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# TranState Working Papers

LEGITIMACY AND ACTIVITIES OF  
CIVIL SOCIETY ORGANIZATIONS

PETER KOTZIAN  
JENS STEFFEK

No. 156

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Staatlichkeit im Wandel • Transformations of the State  
Sonderforschungsbereich 597 • Collaborative Research Center 597



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## ***Legitimacy and Activities of Civil Society Organizations***

### **ABSTRACT**

Civil Society Organizations (CSOs) play an active and noteworthy role in governance, both at the national and international level. Three questions arise: First, how do CSOs exercise their advocacy, what repertoires, strategies and resources do they use? Second, to what degree are they legitimized to do so? Third, are there systematic differences between member and non-member CSOs, respectively between policy fields? Based on a survey of 60 exemplary CSOs covering four distinct international-level policy making fora, we will inquire into these questions. The central finding is that membership CSOs neither differ substantially from non-member CSOs in their roles and strategies of dealing with International Organizations, nor do they differ in other aspects of legitimacy, such as transparency or inclusion of beneficiaries. There are no systematic patterns in CSOs properties or behavior which correspond to policy fields.

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## **Legitimacy and Activities of Civil Society Organizations**

### **1. THE ROLE OF CSOs IN INTERNATIONAL GOVERNANCE AND THEIR NEED FOR LEGITIMACY**

As international governance and international-level decision-making increases in impact and scope, the legitimizing link between citizens and the institutions factually doing the governing gets stretched, and, as some would argue, overstretched; cf. Scholte (2004). Originally, the argument was that international-level decision-making is legitimated by the electoral link: At the international level, governments are faithful agents of their voters and held accountable for what they do, just as at the national level. As international-level decision-making requires consensus, governments - and thereby the voters - may at the very least opt out. This view came under critique for several reasons. First, the perceived lack of democratic legitimation became obvious as IOs, in particular the EU, underwent a secular shift away from decision-making modes in which elected governments had both the final say and the possibility to opt out, to decision-making modes, in which unelected actors, either from the IO's staff or determined by the IO, have a substantial say on policy decisions which immediately affect citizens and which do no longer grant an exit option to governments. Practically it is also next to impossible for states to leave IOs, let alone the EU, which implies that a legitimation of the IO by the argument that states have the choice to leave but chose to stay is not valid, cf. Agné (2007). So, while it was formerly credible to construct a link of accountability and democratic legitimation between citizens and the policies imposed on them, it became increasingly possible that citizens of a country were subjected to policies opposed by a majority in the country.

Second, the governments' role as faithful agents was questioned. In particular the public choice perspective on international governance, cf. Vaubel (1986), convincingly argues that there are systematic differences regarding preferences of citizens on the one hand, and of international-level bureaucracies and politicians on the other. The more the political class and international agencies get isolated from citizens, the more the accountability for policy outputs and the actual outcomes can be blurred; cf. Steffek (2010) and the greater the risk that the bureaucratic-political complex will drift away from the preferences of the citizens. International-level negotiations are seen by public choice theorists as the prototypical setting in which agents - both, political and bureaucratic - can impose their preferences on the governed while hiding their responsibility. The hazard of an isolated, unobserved, unaccountable and unresponsive political elite at the international level has likewise been identified by authors from other traditions of democratic theory; cf. Follesdal/Hix (2005); Vibert (2007) and Gustavsson et al. (2009). The lack of accountability, is, as Kahler (2005) argues, “more likely the result of



choices by the most influential national governments than a symptom of the dysfunctions of international bureaucracies”, Kahler (2005: 17). As the relevance of international-level politics increased and more decision-making powers migrated to the IOs themselves, more attention was paid to political and academic circles to the problem of a potential democratic and legitimacy deficit; cf. Halpin/McLaverty (2010: 55-57) for a very concise summary of this problem. As a reaction to this real or perceived democratic deficit, several major IOs have actively engaged in involving citizens in the decision-making by a range of participatory mechanisms; Brown/Fox (2001), Alger (2002), Greenwood (2007) and Steffek/Nanz (2008). Notably the growing role and influence of organized Civil Society, is a result of, on the one hand, IOs seeking not only information from the ground but also seeking to increase their legitimation by involving "representatives" of the citizenry, cf. Greenwood (2004), Dingwerth (2007) and Saurugger (2008). In addition, more Civil Society Organizations, henceforth CSOs, came into existence and they are more actively striving for influence on policy-making by IOs, and to some degree, they factually exercise influence; cf. Arts (1998), Martens (2005: 45-94) and Dür (2008); not least, because the international level is a setting where groups which are disadvantaged at the national level may be able to achieve more; cf. Pollack (1997).

### **1.1. CSOs as Transmission Belts in International Governance**

CSOs may fulfill a number of functions which are often summarized under the term “transmission belt”; cf. Steffek/Nanz (2008). Of the many activities, we will, in this paper, focus on information provision respectively transmission, and on the advocacy activities. In terms of advocacy and interest intermediation, extensive research on CSO activity has illustrated how CSOs advocate certain policies or norms, what resources and strategies they can use, Bouwen (2004) and Beyers (2004), in what roles they exert vis-à-vis IOs in various settings, ranging from economic issues treated in the WTO (Steffek/Ehling 2008) to legal ones, treated in the International Criminal Court (Glasius 2008), in institutionalized settings, cf. Martens (2005), or negotiations, cf. Brühl (2010).

In terms of information transmission, CSOs can create a link between citizens and IOs. Acting as a supplement to the media, CSOs are also seen as a contributor to an informed public discourse by informing members and the general public about what is going on at the international level; cf. Beyers (2004) and Altides (2011). Here, CSOs have the advantage over the media, that they are more knowledgeable and thus able to “translate” a policy into real life effects, and are tracking the IO more continual and more closely than the media. By informing their members and the wider public, CSOs contribute to creating accountability; cf. critical Kohler-Koch (2010aWEP). But their role consists also of creating a link by engaging in communication, in particular in two-way communication.

## **1.2. CSOs and Legitimacy of International Governance**

Even assuming that involvement of CSOs can increase legitimacy of International Governance, the focus is shifted on the CSOs themselves: how legitimate are they? As it is, citizen involvement is predominantly indirect, via CSOs.<sup>1</sup> As Steffek et al. (2010a) put it, the idea is that CSO involvement in international governance reduces the democratic deficit and increases both the legitimacy of the IO and its outputs, because "CSOs are somehow able to embody, represent, or reflect citizens' interests, anxieties, hopes and ideals."; Steffek et al. (2010a: 101). The increase in legitimacy of international politics by including CSOs is critically dependent on the legitimacy of the CSOs themselves. To contribute to IO legitimacy, the CSOs should represent those on whose behalf the CSO is active, who are concerned by themes the IO is currently working on, often referred to as beneficiaries. While the will of the population as a whole gets represented by elected governments, CSOs may stand in as a supplement representing those citizens who are (or feel) particularly concerned by the issue, are unable to organize, or are not part of the government's constituency, i.e. living somewhere else in the unenviable state of being affected by, but not represented in the international level governance process. The presumption is that CSOs add an additional layer of representation to international governance, beyond representation through member governments, by speaking for minorities, latent groups, but also the "general interest" or norms, that get somehow lost in the conventional political process.<sup>2</sup>

So, how about the legitimacy of CSOs? Some authors, and also the IOs, seem to perceive CSOs as legitimate qua existence or because they are not pursuing the typical interests of a conventional business lobbying group. Notably, Goodin (2003) argues that CSOs are first of all voluntary associations and are not exercising any form of power over their members. Thus they are not in need of direct legitimation through "democratic" procedures, such as elections. Moreover, CSOs are in their activities controlled by the mechanism of reputation and the control of others, individuals and CSOs, in their peer group. Most of all, the implicit argument often is that CSOs are good, charitable, striving to do good, and therefore do not need additional sources of legitimacy. Critics, such as Anderson (2000) and Johns (2003), explicitly reject the notion that CSOs factually increase the legitimacy of IO decision-making, but see CSOs as actors without de-

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<sup>1</sup> Exemptions are for instance the EU's online consultations, which are open to all, the same goes for conference attendance by EU initiated conferences, see Quittkat (2011).

<sup>2</sup> The quite obvious problem in this presumption is, why transnational CSOs should be more successful at articulating and transmitting preferences than existing forms of interest intermediation, notably political parties. In particular as CSOs are subject to the very same problems of professionalization and elite-building as are political parties; cf. Saurugger (2009).

mocratic legitimation and control, but nevertheless willing and to some degree able to impose their views on society at large, claiming that they are speaking for it but lacking any actual linkage with it; see also Collingwood/Logister (2005) for critical discussion of the CSOs roles and activities.

In our view, the requirement for an explicit legitimation of even the most public-spirited CSO can be derived from the function that they are assigned in a system of international public governance. If they are to serve as links to global citizenry, as conceptualized by democratic theorists and IOs alike, CSOs need to be legitimate in the sense of being representative of a discernable societal constituency. They should hence represent citizens, in particular those who find it difficult to articulate their interests, and they should not be a free floating entity, whose origins, financing and supporters remain obscure. Moreover, there is evidence that CSOs do play an active and measurable (or at least noticeable) role in international governance; cf. Arts (1998), Warleigh (2000), Martens (2005) or Hahn (2010). As they affect the making of authoritative decisions and hence the lives and wellbeing of many, the question of legitimacy becomes even more urgent.

### **1.3. Open Questions and Structure of the Paper**

While there are many studies on roles, functions, strategies and usage of resources of CSOs in international governance, the question of CSO legitimacy is under-researched. Notably studies on patterns between legitimacy and the other functions of CSOs are missing. As it is, there are few comparative empirical studies on the legitimacy, properties and activities of transnational CSOs, e.g. Bozzini (2007) as a case in point. But there is evidence from other levels that legitimacy of the CSO matters for their influence, but also for their behavior. For the EU, there is a wide range of theoretical and empirical work indicating that CSO' legitimacy, notably their representativity, matters for their influence. The EU itself is in need of input legitimacy and the idea is that this can be achieved by involving legitimate and representative CSOs gives CSOs with these properties an advantage, cf. Greenwood (2004) and Bouwen (2002).

For transnational CSOs, there is little empirical information about legitimacy to begin with, and this paper shall contribute to filling this gap. While there is no elaborate theory of why certain CSOs engage in assuring legitimacy, we can derive some predictions, in particular based on the policy field where the CSO is active, making use of the "policy determines politics" framework. After outlining how properties of policy fields might affect CSO legitimacy, legitimacy will be conceptualized and operationalized. The paper's empirical sections will compare sixty heterogeneous CSOs regarding patterns in their legitimation styles and also regarding their overall level of legitimation. We will also test for systematic patterns in legitimacy in accordance with the predictions made. Using quantitative and qualitative data, we will present information on what

resources and what strategies are in use, and discuss the roles that the CSOs surveyed fulfill in relation to IOs, their relationship with citizens, their functions and inner workings, with a particular regard to whether there are systematic patterns in how CSOs with certain properties behave and act. The ultimate goal is to identify certain properties of CSOs that have a positive impact on the legitimacy of the organization, conceived of as their capacity to link with citizens. In the next section we discuss those organizational characteristics that are the most plausible candidates.

