGOs have been
scrutinised, interrogated and increasingly (self-)regulated; states and corporations
continue to avoid responsibility for repeated serious abuses of power. This problem
is not a lack of proper accountability, but is a reflection of the way accountability
works in practice. Accountability is a derivative of power, not a constraint of it.

The continuing debate over the proper role of NGOs only makes sense if
representative government is accepted as largely unproblematic and mostly well-
intentioned if not benign and the exercise of public authority is properly subject to
appropriate checks and balances. The problem of course is that this premise is
unfounded in ways that are becoming increasingly obvious. The focus on NGOs and
their (in)ability to represent the powerless obscures the reasons for powerlessness
in the first instance. Not only are those responsible for creating and preserving these
conditions allowed to avoid responsibility, the role of the neoliberal free market and
the poor state of democratic politics avoid becoming subjects of serious critical
public scrutiny. However, similar problems are also evident when NGOs are
criticised as agents of the powerful elite; co-opted into facilitating the transmission
of neoliberalism throughout the non-Western world.

Co-opting Dissent?

The failure to meet lofty expectations formed by early academic enthusiasts has not
only generated disillusionment with non-state actors broadly, there is a clearly
defined backlash against NGOs in particular. Far from being ineffective, NGOs have
aided and abetted the advance of neoliberalism and pacified local communities that
might otherwise have made more radical demands for change. This of course begs
the question as to why the CTT campaign against NGOs would be necessary. The
visible presence of NGOs at various official forums has undoubtedly leant legitimacy
to neoliberal agendas, yet there is no innate reason why NGOs would partner with
corporations or behave inhumanely in the way that profit maximisation directs
corporations and efficiency directs institutions of public service.\textsuperscript{89} NGOs are generally formed for the specific and deliberate purpose of tending to suffering communities, not protecting the interests of capital from them, yet partnering with corporations appears to have had little impact on the public support for NGOs. The repeated conclusions drawn following episodes of mass political protest such as Occupy indicate that unorganised resistance without clearly defined goals and direction is unlikely to produce long term social change of any significance (Marden 2015). In this regard, there is scope for NGOs to be involved and help coordinate political protest. The continuing commitment to prioritise funding ahead of other organisational goals is rightly subject to criticism (see INCITE! 2007), but organised protest is difficult to sustain without committed fulltime staff and to expect such people to be self-funded is unrealistic and unfair. The question is how does the organisational form of NGOs shape action that people within the organisation might otherwise take? This is an important question that is too seldom addressed by those that accuse NGOs of undermining dissent in a process pejoratively termed NGOisation (Choudry and Kapoor 2013). Though analysis incorporates the impact of ideology, NGOisation misconstrues the problem and in the process undermines the potential of organised resistance to form beyond nation states and therefore present a challenge to powerful interests within the state.

The more trenchant critiques of NGO advocacy hold that NGOs have become agents of neoliberalism and NGOisation refers to a process of co-optation either of NGOs or facilitated by NGOs. For some critics, NGOs are no longer organisations at the centre of radical politics, but service providers meeting the interests of ‘clients’ (Choudry and Shragge 2011). Even more damningly, other critics hold NGOisation to be a process wherein confrontational grassroots movements are depoliticised by

\textsuperscript{89} The Environmental Defense Fund and National Resources Defense Council are involved in negotiations of the TransPacific Partnership; Oxfam (among others) has been involved in negotiations of the Doha Round at the World Trade Organisation. Each is cited by Dauvergne and Lebaron (2014) in documenting the corporatisation of NGOs.
professional, formally structured NGOs favoured selectively by states because of their ‘rhetorically restrained, politically collaborative and technically proficient’ practices (Alvarez, 2009: 176). Alvarez argues that as intermediaries, NGOs facilitate the co-optation of dissent. Mediation becomes a process of making the demands of community groups more palatable to government authorities and the vested interests they represent. NGO advocacy does not contribute to an agenda of radical change but diffuses social disaffection by directing it toward ineffectual political action. It is advocacy that functions as the equivalent of a pressure relief valve. Contrary to the proposition that accountability is the price of admission to policy design; NGOisation is the condemnation of NGOs for selling out; forsaking long term goals of empowerment for demonstrable short term impacts (see Murdock 2008).

At its most basic NGOisation is the formulation of Weber’s idea of bureaucratic rationalisation applied to the NGO sector. It is a reorientation toward internal professionalisation and planning, the governmentalisation of the non-government sector (see Lang 2013). Lang identifies (though doesn’t really explain the significance of) three aspects of the process of rationalisation of NGO operations – institutionalisation, professionalization and bureaucratisation. NGOisation describes a process by which NGOs have ostensibly become an iron cage of oppressive routine carried out by impersonal professionals who thrive on the security afforded by institutional rules (see Gerth and Mills 1947). As a consequence NGO advocacy now lacks the spontaneity, inventiveness and dynamism of social movements. In short, as social movements become NGOised, activism becomes advocacy; vocation evolves into career; and 24/7 is reduced to 9-5 (Lang 2013). Lang argues that NGOisation is not simply a matter of ‘selling out’ nor has it left NGOs impotent, but the institutional focus of NGOs has contributed to a growing alienation from its grassroots support base.
There is certainly evidence for these claims, however it does not adequately account for the changing orientation of public administration according to the strictures of neoliberal managerialism. A more accurate description of the organisational structuring of NGOs is provided by the idea of McDonaldisation. Ritzer’s (2004) neoWeberian account of organisational rationalisation incorporates four key principles of efficiency, calculability, predictability and the use of non-human technologies to ensure control. Although often not explicitly recognised, the embrace of practices of accountability in the NGO sector is an integral part of this process. Insofar as McDonaldisation has afforded significant gains in profitability for corporations, attempts to make NGOs more economical are not unreasonable. The scarcity of resources available to NGOs engaged in advocacy makes considerations of efficiency inevitable. What is problematic is the over-riding concern with efficiency defined as cost minimisation that informs every aspect of NGO operation – none-the-least of which is the paradoxical situation that demands for greater efficiency creates pressure to reduce administrative overheads that are necessary to the practice of accountability. The impact of expectations of efficiency in the practice of advocacy is significant but often misunderstood if not overlooked entirely as an issue. The preoccupation with efficiency is symptomatic not of bureaucratisation, but more specifically corporatisation.

