

A Screening Indicator for Holding International Non-Governmental Organizations to Standards of Professionalism and Accountability

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Abstract

This article offers an easy-to-use indicator to measure whether certain types of non-governmental organizations (particularly those in international “development” work) meet professional and development standards for “mission” and “vision” oriented organizations, fulfilling international legal and public policy objectives on solving the root causes of problems in sustainable ways. Use of the indicator exposes many organizations as having compromised their missions and standards for self-interest and having been corrupted by agendas of major donors that have transformed them into “businesses” serving essentially as administrative agencies for often illegal donor objectives; simply throwing money at slogans or symptoms. The indicator can be used as an accountability tool to spot and counter these abuses. The piece uses an Oxfam country office and a small new organization claiming to be in the area of “legal empowerment”, one of the new donor slogans without real content, as case studies of what has gone wrong.

Keywords: Non-Governmental Organizations; Development; Aid; Management; Strategic Planning; Organizational Mission; Oxfam; Namati.

Introduction

There is an almost tragic blindness in the international debate over the regulation, legal requirements, accountability and efficiency of non-governmental organizations (NGOs) with both sides claiming to be acting in the interests of “civil society”, development, and democracy while actually evading international law and public protections. On the one hand, developing countries that welcome financial subsidies through international NGOs (INGOs) and local citizen NGO activities in ways that often relieve those government elites of obligations to their own citizens, decry attempts by INGOs to challenge their power to use laws to restrict NGOs (Global Trends in NGO Law, 2016, p. 10). On the other hand, rather than demonstrate that INGOs are actually compliant with international laws by imposing more accountability on their actions, the governments of the donor countries and NGO researchers focus only on NGO efficiency and point the finger back at the governments of developing countries (Public Eye, 2013). In this debate between government officials and scholars, lost are voices actually protecting the citizenry of the donor countries or those of the recipient countries (Prashad, 1998; Hallward, 2007; Shivji, 2007).

Trade journals of foundations, charities, development organizations and other forms of non-governmental organizations increasingly call for more efficient and “results-based” management as well as more “accountability” in this sector but without actual accountability to international law (Atack, 1998; Brown & Moore, 2001; Candler & Dumon, 2010; Hulme, 2002; Szporluk, 2009). In practice, there are continual revisions to the methodologies and frameworks used by large donor organizations and imposed on NGOs receiving their funding, ostensibly with the

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purpose of promoting accountability and outcomes (Paris Declaration on Aid Effectiveness, 2005; Accra Agenda for Action, 2008; Busan Partnership for Effective Development Cooperation, 2011; INGO Accountability Charter, 2015). Often the claims are justified on the basis that resources are “limited” in the sector and that organizations must be more efficient in order to assure results and to bring in funding. This article will demonstrate that the reality, however, may be the very opposite.

The number of international NGOs (INGOs) is steadily growing and their funding, from governments and wealthy individuals, is also increasing at a staggering rate (Global Journal, 2013; Davies, 2012). Without real accountability of INGOs to either the public that funds them or the public in recipient countries or to standards of international law, these calls for “efficiency” to meet whatever project objectives that the donors and INGOs state and for “accountability” to elites who call the shots, the claims for such efficiency and accountability are, in the view of this author and as will be demonstrated in this article, are real smoke screens to increase their role without any legitimate oversight. In fact, it appears that this is exactly what the United Nations’ new Sustainable Development Goals, the “Agenda 2030”, the development agenda for 2016 to 2030, appears to do since its targets measure “only the amount of funding committed to [civil society] partnerships and [not] their quality” or furtherance of the full spectrum of human rights in international treaties (Global Trends in NGO Law, 2016, p. 2).

Although the most recent survey of international development assistance channeled through non-governmental organizations is already slightly dated (2007), the figures then were already showing that about one third of funding for all international interventions are now channeled through INGOs; some \$4.9 billion of \$15 billion (Global Humanitarian Assistance, 2013), up from about 1% in the 1980s (Makoba, 2002). Other sources, perhaps using different definitions for INGOs (as “Community Based Organizations” (CBOs), show a figure slightly less, of 14.4% of all Official Development Assistance for all CBOs (about 13.4% for INGOs) in 2011, and 20.5% for bi-lateral assistance (about 19.1% for INGOs), the trend is the same (OECD, 2013, p.1 and p.8).

The number of INGOs that are accredited by the United Nations as “development” agencies, has jumped from 40 in 1945 to 3,536 by the end of 2011 (Global Journal, 2013). Though there may now be some 10 million NGOs globally, and tens of thousands in countries that receive development assistance, most development assistance goes through these 3,000+ INGOs, with the lion’s share going to a few of them (Global Journal, 2013; Davies, 2012).

One study in 2010 reported that World Vision, a modern Christian missionary organization that hires staff on religious beliefs, and that is now the world’s largest INGO, had a budget larger than all UN agencies combined other than the World Food Programme (WFF) and more than the Gross National Income of a number of European and African countries (some \$2.8 billion in 2011) (Ronalds, 2010, p.7). The eight top international INGOs, including World Vision, CARE and Oxfam, had combined revenue of over \$11.7 billion in 2011, up some 40% since 2005 (Morton, 2014).

Though there are now several large private foundations in development, including the Gates Foundation and Soros Open Society Foundations, alongside older organizations like the Ford Foundation, and with newer foundations of political figures like the Clinton Foundation, that all channel private funds, the increase of the role of the INGOs has been due to government agencies and multi-lateral government donor agencies funneling their money directly through INGOs. As of 2009, half of the budgets of INGOs now come directly from these government donors (Szporluk, 2009), rising from 10% in 1980 and then from 35% in the 1990s (Makoba, 2002). In the U.S., in 2012, the amount of government funds in the charitable sector (U.S. registered NGOs conducting work in the U.S. and overseas) was reported as 73% (National Philanthropic Trust, website, accessed 2016).

Several observers of these changes in INGOs and in the modality of implementation of development assistance through them have sounded alarm bells (Shivji, 2007; Edwards & Hulme, 2002). They note that the influence of donor funding may not only be undermining the roles and effectiveness of INGOS and of civil society but may be a sign of reassertion of the colonial role of missionary organizations advancing the interests and authority of foreign national corporations and militaries under the rubric of “development” that is claimed to be but not

independent from these powers (Shivji, 2007; Edwards & Hulme, 2002; Prashad, 1998; Hallward, 2007).

While all INGOs must register in their countries of origin and also face different registration requirements in countries where they operate and with international organizations where they may have advisory status (as with the U.N.) or receive funding, there is little elaboration of the professional and legal standards they should ideally meet that are consistent with their public roles. The Council of Europe's treaty on NGOs does nothing more than to recognize their right to existence as part of freedom of association and status as legal persons (European Convention on the Recognition of the Legal Personality of INGOs, Council of Europe, 1986, in force 1991). Under U.S. law, the only regulations for NGOs are that they meet a "public purpose" for tax status and conform to certain organizational forms (Foundation Group, 2016). Only recently have articles even begun to define the elements of legitimacy, professionalism and accountability in various conceptual "frameworks" and terminologies, let alone present clear measurement tools or legal mechanisms for their enforcement (Brown & Moore, 2001; Shivji, 2007; Szporluk, 2009; Candler & Dumont, 2010; Ronalds, 2010; Morton, 2014 among them and including references to others).

- Indeed, most of the focus in the research and reporting on international NGOs is on this "enabling environment" rather than on discussing appropriate oversight of the public and compliance with international law. Researchers generally criticize the attempts of developing country governments to oversee INGOs by blaming states for their actions "to narrow the space for civil society to operate, including: the proposal and adoption of restrictive CSO laws; ...
- the closure, de-registration and expulsion of CSOs; ... and
- the adoption of laws and policies that restrict access to resources, notably including foreign funding and affiliations (Global Trends in NGO Law, 2016, p. 10).

Certainly, it is true that elites in developing countries seek to restrict INGOs in order to protect their own power, and recent laws in both Russia and China reinforce this form of control over the citizenry that is presented as regulation on foreign interference. Russia's new law allows prosecutors to expel INGOs on grounds that they pose "a threat to the foundation of the constitutional order of the Russian Federation, the defense capability of the country or the security of the state" (Russian Federation, 2015). Similarly, China's proposed new Charity Law (article 109) establishes bans on INGOs that authorities determine to be "endangering national security or the public interest" In other words, INGOs that bring in money to subsidize the elites are welcome but those that act in the areas of policy are not. On neither side of the argument however is any reference to international standards or law. Indeed, the one established "monitor" of NGOs in the U.S., "NGO Watch", seems to have established its own version of the Russian and Chinese laws to target international NGOs that actually seek to promote international laws in areas of environmental, cultural, and social rights protections on the grounds that they are interfering with corporate power and the "free market" (Public Eye, 2013).