## **2. FACTORS FOR CSO LEGITIMACY AND ACTIVITIES**

What hypotheses can be made about the relationship between CSOs' theme, as regards their properties on the one hand and on the other hand, their legitimacy and their activities in terms of how they interact with IOs, members, and the public? In this study, we recur to the information about the CSO's constitutive theme and its member structure, and formulate hypotheses, derived from the existing literature on the politics of interest intermediation, cf. Wilson (1980) and Permanand/Mossialos (2005) in a “policy determines politics” framework. Broadly speaking, we start from the policy field, see membership structures as an intervening variable, and will compare how CSOs with certain member structures and activity in certain policy fields differ in legitimacy and their activities.

### **2.1. Policy Field**

The present study covers the policy fields of Trade, Human Rights and Peace, and Environmental policy. Properties of these policy fields might affect the organizational structure and activities of CSOs. For instance, policy fields differ in whether there are clear cleavages between conflicting interests, for instance in the domain of environmental protection, or whether there is no "opposition", as in the case of peace and human rights. Similar, issue areas differ in that in some cases, transnational CSOs are offsprings of pre-existing national-level interests organizations mainly organized in a hierarchical way. For instance, in economic issues such as trade, there are national-level business associations and trade unions with a long history and substantial resources. For these issues we would expect that connections between transnational CSOs and members (mainly national member organizations) are better developed.

Trade is an issue where citizens are immediately concerned, as employees and consumers, and where, with Trade Unions and Business Associations, one has a set of resourceful and well established CSOs right from the start. The original set of CSOs was later complemented by CSOs acting on behalf of others, i.e. third world countries, which are involved but are perceived by some as being disadvantaged in world trade. Trade is per se a mixed-motive game at the level of the world and at the level of the country. But it is also a theme where redistributive implications of certain policies are

quite clear, and while the overall effect of trade may be beneficial for all, there are also clear cases of winners and losers.

Environmental policy is the typical case of a collective action problem, typically lacking material benefits which might incentivize actors to engage, resulting in a strong role for political entrepreneurs mobilizing support for the issue. On the other hand, costs of environmental protection are easily visible and those bearing the costs of implementing environmental protection are typically also those groups of actors who are already well-organized and resourceful at the national level, viz. the industry, in changing coalitions with other actors, like trade unions. It is also the theme where one is ultimately not active on behalf of someone but on behalf of something, viz. nature, plants and animals. This fact may dispense with the need for inclusion efforts, because the effect of policies on these beneficiaries can be evaluated from a distance. Finally, at the international level it is also a theme with substantial differences in preferences between industrialized and developing countries: in developing countries, economic development ranks higher than environmental protection, and first-world CSOs advocating high environmental standards may be compromising the economic interests of third-world citizens.

Human Rights and Peace as policy fields share the feature that the counterpart is not another societal group as in environmental protection, but typically governments: rogue governments violating human rights or peace, but also governments of first-world countries, which, in the perception of activists, do not do enough to make rogue governments mend their ways. At the same time, societal actors have a strong role in implementing decisions made at the international level, for instance in post-conflict-peace building efforts. Another characteristic of these themes is that, while one can (still) legitimately have a different preference regarding the trade-off between economic development and environmental protection, one can hardly be opposed to peace or to the protection of human rights. Human rights and peace is a policy sector where CSOs often are active on behalf of others, namely people in developing countries, who have difficulties to be present at the IO where their fate is discussed. We would assume, that the necessity for inclusion is even higher here than in the fields of environment and trade.

## **2.2. Member structure**

At first glance it seems that CSOs with a broad membership base should be particularly good at establishing a link with their societal constituency. Having members is a resource and also a factor which impacts on the CSO's internal workings. Members are an element of legitimacy, in that a member-CSO can claim to speak for its members, or at least to represent the attitudes of its members (who may or may not be identical to the beneficiaries). CSO legitimacy here is based on input from its members. Being a think tank with excellent connections to the ground, a high reputation and moreover with no obvious ideological program, such as International Alert, gives its policy papers and its

statements a better standing in consultations and itself a better access to policy-makers in need of crucial and unbiased information. Legitimacy of the CSO is here derived from its output.

Members are also both a resource and a handicap in dealing with an IO. If a CSO does not have members, its opportunities to stage a public campaign including public protests and street demonstrations are limited, which may affect the CSO's strategies. Having members and assigning a strong role to them can also be a liability: active members represent a more engaged group, likely to demand more extreme positions and less willing to compromise than the CSO's central office - all of which makes a strongly member-driven CSOs a difficult partner in complex negotiations; see Saurugger (2008) and Kohler-Koch/Buth (2011).

Further, we would expect a large gap between consultancies and think-tanks on the one hand, and member organizations on the other, regarding the involvement of the ultimate beneficiaries of the CSO's efforts. It can be argued, that consultancy-style CSOs are more in need to connect with the beneficiaries, because they lack other links into society. Lacking representation on a democratic or membership basis, they derive their legitimacy from being the "voice" of the beneficiaries; cf. Halpin/McLavery (2010) and Risse (2006). But to do so with at least some credibility, they need some form of institutionalized connection with the beneficiaries.

Regarding the type of members, we would expect that member involvement is stronger in the case of organizations as members compared to individual members, because the collective good problem of steering and controlling the CSO, is less strong in the case of organizations of organizations. To summarize, we expect the membership of CSOs to affect activities of CSOs by influencing resources and constraints arising from a certain membership structure. As for efforts to include the ultimate beneficiaries, one could, again based on normative considerations, state that CSOs without members should be more engaged in inclusion efforts.

### **2.3. General Considerations of Good Governance**

Finally, irrespective of member structure and policy field, transparency, as one of the major themes in the wake of the good governance discussion, should, from a normative point of view, be present in all CSOs alike; cf. Bovens (2007) and Grigorescu (2007). While there is no obvious mechanism linking the CSO's theme and its transparency, one might presume that if there are individual members, they might urge the CSO's administration for more transparency, in that they want to be kept informed about what "their" CSO is doing.

Lacking truly exogenous variables and a survey of the total CSO population, we are restrained to the presentation and analysis of patterns: What is the level of CSO legitimacy? Are there patterns among various elements of legitimacy? Are there patterns in

CSO activity which relate to legitimacy? In particular, do CSOs with different member structures differ in their activities? Are there patterns in the sense that CSOs in a certain policy field are more similar to each other?

### **3. LEGITIMACY AND LEGITIMACY MEASUREMENT**

Conceptually, this paper's notion of legitimacy is based on the normative framework of CSOs as transmission belts in international-level governance; cf. Steffek/Nanz (2008) and Steffek et al. (2010a). CSOs connect the international-level at the top, where decisions are made by IOs and governments, and citizens at the bottom end of the decision-making hierarchy. In terms of decision-making, the transmission-belt concept also sees CSOs as a crucial source of information which can increase the quality of the policy, delivering relevant input (in terms of alternative policy solutions, evaluation of past decisions, but also in terms of agenda setting). In terms of legitimation, the transmission belt concept perceives CSOs as a supplement to conventional legitimation channels running from citizens as voters via national parties and elections to national parliaments and further on to governments and ultimately to IOs, where national governments decide on a consensual basis about international policies with national-level impact.

How can legitimation, which is the most crucial point in our comparison of CSOs, be measured in a more quantitative way? Our starting point is the normative idea that CSOs should be involved in international policy-making in order to increase the legitimacy of decision-making. CSOs function as a "transmission belt" in this setting, linking citizens with the international level; Nanz/Steffek (2008). CSOs as a "transmission belt" connect two levels, IOs and citizens. Given that a CSO is involved in international-level decision-making, surrounded primarily by other delegates and other CSOs, the risk is that it might slip into a patronizing role, in which the CSO "knows better" what is good for its members than the members themselves. For the CSO to be legitimate, it should be strongly connected with citizens, ideally through membership, who should be involved in the CSOs working.

Based on a reflection on the institutional requirements to fulfill this role, Steffek et al. (2010a) elaborated five interdependent criteria by which CSO legitimacy can be assured. These criteria - and the selection of empirical indicators in the later sections - explicitly share the normatively derived view of how CSOs should be connected with citizens and how CSOs should behave vis-à-vis citizens, beneficiaries, and the IOs.<sup>3</sup> The

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<sup>3</sup> An alternative view would rely less on the input legitimation, and more on output legitimation. This implies that governance takes more the form of a technocracy, which uses social technology to achieve uncontested aims and which is evaluated by its outputs. To achieve optimal outputs, the only requirement is technical expertise. The criterion to evaluate the role of CSOs in this frame would be, whether they are formally qualified and factually deliver reliable information enabling the technocracy to make the optimal decisions. There are some settings, in

criteria also address problems to which all organizations are prone, for instance of becoming self-referential. We apply the criteria and indicators universally to all CSOs. We emphasize that a CSO with no members is not fundamentally different from CSOs that have members as it may still engage in the same activities, the same efforts to include the ultimate beneficiaries, but in its advocacy efforts it is lacking the legitimation and the resources arising from membership.

### **3.1. Participation**

Participation encompasses at least three aspects: Who participates, how and in which domains? 1) Do members participate? Do the ultimate beneficiaries have a role? (cf. the next point) Are they asked whether they agree with the efforts of the CSO, for instance in the case of a CSO engaging in helping a certain group of persons (a first-world CSO acting on behalf of citizens of third-world countries)? 2) How do these actors participate, are they involved in a way which is binding for the CSO, or are they only consulted on a loose and non-binding basis, which leaves a great leeway for the CSO and its Advocacy Office, henceforth AdO, to pursue the policy they deem right? 3) And in what domains do they participate, also in executing the decision of the CSO (implementing projects, conducting public demonstrations to "advocate" a policy) or in the process of deciding what issues to pursue and what stance to take? Also in reference to the empirical analysis in the latter sections, we draw a distinction in the CSO population between CSOs which have members and those which do not. For the latter, we will use the term consultancy CSO.

### **3.2. Inclusion**

The IOs perceive CSOs as representatives of groups who are not represented via "conventional" channels. They include CSOs in order to increase their legitimacy by exposing themselves to a larger variety of arguments and views held among citizens. It is thus crucial that, if possible, all views are present at the IO level. Unfortunately, some views are held by social groups with low chances of articulating them, by getting organized in form of a CSO and to be present at the IO; cf. Piewitt (2010) for the biased composition of CSOs active at the WTO. CSOs derive their legitimacy also from the argument that they represent and are active on behalf of a group of citizens or by representing groups which are, for some reason or other, unable to speak for themselves. These can be latent groups, minorities, but also citizens of other countries (the poor in developing countries, or victims of human rights abuse in other countries). However, CSOs are confronted

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which this seems to be the case. i.e. where there are universally accepted aims and outputs, which immediately indicate the achievement of these aims. In this view, the only "CSOs" would be think-tanks, and the evaluation criteria would not be representation but scientific expertise.



with the same problems that IOs face: some groups in any policy domain are systematically less likely to be present in the CSO, and less likely to engage with a CSO than others. Thus, arguments and views held by these groups are less likely to be present in the CSO; cf. Schlozman (1984).