Some of the controversy surrounding NGO advocacy is better explained if fund raising is regarded as a revenue stream; private income rather than public charity. The controversy that surrounds the incorporation of graphic images of starving children into advocacy campaigns to raise funds is a case in point. In itself, it is perverse to suggest that using footage of starving children to raise awareness is a form of exploitation, yet for some time it has been criticised as a form of ‘poverty pornography’ and until recently NGOs have forsworn its use. Save the Children, among others, have returned to using graphic images and argue that it is an effective way to ensure media attention and raise public awareness and in the
process generate donations if not political pressure to act. It is difficult to understand the backlash suffered by NGOs given their intentions as opposed to political and economic forces that created conditions of famine. Critics argue that it depoliticises the issues, dissociates victims from the context of suffering and reinforces negative stereotypes of helpless African victims dependent on Western aid (Progressive Development Forum 2012; see also Rubenstein 2014). In fact the difficulty is recognising and developing an appreciation of the politics of famine. That NGOs even need to draw attention to starving communities in the first place is evidence of the extent of depoliticisation and the level of dissociation that already exists – an issue that will be addressed further shortly. The careful public relations management to include calculations of the impact of any campaign on the NGO brand in question is evidence of the de-prioritisation of the needs of supposed beneficiaries (Hopgood 2008). There may well be questions of organisational competency insofar as the overriding purpose is to generate funding, which presumes that NGOs know what to do and just need the funds to help them do it. But this is a matter of misrepresenting their ability to help (see for example Kirk 2012), not misrepresenting the fact that people are starving or the ability of individuals within the broader public to do little more than donate money. Branch (cited in Kamola 2015) insists that the response to the question ‘what can we do?’ should first and foremost be ‘how are we contributing to the problem – because we are responsible’. To question advocacy in this way is no less morally culpable insofar as doing so similarly limits the scope of moral inquiry and also avoids confronting the reasons for suffering. More to the point, it obscures the pressing needs of people who need food. To ask why famine and the struggles of small farmers occur along-side the increasingly global epidemic of obesity is an important question, but perhaps not the most appropriate when seasonal crops have failed.

To be critical of NGOs because they encourage the perception that outside intervention is necessary to solve problems in non-western states and thereby
reinforce conditions that preserve rather than undermine relations of domination is in some respects absurd. Drawing on Biko’s critique of white liberals, Kamola (2015) argues that advocates of global governance fail to recognise the privileged position they occupy within the system and are not suitably placed to provide solutions to violence and poverty. The ‘White Saviour Industrial Complex’ reinforces the perception of African helplessness and the need for Western benevolence. Poverty much less war, famine and disease are defined as humanitarian disasters precisely because such conditions are incompatible with any normative conception of well-being and often present insurmountable obstacles to individual agency. The discourses of development (Escobar 1994) and more recently global governance (Thörn 2011) are certainly implicated in the formation of relations of power and privilege. Simple binaries such as developed/oppressor and developing/victim belies a great deal of complexity and subtlety in the constitution of relations of power. Domination defined in terms of US-imperialism in which NGOs are implicated as the ‘social wing of the neoliberal globalisation’ (see Munck 2006) presents aid recipients as passive objects of Northern charity. Whether the genocide in Rwanda is interpreted as a narrative of nation building, a legacy of colonial interference or a consequence of powerful geopolitical interests, the killing was perpetrated by Rwandans. Insofar as this is the case, to reject outside interference so as to maintain the autonomy and dignity of those maimed and murdered is ethically moribund. It also implies that the desperate pleas for intervention made by victims should not be heeded because NGOs cannot know what is really needed.

Of course, as Thörn argues, to understand power in relational terms only neglects the structural context within which NGOs and intended beneficiaries reside. The problem in Rwanda was not intervention by the international community, but on whose behalf and for what purpose intervention occurred. Targeting advocacy undertaken by NGOs risks isolating already vulnerable communities and further marginalises attempts to restrain the tyranny of powerful interests. The campaign
conducted by an alliance of local activist groups in South Africa with NGOs such as Oxfam and Medecins Sans Frontiers forced pharmaceutical corporations to withdraw legal action against the South African government in 1998 over its plans to import generic medicines to treat AIDS. The campaign mobilised public outrage sufficient to pressure corporations (and the US administration) to back down. This is hardly an example of the reproduction of relations of domination, but of international public solidarity formed by a shared contempt of corporate greed and cruelty. The efficacy of much NGO advocacy is certainly questionable, but to dismiss NGOs as agents of western capitalism leaves no scope for identifying interests in common or the potential formation of bonds of solidarity. A more pertinent question is why NGO advocacy has changed to become less critical and more likely to cooperate with powerful interests.

The necessity of returning to public campaigns that use graphic imagery indicates the level of disconnect that exists between the destitute and those otherwise in a position to assist. The indignation sparked by the use of poverty pornography to reach otherwise disinterested audiences stands in stark contrast to the increasing presence of pornography in popular culture and regularly promoted and publicised by commercial media (see Hedges, 2015: URL). As Hedges argues:

“An array of amusements and spectacles including TV “reality” shows, huge sporting events, social media, porn … alluring luxury products, drugs, alcohol and magic Jesus offers enticing exit doors from reality.”