There may actually be a simple way to begin to hold INGOs accountable, given that they do have specific roles and missions, that there are specific requirements for managerial professionalism of such organizations, and that there are also existing international laws and treaties that set clear boundaries for what international interventions must and must not do, including protecting sovereignty and specific universally recognized rights. Rather than continue to spin new conceptual frameworks that may actually work to create confusion and inaction in accountability, it is possible to easily list the practical requirements on which there is already recognized agreement and hold organizations to them. Combined with public registration, these measures could then be used as the basis for trying to hold these organizations accountable by challenging their public charters or their receipt of public funds.

As a management consultant and development specialist for some 30 years, globally, with the background of a social scientist and a professional manager, the author of this article has often been called to help troubleshoot and improve several types of donor implementation, monitoring and evaluation frameworks (including those of UNDP and Luxembourg Development) as well as to help establish measures and systems for some of the major INGOs. Recently, the author offered advice on efficiency and measurement systems to branches of two of the top ten largest

INGOS (Oxfam and CARE International), and smaller, newer organizations like Namati and Cord that are competing for international funding and looking to establish their frameworks. The author has also worked as a strategic planner, evaluator and implementer of projects throughout the sector in work with a long list of the major donors and international and local NGOs, in addition to founding NGOs. The experiences with some of these organizations can be directly shared in this article, below, because there were no confidentiality agreements and information is in the public domain, while others can be summarized here without specific reference, using established social science methodologies of participant observation as well as within the legal free speech protections on public funding and public projects that exist in the laws of most of the donor countries and international organizations and at least on paper in most recipient countries.

In the direct experiences of this author, what has been happening in the name of “monitoring”, “evaluation”, “impact”, “accountability”, “results” and “standards” and presented in several peer reviewed articles that are now in several specialized journals in the development literature with a handful of them cited here (Lempert, 2009a, 2009b, 2011, 2012, 2015, 2016a) is in fact the very opposite of what is claimed. As INGOs have begun to compete for public funds and as donors have sought to use them for project implementation under the pretext of working through “civil society”, many of these INGOs have essentially turned into “businesses” competing for funds and looking for ways to promote themselves, with little or no responsibility to international law, to the public good, or to professional standards other than impact on their specifically chosen targets, whether or not they are actually legitimate goals of “development” (Lempert, 2014). In many cases, as these examinations have shown, the basics of professional management have almost entirely disappeared, even for such bedrock goals of development as “sustainability” (Lempert & Nguyen, 2008). Given that many organizations now view it as easier to compete for money from major donors, rather than to solicit funds directly from constituencies to fulfill certain missions, with such major organizations as Oxfam (Lempert & Nguyen, 2008) and now even governmental organizations like those of the Netherlands, SNV, and of Germany, GIZ, bidding on European Community project funding, this deterioration appears to be widespread. It has been this author’s experience in examining “mission” statements of INGOs today that they are now tailored in such a way as to measure their success by their organizational growth and openness to anything that can fit under broad labels, rather than to actual, measurable achievements in solving problems. This article will demonstrate how readers, themselves, can easily verify this in their own examinations.

At the same time, many NGOs and INGOs, even when not seeking governmental funds or when working domestically, including organizations ranging from foundations to political parties to institutes and the media, have seem to have lost sense of either professionalism or commitment to public laws and responsibilities or to both. As I write this piece in the late fall of 2016, following the U.S. Presidential election, it has become a cliché for observers to note that the American public recognized both major political parties, their candidates and their leadership as in violation of public corruption laws, public security laws, and international laws, while offering little in the way of a clear or accountable vision, while the most reliable source of factual public information among the press, Wikileaks, had been criminalized. While corporations at least must respond to consumers in the marketplace (though, less often, to their workers or to communities, as legal and political controls also deteriorate), NGOs and INGOs may essentially be accountable to no one other than those “stakeholders” who fund them, and with whom they may increasingly be in collusion in violation of the law, professionalism, and public purpose. Indeed, the Clinton Foundation, that remains under investigation by the Federal Bureau of Investigation (FBI), the federal law enforcement in the U.S., for political corruption and tax evasion as I write this, has apparently never been under scrutiny for what it actually does overseas with its hundreds of millions of dollars, because the only laws it is subject to are the tax laws of U.S. NGOs (Foundation Group, 2016) and laws relating to other activities of the Clintons where they merged the Foundation’s activities with other purposes (e.g., campaign finance laws and domestic conflicts of interest).

The purpose of this article is to establish an easy-to-use indicator to measure whether certain types of non-governmental organizations (particularly those in international “development” work) meet professional and development standards for “mission” and “vision” oriented organizations, fulfilling international legal and public policy objectives on solving the root causes of problems in sustainable ways.

Previously, this author has offered several indicators to measure whether international donors and INGOs are meeting their obligations in international law and to professional standards in several of the most basic areas of “development” including meeting the international law definitions and obligations of “development” itself (Lempert, 2014) and “sustainable development” (Lempert & Nguyen, 2008), along with legal requirements of “sovereignty/freedom from dependency” (Lempert, 2009a), “democracy” (Lempert, 2011), as well as “poverty reduction” (Lempert 2015), among others, as part of an effort to establish accountability where little or none exists (Lempert, 2008). The goal has been to create the equivalent of a codification or “treatise” of international development law, so that international organizations, donors, governments of recipient countries and various non-governmental and governmental implementing agents can be held accountable under international law.

This article offers an indicator that combines the legal requirements of treaty compliance in international “development” and international relations with the professional requirements for assuring the efficacy and efficiency of public spending in the area of implementing those interventions by INGOs.

The piece begins with a discussion of the professional principles of INGO and NGO legitimacy, accountability and management. The article then describes the lack of accountability indicators and the consequences that result from the lack of such oversight of INGOs. The piece then presents an accountability indicator that can be used for such oversight (and potentially to challenge domestic NGOs, as well), tests it on several organizations and approaches and demonstrates in detail how it can be applied, using a recently founded INGO in the area of “legal empowerment” (one of the new international donor “buzz words” without content), Namati, funded by several donors, as a model.

Principles of Non-Governmental Organization Professionalism

Although historians recognize INGOs dating back at least to the European colonial era (in the form of religious missionary organizations) and with a long history of legal certification, with domestic NGOs dating back even farther (in the form of political parties, trade associations, hobby groups, etc.) as a feature of urbanization and commerce, there has been no clear codification of their roles and responsibilities. Nevertheless, as NGOs have become a standard feature of life in complex societies, there are sets of professional responsibilities, understandings of their legitimate roles, and obligations that are easy to recognize as central to their operation. It is easy to review what they are in general and then in the specific areas of legitimacy (and with particular responsibilities of INGOs) and professionalism.

NGOs/INGOs: Overview of Role and Responsibilities

Although NGOs and INGOs are well described in contemporary literature and there is a consensus on what they are (Willets, 2002), it is worth re-examining what they are, given that current international projects often distort the concept of “civil society” to favor certain types of organizations over others and certain types of relationships that rely on foreign funds and replicate foreign power structures.

In several years of global work on international “civil society” projects, it has been very clear to this author how the traditional forms of social organization in communities that provide the functions of modern NGOs are almost always discounted as not “civil society” and not deserving of protection. The goal of “development” seems to be to replace traditional forms of community association with those that are formally controlled by the center and registered (and funded, also often from the center) as organizations while focusing on specific organizations that promote particular social policies (business associations, Western-type political parties subject to

financial control, mass media that is corporate influenced rather than open access or common carrier media, and other distortions). This formalism has not come with a body of laws, responsibilities or oversight and this also allows for foreign influences and distortions in “civil society”.

Traditionally, local religious organizations performed roles of charity, counseling, protections of orphans and other roles. Different age groups and hobby groups performed recreational and socializing activities as well as political representation and intermediation. These and others were regulated by customary laws. It was the destruction of these communities and the rise of mass urban societies that has fostered the idea of formal NGOs to link peoples across communities as well as to seek to formalize functions that remain after the colonial absorption of communities.