Another danger to legitimacy arises from the fact that transnational CSOs are still largely a first-world phenomenon, and first-world preferences may diverge systematically from preferences of beneficiaries in developing countries. CSOs - constituted of well-educated first-world citizens, wealthy enough to engage pro bono in political action on behalf of others - are at risk of slipping in a patronizing role, believing that they know better what is good for the beneficiaries than the beneficiaries themselves; cf. Easterly (2007). The trade-off between economic growth and environmental protection is a case in point. Thus, supplementary to engaging with members, explicit efforts at inclusion are a criterion for legitimacy. It is insufficient to be there and willing to react, to be inclusive, it is necessary to actively reach out. Specifically, the question is: do CSOs actively engage in getting the opinion of beneficiaries who themselves are neither able to come to the IO nor to the CSO and state their view?

### **3.3. Transparency**

Transparency in the domain of CSOs concerns standards of good governance, such as the handling of financial issues, but in particular the internal working of the CSOs. As both Bovens (2007) and Grigorescu (2007) argue, transparency is an essential element of good governance, regardless of the body doing the governance. Legitimacy requires transparency, notably that it is clear who actually made a decision, in order to hold the person or institution accountable for the outcomes. The same holds true for CSOs: a CSO should be transparent in what it does, what is decided on and how it was decided on by whom. In the course of their activities, CSOs make a lot of substantive decisions and the members respectively the beneficiaries should be aware of what the substance of these decisions is, who made them and in what way.

More concrete, transparency entails access to information about the CSO's internal policy-/decision-making process: Is it clear how a certain policy-decision is made, by whom, and is it clear, what the decision actually is? For instance, CSOs typically present their position to IOs in the form of policy papers, which advocate certain actions and decisions. Transparency here concerns whether it is clear to members or the public, what positions the CSO actually suggests. Transparency also concerns, whether it is clear, to members and the public, who in the CSO decided on certain issues, for instance, whether to keep these demands up or whether to pursue this campaign? Last but not least, CSOs should be transparent regarding where the funding is coming from, and how it is spent.

### **3.4. Independence**

From the transmission-belt perspective of increasing democratic legitimacy by increasing representation and plurality, CSOs are a means of civil society, of citizens, to influence international-level governance by circumventing and supplementing conventional pathways of political representation. Thus, CSOs should be created and steered by citizens, and be independent from the addressee, i.e. from the IO they are tracking. CSOs should exist because citizens want them to exist. To be authentic, the flow of arguments and preferences should be bottom-up, and the behavior of CSOs should be unconstrained by influence of the addressed political institutions, such as the EU or IOs. However, this is not automatically the case. Notably the EU itself has engaged in the process of creating European-level CSOs, in some instance "created" their memberships, for instance by expanding into countries where CSOs working on a certain issue did not exist; Greenwood (2007: 344/5). This is the participatory process turned upside down. It is difficult to measure independence in terms of substantive content and actual behavior, and the survey underlying this study does not contain systematic information on this aspect. Nevertheless, independence can be conceptualized as complementary to member control: the more members factually control the CSO, the less it is dependent on the IO.

### **3.5. Aim: Responsive and Legitimate CSOs**

Ultimately, the purpose of CSO involvement is to increase IO legitimacy and to assure that IOs are responsive to civil society. For this to be the case, the CSOs involved must be legitimate and responsive. One may evaluate the IO and the CSO regarding its responsiveness; cf. Steffek et al. (2010a) for the twofold view of responsiveness. In both views, responsiveness concerns whether the IO's - respectively the CSO's - activities and policies actually reflect the interests and preferences of its constituency in a meaningful way. For instance, are policy demands stated by the CSO in the context of an IO really in line with what CSO's members or the beneficiaries want and express as their preference? In terms of causality, the abovementioned four features are seen by Steffek et al. (2010a) as the preconditions for responsiveness of CSOs, and ultimately also for the responsiveness of IOs. Evaluating responsiveness of CSOs would require information on what CSOs do, which would have to be compared with independently obtained information on what beneficiaries and constituency would like it to do, which is beyond the scope of this paper.

## **4. A QUANTITATIVE COMPARATIVE ANALYSIS OF CSO LEGITIMACY AND ACTIVITIES**

### **4.1. Case Selection: Themes, IOs and CSOs**

The sample of CSOs that we used is no random sample of CSOs, but aims to include typical cases which sample the population of CSOs in an exemplary way. The population of CSOs can be stratified in different "ecosystems" covering themes and IOs active in these themes. Thus, the sampling is nested: CSOs and IOs within certain issue areas. We chose four of the most prominent themes of today's international governance: Trade, Environment, Peace, and Human Rights. Each is covered by a wide range of IOs, differing in their scope but also in their competence to issue binding policies for a certain theme. The policy field of trade was covered by two IOs / fora: the WTO and EU External trade policy. The policy field of environmental protection was covered by EU Environmental Policy and the UN Framework Convention on Climate Change (UNFCCC). For human rights, three fora were chosen, the UN Human Rights Council (UNHRC), the Internet Governance Forum, and EU Migration policy. Last, for peace, the conglomerate of institutions in the frame of the European Security and Defense Policy (ESDP) was selected. In the paper, we chose the notion "forum", as we not only refer to the formal institutions like a Directorate General, but refer to the whole ecosystem constituted of formal institutions and the CSOs orbiting around them.

CSOs come in different types, and the sample tried to get at least some cases for each. There are classic member-CSOs, where only individuals are members, e.g. Amnesty International; there are organizations of organizations, e.g. EU Associations constituted of national-level members like the EU Trade Union Congress; hybrid organizations with both individuals and organizations as members, and CSOs without any members, for which we use the label consultancies. Some of the latter are based on a foundation combined with an initial donation, others are operating in a mode similar to commercial consultancies, albeit with a clientèle consisting of IOs and governments.

While not a statistically representative survey, the CSOs sampled are those mentioned by practitioners as being among the most influential and important ones in the themes under consideration. Thus, our findings cover a significant "part of the action" in the CSO population. As with other specialist surveys, the sampling was subject to availability of a contact person. Thus, while we cannot say anything descriptive about the entire universe of transnational CSOs or about the properties determining that a CSO is important or not, we can say something about the degree to which CSOs fulfill criteria of legitimation, what patterns exist between legitimacy and activities, and whether the most dominant CSOs in a certain theme share some distinct features. Based on the hypotheses outlined above, we can make descriptive statements about whether the obser-

vations by and large confirm the expectations, and about what organizational features go together. Table 1 gives the basic descriptives for the composition of the sample.

*Table 1: Composition of the Sample - Theme, IO Affiliation and Membership Structure*

IO Affiliation		Themes		Membership Structure	
ESDP	9	Environment	9	No members	14
EU Environment	4	Human Rights	16	Individuals	11
EU External Trade	8	Peace	9	Organizations	29
EU Migration	8	Trade	26	Both ("hybrid")	6
IGF	3				
UNFCCC	5				
UNHCR	5				
WTO	18				

Interviewees and CSOs were recruited as follows: The CSOs have a constitutive theme, where they were originally active, but often are active in a range of related fields. The CSOs sampled for this study are all covering IOs related to their constitutive theme. The CSO is present in the IO with an Advocacy Office, AdO, in charge of advocating the CSO's agenda in this setting and in covering the IO, i.e. to monitor the IO's activities for new policies and developments. The interviewees were recruited from the AdOs, and questioned regarding their own activities and regarding the activities of the CSO. The data was gathered using semi-structured interviews with representatives from the CSOs' advocacy offices within three institutional frameworks, the WTO, the EU and the UN, during autumn 2007 to summer 2008; see Steffek et al. (2010b) for additional documentation. The survey underlying this study had two foci:

- (1) How CSOs perceive themselves in relation to the IO, how they can influence the policy-making by the IO, be it institutional (setting rules) or operational (actually doing something, like engaging in help for a developing country or in response to a natural disaster), and what resources and strategies they have at hand to influence the IO.
- (2) How CSOs see themselves in relation to citizens and the beneficiaries of their activities, what roles do these have in the CSO, how do CSOs transfer input from citizens to the IO and how do they transport information and outputs from the IO to citizens.

#### **4.2. Legitimation Patterns among CSOs**

The empirical analysis proceeds as follows: After deriving empirical indicators operationalizing the transmission-belt concept of legitimacy enumerated in Steffek et al. (2010a), we present levels of legitimation and similarities among the CSOs. The core of the presentation is the clustering of the CSOs based on information about the CSOs as

obtained from interviews and the Internet. Empirical indicators are constrained by availability of information. The available documentation varies among CSOs. If a CSO mentions that it is a contractor for projects launched by an IO, or that it is predominantly financed by industry contributions, this may indicate dependency. But the absence of such information does not indicate independence. It does however indicate a lack of transparency, if the CSO makes no information available as to where the funding is coming from. For this reason, we used only information that can be interpreted in terms of the underlying concepts used.

#### **4.2.1. Participation**

Participation per se is wider than participation of members in CSO's internal decision-making as it concerns a range of activities and functions. Involvement of disempowered groups and beneficiaries will be covered in the next section. The participation of supporters and donors who are not formal members of the CSO was not systematically covered in the survey. Indicators for the criterion of participation are the following:

- (1) CSOs should have members to be legitimate, they should not be "free floating". Members can be either organizations, individuals or both; the variable *Member* indicates the absence or presence of members of either type. Once again we emphasize that a CSO which is funding itself by some means or other and has no members is not something genuinely different but is a CSO which is not legitimized by membership.<sup>4</sup>
- (2) CSOs should involve members in decision-making on the content of its policy, of the political aims it pursues. This concerns the strategic and the tactical level of decision-making, i.e. determining long term aims of the CSO and how these aims are pursued. In principle, members can be involved in any stage. We covered whether the strategic- and the tactical decision-making involves members by either conducting member conferences or member surveys, in which members are invited to make a clear statement as to what the CSO shall do in the coming periods. This variable we call *MemberInfluence*.
- (3) Participation can also involve members into the CSO's core functions and operating, apart from direct involvement in decision-making on policy questions. Examples of such functions are: to provide public services for the CSO or for the IO, to provide ad-hoc policy input (information, demands, ideas for policy alternatives etc.), to plan and implement projects with the CSO, to engage in

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<sup>4</sup> Such a "consultancy" CSO can still generate some legitimacy by being transparent - and by its conduct, e.g. by limiting its work on supplying unbiased information. Whether consultancy CSOs and member CSOs differ in other aspects of legitimacy is an empirical question.

fund-raising and respectively direct funding by members and finally, to evaluate what the CSO does, be it its advocacy work or the evaluation of projects conducted by the CSO. The presence or absence of these types of involving members in the CSOs work were combined to the variable *MemberRoleIndex*.

#### 4.2.2. *Transparency*

A CSO should be transparent in what it does, advocates, about how it makes its decisions and also about the content of its decisions. It should be clear where the funding is coming from and where it goes to. As empirical indicators we included (1) transparency about the CSOs inner policy-making process and (2) transparency about its funding.

- (1) Organizational transparency concerns, whether the substantive positions of the CSO are documented by way of position papers and conference reports, e.g. summarizing what a member conference decided. Is it clear what the CSO did, e.g. by publishing an annual report on its activities? As for the internal workings, transparency implies that it is clear how the CSO arrives at a decision. Is something like the "constitution" online, which makes clear what the decision-making procedures within the CSO are, how the various Committees and Boards are determined and how substantive policy-decisions are made in the CSO? This information was combined into an index of organizational transparency.
- (2) Financial transparency concerns whether the sources of financing (government grants, grants from the IO, private donations etc.), the overall size of the budget, and its usage (projects, fund-raising activities, salaries etc.) are publicly accessible. These items of information were combined into an index of financial transparency.