The willing consumption of humiliation and sordidness described by Hedges is far more shocking than anything portrayed by NGOs. In this respect, the problem is more than advocacy being regarded as a revenue raising exercise. The disturbing conclusion that could be drawn from Hedges critique is not the normalisation of suffering as such, but the hypersensitivity to real suffering. In this respect advocacy campaigns must be crafted to remove the horror of humanitarian crises such as
famine and reduce the complexity of the problem to simply a lack of food. A recent report arguing for development advocacy to be reframed insisted that graphic images of starving children are a ‘turn off’ and that there is an appetite for developmental ‘success’ stories like Rwanda (Tran 2012). It is not exploitation that is the issue, but the need to sanitise suffering in order to be able to sell it.

The official 40 hour famine weekend is a well-known and high profile annual fundraiser organised by World Vision. Participants are encouraged by pictures of happy and healthy children from poverty-stricken countries, cheerful/laughing World Vision Youth Ambassadors and smiling teenage Australians along with claims that “it’s so much fun to do it with thousands of others!” World Vision also provides instructions to ensure that ‘the famine’ can be safely completed without risking the health of participants. The 40 hour famine attempts to draw attention to famine by reproducing the personal experience of hunger afflicting distant others. It is designed to foster a positive connection between participants and the beneficiaries of their fundraising efforts and so the atrophy and stench associated with starvation and the long term emotional and physical suffering is unhelpful. As Richey and Ponte (2011) argue it is advocacy that reinforces the idea that helping others requires no sustained personal hardship or sacrifice and in this case involves a celebration upon successful completion. While this is no doubt a valid criticism, it is not at all clear that NGOs should bear responsibility for trivialising world hunger.

The options for NGO advocacy are limited in ways that are not readily appreciated, not the least of which are the constraints of public opinion (Kirk 2012) and the medium through which NGO advocacy is conveyed (Postman 2005). The 40 hour famine began as a product of television and has evolved over its forty year existence to embrace social media. The fact that famines persist beyond 40 hours is a serious inconvenience in a digital age. Among the reasons for the delayed response to the

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90 Participants create a ‘Famine profile page’ and pledge to give up everything from food or talking to ‘extreme’ packages of denial such as ‘the caveman’
drought that afflicted the Horn of Africa in 2011 is that forewarnings of the unfolding disaster attracted little interest. It was not until crisis point was reached that media coverage and public attention mobilised international aid efforts (Hillier and Dempsey 2012). Further to this NGOs have recently been taken to task for neglecting public advocacy to focus instead on institutional lobbying (see Lang 2013). While there may be some truth to all these complaints, it does beg the question – what are NGOs supposed to do?

The distasteful attitudes expressed by photographers who capture evocative images and the predatory nature of selecting the most ‘compelling’ victims are symptomatic of the changing nature of advocacy and a reflection of the shifting relations of accountability that NGOs have embraced. Migiro (2011) offers a brief first-hand account of the level of dehumanisation that occurs as part of the preparation of an advocacy campaign. For NGO campaigns to raise funds, it has to show that donating can make a difference (return on investment) and to be accountable it must be possible to document the difference. From the outset ‘being accountable’ means that the interests of intended beneficiaries are not only compromised, they become a transacted good. Polman’s (2010) account of ‘donor darlings’ is even more disturbing. Suffering becomes a commodity; traded between NGOs who want funds and large donors who want to purchase positive publicity. It is in effect, the ‘extortion of the spectacle of poverty’ (Baudrillard 1994). The representation of the starving child is designed to both provoke sympathy and provide a means to ‘feeling good’ through donation, rather than consideration of the complex, often political, causes of famine. It is advocacy as marketing rather than education (Kirk 2012). For Baudrillard (1994: 66), it represents “the extraction and humanitarian reprocessing of a destitution” or worse an act of waste-reprocessing wherein “[t]heir destitution and our bad conscience [are recycled]... to produce a new energy source”. This new

91 Smillie (2012) notes that a World Vision fundraising campaign launched in the mid-1990s for victims in Sierra Leone - one of the ‘forgotten’ emergencies - failed to raise enough money to even cover the cost of the newspaper ads.
energy is a commodity of increasing commercial appeal. The formation of partnerships between prominent NGOs such as Save the Children and industries facing serious public relations challenges such as Chevron are evidence of the speculative exchange value of advocacy.

According to Dauvergne and Lebaron (2014) it is a relationship of mutual advantage constituted in the increased access to funding for NGOs and enhanced reputation for corporations. It introduces priorities other than the welfare of the destitute and further depoliticises their suffering because it obscures the role of capitalism generally and corporations in particular as points of obvious contention. Yet such criticism presents NGOs as self-serving shills for corporate capitalism. No doubt this is well-deserved in some cases (see Richey and Ponte 2011), but wholesale condemnation of the NGO sector only serves to foster public cynicism regarding all NGO efforts and overlooks the pressure to conform and the public’s complicity in the formation of these arrangements. Partnering with corporations does not appear to have resulted in a noticeable loss of support for NGOs. Indeed, at a time when the interests of corporations constitute the interests of the public, such partnerships are surely normal if not expected in spite of warnings. Signs of a corporate-NGO nexus are dispiriting but hardly surprising. Partnerships with globally recognised corporations enhance the visibility and reputation of NGOs among the uncritical consuming public. It is not just the allure of funding or access to/inclusion among the powerful elite that attracts NGOs to corporations. With an increasing orientation toward producing work-ready graduates, universities such as RMIT in Melbourne have cooperated with NGOs to facilitate curricula built around practical skills required to project manage; engage with industry; and build ‘social capital’ at the community level. Universities are training NGO recruits to navigate the existing system not question it. Yet this does not adequately capture the extent or full meaning of NGO corporatisation and the role of accountability.
Regimes of accountability make NGO responsiveness to donors the primary basis of legitimacy; it does not perform any other function. But this in itself is not the problem. NGOs have been compromised by their decision to measure success in terms of money raised; the equivalent of raising capital to fund a new or extend an existing venture. The corporatisation of NGOs transforms charity into an investment, which by definition must have the potential to yield a return. This is not an ideological statement but simply recognition of the reason corporations exist. Given the speculative nature of this investment, accountability serves as a form of risk management designed to provide greater certainty of return. NGOs are answerable to corporations and states for their performance. Documenting the extent to which an NGO has delivered on its promises creates a system of self-imposed discipline that prioritises the interests of donors and necessitates the production of tangible/measureable results. The problem is that the expected return for corporations is beneficial public relations manifest in a variety of forms. Richey and Ponte (2011:5) quote Giorgio Armani justifying his association with RED – “The new formula is that this is charity of course, but particularly it is the fact that commerce will no longer have a negative connotation”. It is not just Emporio Armani or the fashion industry that benefits from NGO partnerships. As the enduring presence of the CTT network attests, the propensity of corporations to sacrifice short term profits to ensure the long term viability of capital should never be underestimated.