Although NGOs are officially registered as organizations subject to governmental taxes and specific regulations, most of the national requirements for NGOs simply relate to their formal management structures (board meetings and officers) and reporting requirements. NGOs register by functional categories and can be dissolved if they do not fulfill their charters or if they operate as “for-profit” corporations. In some jurisdictions, citizens can seek to revoke NGO charters or compel government prosecutors to do so (as they also can with corporations), but such actions are rare and the basis is little elaborated.

The registration and requirements for INGOs seem even more lax. Despite their long history and their recognition for a consultative role with the United Nations (in Article 71 of Chapter 10 of the U.N. Charter, 1945) and their definition by the U.N. as “any international organization that is not founded by an international treaty”, there has been no clear set of regulations or requirements for them since.

While there is no single agreement on a framework for accountability of NGOs or INGOs in the current academic literature, there does appear to be agreement on a common core of concerns (Brown & Moore, 2001). These, in fact, can be used for constructing a list of the basic principles for regulation of both NGOs and INGOs.

Often cited is Iain Atack’s 1998 article in which he identifies “four criteria of Development NGO Legitimacy” but does not fully explain them. Since academics come from different fields and use different terminologies, one of the ways to resolve the confusion of frameworks is to just standardize the terminology so that the agreements are clearer. The terms that Atack uses are “representativeness and distinctive values (formal-procedural) and effectiveness and empowerment (substantive purposive).” In fact, these reflect specific existing legal obligations and professional standards that are elaborated in the literature but under different names (See Table 1.)

Table 1: *Clarification of the Responsibilities of NGOs/INGOs*

<i>Terms Used by Atack (1998) and in the Literature</i>	<i>Similar Terms Used in Management, Law, Political Science, Other Social Sciences</i>
<i>Formal-Procedural</i>	<i>Legal Legitimacy of an NGO</i>
Representativeness	Accountability to Law including Cultural Protections and Sovereignty of Beneficiaries
Distinctive Values	Fulfillment of the Role of an NGO (including Mission) in Solving Root Causes of Problems with Unique Strategies, Different from Government or Business, Potentially Transforming Rather than Replacing Government or Business
<i>Substantive Purposive</i>	<i>Professionalism</i>
Effectiveness	Managerial Professionalism and Efficiency
Empowerment	Institutionalization of Changes that Potentially End the Need for Continuing Intervention, Including Local Sovereignty and Sustainability (to Fulfill an Organizational Vision)

With the terminologies that do exist in the literature but that have yet to be linked together to hold NGOs and INGOs accountable, it is relatively easy to come up with the list of responsibilities of NGOs and INGOs as principles of legal legitimacy and of professionalism. Of course there is some overlap, because professionalism must also incorporate legal legitimacy and legal legitimacy is achieved by following the standards of professionalism. The overlap is in fact part of the assurance of fulfilling NGO and INGO responsibilities.

Principles of Legal Legitimacy: Appropriate Role of an NGO and Compliance of INGOs with Key International Protection and Development Objectives

As noted above, there are two elements for the legal legitimacy of NGOs: fulfillment of the appropriate role and mission of an NGO and accountability to law. For INGOs, legitimacy requires compliance with the essential elements of international law for development interventions, not simply agreement from (and indemnification by) international organizations or the governments of a recipient country, who themselves may be acting in violation of international law and refusing to enforce it.

The appropriate role of an NGO has three essential elements.

1. It must have a specific “mission”, which is defined as solving a specific problem through use of expertise if it delivers benefits to those who are not its specific members with control of the organization, otherwise, if it is a membership organization it must be directly responsive to its members (as a religious organization, hobby or club organization, trade organization, or political advocacy group), and
2. its role must be distinct from that of a business meaning that it does not sell a product or service
3. or government, meaning that it does not simply provide a service that can be efficiently provided by government (unless government is failing and it is also working to fix that failure) and is not simply a contractor to provide a government service for government (in which case it is really acting as a business).

This definition of NGO mission is well defined in the literature of NGO management dating back at least 30 years (for example Barry, 1984; Bryson, 1988; Unterman & Davis, 1984).

For INGOs, the international legal requirements for “development” and related interventions are easy to list. Development interventions must satisfy three requirements in order to comply with international law and the goals of the international system: sustainability; development or poverty reduction consistent with sustainability; and protection of sovereignty. At the same time, there are internationally recognized legal standards in professional and technical areas that interventions must satisfy, as well as assure that they meet the three requirements for NGO mission, above. For easy reference, these requirements can be written as follows:

1. *Sustainability/ sustainable development*, consistent with the balance of consumption and production over generations for the area of the intervention, with or without growth;
2. *Development and/or poverty reduction*, consistent with sustainability. Development and poverty reduction are distinct objectives though they are often confused with each other. The international community in its basic treaty documents defines “development” as full expression of multiple capacities of both cultures and individuals in their diversity and within their values and choices (Lempert, 2014): 1) while it defines long-term poverty reduction as an approach that assures equity and addresses the real root causes of both absolute and relative poverty (see Lempert, 2015);
3. *Sovereignty/cultural integrity and prevention of dependency*, to ensure that cultural identity and autonomy of cultures are safeguarded, such that the driving force of actions comes from the cultural groups themselves and protects their integrity, rather than serves foreign interests;
4. *Legal and Professional compliance*, to ensure conformity with basic international treaties and professionalism. Where there are technical activities, they should meet

international legal and professional standards within their technical sphere (e.g., democratization, gender equity) with fully professional use of those tools and methods that are suggested; and

5. *Safeguarding of appropriate mission/functions* of the organization that is the target of intervention, including objective and transparent evaluation and reporting without conflicts of interest, such that there are no possibilities of distortion of missions and functions that could erode the roles of different parts of accountable, responsive government, functioning economic systems, and culturally appropriate civil society.

Principles of Administrative Professionalism of NGOs and INGOs

The principles of administrative professionalism of NGOs and INGOs fall into two categories and are also well recognized in the literature: overall managerial professionalism and efficiency, reflecting the principles of management for any organization, and fulfillment of a “vision” through an NGO “mission”. What makes a non-membership NGO different from other organizations is that it seeks to address the root causes of a problem such that its end goal is to end its work and see its mission institutionalized in other sustainable organizations (such as government or business or the culture, itself). That is its “vision”.

The managerial professionalism of an NGO that is not a membership organization can generally be defined in four areas:

1. the targeting of the root causes of a problem (generally using a “problem tree” analysis;
2. the use of professional research and development methods for assuring proficiency of its problem solving tools and approaches;
3. merit-based hiring; and
4. implementation tools that demonstrate impact on specific behaviors and systems that are at the root causes of the problem.

These principles that apply to feasibility and effectiveness of interventions can be found in several texts including those on basic business analysis and organizational strategy for effective management control (Garrison, Noreen & Brewer, 2005; Emmanuel, Otley & Merchant, 1999), strategic management and planning in non-governmental organizations (Barry, 1984; Bryson, 1988; Unterman & Davis, 1984), and overall incentives and psychology of organizational behavior (Nelson & Quick, 2005; Robbins, 2002).

The measures of institutionalization of changes are really subsets of the above. The test is whether mission based organizations have three clear components:

1. an organizational mission that is defined as solving the root causes of a problem, with specialized interventions;
2. a vision of the world once that problem is solved, with behavioral, cultural and/or institutional changes that are sustained; and
3. an approach that protects local sovereignty of the beneficiaries in a way that promotes the sustainability of local cultures and local empowerment without the need for outside reliance.

Indicators in the Field and the Lack of an Indicator

At present, there are no existing indicators to measure and assure the adherence of NGOs or INGOs to the above principles of professionalism. All that exists are some calls for accountability and some voluntary agreements for “transparency” that does not assure any compliance with law or professionalism. While the law could be used for dissolving NGOs that do not meet these standards and while it is relatively easy to examine NGOs for compliance, there are few attempts to do so. The results are clear in the deterioration of professionalism and in the transformation of NGOs to serve hidden agendas, in violation of the law.

It is ironic that while there are two recent international treaties that guide international interventions and reference the idea of standards for donors that could also be applied to any of the INGOs that receive funding – the Paris Declaration on Aid Effectiveness (2005) and the Accra Agenda for Action (2008), now followed and reinforced by the International Aid Transparency Initiative signed in Busan (Busan Partnership for Effective Development

Cooperation, 2011) – they offer few specifics and little enforcement, thus reflecting the exact problems they claim they are trying to solve.