The requirement of publishing all information on the Internet might seem to be a high hurdle but these days the Internet is the platform to present oneself to the public. Given that many of the CSOs claim to speak not only for their members but for larger groups of citizens or the public in general, they should also be open towards these non-members.

In addition, we created an *ExternalControl* Index, which covers whether the CSO subjects itself to some form of external control in terms of "good governance". We chose whether the CSO gets a financial audit on a regular basis and whether it abides to an external code of conduct. As an illustration, Germanwatch abides to a general standard agreed on by all German CSOs, is also registered in the EU Lobby register and abides by the EU's "Code of Conduct for Interest Representatives".

### 4.2.3. *Independence*

The CSO should be independent from governments and the IO they are covering in their advocacy work, but also from the market. Non-profit status is widely seen as one constitutive criterion for the third sector and the crucial feature distinguishing the "norms based" CSOs from their "commercial" lobbyist counterpart. This independence concerns in particular the funding, which may come in the form of grants, project funding and donations. Alas, the information available on the Internet about the sources of funding, in particular on funding from IOs, is very sparse. Some CSOs state their funding sources in detail, listing the amounts received from governments, IOs, or industry, and also whether these funds come earmarked, i.e. have to be used for certain projects or are a remuneration for some service. Unfortunately, others list nothing at all in this regard, making it impossible to measure independence using funding, as one does not know whether those who do not report anything do not have anything to report or just keep silent about this issue. The same is true for the issue of whether the CSO is executing projects on behalf of IOs, for governments, or for industry, or is in some contractual relationship with either. This information is usable to evaluate the transparency, but not for evaluating the independence, which can, for this reason, not be included in the following empirical analysis.

### 4.2.4. *Inclusion Efforts*

Inclusion efforts - including specifically those interests and groups which are affected and are most likely to be "forgotten" - are seen as a necessary criterion for legitimacy. Transnational CSOs are, after all is said and done, an upper class, Schattschneider (1960) and Maloney (2007), and first world phenomenon; cf. Piewitt (2010), notably as far as the level of activity is concerned. In particular, there is the perceived risk that CSOs systematically ignore preferences held by the ultimate beneficiaries, oftentimes people living in poverty and under oppression.

To avoid this "patronizing" or "avantgardistic" role, the CSO must reconnect with the beneficiaries, if possible. In terms of concrete action, CSOs need to go out and ask the people "on the ground" for their opinion, and whether they are in favor or opposing the CSOs' policy proposal and the ideas stated by the CSO. During the interviews, two practices came up to assure that disempowered groups are present in the CSO: first, giving grants, usually travel grants, so that certain persons can attend meetings and conferences; second, quota rules stating that board or staff members must be from certain groups.<sup>5</sup> As the occurrence of such efforts is quite rare, we coded the *InclusionEfforts* variable binary, in terms of yes or no.

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<sup>5</sup> Some first-world CSOs engaged in non-gender-specific themes counted quota for women as an inclusion effort to

Table 2 gives the underlying pattern of the indicators of legitimacy among the sixty CSOs as obtained by a factor analysis combining the variables enumerated above. Variables loading on the same latent factor indicate that the manifest features go together.

*Table 2: Patterns of Legitimacy among CSOs*

<b>Variable</b>	<b>Dimension 1</b>	<b>Dimension 2</b>
Member	0,738	-0,266
MemberInfluence	0,516	-0,344
MemberRoleIndex	0,682	-0,080
TransparencyOrganizational	0,567	0,229
TransparencyFinancial	0,249	0,426
ExternalControl	0,335	0,580
InclusionEfforts	0,049	-0,049
<b>Eigenvalue</b>	<b>1,773</b>	<b>0,768</b>

Remark: N=60. Unrotated factor scores

The solution obtained, in particular the low values of the factor loadings, indicates that while there is some pattern, the manifest legitimation criteria (inclusion efforts, transparency, external control and the like) are to a substantial degree independent of each other. It is not the case that if a certain CSO is highly legitimate in one aspect, it is also highly legitimate in all (the) other aspects. Instead, a CSO might be highly legitimate in one aspect and have low legitimacy in another. One might hypothesize as we did in section 2, that if citizens are involved, they would insist on abidance to other criteria of legitimacy, like transparency or inclusion, but this is not the case.

Participation constitutes one dimension - little surprising, if there are members, they will have both a role in the CSOs activities and they will have some control over the CSO. However, in particular the latter causal connection is rather weak, a consequence of the fact that many CSOs which have members, nevertheless assign little say to members about what the CSO does in terms of activities and policy decisions. As the sample is by no means meant to be representative for the CSO population, we can not make a statement about the relative frequency of non-member and member CSOs in the population of all CSOs.

Transparency, it turns out, is no single dimension: the aspect of organizational transparency - how decisions are made - and the "good governance" aspect of transparency - being open about financing and having a financial audit - are independent. Having members and giving them a role (variables Member and MemberInfluence and MemberRoleIndex) makes a CSO slightly more transparent in terms of how decisions are made (TransparencyOrganizational), typically by describing the role of member conferences, but it does not actually make the CSO more transparent in terms of its financial

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empower disenfranchised groups albeit their beneficiaries were not women.



affairs (variables TransparencyFinancial and ExternalControl). Even if there are members, they seemingly do not insist on more transparency. Still, consultancy CSOs, for which transparency would be - from a normative point of view - more important, are typically less transparent in financial and organizational terms compared to member CSOs.

Last, if one looks at all CSOs, regardless of whether they have members or not, the existence of members does not make the CSO more engaged in active efforts to include disempowered groups (variable InclusionEfforts). Only 17 of the 60 CSO engage actively in such efforts, but those 17 are highly heterogeneous in all other aspects. Irrespective of the membership type, 27 to 33 percent of the CSOs with a certain type of membership engage in inclusion efforts.<sup>6</sup> It is neither the case that the members of a CSO insist on including disempowered groups, nor is it the case that consultancy CSOs, for which in the absence of members inclusion efforts are one of the few ways to connect with people, take more care to include the groups (and their views) which are the ultimate beneficiaries of their work. If one takes only the 46 CSOs which have members (individuals, organizations, or both) the picture differs somewhat, see table 3.

*Table 3: Patterns in Legitimacy among Member CSOs*

<b>Variable</b>	<b>Dimension 1</b>	<b>Dimension 2</b>
MemberInfluence	-0,025	0,417
MemberRoleIndex	0,289	0,022
TransparencyOrganizational	0,554	0,158
TransparencyFinancial	0,479	-0,175
ExternalControl	0,728	-0,029
InclusionEfforts	0,059	0,363
<b>Eigenvalue</b>	<b>1,153</b>	<b>0,362</b>

Remark: N=46. Unrotated factor scores

Among the 46 member CSOs, there is no stringent pattern of how members participate: that members have encompassing roles in the work of the CSOs (such as participating in implementing projects, variable MemberRoleIndex) does not mean that they also have substantial influence on what the CSOs does (are e.g. involved in setting the strategic aims of the CSO's work, variable MemberInfluence), and vice versa.

Among member CSOs, there is a tendency that those who give more influence to their members are also the ones which engage more in inclusion efforts, indicating that the CSO's efforts to connect with beneficiaries are somewhat higher, but the relationship is weak.

<sup>6</sup> The rate is lowest - 27% - among CSOs which have only individual members, and highest - 33% - among CSOs which have both individuals and organizations as members.

The relationship is stronger between the different aspects of transparency: if a member CSO fulfills one aspect of transparency, it is more likely that it also fulfills others. But that is not caused by the roles and the influence of members. It is not the case that CSOs which have members are more transparent than free floating ones, nor is it the case that CSOs in which members have a stronger role and more influence are more transparent.

The analysis confirms that the role of members is just one aspect of the CSO's characteristics, which has very limited effects on other aspects of its legitimacy and behavior. The main message is that it is clearly not the case that various aspects of legitimacy go together, let alone reinforce each other. One might argue that having a direct connection with citizens (having members, giving them a role) is an essential element in legitimacy. Not so. Having members is no decisive component, which assures that other criteria of legitimacy are met. This finding is confirmed in the qualitative information obtained in the open sections of the interview, where interviewees indicated that they are clearly comfortable with a very limited role of members, whose function is to provide funding.

Supplementing the institutional sources of legitimacy, we asked: How, to whom and about what do the CSOs perceive themselves to be accountable? During the interviews, the respondents were given a list of things and groups and were asked whether they feel accountable to one or more items. Table 4 gives the results, again differentiated for member and non-member CSOs.

*Table 4: Perceived Accountability among CSO Officials*

<b>Whom do you feel accountable to?</b>	<b>All CSOs</b>	<b>Non-Member CSOs</b>	<b>Member CSOs</b>
Members	65%		82,61%
Beneficiaries	32%	50%	26,09%
Donors	33%	42,90%	30,44%
the Public	12%	14,30%	10,87%
Norms	5%	0%	6,52%
Colleagues; other CSOs	12%	28,60%	6,52%
	<b>N=60</b>	<b>N=14</b>	<b>N=46</b>

If the CSO has members, it is highly likely that the respondent feels ( also ) accountable to them. For both, member and non-member CSOs, the accountability to donors is high. The most notable difference is that non-member CSOs (Consultancies) feel twice as often also accountable to the ultimate beneficiaries of their efforts, while an astonishing three quarters of the member CSOs feel no such accountability. As will be shown later, this accountability to beneficiaries is not reflected in differences in a CSO's inclusion efforts. In addition, the peer group effect of seeing oneself in reference to other CSOs

working in the same issue or colleagues is much higher among the consultancy-type CSOs. As for the question, of whether the CSOs also have the general public in mind, the evidence is to the contrary: norms and the general public (which included future generations) do not feature among the entities they feel accountable to.

#### **4.2.5. *Members, CSOs and Advocacy Offices***

One can conceptualize the link between citizens and the CSOs' specific efforts as a chain of delegation: a fraction of all members meet in a General Assembly to elect (or acclaim) a Central Board, and ideally also determine an overall agenda for the CSO. Decision-making on substantive questions needs to be differentiated: Strategic questions, i.e. the long-term aims, are decided by the Central Board and the members, if there are any, usually by a General Assembly, meeting in some case once a year, in others every three or four years, or by member surveys. But the actual work is done by staff in the AdOs, under varying degrees of control through the Central Board. Here, there is a substantial role for organizational features like the CSO's scope and size, but also for idiosyncratic features like the personal style of the Director, or the fact whether the AdO covering an IO is directly located at the Central Office or in another location. For their daily work, interviewees reported different settings: some interviewees reported to have substantial leeway in what they do, communicating informally with other staff members, with other CSOs, but also with some selected and engaged members, which one interviewee called the "external team". Tactical decision-making on how to implement strategies, on how to pursue a certain aim, how to conduct a lobbying campaign, is typically left to AdOs and the individual in charge, who has substantial leeway in running the day-to-day business.