As service providers to whom responsibility for generating public goodwill can be outsourced, NGO accountability is an effective risk management strategy for powerful (and otherwise unpopular) interests. Partnering further commodifies advocacy as NGOs leverage their reputation in exchange for funding. If a corporate/government-funded initiative fails, then it is the NGO and the idea of NGOs as providers of public goods that suffers the loss of public esteem. Funding NGOs allows governments to outsource responsibility for failed aid projects or
humanitarian intervention. Not only has the NGO failed the community it is seeking to help, but corporate and government donors are also counted among the victims of its failure. The new arrangement of partnerships is not just the commodification of moral authority (Hopgood 2008); it is a rationale that involves reconfiguring NGOs from charities into a form of capital to which regimes of accountability add value for potential investors (see Brown 2015). Being able to show how well the needs of investors are met elevates the reputation of an NGO over its rivals in what has become the donor market. To return to Baudrillard, corporatisation of NGOs not only transforms advocacy into an act of extortion. Accountability ensures that poverty and other inhumane conditions of suffering continue to be treated as a spectacle; an opportunity more than a cause for concern.

Does this justify sacrificing the needs of impoverished communities that might otherwise benefit because of a principled refusal to accept corporate assistance? Hopgood argues that if the purpose of humanitarian action is to maximise the number of lives saved then NGOs cannot justify avoiding partnerships with corporations or becoming corporatised themselves. He asks “[d]o the dying care, in extremis, who feeds or bandages them, or why, or whether that person has a Wal-Mart logo on her vest?” (p.103). While Hopgood attempts to make an ethical case for rejecting a corporate approach to humanitarian assistance, it does not adequately explain why corporatisation of NGOs has been so difficult to resist or why government funding of NGOs has been so detrimental. As argued above, resistance requires organisation which in part depends on funding, a role for professionals and the implementation of what might well be described as a process of bureaucratisation. However as outlined in chapter two, public administration has also been corporatised; re-organised in accordance with the market ethic embedded in the principles of New Public Management, not a professional duty to serve the common good. Ritzer argued that corporations have become bureaucratised through a process of rationalisation; but the public service too has been
corporatized by the same mentality that permeates the NGO sector and governed by very similar accountability regimes. Given the capitulation of venerable institutions of higher education to similar principles and the (almost) whole-hearted embrace of accountability as a necessity for NGOs by academics, it is unreasonable to expect NGOs to remain ‘unaccountable’.

Corporatisation is a process that NGOs have begrudgingly accepted, if not heartily adopted. However, there is little benefit or point condemning NGOs. Rather it is about recognising the difficulty of resistance and understanding the consequences. The corporatisation of NGOs is fundamentally problematic because it depoliticises the role of capital and the extension of market relations of exchange to other spheres of human activity. NGOs are no longer capable of challenging the corporate mentality that dominates public policy because the staff that make up NGOs also think like corporate executives. As Dauvergne and Lebaron argue, the real problem is the internalisation of assumptions, standards and values that underpins state and commercial institutions. No doubt there is an aspect of culpability as NGOs submitted to the “fog of big money, mixed with the smell of chlorine gas and the bright lights of power” (Stickler cited in Dauvergne and Lebaron, 2014: 22). But it is also a situation abetted by the almost complete absence of critical interrogation of the principles and practices of accountability in academic debates; a serious over-estimation of the power and agency that NGOs are capable of exercising; and, the lack of open public support for NGOs and the disinclination to make greater demands of states and corporations.

Conclusion: A matter of power not accountability

The practice of accountability is both shaped by and is a reflection of existing relations of power. The CTT campaign certainly made it difficult for NGOs to resist pressure to implement regimes of accountability – even though some in the NGO community were aware of the extensive network of vested interests behind the CTT
campaign. As argued in this chapter, the entire debate surrounding the problem of accountability is ideologically constituted and so there is little scope for NGOs to mount a case in opposition. To argue against NGO accountability is to support organisational mismanagement or corruption and thereby be accused of lacking common-sense. Yet despite every NGO initiative and the various regimes of accountability implemented since the debacle in Rwanda, CTTs appear to be the only protagonists that are satisfied. Why are NGOs still accused of not listening to the people they are trying to help and why do so many NGO volunteers seem so disillusioned with the NGO mission? The problem is that NGOs are accountable, but on terms that suit the interests of the powerful not the powerless.

To debate or criticise the various means by which NGOs attempt to address the suffering of communities within a discourse of accountability is misdirected and irresponsible because it reinforces the perception that NGOs are the problem rather than the technocratic ethic of calculated efficiency that informs their operation and reinforces the direction of relations of obligation. The experience of disenchantment and loss of esteem evident within NGOs such as Amnesty International may well be a form of social alienation arising from the commodification of advocacy. Regimes of accountability require NGOs to sacrifice advocacy influenced by empathy or a sense of solidarity that comes from the experiences shared between NGO staff and the people they seek to help. It is a market ethic of value for money; it is not personal, just business. The rationale that underpins accountability pathologises the emotional bonds and long term commitments that should characterise relations between NGO staff and those they seek to help and completely devalues any personal sense of meaning or fulfilment that might otherwise reward efforts to do so. The drive to be accountable has created an irreconcilable tension between measurable operational goals and the humanitarian impulse that defines the spirit of NGOs. The discourse of accountability discourages the impulse to help those in need to over-ride measurable operational goals because such action is by definition
unprofessional, if not irrational. The practice of accountability does not make NGOs answerable to communities they seek to help, but instead brings distance and division between NGO staff and suffering communities and in the process exacerbates disillusionment and suffering. The failure to appreciate this means that addressing the NGO problem within the parameters of the current debate cannot explain why progressive social change is so difficult to achieve.