Among NGOs, themselves, one recent attempt to try to establish some credibility has been the INGO Accountability Charter initiative, in which NGOs pledge to offer certain information on their programs (INGO Accountability Charter, 2015). Like the academic literature that calls for responsiveness to “stakeholders” and for “accountability”, however, this reporting offers little substance or enforcement. The claims of “transparency, accountability and effectiveness” are empty because there are no tests of compliance with the law or with the actual requirements of professionalism that are listed above in this article. The reporting is simply a means of self-promotion by the organizations in lieu of agreements to meet and be held to standards.

“Accounting” to donors or beneficiaries on how funds are spent is simply a reporting function but not an evaluative or legal compliance function. Where recipients or donors politicize NGOs, this kind of “accounting” actual legitimizes such politicization in violation of law and professional standards.

The potential for real accountability exists with NGOs as it does with for-profit corporations since public charters can theoretically be challenged and organizations can be dissolved if they do not fulfill their public purpose. As this article is being written, for example, students and alumni at Harvard University are suing the university under Massachusetts state law for violating public responsibility requirements of the charter by investing the organization’s endowment in fossil fuel stocks rather than in alternate energy. There have, similarly, been claims for revoking the charter of Stanford University for its connections with military industries and the hiring of former Secretary of State Condoleezza Rice, who may have promoted violations of international law resulting in deaths to U.S. citizens and foreigners in ways that benefit those industries but violate the public responsibilities of a university.

While, theoretically, NGOs could also be subject to prosecution either by those who donate to them or by the public for moneys transferred to them by governments where those NGOs claim to be providing a benefit but in fact do not meet legal or professional standards, doing so would also require offering the standards as measures of the expected performance. These actions could come both under civil lawsuits for fraud and criminal prosecution for fraud, including “false claims” to government.

Yet laws have failed to develop lists of criteria for measuring accountability and for offering the basis for charter revocations (either directly by public prosecutors or by suits initiated by members of the public) or for prosecution of NGO officials.

What Goes Wrong without Accountability in NGO Management

Given the lack of NGO and INGO accountability to laws and professionalism, it is easy for practitioners to observe the failures and to recognize how they reflect larger failures of “development” intervention. Concrete examples highlight the problem. Below are highlights of what has happened followed by an explanation of how governments, through promotion of specific “colonial” or elite benefit agendas and lack of attention to standards and law have created underlying conditions for the problem.

The NGO Systems that are Failing

In work for and in discussions with NGOs, INGOs and donors in several countries over the past several years, particularly in the areas of “Monitoring and Evaluation” or “Director of Impact”, this author has noted the following widespread deterioration of basic professionalism that is likely visible to any observer.

- Many of the major organizations have replaced the “missions” of solving social problems and changing fundamental social systems for measurable benefits fitting with a legally recognized international or public agenda with those of businesses; simply bringing in funds, building their reputations, and maintaining their institutional “partnerships” with “stakeholders”. Rather than address and seek to solve problems, they now simply throw money at symptoms and have become co-

dependent on them. There seems to be a very clear correlation between the amount of money received from government or from a major business and the lack of focus on any problem-solving mission and underlying change.

- “Visions” of the results NGOs intend to create that would signify a fulfillment of their goals have disappeared. Organizations now define their goals like those of businesses, intending to stay in operation in perpetuity, even if that means keeping problems unresolved or entering into areas of services where they have little or no expertise.
- “Problem trees” that identify “root causes” and “behaviors to be changed” have disappeared along with any analysis. This kind of analysis is no longer required by donors. NGOs do not seem to apply this standard professional analysis because it would interfere with the “business” goals of organizations to simply sell a kind of “service” or “product” indefinitely, to treat symptoms and to respond to slogans and labels.
- “Logical frameworks” that are to list the steps of changes to achieve results no longer link to legal or public goals or to measurable outputs. The sale of the organizations’ services or products and their use, which is in fact an input, is renamed as the “output” and the “outcome” is that the users are “satisfied” and find themselves “better off”, without any social, cultural or institutional change, without any impact on measurable problems and without any long-term sustainable benefit.
- Evaluations are no longer independent research and development to troubleshoot problems and to develop improved, specialized problem-solving tools. They are instead propaganda used to hid failures and to promote the organization in ways that bring increased funds and limit outside oversight.
- Personnel policies no longer seek to hire experts in the field or innovators of solutions. Most of the hiring focuses on language skills, fundraising from donors, and relationships with communities and government officials who will sign on to projects. NGOs are more and more like investment bankers, taking a “cut” of projects that they broker with the same projects run over and over again. The goal is to justify the project and to do that at minimum cost, not to achieve solutions and the people who are hired have minimal skills.

The author’s experience, specifically with major donor funded INGOs like Oxfam, CARE International, WWF, and several others, as well as with smaller organizations seeking donor funding is that these organizations are now essentially businesses serving as donor implementing agencies selling a “product” or set of services rather than offering solutions, seeking justification for funding in categories that no longer seek to solve problems but that simply throw money at slogans and symptoms. They have short-circuited the goals and processes of civil society and international law.

Specialists are hired to manufacture “measures” to fit funding categories that are slogans, with little connection to international or domestic law or the role of NGOs. INGOs use their contacts at local levels or in specific funding category areas to provide a service that replaces government or business functions and serves some publicity or short-term benefit objective of donors without any real long-term impacts. “Accountability” to local communities is often just in the form of asking them what donations they would like (euphemistically called “Participatory Rural Appraisal” and in place of a sustainability analysis or power and rights analysis), in ways that turn organizations into “Santa Claus”, with measures of how happy the recipients are.

Concrete Examples:

- **The Donor Corruption of Professionalism: Transformation of Problem Root Cause Analysis, Problem Solving Mission, and Implementation of Institutionalized Sustainable Inputs into Quick Sales Agreements of Throwing Money at Slogans and Symptoms:** One of the clearest ways of seeing how INGO professionalism has been corrupted is by examining one of the standard professional tools in the field, that was designed to incorporate several professional and legal requirements into a standard document called a “Logical Framework” or “Logframe”.

A professional NGO follows several logical steps in identifying a problem and harms that are part of its mission to solve, analyzing the root causes (failures in institutions and behaviors), and strategically targeting inputs to change the behaviors and institutions that are the root causes of the problem. These can all be placed into a “Logframe” in order to demonstrate that an organization has met its professional requirements and to measure its effectiveness in selecting inputs.

Table 2, below, shows a professional Logframe that the author completed for UNDP Serbia at the request of the mission there, in recognition that something had gone wrong in UNDP tasking of NGOs and in funding its internal projects. In fact, what had gone wrong was that almost every aspect of professionalism had disappeared from the Logframe, turning it essentially into a “sales agreement” for throwing money at slogans and symptoms.

The existing logframe used by the UN (in black), merely offers a line for “objectives,” without even linking these to development or even to any existing problems that an intervention would need to solve! The UN document is written so that the purpose of spending can be (and literally is) anything the donor wishes to buy, with the results as anything defined by the donor, without any relationship to law, standards or actual impact. The existing logframe allows transfer of resources for whatever symbolic purpose the donor offers, in a way that links the supplier of the funds with those who take them.

More than half of what is required is missing (inserted in underline). Missing were the link to sustainability, descriptions of the root causes of a problem, links of inputs to each root cause, and links of inputs to a measurable output related to a root cause (a behavior that needs to be changed). UN had essentially eliminated any requirements of professionalism as a basis for INGOs receiving project money.