### **4.3. *Patterns in CSO Roles, Activities and Resources***

Following the transmission belt concept, CSOs ideally perform several functions, among them interest mediation and advocacy addressing the IO, but also the transmission of information from the relatively closed circles of International Governance to members and the broader public. Do CSOs differ in their roles, activities and resources they have at hand to influence the IO? And if so, do organizational features explain these differences?

#### **4.3.1. *Behavior of CSOs vis-à-vis the Citizens: Modes and Direction of Communication***

As stated above, CSO can potentially serve the function of creating a link between IOs and citizens, by engaging in communication, in particular in two-way communication:

First, CSOs can send information to members but also to citizens, ideally enabling them to form an opinion about the IO and the themes it covers, which in turn is the pre-

condition for a broader "informed public". On the other hand, the information given by a CSO to its members or presented to the public (for instance on its website) is hardly unbiased information, but, after a closer look, turns out to mix factual information with "political messages", to define a certain problem in accordance with the CSO's view of the world and ideological orientation, in order to favor some conclusions over others; cf. Collingwood/Logister (2005) for the problem of the CSO's credibility gap.

Second, communication can serve to receive input from the members, supplementing the "official" occasions, when members are asked to submit their views, via periodical votes, surveys and elections. As for instance Eising (2008) argues and Altides (2011) finds, there is a trade-off between engaging in two-way communication and the chance to influence IOs. Crudely put, informing the public or members about everything that is going on is an obstacle to be seen as a trustworthy and discreet negotiation partner by the IO, which is a requirement for exercising influence (Steffek/Ferretti, 2009). And, actually listening to members may result in being forced to advocate a position which is both too extreme and inflexible to be of relevance. The question we want to look at here is: Are CSOs more busy to inform members, or are they equally busy to get the original, unadulterated preferences of members, a precondition for keeping their own activities in line with the preferences of their members? As these are different aspects of communication, several variables were generated. The variable *Informing* covers whether the interviewee, when being in communication with members, is giving them information about the issues, solutions etc. s/he is currently working on. The opposite direction is covered by the variable *Receiving*, capturing whether the interviewee is also engaged in receiving information from members when formulating policies and deciding on tactics. Both were combined to a variable *InformationTransmission*, which captures whether the flow of information goes both ways.

Table 5: Communication Patterns with Members

		RECEIVING information from members		
		No	Yes	Total
INFORMING members	No	2	7	9 (20%)
	Yes	8	29	37 (80%)
	Total	10 (22%)	36 (22%)	46

Remark: CSOs with members only. Correlation = 0.0058

A third motive for communicating with members is mobilizing them for supporting the CSO and the AdO. Specifically, these efforts consist of convincing members that the IO is important for the aims of the CSO, to create policy-support for the CSO's position or to mobilize members, for instance to engage in national-level advocacy efforts, which were combined to the 0 to 3 variable *Mobilizing*. The variables refer to both the AdO and the CSO.

There are 14 CSOs which do not have any members - neither individuals nor organizational members - and can thus not communicate with members (see the section on informing the general public below). The communication pattern among member CSOs shows, interestingly, no correlation between whether AdOs engage in informing members and are receiving information from members. That a CSO has members does by no means imply that the AdO - where the actual advocacy work is done - is in any way connected with them. Still, there might be intermediate connections via the CSO's main policy-making body.

Among those 46 CSOs in the sample that have members, there are ten, i.e. about one in five, where the AdO did not report to engage in any communication with the aim of receiving any form of direct input from members: ATTAC, ENAR, Germanwatch, IHEU, IOE, ITUC, PICUM, QUNO, UN Watch and the German subsidiary of the WWF. If these AdO communicate, they do so only for the purpose of informing and motivating their members, i.e. of influencing member's preferences. It is reasonable to presume that the sending of information (sending the newsletter etc.) is done by the main office of the CSOs, and that the AdO is more or less isolated from a direct connection with citizens.

*Table 6: CSOs as Information Transmitter and Mobilizer*

		CSO is MOBILIZING members (convincing, creating policy support, mobilizing members)				
		0	1	2	3	Total
Information Transmission	No	6	7	4	0	17
	Yes	6	4	10	9	29
	Total	12	11	14	9	46

Remark: CSOs with members only. Correlation: 0.39\*

If one defines the role of a CSO as an enabler and facilitator of public discourse, in that the CSOs is both informing citizens about the policy issues it is tracking and receiving the information and input from citizens, only 29 of the 60 CSOs surveyed are living up to this role. If the CSO has members it is about twice as likely that the CSOs is a two-way information transmitter, but still, it is by no way certain, because 17 of the 46 member CSOs are no "transmitters". Of the 46 CSOs with members, the majority of 34 is also engaged in mobilizing its members, 11 are engaged in mobilizing only, without taking up input from members.

CSOs can, irrespective of their member structure, contribute to informing the public discourse by publishing reports and policy analysis and activity reports which not only inform about what they did but what happened in that fraction of the international level they are covering. Findings in the literature, cf. Altides (2011) for a recent comparative study, indicate that even this one-way flow of information is basically under-developed, and presumably for strategic reasons. How is the situation in our sample? Table 7 dis-

plays the share of CSOs that are publishing newsletters, position papers and activity reports available to the general public.

*Table 7: Providing Information to the General Public*

	<b>All CSO</b>	<b>Member CSOs</b>	<b>Consultancies</b>
	% yes	% yes	% yes
Newsletter	53,3	69,6	0
Position Papers	66,7	76,1	35,7
Activity Reports	68,3	69,6	64,3
N	60	46	14

Here too, the possibilities of the Internet as a platform to inform citizens are not used to the fullest extent possible. In our sample, newsletters, while not per se confined to this function, are a feature of member CSOs, and thus predominantly used to address members. Member CSOs are more open about what positions they take in the debate, Policy Papers, but both, member CSOs and consultancy CSOs are equally open about what they are doing, Activity Reports (cum grano salis, as the actual content of the activity reports was not investigated).

What can we say about the receiving end of the CSOs' communication efforts? Studies like Altides (2011) and Tresch/Fischer (2008) indicate that the role of CSOs in publicizing EU politics and also the resonance of CSOs in national media is low, albeit with substantial national level variation. While we cannot engage in something similar to Altides' content analysis, we investigated the media presence of the sixty CSOs, using the number of mentionings for the three year period 2007 to 2009 in the LexisNexis Press database.<sup>7</sup>

Given the different nature of CSOs, media presence may result from different mechanisms, serve different functions and can be interpreted in different ways:

- (1) Media presence might result from efforts by the CSOs, as a part of their strategy, notably the strategy to incite public awareness and protest by pushing a certain theme. CSOs which recur to public protests might have a higher media presence in that they are the object of media reports.
- (2) It might result from CSOs fulfilling their role of transmitting information to the broader public sphere, with CSOs reaching out to the media, passing on in-

<sup>7</sup> Accessed via [http://rzblx10.uni-regensburg.de/dbinfo/detail.php?bib\\_id=tuda&colors=&ocolors=&lett=f&titel\\_id=1670](http://rzblx10.uni-regensburg.de/dbinfo/detail.php?bib_id=tuda&colors=&ocolors=&lett=f&titel_id=1670) [accessed during September 2010]. The LexisNexis database covers on a full text basis, among other things, a broad range of periodicals: newspapers like The Independent, the New York Times, El Pais and magazines, like Germany's Der Spiegel. While not covering all media, it covers a substantial share of European and international print media.

formation the media might be interested in and raising issues. CSOs are then mentioned as a barking watchdog.

- (3) It might also be the result of the media initiating contact with CSOs in order to obtain some piece of information required for a contribution, and the CSO is then mentioned in exchange for information and as an indication of a source.

Absent a detailed content analysis of the reports, the multitude of mechanisms by which media presence may come about makes it difficult to attribute it to one mechanism. However, given the profile of the CSOs, we might, with some certainty, interpret media presence as a result of certain activities rather than others.

Analyzing the media presence of CSOs yields some interesting findings, even when considering that these findings are to some degree time specific, depending on current events and fads. The average of media mentionings for the 60 CSO during the three years under consideration is 1544, i.e. on average, each CSO was mentioned in 1544 media reports. The variation is substantial, with some CSOs being never mentioned, for instance the Austrian migration CSO Asylkoordination, and some CSOs being mentioned very often, such as Greenpeace, Amnesty International and Human Rights Watch, with average numbers of mentionings of 26189, 26153 and 17040 mentionings, respectively. Among them, these three CSOs constitute 74% of all mentionings in the database, a clear indication that very few CSOs disproportionately dominate the public perception of CSO activities. Media presence is also distributed to varying degrees among the CSOs active in an issue area. In some issue area, e.g. Environment and Human Rights, a few flagship CSOs dominate (Greenpeace and Amnesty), in other fields, such as trade, the distribution of media presence is more even.

There are substantial differences in media presence by issue area. For the three years under consideration, Human Rights was the most present theme in the media, giving CSOs tracking this theme (and covering the relevant IOs, EU Migration and the UNHCR) a substantially higher media attention than others (on average 2823 mentionings).

The main activities and properties of CSOs, in particular the degree to which they recur to the public and public pressure as a resource in their efforts, affects their media presence. CSOs using threat potential and public protests as a resource for their advocacy have a much higher media presence than CSOs which do not resort to such confrontational strategies, indicating that threat potential arises predominantly from threatening with negative publicity in the media, rather than sanctioning the IO by withholding critical information and ending cooperation in projects.

As for the membership aspect, the most media-present CSOs are individual-member CSOs (on average 4928 hits) and the consultancy CSOs (on average 1635 hits, with the International Crisis Group leading the field with 3523 hits). As consultancies do not

have any members, they achieve their media presence presumably via their ability to provide the media with essential and valid information. Member CSOs might be mentioned so often, because many readers are aware of their existence. Organizations of organizations or hybrid organizations are rarely mentioned in the media.

Handing out press releases in the course of the day-to-day work per se does not create media presence, indicating that a CSO needs additional characteristics to be of interest for the media. Still, CSOs transmitting information are mentioned more than twice as often in the media than CSOs that do not transmit information according to our definition (2267 vs. 867 hits).

CSOs in a more cooperative relationship with the IO (for instance because they are cooperating with the IO in joint projects) are less present in the media than CSOs which perceive their role as being also a counterpart to the IO. CSO which see themselves as a counterpart to the IO are slightly more often mentioned in the media than those who do not see their task as being among other things to be a corrective for the IO.

Taken together, the media presence confirms to some degree that there are two disjunct strategies, loosely corresponding to the insider-outsider-model of interest intermediation; Grant (1978) and Broscheid/Coen (2003). One can cooperate with the IO, which leads to a different set of activities, or one can be more confrontative, for which media presence and access to the public are the most important resources.

#### **4.3.2. Behavior of CSOs vis-à-vis IO**

The behavior of CSOs vis-à-vis the IOs they are covering is characterized by the roles the CSOs pursue, the resources they have at hand, and the activities they engage in.