The commodification of advocacy subject to practices of accountability, however, is best understood as contrary to any culture of democratic politics. The price and profitability now attached to advocacy has completely impoverished the tradition, but it is the substitution of noblesse oblige for exchange relations that has undermined any transformational quality that NGOs may have possessed. The process of exchange – the NGO brand for financial support – displaces impoverished communities, not because they have nothing to exchange, but because suffering as a raw material is in such plentiful supply. However it is not just suffering communities that are disempowered. Corporate sponsorships are potentially lucrative at a time when NGO funding is seemingly in such short supply and this places NGOs in a relationship of dependency precisely because it is an unequal exchange relation. NGOs are convenient for states and corporations, but the latter have become essential to NGOs. As a consequence NGOs can no longer be relied upon to tell the unvarnished truth, only a version of events. This is more than being answerable to sponsors. Being accountable necessitates NGOs abdicating responsibility for truth-telling about the conditions within which they work and the communities they seek to help. Both NGOisation and NGO activism challenge the integrity of NGOs – one asserts a lack of accountability to beneficiaries and the other to benefactors. As the unfolding story of the Rwandan genocide demonstrates, the reality is that NGOs are only allowed to represent a perspective that does not offend the powerful – wherever power may reside. In essence accountability undermines dissent against the prevailing ideological status quo of entrenched interests.
Chapter 9.

Rethinking Accountability

Retracing the steps

This thesis has challenged a number of assumptions that lie hidden within the discourse of NGO accountability. Foremost among these is the compatibility of practices of accountability with democracy. In almost every aspect of the debate, the problem of NGO accountability is defined in neoliberal terms. Neoliberalism, as a set of ideas encompassing the virtue of market relations and the sanctity of private property as a means of ensuring corporate profitability, is not necessarily compatible with or dependent on democracy. As a political project pursued by wealthy elites and ideological zealots, neoliberalism has exacerbated social and economic inequality and devastated natural ecologies and aroused considerable public opposition as a consequence. This opposition continues to be viewed with contempt by neoliberal adherents and attempts to organise resistance are actively undermined by CTTs to limit any potential political influence on public policy design contrary the interests that CTTs represent. In this respect, the neoliberal project is not only better served by an authoritarian state; it requires and openly justifies a form of tyranny to achieve its goals. This is the true nature of accountability prescribed for NGOs and practiced by CTTs.

CTTs have made a significant contribution to creating the political conditions in which this project continues to be realised. Acting as points of coalescence, functioning as an echo chamber for propaganda and using tactics of political misdirection; CTTs have contributed to shaping public debate to serve particular interests. To this end, CTTs are accountable only to the interests they represent; those that make up executive boards of governance and those that fund them. As
documented in this thesis, this private arrangement poses few conditions on CTT operations other than to be effective and provide value for money. The privileged position that CTTs still occupy, the budgets at their disposal and the obvious trust invested in them by those they act on behalf of; clearly CTTs are accountable where it matters.

In contrast with CTTs, from the moment NGOs sought to extend the scope of their operations to engage more actively in public politics they have confronted serious objections, drawn criticism and in some cases have been the targets of overt hostility. Such is the consequence of seeking to assist communities in need in ways that conflict with the interests of power. With support from an international, though largely USA-based CTT network, the impact of the IPA case outlined in the previous chapter has been significant. NGOs have shifted from challenging the negotiation of international agreements that serve the interests of capital to being actively involved in the very same processes. This is not evidence of inclusion or collusion, but of compliance embodied in the regimes of accountability that NGOs have by and large willingly embraced. Doing so is essentially a commitment to maintaining the status quo; leaving the structures and processes of capital accumulation by neoliberal design effectively unchallenged. NGOs have done so in part to appease political figures, academics and media commentators who had previously been and should have remained ardent supporters of NGOs, except that they too accepted uncritically the rationality of the neoliberal status quo and failed utterly to appreciate where power actually lies.

Tracing the contours and the defining terms of the NGO accountability debate has revealed one important constant. Despite the ill-defined terms of the idea of accountability and the difficulty of specifying the distinguishing features of what are commonly regarded as NGOs from other organisations; despite the increasingly obvious limits of NGO agency and political influence; and despite the scope and
range of criticism and critics that have emerged in spite of the efforts within the NGO sector to be accountable – NGOs are made to answer to and are sanctioned accordingly by powerful interests to the extent that the progressive agenda of NGOs is judged to be contrary to their interests. These interests set the terms of the accountability equation; who is accountable to whom, how and for what and more importantly why.

In practice accountability is antithetical to democratic politics. Regimes of accountability have functioned to delegitimise dissent and stifle public debate and in the process reconstituted public accountability as obligations to select private interests. NGOs have almost always been publicly accountable in terms of existing frameworks for reporting and disclosure and have demonstrated their willingness to address deficiencies. Where there have been questions of improper conduct, NGOs have been taken to task, scrutinised and appropriate disciplinary action taken, either by formal or informal processes of accountability. This is hardly surprising given the primary mission of NGOs is to help communities in need – a source of moral legitimacy that has underpinned public support for NGOs campaigning on a variety of issues. There is no doubt that initial enthusiasm for accountability in the NGO sector was premised on the belief that most NGOs had little to hide.