Table 2: Revised Logframe: Missing Questions and Categories (Presented in Underline) Necessary to Bring the UNDP Project Logframe to the Level of Professional Standards in the Development World

	<u>INTERVENTION LOGIC</u>	OBJECTIVELY VERIFIABLE INDICATORS OF ACHIEVEMENT	SOURCES AND MEANS OF VERIFICATION	ASSUMPTIONS
<u>SUSTAINABILITY & CULTURE PROTECTION STATEMENT</u>	<p><u>Which cultural groups are at risk?</u></p> <p><u>Which part of the balance of population, consumption, and productivity/resources is out of balance? [For democratization, it could be both consumption and productivity]</u></p>			<p><u>Is there a long-term sustainable vision? Whose vision is it? Who verifies it?</u></p>
OVERALL OBJECTIVES	<i>What are the overall broader objectives to which the action will contribute?</i>	<i>What are the key indicators related to the overall objectives?</i>	<i>What are the sources of information for these indicators?</i>	
<u>PROBLEM DEFINITION</u>	<i><u>What are the symptoms of the problem that will be improved after changes occur in the root causes?</u></i>	-	-	<i><u>What historical research and disciplinary expertise underlies this approach?</u></i>

<p>- Problem Tree</p>	<p><u>What is the problem to be solved that underlies the symptoms? (i.e., what systems are broken?)</u></p>	<p>-</p>	<p>-</p>	<p><u>What proof exists that the approach works?</u></p>
<p>-</p>	<p><u>What are the root causes of the problem (broken systems leading to bad behaviours leading to symptoms of harms)?</u></p>	<p>-</p>	<p>-</p>	<p><u>What past mistakes are avoided?</u></p>
<p>-</p>	<p><u>What is the chain of causality of failing institutions, actors and behaviors that is targeted?</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
<p>-</p>	<p><u>What are the number of actors who need to be changed and an assessment of their behaviors at each point in the chain?</u></p>	<p>-</p>	<p>-</p>	<p>-</p>
<p>Project Purpose (Specific Objective)</p>	<p><i>What specific objective is the action intended to achieve to contribute to the overall objectives?</i></p>	<p><i>Which indicators clearly show that the objective of the action has been achieved?</i></p>	<p><i>What are the sources of information that exist or can be collected? What are the methods required to get this information?</i></p>	<p><i>Which factors and conditions outside the Beneficiary's responsibility are necessary to achieve that objective? (external conditions)</i></p>
<p>Targeted Systems & Behaviors to be Changed</p>	<p><u>What specific BEHAVIORS are being changed?</u></p>			<p><i>Which risks should be taken into consideration?</i></p>
	<p><u>What are the specific components of that behavior and how is each assessed for relevance (power, ideology, incentive, capacity, information, etc.)?</u></p>			<p><u>Are the risks clearly external factors or are they behaviors that can be targeted?</u></p>
<p>EXPECTED RESULTS/ IMPACTS</p>	<p><i>The results are the outputs envisaged to achieve the specific objective.</i></p>	<p><i>What are the indicators to measure whether and to what extent the action achieves the expected results?</i></p>	<p><i>What are the sources of information for these indicators?</i></p>	<p><i>What external conditions must be met to obtain the expected results on schedule?</i></p>
	<p><i>What are the expected results? (enumerate them)</i></p>			

<p>- Input-Output Logic</p> <p>-</p> <p>-</p>	<p><i>How does each input directly contribute to a change in behavior?</i></p>	-	<p><i>Are existing benchmarks used to predict results?</i></p>	
	-	-	<p><i>Are cost-benefit ratios consistent with those of other projects?</i></p>	
	-	-	<p><i>Are there control groups?</i></p>	
<p>Activities</p>	<p><i>What are the key activities to be carried out and in what sequence in order to produce the expected results? (group the activities by result)</i></p>	<p>Means: <i>What are the means required to implement these activities, e. g. personnel, equipment, training, studies, supplies, operational facilities, etc.</i></p>	<p><i>What are the sources of information about action progress?</i></p>	<p><i>What pre-conditions are required before the action starts?</i></p>
			<p>Costs <i>What are the action costs? How are they classified? (breakdown in the Budget for the Action)</i></p>	<p><i>What conditions outside the Beneficiary's direct control have to be met for the implementation of the planned activities?</i></p>

- Disappearance of Legal Compliance Screening and Professional Expertise in Major Categories of INGO Activity and Replacement with Slogans and Transfers to Symptoms:

While the author has now published several articles on international legal requirements for international donors and INGOs (and also for domestic NGOs given that countries sign on to international agreements as a means of strengthening or reaffirming their domestic laws, as well) donors in specific areas of NGO and INGO activities, offering indicators to measure compliance, it is instructive to examine the internal workings of INGOs and NGOs to understand why they fail to apply international legal requirements in the areas of their operations. Oxfam in Laos, offers a classic example of how large INGOs that become donor-driven begin to find ways to use donor money to throw at slogans, in complete disregard for international law and professional criteria in the intervention categories where they use international money.

In 2015, Oxfam in Laos claimed to do everything with the ability of its small staff to create programs in four “domains”: sustainable development and responsible investment, citizen participation and civil society development, gender justice, and resilient communities. In each of these areas, rather than start with the list of professional and legal measures for interventions, analyze a problem, and then apply expertise, Oxfam’s approach was to look to generate measurements on the basis of donor category slogans for which Oxfam could measure some kind of input and output as justification for funding.

- Sustainable Development and Responsible Investment: There are clear measures for sustainable development used by international development organizations as well as references to them in international treaty agreements signed by Lao PDR (Rio Treaty, UN Declaration on Rights of Indigenous Peoples, UN Genocide Treaty). They key is the “IPAT” equation for balancing consumption (population and per capita consumption) with production and resources at the level of cultures, regions, and countries, and in a way that protects cultures and their consumption choices for at least three future generations (Lempert & Nguyen, 2008). There are also clear measures for investment projects (Lempert, 2012). If Oxfam were focusing on the

investment side of the equation, its role would be to assure that investment meets consumption and that Lao has sustainable development plans for this balance at the national, regional and cultural level as the basis for measures. But instead of doing that, it had simply chosen slogans that it was sure that donors would fund that had nothing to do with sustainability requirements under international law and for which it had no measures of impact or problems: transparency/voice, private sector codes of conduct, and legal environment for investment. Its approach was backwards.

- Citizen Participation and Civil Society Development: There are several existing treaties that define international obligations on appropriate participation, individual rights, local sovereignty and appropriate civil society organizations (such as traditional community systems) in treaties that Lao has signed like the Child Right's Convention (CRC), the Genocide Treaty, University Declaration on Human Rights, and the UN Declaration on the Rights of Indigenous Peoples (Lempert, 2009; 2011). If Oxfam were seeking to promote all these in context, it would need to list them and show how they work and why their failure is leading to specific problems like the need to protect land rights against local officials, build Lao pride in speaking out against international powers that are infringing on Lao resources and sovereignty, promote traditional civil society and political mechanisms that are being erased by globalization or by imposing outside models, but apparently none of these. Instead of following the laws and showing progress on established measures, Oxfam instead followed donors and substituted what appeared to be a top-down agenda either of international donors to create parallel service delivery systems through a foreign NGO model or a government driven agenda to homogenize the peoples of Lao under national laws and political structures. Oxfam was seeking measures to justify the funding because it was unable to come up with any actual measures linked to international standards in the category in which it was working. Again, this was backwards.
- Gender Justice: There are several established measures for gender equality within the context of cultural diversity (rather than a single approach to all cultures that has resulted in destroying families and cultures in the name of gender) that are established in international conventions including the Convention to End Discrimination Against Women (CEDAW), the Genocide Treaty, the Child Rights Convention (CRC) and others (Lempert, 2016a). These measures reflect several dimensions of gender equality including lifespan (in which men are disfavored), double or triple labor burdens of women and lack of appropriate male household and child care, gendered oversight and participation in government organs (e.g., military, police where there is real power), and incidence of violence (male on female, male on male) and self-destructive behaviors. They are easy to list but Oxfam had not listed them in this area. Instead, Oxfam had chosen policy areas that were slogans fitting the donors and linking them with women, including economic inequality in Lao society (of which gender is only a part of the problem and may not be the real root), violence which is also an underlying problem of the society for both men and women (militarization and self-destructive behaviors), and labor and legal inequalities (also a problem for both genders) rather than on actual gender equality in cultural context. In following donor slogans, Oxfam confused anti-poverty with gender equality and also seemed to be confusing teaching of standards to individuals and government officials with impact on specific problems. Once again, the approach was backwards.

The Deep Structure of the Failure of NGOs and INGOs

In some ways, the decision by international donors and recipient country governments to agree to transfer aid funds through INGOs, as well as for elites in developed countries to destroy established functions of government and to push them into the NGO sector with much smaller amounts of money than the wealthy would pay if they were taxed, may be seen as a brilliant

stroke to promote elite and neo-colonial agendas under the pretext of supporting “civil society” (Lempert, 2016b).

In the area of international development, a recent head of the U.S. Agency for International Development (USAID) seem to have admitted as much when he attended a conference of 160 INGOs mostly funded by USAID and told them that they were essentially serving a propaganda function to legitimize U.S. foreign policy, including the U.S. invasions of Iraq and Afghanistan. In those countries, NGOs were to make it clear that they were “an arm of the U.S. government” or the head of USAID would “personally tear up their contracts and find new partners” (Andrew Natsios, apud. Klein, 2003). As Klein described it, NGOs had become “nothing more than the good-hearted charity wing of the military” with the job “not to ask how these tragedies could have been averted, or to advocate for policy solutions” and “certainly not to join anti-war and fair-trade movements pushing for real political change” (Klein, 2003, at A15).