##### *4.3.2.1. Roles of CSOs vis-à-vis the IO*

The interviewees were asked which roles they pursue in context of the IO. Specifically, we asked, whether they engage in one or several of the following four roles:

- (1) "Counterpart of the IO the CSO is targeting". The IO has a certain agenda, and the CSOs may try to influence this agenda, either by bringing new issues on the table (for instance social aspects of trade negotiations) or it may explicitly try to counter the IO's mission, i.e. raise objections and give arguments, why the IO should abstain from certain activities.
- (2) "Partner of the IO in conducting projects". Some IOs are conducting projects, for instance, dispensing developing aid, or capacity building, and here the CSOs may also act as a partner in conducting and implementing projects "on the ground". This may have the form of a contractual relationship on in more informal ways.
- (3) "Provider of Information for the IO". Just as national-level regulators, IOs are in need of reliable and valid information, in particular on what the problem is,



what options there are, and what the likely effects of a certain solution will be for what groups. The IO also needs information on what is happening, and some CSOs can specialize in creating and running the networks on the ground, for instance in a country rife with civil unrest or civil war, to monitor developments and to warn the IO about impending conflicts.

- (4) "Counterweight" - No CSO is alone in the field and in most issues there are several opposing opinions, embodied in CSOs. Little surprising, one role of a CSO is to counterweight advocacy efforts of other actors, which may be other CSOs or states. This "counterweight" situation characterizes issues with clear distributive effects, for instance where industry and labor interests clash. But "counter-weighting" also occurs on issues which have no clear cut material distributive dimension. For instance, in the issue of conflict prevention and human rights, some CSOs report that they are a counterweight to states in the IO, which are not willing to act in a certain way, for instance which are not willing to engage in humanitarian aid.

#### *4.3.2.2. Resources of CSOs when Engaging with IOs*

The CSOs differ in what resources they have at hand. These resources may originate from properties of the CSO (members, access to the media and the public) or they can result from an exchange, for instance the capability to execute tasks for the IO, which is reciprocated in some way or other. The CSOs were asked which of the following resources they can command to make the IO listen to them:

- (1) Providing Information - the CSO can be a crucial provider of information, exerting influence by giving the "right" information or by exchanging information against influence.
- (2) Moral Arguments - the CSOs can recur to their moral authority and the moral quality of their arguments as a influential resource in pushing for certain policies.
- (3) Representation – the CSOs can claim to speak for a substantial share of the population, not necessarily in their role as political citizens but for instance in their role as employees or employers.
- (4) Service Provision - CSOs can provide services for the IO, be it by way of formal subcontracting or in less formal ways, such as monitoring developments.
- (5) Direct Links - CSOs can have close and personal links to persons who make or influence the decisions, and can recur to this as a valuable resource.
- (6) Threat Potential – CSOs, notably the well-organized and multinational CSOs, can make use of their “brand name”, the connection to the public, as a mean to

engage in public actions via the national level or in naming and shaming efforts.

#### *4.3.2.3. Activities of the CSOs Targeting the IO*

Regarding what the CSOs do in their daily activities, i.e. how they operate when they are advocating their position, there are several typical activities CSOs engage in when dealing with the IO they are tracking:

- (1) they can engage in Public Protest, in whatever form
- (2) they can issue Press Releases as a part of creating both public pressure and to influence the public opinion
- (3) they can submit Policy Papers in response to invitations or on their own initiative
- (4) they can recur to the classic technique of Direct Relations and Lobbying of those persons who are in charge of the decision-making
- (5) and they can participate in formal Consultations launched by the IO, in which they present their views and positions in verbal or written form.

By way of simplification, patterns in resources, activities and roles were combined to three additive indices:

The index *CSORoles* summarizes the multitude of roles the CSO can fulfill in the setting of the IO: it may be a counterpart to the IO itself raising concerns overlooked by the IO and its governmental members; it may be a partner in the IO's projects, a provider of information required by the IO; or it may be a counterweight to other CSOs present in the setting of the IO.

The index variable *CSOInstruments* summarizes the instruments, which the CSO typically engages in: to launch public protests; to issue press releases or policy papers; to engage in "classical" lobbying by using direct; personal relations or to participate in consultations launched by the IO.

Last, the *CSOResources* index covers the different resources on which the CSO relies when influencing the IO: providing information, presenting moral arguments, being representative for a large share of the population, provide services to the IO, having direct personal links or having a substantial threat potential, typically by creating negative publicity.

In the analysis, these indices were supplemented by the information about whether the CSO engages in a proactive role. While all CSOs react to invitations to participate, deliver opinions to themes set by the IO, and the like, some are actively engaged in getting access and in bringing things to the agenda. While there is no information about the success of such activities, it is an important element of the self concept of the CSO.

Table 8: CSOs in Relation to IOs

Variable	Dimension 1	Dimension 2
CSORoles	0,336	-0,180
CSOInstruments	0,646	-0,003
CSOResources	0,654	0,014
ProActiveRole	0,264	0,201
<b>Eigenvalue</b>	<b>1,03</b>	<b>0,07</b>

Remark: N=60. Unrotated Factor scores

Exploring the patterns in roles, activities and resources of the CSOs vis-à-vis the IO as given in table 8 shows that there is substantial independent variation in the four properties used to describe the CSOs:

There is no correlation between the level of available resources and whether the CSOs is also proactive or only reacting to the IO (waiting for invitations, taking a stance to themes raised by the IO). While most CSOs - 47 of 60 - also are proactive, the more passive 13 ones do neither act that way because of a lack of resources, nor because they pursue a different set of roles.

There is a significant positive correlation between the resources and instruments in that the CSOs with more and different resources at hand also use more instruments, i.e. different activities to influence the IO. This is what one would expect, because for a certain activity, certain resources are strictly required and the availability of certain resources allows a CSO to engage in a certain activity. For instance, engaging in "classical" lobbying as an activity requires that there are direct and personal connections to decision makers.

On the other hand, there is no noteworthy correlation between either resources or instruments and the multitude of roles the CSO engages in. It is not the case that more resourceful CSOs also see themselves as performing more roles. Rather, they pursue their roles with more instruments and more resources, i.e. maybe with higher success.

#### 4.4. Properties and Activities of CSOs: An Overall Picture

In order to summarize the overall pattern of legitimacy and activity of the CSOs, table 9 gives the underlying patterns for all descriptive information. In accordance with the above findings, three dimensions are extracted, which yield, together with the independent feature of InclusionEfforts a four dimensional pattern underlying the CSOs.

The main message is that there is very little in terms of causality or co-occurrence among properties and activities. Given this pattern, one needs four different pieces of information to describe the CSOs in an encompassing manner: Are there members? What resources does the CSO have for its work? Does it abide to some form of external control in order to assure "good governance", and last, does it engage in inclusion efforts?

Table 9: Overall Pattern Legitimacy and Activity of CSOs

Variable	Dimension		
	Involvement	Transparency	Activity
Member	0,85	0,11	-0,15
MemberRoleIndex	0,70	0,24	0,12
MemberCommunication	0,81	-0,13	-0,07
MemberInfluence	0,53	0,02	-0,32
MemberContact	0,85	-0,11	-0,15
InformationTransmission	0,68	-0,02	0,09
Mobilizing	0,67	-0,29	-0,04
CSORoles	0,52	0,03	0,12
CSOInstruments	0,36	-0,25	0,59
CSOResources	0,25	0,14	0,63
Transp. Organizational	0,33	0,50	-0,19
Transp. Financial	0,04	0,46	0,10
ExternalControl	0,00	0,73	0,09
InclusionEfforts	0,04	0,04	-0,13
<b>Eigenvalue</b>	<b>4,35</b>	<b>1,28</b>	<b>1,01</b>

Remark: N=60. Unrotated Factor Scores

These four pieces of information are independent, i.e. for instance, resource endowment is not related to whether the CSO has members or not. This indicates among other things, that representativity, or a broad member base, are of limited use for the CSOs' work. If a CSO has members, a set of tasks arises, but these tasks are directly related to managing the relations to members and hence do not fundamentally affect the CSO's relations to IOs.

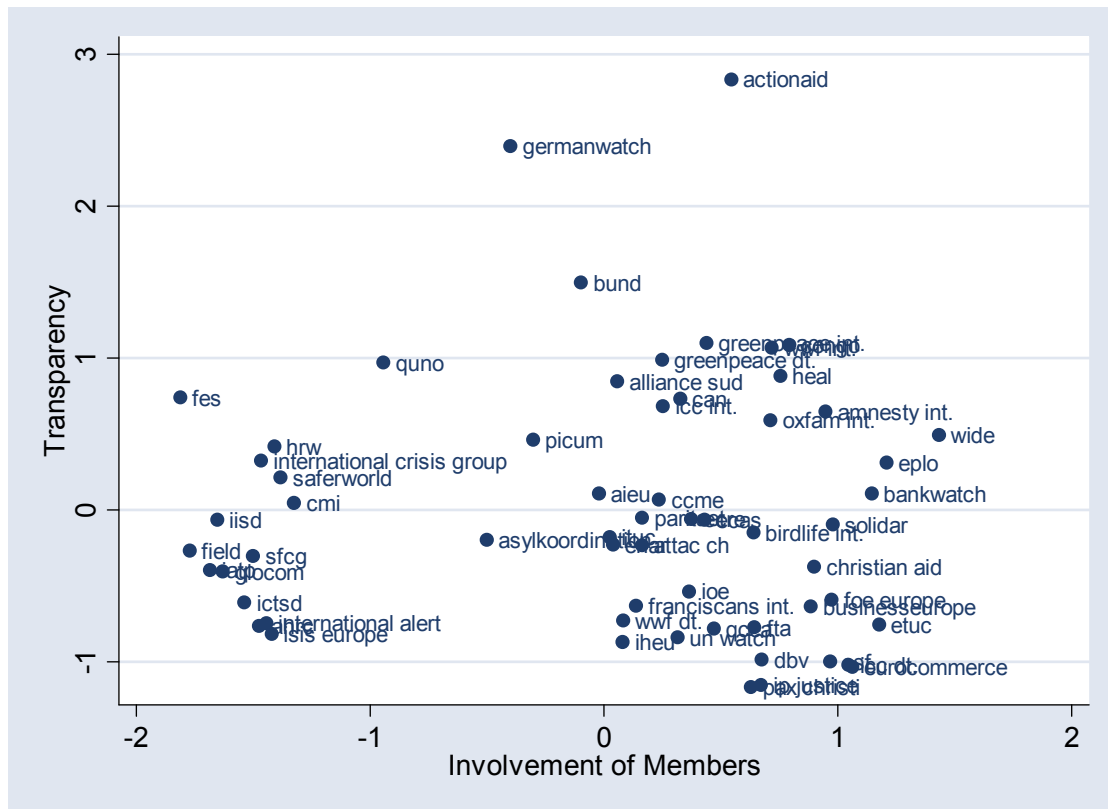
Nor is there a pattern in the sense that CSOs which are more legitimate in one dimension are also more legitimate in another one. Notably, the involvement of members does not make the CSO to strive for more legitimacy in other aspects, such as inclusion or transparency. Inclusion efforts stand out as a feature which is strikingly independent from the other features.

For illustrative purposes, figures 1 and 2 give the location of the 60 CSOs in terms of where they are located in the property space, allowing statements about whether there are recognizable clusters of similar CSOs.

Figure 1 gives an overview on the legitimacy of the CSOs, when looking at the participation of members and the transparency. Overall legitimacy increases from the bottom left to the top right quadrant of figure 1. In the low legitimacy corner, we find in particular the "institutes" or think tanks acting like consultants. These organizations are not transparent about where much of their funding comes from, what they do and which are, most of all, free floating in that they are not connected in any way, direct or indi-

rect, with citizens. Note that they still can engage in inclusion efforts, i.e. reconnect with those who are concerned by their work.