Pressure to implement further regimes of accountability not only compromises the ability of NGOs to advocate effectively, it diverts much needed resources to internal operations that renders them open to criticism for increasing administrative costs. While there is certainly a basis for recent complaints, lacking responsiveness to communities they seek to assist and real concerns regarding the NGOisation of dissent, this is a consequence of NGOs being made accountable. CTTs conversely have a documented disregard for truthfulness, a longstanding resistance to transparency and a distinct opposition to critical self-reflection. The case against NGOs has been deceptive and mischievous and at times clearly displayed an
element of hysteria and paranoia. The execution of the CTT campaign was planned and orchestrated through an influential and well connected network that remained unacknowledged and unappreciated. The tactics used in the campaign that have been detailed in this thesis show how little restraint CTT practices of accountability impose. In fact, as argued in this thesis, the substance and the intended purpose of the campaign against NGOs are a consequence of CTTs being accountable. If there is an ethical standard evident in the practice of accountability it is the provision of value for money as determined by select private interests.

*Assessing the value of accountability for NGOs*

It has been over twenty years since problems identified in the NGO sector became broadly defined as issues of accountability, followed by various initiatives to put ideas of accountability into practice. Some within the sector still believe that the ‘accountability revolution’ is incomplete, suggesting that despite best efforts accountability remains elusive. It is also an indication that the NGO sector remains committed to practicing accountability. The question is why?

Over the course of the last two decades of the project of NGO accountability, there appears to be little correlation between the adoption and submission to various regimes of accountability and shifts in public support – the IPA case notwithstanding. The oft-cited Edelman survey that publicised the lack of public trust in corporations and governments in comparison to NGOs has fluctuated over time, but with seemingly little connection to the activities of NGOs. At the same time other widely noted surveys indicated that levels of public trust varied depending on the survey and the nationality of those being surveyed. Given that one of the primary reasons for embracing accountability is to safe-guard the public perception of NGO credibility and integrity, the continuing faith in and perceived importance of practices of accountability would seem misplaced.
At the same time, NGOs are no longer a serious subject of academic inquiry. Dismissed as irrelevant, the source of frustrated hopes and disappointment over unfulfilled potential; NGOs have become something of a pariah among social progressives. NGOs are also criticised as part of the problem. At best NGOs unwittingly temper social frustration, working as pressure relief valves for public discontent and thereby preserve the status quo. At worst NGOs are vehicles of neoliberal ideas and practices, organisations that co-opt, marginalise and undermine alternative ideas and grassroots opposition in the pursuit of their own agenda or fulfilling the wishes of donors. More often than not such criticism is based on the assumption that NGOs remain influential, but their influence is mis-directed. In most cases accountability continues to frame the problem of NGOs and consequently proposed solutions. Again the question is why?

By all accounts, the IPA campaign was unsuccessful and the Howard government’s attempt to silence NGOs had little lasting impact. The Protocol was presented to government, but not acted upon. The IPA’s NGO newsletter was soon abandoned and Fox’s (2006) article in the IPA Review was the last serious address of the NGO problem. The draft Charities Bill made little progress and in 2010, Aid/Watch was successful in its action in the High Court overturning the Australia Taxation Office decision to disqualify Aid/Watch as a charity in 2006. The election of the Rudd ALP government in 2007 was responsible for a significant positive shift in government-NGO relations. Corporations began to focus more on forming relations with various NGOs and as of 2014, the level of public trust in NGOs remains relatively solid. So too in the USA, the AEI’s NGOWatch has stagnated, few articles now raise issues with NGOs, though UN institutions of global governance remain a target. Presumably the strategy of embracing regimes of accountability as a defence against ideological attack was successful – or perhaps the threat was overstated to begin with. Principal targets including Oxfam, Amnesty International and Greenpeace
remain active and still figure in public policy deliberations including consultation over the TransPacific Partnership. Why then is the IPA case significant?

**The Lasting Legacy of the IPA Case**

NGO advocacy is still a visible feature of Australian politics. Oxfam for example still actively campaigns against poverty and growing inequality and the dominance of corporations in the global economy making claims that they are corporate stooges somewhat fanciful. So too, Greenpeace and Amnesty International continue to confront environmental crises and abuses of human rights respectively. The early concerns raised over the IPA case as an attempt to close down political space accessible to NGOs and the detrimental impact this would have on democracy have seemingly been addressed. Yet NGOs are not what they were; the substance of and their approach to advocacy has changed. In stark contrast to the role NGOs played in the mobilisation of opposition to the MAI and the Seattle meeting of the WTO in 1998 and 1999 respectively, many prominent NGOs were notable for their absence from public opposition to the TransPacific Partnership (TPP) (recently abandoned following the election of the Trump Presidency) and the Occupy Movement which began in 2011.

This is precisely the purpose of the IPA case. Preservation of the interests of capital and management of the risk of democracy does not require NGOs to be silenced. On the contrary, shutting NGOs out of public debate altogether only makes power more visible and forms of exclusion more obvious – at least for as long as NGOs retain some level of public support. The IPA case was designed to discipline NGOs, to establish principles and parameters of legitimate advocacy to which NGOs must conform. In many respects, the success of the IPA case rested on the continuing public presence of NGOs so that the appearance of democratic process is maintained. The dominance of private corporate interests over the design of public policy is camouflaged by the participation of NGOs. The negotiation of the TPP
involved consultation with NGOs, a stark contrast to NGOs’ role opposing the MAI. The inclusion of NGOs in negotiations is presented as evidence of deliberative/democratic governance in action, corporations and governments made more accountable by NGOs. Yet the TPP was an agreement that went well beyond the parameters of the MAI; enshrining corporate interests over democratic rights into binding domestic law that mobilised widespread grassroots opposition in response. This is not an example of NGOs holding powerful interests to account, but the result of NGOs being made accountable.