International donors have long worked to contract out policy analysis and evaluations to private sector consulting firms where not only would free speech and transparency laws not apply to consulting hires, but where political pressures could be exerted on the contracting firms to fire employees adhering to standards and to manipulate evaluations and policy knowing that private sector companies were also free to make decisions on the basis of “profit” with no protection of public purpose, professional standards or ethics.

The move to fund projects through INGOs went several steps further. On the one hand, it creates the idea of legitimacy and grass roots participation through “civil society”, but in reality, it simply uses NGOs in the role that professional consulting firms had played, and without any illusion of professionalism. The NGOs implement projects at low costs, often with volunteers and non-professional staffs, and little concept of standards. For those that began with missions and professional standards, the contracts with government that essentially eliminated those standards have worked to also provide indemnification or immunization of the NGOs, such that rather than check to see if they were compliant with international law, local government laws, professional ethics, or professionalism, they could simply claim that such determinations were the responsibility of the governments funding them and could be stripped away from their functions as it has been.

With INGOs competing against professionals to implement projects with government money, the result has been a “race to the bottom” in legal and professional standards. While critics of international “development” donors have noted how the goals have been to create dependency through loans and to loot resources (Stiglitz, 2002), to replace taxation of elites in poor countries with foreign funded projects (Klein, 2007), and to institutionalize other forms of inequity (Wallerstein, 1979; Nye, 2004; Raffer & Singer, 1996), it is much harder to criticize NGOs and INGOs as part of this agenda given their public face as “humanitarian” organizations of “good-will”. Indeed, pursuing an unchanged agenda behind the face of these organizations serves as a brilliant public relations stroke.

The way to test what has happened and to see if NGOs and INGOs have maintained their integrity or have sold it to donors as a way to help put a pleasant face on a hidden colonial agenda is to test whether NGOs and INGOs demonstrate commitments to legality and professionalism. That is simple to do using an indicator.

The Indicator of NGO Management that Can Measure Adherence to Recognized Professional Standards of the Field

To make it easier for practitioners and the public to tell the difference between professional, legitimate NGOs and INGOs and those that are donor driven or opportunistic, it is easy to transform the principles presented above into an indicator that is presented below. Since the full list of 14 principles really tests compliance in two different areas: legitimacy/compliance with key international development objectives and NGO role, and professionalism, it is possible to score organizations on these two dimensions. Even non-experts can quickly use this tool as a litmus test on NGO professionalism after reading through it and then looking at the sample scoring (of a small, new, not complicated INGO, Namati), below.

By simply asking whether an NGO or INGO meets the test of legitimacy/ compliance/ accountability (the first category) and satisfying professional criteria (the second category) using “Yes or No” questions and then counting up the results, one can quickly score the organization or initiative on the two dimensions and then come up with an overall picture. The small matrix below, scoring the first category in rows, listed on the left (from 0 to 7 points, given the 7 principles for legitimacy/accountability) and across columns (from 0 to 7 points, on professionalism) offers a way of translating the scores into descriptive labels NGO legitimacy and professionalism:

Table 3: Scoring Matrix

		B. Organizational Professionalism (7 points)		
		<i>Weak or None (0 – 3 points)</i>	<i>Moderate (3.5 – 5.5 points)</i>	<i>Strong (6 – 7 points)</i>
A. Organizational Legitimacy and Accountability (7 points)	<i>Strong (6– 7 points)</i>	Poorly Managed Mission-Oriented NGO	-	Truly Professional, Mission-Oriented NGO
	<i>Moderate (3.5 – 5.5 points)</i>	-	Organization Defining Itself in a Sector but Partly Co-Opted or Opportunistic and in Transition to Donor-Driven	-
	<i>Weak or None (0 - 3 points)</i>	Donor and Profit-Driven Implementing Agency or organization Undermining Domestic and/or International Principles and serving public relations function	-	Colonial or Single-Interest-Driven Organization Effectively Undermining Domestic and/or International Principles

Note that this two-category indicator is not an absolute scale since it is simply a monitoring and compliance tool. However, it can be used by the public, practitioners and by scholars as a measure of relative compliance of different organizations. Like most indicators, answers to each question would need to be “calibrated” to assure that different observers make the exact same determinations. To do so would require a longer manual for standardized, precise answers across observers.

Measures/ Sub-Factors: The scoring is the same for each principle and one can refer back to the descriptions of the principles above, for reference. Most of the questions are clear cut “Yes” (1 point) or “No” (0 points), but in cases where there is a judgment call, scorers can opt for a “Debatable” (0.5 points).

A. Organizational Legitimacy and Accountability: Compliance with Legal, Development and Governance Objectives: Is the NGO accountable to law, including cultural protections and sovereignty of beneficiaries, and does it fulfill the proper role of an NGO in relation to other organizations? (7 questions, in two categories)

A. 1 - 4. *Accountability to Law including Cultural Protections and Sovereignty of Beneficiaries* (4 questions)

Question A.1. *Compliance with Legal and Policy Frameworks for Interventions.* Are the organization's interventions integrated and consistent with the legal and policy framework for this kind of intervention, including the full list of sub-components in the area(s) of intervention, looking at all of the components and the organization's fit in a systematic way, including overall objectives of sustainable development and cultural survival, and the balance of cultural rights/sustainability and individual rights without promoting one level or unbalanced access to resources of one group, and rather than simply use the labels or slogans of the category as a claim for fitting within it?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – (0)

Question A.2. *Enforcement of Compliance with Legal and Policy Frameworks for Interventions.* Does the organization have a screening process to assure that it consistently upholds its mission in compliance with international legal and policy frameworks in a way that assures it will not be influenced by other agendas and act outside its legal mission?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – (0)

Question A.3. *Organizational Communications and Accountability to Beneficiaries and the Public.* Does the organization publish full negative results of failures and weaknesses so as to inform the public of what works and what doesn't, at what cost, and in ways that promote the field and solutions to problems, even at risk to the organization, assuring that its evaluation systems are independent and not subject to conflicts of interest, rather than see itself as competing with other organizations and viewing its information as "proprietary" for the purposes of self-interest, with a need to create a positive image at the expense of full transparency?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

Question A.4. *Free of Distorting Ideologies.* Does the organization have a code or mechanism for assuring that no ideologies and agendas that are inconsistent with international rights of sustainable cultures and communities and of individual rights, will be introduced into the organization's work even if indemnified by government donors and recipient country governments (e.g., religious beliefs, "growth" and "development" agendas, "globalization" or "market" promotion or other single group interests) and does it actively work to challenge and check such influences when they are encountered, as part of its mission?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

A. 5 - 7. *Fulfillment of the Role of an NGO (including Mission) in Solving Root Causes of Problems with Unique Strategies, Different from Government or Business, Potentially Transforming Rather than Replacing Government or Business* (3 questions)

Question A.5. *Accountability to Mission and not to Constituencies.* The organization defines itself as responsible to a humanitarian mission and vision as its legal purpose and as a measure of its success (even if it is a membership organization responsible to a constituency) and not to its implementing partners or beneficiary “stakeholders”?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – (0)

Question A.6. *Proper Role of a Non-Governmental Organization with Respect to Government Functions.* Is the organization’s mission one that seeks to improve government with new innovations to be adapted by government or that is fully independent of and not overlapping with government functions rather than provide services that could be more efficiently those of government or subsidize elites whose taxes should fund such services or act in any other way to distort the appropriate role of accountable citizen-run government?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – (0)

Question A.7. *Proper Role of a Non-Governmental Organization with Respect to Private Sector or Government Invested Functions.* Is the organization’s mission one that freely provides services that are not more efficiently provided in competitive markets and that would not otherwise be seen as productive investments that government could finance and that does not disrupt market incentives or displace other equally effective approaches and solutions to the problems it seeks to address?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – (0)

B. *Organizational Professionalism:* Does the NGO have the systems for managerial professionalism and efficiency and institutionalize changes consistent with a mission and vision? (7 questions, in two categories)