Figure 1: CSO Legitimacy - Transparency and Involvement of Members



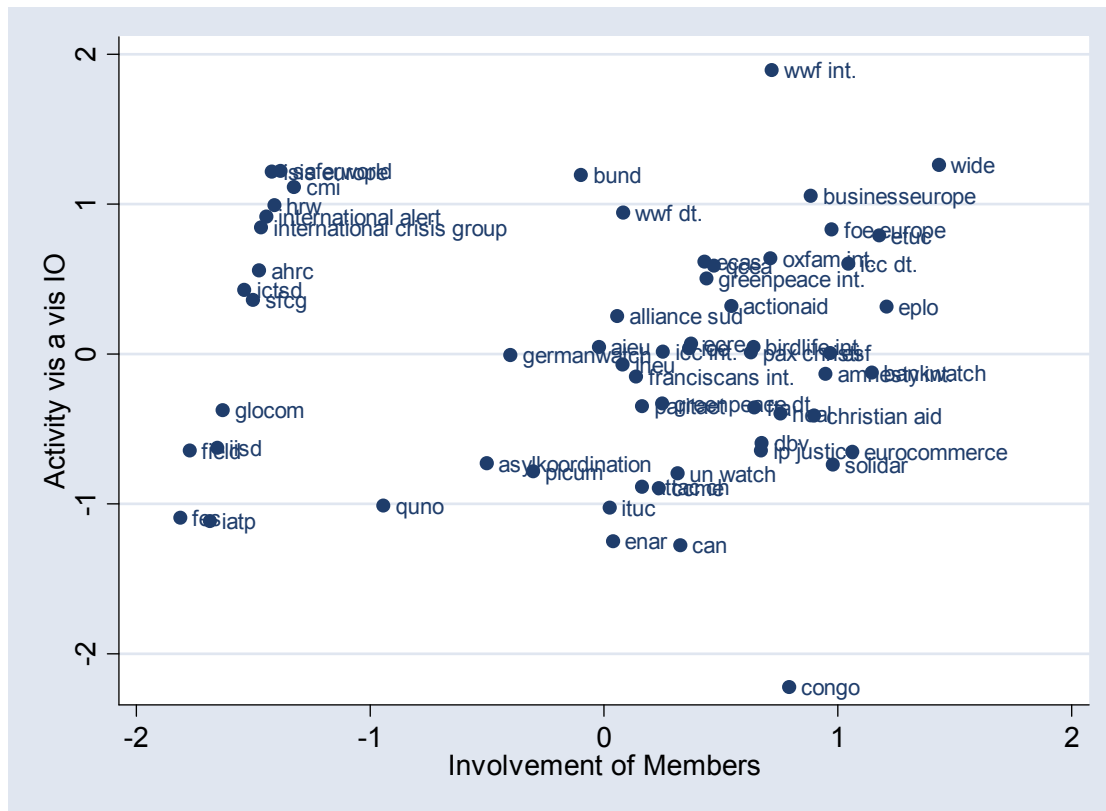
In the right bottom corner, we find the majority of member CSOs. They are connected with citizens, either by having individuals as members or by having organizations as members, which in turn have individuals as members. The actual involvement of members differs substantially, they scatter broadly along the horizontal dimension. In terms of transparency, member CSOs are on average similar to non-member, "consultancy" CSOs, and both groups remain substantially below the level of transparency which is possible, indicated by Germanwatch and ActionAid. Interestingly, there are member CSOs, which are even less transparent than consultancy CSOs, e.g. Pax Christi.

In terms of activity, CSOs cover the full range. The least active CSO is CONGO, itself a network which is more or less limited to providing organizational infrastructure to member CSOs, the other extreme is the WWF.

There is no overall pattern in the sense that CSOs with a better connection with citizens are more active. The reason is that the resources (access to persons for lobbying, but also the potential to engage in and threaten with public events like demonstrations) matter most for activity and that the resources are not determined by membership. Membership affects the access to the public, but that is only one resource among sev-

eral. Membership per se is neither a decisive resource nor a decisive driver for CSO activity.

Figure 2: CSO Activity and Involvement of Members



In section 2 above, we argued that there could be empirically and should be normatively certain patterns linking features of the CSOs to the theme they are covering. To test these expectations, the next aspect we want to analyze is the following: Are there groupings of the CSOs by their member structure, the policy field in which they are active, or by the IOs they are affiliated with, i.e. do issue characteristics (trade or peace keeping) engender similar structures in the CSOs that engage in advocacy in this domain?

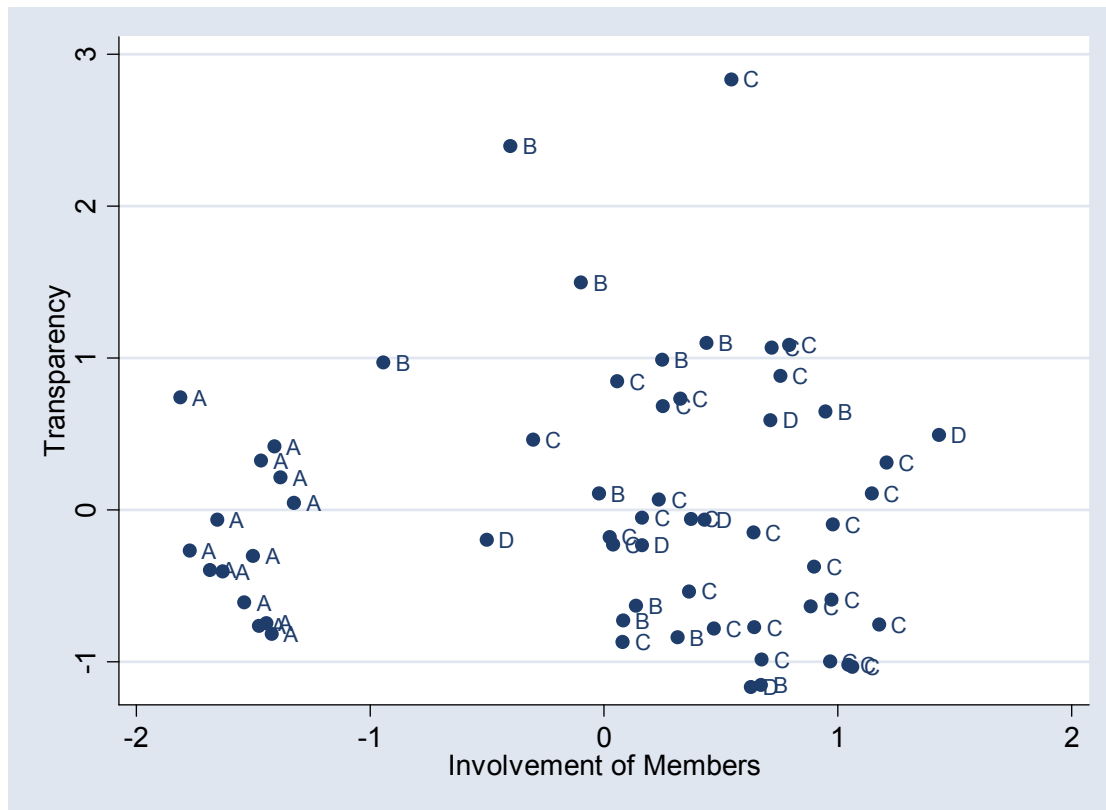
Are the CSOs affiliated with a certain IO more similar to CSOs also covering this particular IO? For instance, one might presume that CSOs active in the field of peace and conflict, or in the field of trade, are more similar to each other. Figure 3 gives the main legitimacy indicators - transparency and connection with citizens - for various CSOs, which in figure 3 are labeled by the IO they are tracking. As can be seen, there is no clustering in the sense that a certain IO is covered by a “typical” CSO in the sense that the CSOs covering it have certain characteristic features. The only bias arises from the fact that in the European Security and Defense Policy the sample (not necessarily the population) is dominated by consultancy CSOs, like International Alert or International Crisis Group.







Figure 5: CSO Legitimacy by Type of Membership



#### 4.5. Properties of CSOs as a Factor for Activities

Next, we want to study in more detail whether there is a linkage between a CSO's properties and its activities. Do certain properties of the CSO, notable resources, affect the way it behaves vis-à-vis the IO? Do certain CSOs, for instance, those with a closer connection to members, differ in their roles? While we studied the multiplicity of the roles above, we now want to ask, whether certain roles are more likely for CSOs with certain properties - how do CSOs perceive themselves? Is this a result of how the CSO is organized or is it dependent on the issue area? To do so, we compared properties and activities of CSOs for different policy fields and the different IOs which the CSOs are covering (which are covered by CSOs).

##### 4.5.1. Availability of Instruments and Resources

While we would presume that resources are an important factor in the CSOs' advocacy work, we have no information about what determines the endowment with resources. The factor analysis shows that the only meaningful correlation occurs between the activities and the resources, which however, only implies that more resources allow for more activities. Table 10 compares member CSOs and consultancies in terms of resources and instruments available for influencing IOs.

Table 10: Instruments and Resources for Advocacy

	Member CSOs	Consultancies
Instruments	%Yes	%Yes
Public Protest	34,8	0
Press Releases	69,6	50,0
Policy Papers	76,1	78,6
Direct Relations & Lobbying	78,2	71,4
Participation Consultation	67,4	57,1
Number of Instruments	3,26	2,57
Resources		
Provide Information	82,6	85,7
Moral Arguments	39,1	50,0
Representing Population	39,1	0,0
Provide Services	15,2	42,9
Contacts	56,5	42,9
Threat Potential	34,8	7,1
Number of Resources	2,67	2,29

Member and consultancy CSOs only differ in that the former recur also to public protests and tend to use press releases more often, both of which are resources arising directly from the fact that having members creates a higher publicity in the society with each member acting as a multiplier for the CSO. This is not a substitute, but an additional instrument, which they have at hand. Threat potential is based on publicity, either in form of organizing public protests or in addressing the media, cf. the section on media presence below.

Consultancies never recur to public protests as an instrument and never argue that they should be heard because they represent large shares of the population. And, apart from one case, they not perceive themselves to have any or use threat potential. Instead, they more often provide services. In the other instruments and resources, the two types of CSOS do not differ substantially.

As for whether the CSOs are pro-active, there are no systematic differences between member and consultancy CSOs: Most are proactive and there are no noteworthy differences between policy field or the IO nor does the pro active role in any way correspond to resource endowment or the type of members the CSOs have.

#### 4.5.2. CSO's Roles

Given that there is basically independence between resources, legitimacy, transparency, we now want to investigate in more detail into the roles the CSOs pursue in the setting of different IOs. We would presume that roles are determined by the members, but in

particular by the policy field and the theme the AdO is covering, i.e. by the IO affiliation. In some policy fields and some IOs, it is simply not possible to be the counterweight to another interest group, because there is no other interest group pursuing an opposite interest, for instance in the case of human rights promotion.