Contrary to claims of an emergent global civil society that greeted the antiglobalisation movement, resistance is characteristically becoming more localised and more particularised. NGOs remain international in name, but are increasingly expected (and willing) to comply with rather than challenge or circumvent national regulatory frameworks established to protect the interests of the status quo. Moreover, NGOs are expected to refrain from allowing their knowledge/experience to influence the agendas of domestic protest groups. The identification and articulation of interests in common has given way to a politics of particularity surrounding the underwhelming insistence that it is not neoliberalism but neoliberalism(s) that we confront. Whatever analytical value this may have, it has reinforced the idea that NGOs must be carefully regulated in order to preserve democratic processes and autonomy of local political movements. In this framing, NGOs are part of the problem insofar as they cannot appreciate local forms of marginalisation and exploitation and thus their intervention imposes yet another layer of power relations as a consequence.

Evidence of the purpose and intentions of the campaign against NGOs conducted by CTTs is unmistakable. CTT’s like the IPA have completely neglected the potential loss of state sovereignty imposed by free trade agreements such as the TPP. If anything, CTTs have made a significant contribution to fostering a political climate conducive
to such agreements and likely informed negotiations. While the TPP has stalled (though notably not abandoned) since the USA withdrew from negotiations in January under President Trump, the free trade agenda is still being actively pursued with agreements such as the Regional Comprehensive Economic Partnership being actively negotiated. Whereas NGOs and the idea of global governance have been targeted as unacceptable threats to self-government and the sovereignty of democratic states, free trade regulated by private international tribunals through Investor State Dispute Settlement (ISDS) processes are regarded as essential. Free trade agreements reflect the long-held suspicions among the elite class:

“... politicians are highly insular and nationalistic and because the political organisation of the world has under such influence been so backward, business people who have had to cope realistically with international problems have had to find ways for getting through and around stupid political barriers” (John Foster Dulles cited in Scott, 2014: 18).

Democracy is the problem, but the solution must involve the preservation of the façade of democratic order. The premise underlying Buchanan’s ideology of public choice is that order maintained by consensus is cheaper than coercion and corporate-funded think tanks have made a significant contribution to selling the idea that the interests of capital define the public interest. Originally this meant that ‘great men’ of business knew best what was good for the country. Neoliberalism has narrowed this to mean that the public interest begins and ends with the preservation of a political order that maximises corporate profitability and CTTs have made a significant contribution to a policy programme that has made humanity increasingly dependent upon and vulnerable to the whims of corporations.

For the IPA the common wealth is preserved through the free movement of capital and maximising the scope for decision-making by corporate leaders. From this perspective not only are NGOs ill-suited to being involved in policy design, the public
and the bulk of its elected representatives are equally ill-equipped. This in itself is hardly a controversial assessment. From its inception, the IPA has been intimately connected to what might constitute the Australian arm of the deep state (see Scott 2014); the enduring power of an elite few whose interests have been institutionalised within the state beyond the parade of successively elected governments, exerting considerable influence over the parameters of what is regarded as the legitimate exercise of public authority. For the interests represented by the IPA, NGOs, elected representatives and the public are free to act as they will, but only insofar as their actions do not unduly disrupt or jeopardise capital accumulation now defined in neoliberal terms. In essence, CTTs are little more than components of a sophisticated strategy to manage the risk of democracy and public politics.

CTTs are comprised largely of ideological fanatics defined by their unshakable belief in economic growth and corporate profitability as cardinal virtues. Such is the zeal of CTTs that their longstanding resistance to evidence and reason appears to be strengthening. Truth, honesty and integrity remain at best secondary to the singular task of defending the sanctity of capital by whatever discursive means; a mission that demands the absence of genuine critical reflection at either the organisational or individual level. Perhaps the only mystery surrounding CTTs is why the endless stream of propaganda for which they are responsible is taken seriously as a contribution to public debate. The only value of CTTs is that they make visible the otherwise carefully hidden interests of corporations and the wealthy elite. Political and business leaders are insulated from the public by layers of corporate structured institutions and teams dedicated to public relations management. It is to these interests that CTTs are directly answerable. CTTs are not accountable to the public, merely responsible for manipulating public opinion. CTTs are a window into the private world and the mindset of powerful elites. Focusing on CTTs for any other
reason demonstrates significant underappreciation of role as propagandists and their capacity for misdirection.

However, to argue that NGOs are the victim of an ideological attack overstates the influence of CTTs in general and the IPA in particular. It is no less misleading to insist that the successful campaign against NGOs reflects the irresistible power exercised by corporations and wealthy elites or demonstrates yet again the unassailability of an entrenched capitalist system. The success of the IPA campaign is predominantly attributable to the complicity of academics in particular, the NGO community and their supporters who failed to resist what was a relatively straightforward ideological attack. NGO accountability at its most elementary is an act of self-discipline.

The CTT campaign against NGOs began in earnest in the aftermath of the abandonment of the MAI and the meeting of the WTO in Seattle, but the NGO embrace of accountability regimes predates these events. At the height of the IPA’s campaign in Australia, the Australian federal government; joined the invasion of Iraq; legislated against civil liberties; attacked the union movement; and, actively undermined action to tackle climate change - all of which proved to be flawed public policy and deeply unpopular. It is difficult to understand the widespread belief at this time that the credibility of NGOs was vulnerable and could be safeguarded only by regimes of accountability. The ongoing fixation with the problem of NGO accountability among otherwise progressives at a time of historically unparalleled mass surveillance, conducted by and in the shared interests of states and corporations, is at best remarkably naïve and indulgent. When public institutions are shielded from scrutiny while virtually every aspect of people’s private lives can be secretly recorded, stored and analysed by the state; then not only is the idea of public accountability unrealisable, but the practice of accountability becomes anathema to any meaningful democratic politics.
Rethinking accountability in practice

The idea and practice of accountability is not just paradoxical, a longstanding condition rarely reflected upon in the NGO debate. The enduring appeal of accountability has become antithetical to its practice. The normative appeal is largely derived from the notion that accountability is the realisation of moral obligation owed by the powerful to the powerless. Accountability refers to both the means by which and the justification for making the powerful answer for the welfare of the powerless. In practice however, the absence of power to force compliance means that demands for accountability will be met on terms suited to the powerful if met at all. Herein lies the paradox. Normatively accountability is demanded of the powerful but in practice demanded by the powerful. The idea of accountability might be better understood as involving a reconfiguration of power relations; an aspiration that cannot be achieved consensually through consultation and deliberation. Reconfiguring power relations requires confrontation not compromise and resistance not reasonableness – a disposition that has been de-legitimated by the practice of accountability. But thinking about accountability in technical terms has obscured this incompatibility - of normative ideal with the practical reality.