B. 1 - 4. *Managerial Professionalism and Efficiency* (4 questions)

Question B.1. *Organizational Administrative Efficiency: Targeting Root Causes of the Problems with Problem Tree Analysis.* Does the organization perform the standard exercises of analyzing the root causes of problems using “problem tree” methods, identifying the full chain of causality and the individual behaviors and institutional deficiencies at the root of the problem and then demonstrate how specific interventions will address these underlying causes, with specific measures of costs and benefits and benchmarks of specific interventions, rather than just fit its package of services to each client?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

Question B.2. *Organizational Research and Development.* Does the collection of information and analysis of the problems to be solved push the organization to develop and test new technologies that are more suited to furthering the organization’s mission and that shows continued improvement or technological advance, with clear measurable benchmarks and indicators that are published in the literature and with open and transparent exchanges on results and failures based on scientific testing that follows peer reviewed methodologies (including control groups), or does the organization continue to market the same type of service or product or change it simply to meet the requests of donors by bringing in outside expertise to fit whatever seems to be required and use publications as a way to advertise rather than to share scientific results?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

Question B.3. *Merit and Solution Based Hiring Systems.* Does the organization focus its hiring on qualifications of staff to fulfill its missions by improving technological solutions, with full protection of professionalism rather than act as a business to seek administrators and fundraisers?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

Question B.4. *Results-Based Implementation.* Are the “outputs” and “outcomes” of the organization measured in terms of institutional and cultural changes, individual behavioral changes, and other long-term system change, with measurable impacts on the root causes identified as part of the mission, or is the use and acceptance of the organization’s services and products (the inputs) redefined as the outputs, with outcome measures focusing on short-term economic, educational, technological or subjective benefits that may simply be ad-hoc improvements in symptoms or ways to justify use of the organization’s services or product?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

B. 5 - 7. Institutionalization of Changes that Potentially End the Need for Continuing Intervention, Including Local Sovereignty and Sustainability (to Fulfill an Organizational Vision) (3 questions)

Question B.5. *Organizational Mission.* Does the organization have a clear mission that identifies a problem, explains the harm and relevance of solving that problem in the context of human goals and civilization, recognizes specific beneficiaries who depend on the success of the mission and links some specific institutional expertise and strategy to achieving that mission, rather than just offer a slogan and a service or product that it looks to sell and adapt to fit the slogan?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

Question B.6. *Organizational Vision.* Does the organization have a clear vision of a world in which it has achieved its mission and can shut down the organization and move on to something else, or is its vision really to endlessly sell its services

or products, co-dependent on continuation of the problems or institutions that bring it funds?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

Question B.7. *Promoting Local Sovereignty and Institutionalized Change.* Does the organization replace government functions and services delivery and offer funds or technology to alleviate the symptom of a problem or does it focus on the root causes and seek to repair broken institutions and change behaviors so as to assure local control and continuation of functions in a way that protects and empowers local sovereignty and institutionalizes changes and/or empowers individuals with skills and behaviors that enable them to assert and fulfill their needs after the intervention ends?

Scoring: Yes – 1
Debatable or not relevant – 0.5
No – 0

How Some Approaches Do

After understanding how the indicator works, it is generally easy to apply to every new case. It takes just a few minutes to score organizations on the areas of legitimacy and professionalism. Use of the indicator easily segments organizations into different categories and also demonstrates how donor funding can be correlated with the degradation of NGOs while some mission-oriented NGOs have long violated public purpose but have yet to be held accountable. One can also use the indicator to see how specific categories of NGOs require particular scrutiny. Below is an example of how the scoring can be done using a small, new INGO, Namati, as an example.

By Scoring Classification

Results in applying this indicator fall into the five different categories that are shown in the scoring matrix. A few typical examples are offered below for each category, starting with the two categories that are in strong compliance with key legal objectives (the right hand column of the two columns in the scoring matrix and the three rows in this column), followed by those with various failings and then presenting those that are in weak compliance (the left hand column in the scoring matrix and the three rows in this column).

- Truly Professional, Mission Oriented NGO: (Strong on Both Dimensions) Generally, the organizations are those that score well are those that have clear public missions and visions and that are advocates of them such as Greenpeace (environment) and Human Rights Watch (human rights). Organizations that implement projects effectively and that take public money but apply strict standards of professionalism can also fit in this category, such as BirdLife (environmental protection) and Terra Lingua (cultural protection).
- Poorly Managed Mission-Oriented NGO: (Strong on Legitimacy and Accountability, Weak on Professionalism) Many mission oriented NGOs simply lack high levels of professionalism due to lack of funding or to prioritization of mission over organization. Protest groups and some small political parties fit into this category. Such organizations do not last long.
- Organization Defining Itself in a Sector but Partly Co-Opted or Opportunistic and in Transition to Donor-Driven: (Moderate on Legitimacy and Accountability, Moderate on Professionalism) The category of moderately legitimate and professional organizations seems to now include a number of established NGOs that were originally mission-oriented but have now become opportunistic and donor driven, thus losing their missions. The International Red Cross began as a relief organization but once it began to do “development” work without any clear mission, the quality

and professionalism of their work deteriorated in ways that will likely push it further down the spectrum. The World Wildlife Fund, that has an environmental mission but has compromised professionalism in the search for funds and has created local management in a number of countries, might fit in this category. Amnesty International, now classifying all kinds of public relations on rights and provision of economic aid for donor social policy objectives also fits here.

- Colonial or Single-Interest-Driven Organization Effectively Undermining Domestic and/or International Principles: (Strong on Professionalism, Weak on Legitimacy or Accountability) World Vision and other missionary organizations are good examples here. So are some foundations such as (Ford, Gates and Soros, Ashoka), interest groups (trade associations and lobbying for industry), secret societies (Yale’s Skull and Bones). These organizations have specific missions that are not consistent with sustainable development or integrated international rights objectives and serve very narrow visions either to promote a religion or culture, elites, specific commercial interests, public relations, or simply misguided ideas of charity that are actually inconsistent with international law (such as “growth” or “health” rather than sustainability and appropriate technology).
- Donor and Profit-Driven Implementing Agency or organization Undermining Domestic and/or International Principles and serving public relations function: (Weak or None on Both Dimensions) Several INGOs now fit here, including Namati (in detail, below), Oxfam, and CARE International. Though Oxfam and CARE began with specific relief missions, it was easy to transform into organizations providing anything donors asked to be delivered to “the poor”, without any mission, vision or professionalism.

Note that there is almost an exactly correlation between international donor funds and the lack of professionalism for those organizations that do not have existing endowments such as foundations. In the foundation world, size may correlate with the inadequacy since the larger the fund the greater the ties to protecting the status quo and its ideologies.

By Type of NGO

The indicator also offers interesting insights into different types of NGOs, their failings, need for strengthening, and need for oversight, as summarized in the table.

Table 4: Details offered by each indicator

<i>Type of Non-Governmental Organization</i>	<i>What the Indicator Reveals</i>
<i>Domestic</i>	
Political Party	Though effective political systems rely on parties that represent competing visions, often of different ethnicities or rural versus urban, that are consistent with sustainability, in some countries like the U.S., where the two major parties simply seek money and votes (now, increasingly, money to buy votes and power), the appropriate role has deteriorated. Mission oriented political parties rather than popular appeal oriented parties are one key to effective governance.
Membership Advocacy Organization; Watchdog NGO for a political interest (public)	These general score well on legitimacy if their agendas do not deny rights of others or create policy imbalances that threaten sustainability. Often they lack professionalism compared to business and trade association advocacy.
Business Advocacy organization and Trade Association	The indicator raises questions about the public legitimacy of these organizations. They are professional but create inequality with public interests.
Church or Religious Organization	As long as these organizations do not seek to convert others or deny their rights (e.g., family planning), they are within their mission of maintaining their own communities and cultures.