Most CSOs have many roles: the majority of CSOs in whatever policy field, in relation to whatever IO or of whatever membership type are fulfilling multiple roles, on average two, albeit there are also cases of CSOs stating that they are not fulfilling any of the four roles, but to be engaged in providing organizational infrastructure for other CSOs. Regarding (the) roles in the context of the IO, two IOs stand out: those CSOs tracking the EU Environmental Policy have on average the most roles, typically three, while those tracking the WTO have the fewest, typically only one or two.

*Table 11: Roles of CSOs by Policy Field and IO.*

	Counter-part		Project Partner		Information Provider		Counter-weight		Total CSO
	Yes	% Yes	Yes	% Yes	Yes	% Yes	Yes	% Yes	
<b>Roles by Policy Field</b>									
Environment	5	55,6	6	66,7	7	77,8	7	77,8	9
Human rights	10	62,5	8	50,0	9	56,3	9	56,3	16
Peace	5	55,6	6	66,7	7	77,8	3	33,3	9
Trade	16	61,5	8	30,8	18	69,2	14	53,8	26
<b>Roles by IO Affiliation</b>									
ESDP	5	55,6	6	66,7	7	77,8	3	33,3	9
EU Environment	4	100,0	3	75,0	3	75,0	3	75,0	4
EU External Trade	6	75,0	3	37,5	7	87,5	5	62,5	8
EU Migration	7	87,5	4	50,0	4	50,0	4	50,0	8
IGF	2	66,7	2	66,7	1	33,3	1	33,3	3
UNFCCC	1	20,0	3	60,0	4	80,0	4	80,0	5
UNHCR	1	20,0	2	40,0	4	80,0	4	80,0	5
WTO	10	55,6	5	27,8	11	61,1	9	50,0	18
<b>Roles by Member Type</b>									
Consultancy	5	35,7	5	35,7	8	57,1	3	21,4	14
Member CSO	31	67,4	23	50,0	33	71,7	30	65,2	46

More specific findings confirm the expectations one would have a priori: in the policy field of trade, the role of being a partner in a project is less frequent than in domains where there is project work "on the ground", i.e. environment, human rights and peace. Trade oriented CSOs are slightly more often a counterpart to the IO (also little surprising given the clear free trade mission of most trade IOs and the WTO in particular) and less often a counterweight to other interests present in this forum. In the domain of peace, few CSOs see themselves as a counterweight, simply, because there is no one

against peace, albeit some actors might advocate a different strategy or a lower level of effort. In environmental policy, most CSOs are both information provider and a counterweight, a reflection of the conflict between industry and environmental groups.

When differentiating the picture on the basis of the IOs covered by the CSOs, two IO sub-sectors stand out: the UN Climate and the UN Refugees sector are not seen by the CSOs covering them as a counterpart, a finding one could interpret as an indication that both are very much progressive along the lines of what the CSOs in this domain want. Contrasting cases are IOs which are dominated by actors that do not share the views of the CSOs in this domain, for instance the EU Migration and the EU External Trade, to a lesser degree also the WTO.

As for the effect of membership, member CSOs pursue on average 2.5 roles, consultancy CSOs only 1.5, reflecting the fact that consultancy CSOs are much more specialized in their function, usually as providers of information and services, and are not lobbyists active to counteract other lobbyists. The differences are slight, and one cannot make a statement about whether this finding can be generalized for the universe of CSOs which circle around a certain IO.

As for the question of whether certain roles are associated with the usage of certain instruments, only very few and weak patterns emerge: those CSOs, which see themselves also as a counterpart to the IO itself, engage less often in direct lobbying. Contrary to this, "partners" of the IO abstain from public protests as a means to exercise influence and use direct relations and lobbying much more often. The same is true for those who see themselves as a provider of information. Regarding the resources, there is no indication that certain roles are associated with certain resources.

All of the CSOs sampled are highly connected with other CSOs or are themselves already the organizational incarnation of a network of CSOs, for instance the Climate Action Network, CAN. Among the reasons given is that being connected enables to follow more issues, to be present, indirectly, in many fora and coordinate advocacy efforts, for instance in taking identical positions and thus creating a certain "consensus".

#### **4.5.3. Inclusion Efforts**

The occurrence of inclusion efforts follows no clear pattern, but what can we say if we look at the occurrence on the basis of the CSO's theme, i.e. the policy field and the IO it is covering? As argued in section 2, one would expect (on a normative basis) that in themes where the risk of not including the beneficiaries is highest, the CSOs acknowledge this and react by increasing their inclusion efforts. The magnitude of negative consequences is for instance high in themes which concern beneficiaries in Third World countries, where there is potentially a large gap in terms of preferences between the beneficiary and the CSO staff (due to wealth). The risk of "forgetting" beneficiaries is highest here, because of the lack of information and resources in the beneficiaries' coun-

tries, where citizens may be neither informed about the treatment of “their problems” in an IO and, even if they are, do not have the resources to attend the discussions in the framework of the IO.

In an issue area like trade, where most actors have immediate material stakes and typically a better resource endowment, efforts to include the beneficiaries are less necessary, as most beneficiaries have the resources to present their case in negotiations. But again, there are also CSOs engaged in making trade "fairer", i.e. in obtaining advantages for developing countries.

Table 12 gives the share of CSOs actively engaged in inclusion efforts for theme, IO and membership structure. While inclusion efforts among the CSOs tracking the policy field trade and the WTO are low, the inclusion efforts are lowest for those CSOs which originate in the policy field of peace. Only one in nine CSOs reports efforts to include those who are ultimately affected by activities of IOs the CSO is trying to influence. Even in the domain of human rights, where the connection with the ultimate beneficiaries is highest, as these groups are more vulnerable, only half of the CSOs in the sample engage in active inclusion efforts.

*Table 12: Inclusion Efforts of CSOs by Policy Field and IO Affiliation*

<b>Inclusion Efforts by IO Affiliation</b>	<b>Yes</b>	<b>% Yes</b>	<b>Total CSO</b>
ESDP	1	11.1	9
EU Environment	2	50.0	4
EU External Trade	3	37.5	8
EU Migration	4	50.0	8
IGF	1	33.3	3
UNFCCC	2	40.0	5
UNHCR	3	60.0	5
WTO	1	5.6	18

<b>Inclusion Efforts by Policy Field</b>	<b>Yes</b>	<b>% Yes</b>	<b>Total CSO</b>
Environment	4	44.4	9
Human rights	8	50.0	16
Peace	1	11.1	9
Trade	4	15.4	26

<b>Inclusion Efforts by Membership</b>	<b>Yes</b>	<b>% Yes</b>	<b>Total CSO</b>
No Members (Consultancies)	4	0.29	14
Individuals	3	0.27	11
Organizations	8	0.28	29
Organizations & Individuals	2	0.33	6

As for the member structure, the two CSO types do not differ in their inclusion efforts. Notably, it is not the case that consultancy CSOs, which are less connected with citizens, compensate for this by engaging more in inclusion. Given that inclusion efforts referred to include beneficiaries in the internal decision-making, and given the fact that in consultancies there is no decision-making in its sense comparable to member CSOs, the consultancies may use other means to obtain information about the preferences of their beneficiaries.

## **5. SUMMARY AND OUTLOOK**

In this paper we studied the degree to which a range of diverse CSOs fulfill certain criteria of legitimacy, and how this relates to their work, in particular their resources, instruments and activities available when dealing with IOs. We also tested for systematic patterns between legitimacy, member structure and policy field of the CSO. What is striking in the results is the large variation and, moreover, the lack of certain patterns one would expect. Notably, it is not the case that CSOs from a certain policy domain are characterized by shared features, neither in legitimacy nor in their dealings with the IO. We take this to be an indication that the task of advocacy in the setting of an IO is largely functionally similar across all themes (thus no similarities based on IO affiliation) and that the CSOs have organizational traditions (thus large variation between the CSOs in terms of roles and strategies).

One might argue that if a CSO acknowledges the need for legitimacy, it would engage in assuring that certain common criteria of legitimacy are met throughout. While the legitimacy criteria enumerated by Steffek and Nanz (2008) are derived from a certain normative view, they are neither far-fetched nor impractical. However, the overall finding is that the CSOs sampled show low levels of legitimation according to these standards, typically remaining way below what is possible and what at least some CSOs achieve. Only few CSOs can be seen as a benchmark in that they have installed institutional features which assure high levels of legitimacy. Having members is no guarantee that other criteria of legitimacy are achieved. For instance, even if members are involved in setting the general course of a CSO, this does not imply that other legitimacy criteria are met more often. CSOs without members are not more often engaging the ultimate beneficiaries of their work. Some CSOs engage in inclusion efforts, others do not, and there is no systematic pattern.

The qualitative information obtained in the interviews suggests that even these results may overstate the level of legitimacy: there is a notable gap between the CSO, which may be controlled by members, and the AdO, in that all interviewed AdO staff reported to have a substantial leeway in what aims to pursue and how to act. Even when taking a formally binding connection (e.g. voting) between CSO and citizens into account, one has to keep in mind that the distribution of factual power is lopsided in favor

of the CSO's administration, which may propose candidates and, in some cases, also "encourages" the election of certain candidates at the national level, for reasons of minority involvement.

Transparency of most CSOs according to the criteria we apply is low. Taking a more qualitative and in detail look at transparency reveals that a good number of CSOs are not as open as it may seem at first glance, writing a great deal about the importance of transparency and their commitment to good practices, yet without giving the public clear information about their performance. On the other hand, some CSOs are outstanding in terms of transparency by giving detailed financial reports, which are also audited on a regular basis.

As for the differences between member and non-member CSOs ("Consultancies") in their activities, they are limited: member-CSOs have the option to launch public protests and to build up public pressure. This can work because many of them, like Greenpeace and Amnesty International, are household-names, while some consultancy CSOs, like International Alert, are not known to the wider public. Consultancy CSOs rely to a stronger degree on providing services and information to the IO.

As for their role of providing the public with information about what is going on in IOs and international governance, member-CSOs have presumably advantages over media as far as the access to information and the ability to translate this information in consequences for citizens is concerned. For this reason, they could play an important role as transmitters of information. But the member CSOs in our sample are not providing more information to the public than others, nor do they function particularly well as transmitters of information from citizens (or at least from their members) up to the IO level.

Thus, while the quantitative data indicates that the legitimacy of the CSOs in our sample as measured by objective criteria is problematic, this result is in a striking contradiction with a finding in the qualitative sections of the survey about the CSO staff's self-assessment: they themselves perceive themselves to be fully legitimate in influencing policy decisions that affect a very large set of people. The legitimacy of their organization, it appeared, does not rank highly on the agenda of the CSO staff interviewed. A good number of interview transcripts show that the very question regarding the CSO's legitimacy triggered a process in which legitimizing facts and narratives were made up. Regarding the existence of a potential gap between the CSO's policy demands and the ultimate beneficiaries' preferences, the interviews were enlightening. Some interviewees stated that, albeit they are never in direct contact with the ultimate beneficiaries of their efforts, they are clearly working on their behalf because that is what their CSO is all about. As one interviewee put it: "I don't understand the question. X campaigns for the rights of the disenfranchised, oppressed and disempowered throughout

the world." As for the issue of being accountable to the public, one interviewee from a more radical CSO explained that the very point of his CSO is that it is not elected and not accountable to anyone. Another interviewee stated equally clearly: "We don't speak for anybody. That is something that we are very clear about. We don't pretend to represent anybody."

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