The relationship between power and accountability for NGOs is complex because in many respects power and accountability are in practice inseparable. It is not simply the origin of the idea of accountability traced back to the Doomsday book – the compilation of a count ordered by William the Conqueror. The practice of accountability lies fundamentally in the capacity of one power to halt the action of another power (Dunn 1999). Insofar as a more belligerent NGO sector may have continued its presence in refugee camps in Goma (albeit at considerable risk to staff) and prevented many of the atrocities committed by Kagame’s Tutsi forces since, then it would have put the ideal of accountability into practice. Insofar as
NGOs contributed to the cessation of MAI negotiations and the abandonment of the WTO meeting in Seattle, governments were held accountable for a trade agenda that prioritises corporate profit over social and environmental goods. The depiction of both as the action of incompetent and reckless NGOs that must be made more accountable is an indication of where power resides. It is also a reflection of the failures by an uncritical academic community and a compliant media, among others, to engage in practices of public accountability; to challenge powerful interests through considered public debate and other political action.

Accountability is a useful linguistic device – a term with suitable vagueness of meaning and popular appeal that can be used to facilitate agendas that would otherwise risk public opposition. However, this does not necessarily account for the continuation of the NGO problem as a lack of accountability. Frustration and disillusionment among NGO volunteers and disaffection among supposed beneficiaries provides plenty of scope for NGOs to expose the detrimental impact of accountability regimes and the real purpose of the IPA. The fact that this has not occurred suggests that NGO management has prioritised corporate partnerships and access to government funding and accepted the costs or are yet to recognise the impact of practicing accountability. While this is an important issue, it is not the principal concern of this thesis. What does matter and requires attention is the enduring uncritical faith of academics in accountability as it is currently defined in practice.

The intellectual apathy underpinning NGO accountability is evident by the failure to examine or critically reflect on the question; why make NGOs accountable. Within the discourse of accountability, such action is potentially subversive and thus risks being characterised as unaccountable and in need of disciplinary action. More importantly, within an institutional setting designed to align individual self-interests with institutional goals of maximising revenue streams, there is no material
incentive to seriously question why. The increasing orientation toward the production of job ready graduates, saleable knowledge and marketable expertise within international development is itself a consequence of the adoption of regimes of accountability; a commitment to an audit culture that not only rewards working toward these ends, but defines them as the proper goals of academics.

The continuing (albeit sporadic) mobilisation of public opposition against elite interests is an indication that the anger and frustration expressed in Seattle in 1999 has not abated. Although this sentiment is also animating rightwing movements in various forms, the traction of populist anti-establishment campaigns such as Bernie Sanders’ and the determined opposition to free trade agreements suggests that it is not public support that is lacking but perhaps determined leadership and sustained organisation. In both cases it is clear that the co-optation of NGOs has not completely dulled public sensitivity to the tensions and contradictions of capitalism. But even in the unlikely event that NGOs returned to a more activist and confrontational role and were embraced as part of a broader social movement that demanded change, the effort alone would not achieve the desired result. It would be unsuccessful for the same reasons that NGOs appear unwilling to engage in public advocacy informed by more radical agendas. What is required is a profound reconsideration of the sorts of actions and political behaviours that define the practice of accountability and the sorts of outcomes that should be accepted. If the legitimacy of NGOs is in part derived from accountability, then it should be defined by the degree to which NGOs make intolerable human conditions visible and the accepted wisdom surrounding such conditions part of the problem.

This thesis has detailed the ways and means by which power and the interests of the powerful are preserved by the largely uncritical practice of accountability. In fact power is in part defined by this capacity. It is expressed in the collusion of an elite minority that use their considerable material wealth to influence political outcomes;
the ideology of neoliberalism that defines the public interest as synonymous with their private interests; and the discourse of accountability that binds dissent and closes down scope for resistance. This thesis also contributes to re-instituting a more critical approach to practicing public accountability. Interrogating and evaluating the NGO accountability debate and the parallels with CTT practices of accountability based only on information that is publicly available; carefully examining the origins and contours of the debate and identifying the tensions and contractions between the substance of accusations made by CTTs such as the IPA and what actually occurred; and, importantly uncovering the particularities of the neoliberal influence on underlying ideas and the politics of accountability.

However, unfortunately, this thesis also demonstrates the distinct limits of conceptions of accountability that do not include the capacity to sanction. With no legal or economic means of punishing CTTs for their role in undermining NGOs, with no obvious detrimental repercussions for CTTs; what is the value of accountability? For accountability to fulfil the ideal of making the powerful answerable and accept both the responsibility and consequences of their actions, it must be and must involve the public. It must be a sustained ethic that is insistent, confrontational and at times uncompromising in its demands that the powerful explain and justify themselves in terms that are pertinent, accessible and honest. It must also include a willingness to sanction. NGOs may well figure in this process, but cannot actualise public accountability without committed and vocal public support. If the ideal of accountability is to be realised then the neoliberal architecture that determines practices of accountability must be recognised for what it is and the detrimental impact it continues to have on democratic politics. It is to this end that this thesis has sought to make a contribution.
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