Hobby or Club, Membership Organization	Some recent laws that prevent discrimination by social clubs have helped to assure that their focus is on the mission of promoting shared intellectual interests, not shared economic and political interests.
Newspaper	Media have the mission of presenting information for constituencies but they have increasingly turned into businesses, proselytizing for corporations and elite interests in violation of their missions.
Charity, Foundation	(See the scoring above)
University and University Publishers	Universities have a public mission of protecting the future, including cultures and assets, through merit systems and open competition of ideas but they are increasingly driven by ideologies, donor funding and profit, as well as interests of their endowment holdings, all in violation of legitimacy and professionalism as revealed by the indicator.
Think Tank	Like media, they have missions of seeking solutions to public policy problems but they have increasingly turned into businesses proselytizing for elite interests who fund them in violation of their missions.
Museum	Museums can face similar dangers as the above organizations due to funding pressures and private agendas.
<i>International</i>	
Charitable Organization	Charities have specific missions of assisting in crises as a kind of humane insurance for humanity but they have increasingly been transformed into providers of whatever donors wish to buy under the guise of treating “poverty”. The mission is to restore cultures in crises, not to treat symptoms that cover over threats to sustainability and cultural survival.
Development Organization	(See the scoring above)

Table 5: Scoring of Namati on the 2 parts (14 questions) of the indicator

Preliminary Information for Assessment	
The stated “Mission”, Vision” and Strategic goals of Namati from its Website (2015)	The mission is “to build a grassroots movement of legal advocates worldwide” in the area of “legal empowerment”. However, there is no statement of problems to be solved or root causes to be addressed or why this tool of “legal advocates” is best suited to specific problems. There is no statement of vision.
Sponsors and Endorsers funding and promoting the organization	Between 2011 and 2015, the organization was funded by the Open Society Foundation, UK DFID, AusAID, and UNDP with an advisory board including Amartya Sen, Madeline Albright, Fazle Abed, Mo Ibrahim and George Soros.
Strategy of the Organization, from the Namati Global Legal Empowerment Framework prepared for DFID, February 2011 and still used as the basic framework in 2015	Namati’s goal is to: “increase in programming and donor support to legal empowerment” through Namati’s partner organizations that it calls its “frontline”. These organizations identify areas where they believe they can increase resources to their constituents and then Namati seeks donors who will provide funds in those categories. The indicator of success is to be the “Number of new international donors and governments supporting legal empowerment efforts” and the “Number of new communities benefited by legal empowerment programs worldwide” and served through Namati. Among the mechanisms and goals for these mechanisms are “Number of references of research and evaluation products and/or direct contributions to conferences, journals, programme and policy documents” and “research studies and publications completed and disseminated to international donors and governments.”
Hiring Policies, including advertisement for “Director of Impact” on the Web	Namati advertised for a “Director of Impact” in 2015 and described the position as including research and publications as well as evaluation but offered no independence of these roles and no protections for conflict of interest.

Overall analysis of Namati as an international NGO	<p>Namati is not the only NGO in the field of “legal empowerment” and only one among a number of international rights advocacy groups, civic training organizations, and legal services offering representation to citizens, nor is it the only one in the area of working with paralegals (another is the Justice and Environment Initiative in Nigeria). Unlike these other organizations, they do not confront or monitor international organizations or governments (such as Human Rights Watch, Multi-National Monitor, or others monitoring banks), engage in direct legal action against governments (such as environmental law organizations and anti-discrimination organizations like the National Association for the Advancement of Colored Peoples), seek to change laws or establish sustainable institutions for rights, nor do they seek direct citizen empowerment through education (such as Street Law) or protection of a specific group (such as Consumer Protection organizations, Terralingua or Cultural Survival for minority rights, Rainforest Action Network, etc.)</p> <p>They are essentially a business with the goal of serving as an intermediary for local partners to bring them funds and to share in the funds raised for short term services provision in whatever areas of rights that their partners identify (land, health, citizenship, or access to other benefits). They have identified a donor funding category (“legal empowerment”) and have a ready service package that they promote and fit to donors. Rather than research solutions and establish benchmarks, their research and monitoring functions are geared towards promotion and publicity to increase funds.</p>
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Table 6: Analysis of questions

Question	Indicator	Scoring
A.	Organizational Legitimacy and Accountability	<i>Weak to Non-existent. While Namati claims to be a “rights” organization working in “legal empowerment”, it has no internal systems to assure that it actually is consistent with the framework of international rights and laws nor that it fits the proper role of an INGO. It seems opportunistic and ad hoc with little concern for the context in which it is operating.</i> 1 point
A.1..	<i>Compliance with Legal and Policy Frameworks for Interventions?</i>	Debatable. Namati’s choice of rights to protect in each country is dependent on its partners rather than on any systematic evaluation of rights and needs in context. While the choice of rights is consistent with international law, there is a danger of promoting specific policy choices in ways that could damage other rights and policy choices. <i>0.5 points.</i>
A.2.	<i>Enforcement of Compliance with Legal and Policy Frameworks for Interventions?</i>	No. There is no internal oversight function to assure that project frameworks in each rights category begin with international law and conformity with international law objectives. <i>0 points.</i>
A.3.	<i>Organizational Communications and Accountability to Beneficiaries and the Public?</i>	No. There are no systems for independent evaluations, research and reporting to the public and the website does not present such information. <i>0 points.</i>
A.4.	<i>Free of Distorting Ideologies?</i>	Debatable. The goal of legal empowerment is consistent with international treaties as are the policy objectives of Namati, but by relying on donors for partial funding of services that these very same donors have undermined through policies of globalization and structural adjustment as well as free market policies concentrating wealth and power, Namati may actually be whitewashing (“rights washing”) the real sources of the problems it claims to be correcting. <i>0.5 points.</i>
A.5.	<i>Accountability to Mission (or Members) and Not to Constituencies?</i>	No. Namati has defined its mission as bringing in funds to its local partners for paralegal services, not to assure government benefits and services to the public and to be accountable to the public. <i>0 points.</i>

A.6.	<i>Proper Role of an NGO with Respect to Government Functions?</i>	No. Among the reasons why rights are jeopardized is because countries do not properly fund social workers and public legal services. Namati's role should be to push governments to do so, not to partially subsidize these services with international funds from the very donors who have convinced governments to cut them and push them into the NGO sector where they do not belong. <i>0 points.</i>
A.7.	<i>Proper Role of an NGO with Respect to Private Sector of Government Invested Functions?</i>	No. Some legal services may be self-sustaining in the marketplace and others can be developed (such as class action lawsuits and common pool recoveries for private attorney general type lawsuits) but Namati works instead to seek donor funds to subsidize these. <i>0 points.</i>
B.	<i>Compliance with Organizational Professionalism Standards:</i>	<i>Weak to non-existent. Not a single system consistent with NGO professionalism was in place in Namati in 2015.</i> <i>0 points</i>
B.1.	<i>Administrative Efficiency: Targeting of Root Causes of Problems with Problem Tree Analysis?</i>	No. The organization has already picked a service that it is selling and does not do root cause analysis. <i>0 points.</i>
B.2.	<i>Organizational Research and Development?</i>	No. The goal of the research function is promotion of the organization rather than development of new approaches or testing of success and failure of current approaches. <i>0 points.</i>
B.3.	<i>Merit and Solution Based Hiring Systems?</i>	No. The organization's CEO in 2015 did not have a background in either law or administration but had worked for a large INGO (CARE) and had a background in public health. The Director of Impact position appeared to be geared to fundraising and promotion. <i>0 points.</i>
B.4.	<i>Results-Based Implementation?</i>	No. Since Namati does not identify problems or root causes, its indicators are not those to change behaviors and institutionalize systems but only to demonstrate to donors that it has transferred funds. <i>0 points.</i>
B.5.	<i>Organizational Mission?</i>	No. The organization does not define a problem that it is seeking to solve. It's goal is to sell a pre-determined solution and to fit donor categories in order to increase its revenue. This is the approach of a business. <i>0 points</i>
B.6.	<i>Organizational Vision?</i>	No. There is no vision of the better world that the organization would achieve if it fulfills a mission and solves existing problems. <i>0 points.</i>
B.7.	<i>Promotes Local Sovereignty and Institutionalized Change?</i>	No. The partner organizations are local but there is nothing to confirm that they are representative and the reliance on donor funding does not assure their long-term sustainability but instead creates dependence. <i>0 points.</i>
Total:		<u>Namati is a classic example of a donor driven INGO, lacking in legitimacy or in professionalism but cleverly able to draw large amounts of funds from donors in a category where donors sought to purchase publicity. Though a new organization that has not been corrupted by donor funds, there was a clear opportunity for gain in a category where donors had announced they wanted implementing agents, and this organization, using a business model but founded as an NGO, entered to provide the service.</u>

Conclusion

The reality today is that NGOs, that are viewed as organizations supposedly closest to the public and in the position to protect public interest may indeed be corrupted by government and private interests internationally and domestically in ways that defeat the public interest. Governments and large foundations and NGOs who are supposed to be protecting the public against these harms may in fact be the cause. An indicator like the one presented in this article can expose the problem and can be a tool to facilitate change, but like other tools, it must be in the hands of those willing and able to use them.

Holding NGOs accountable is particular difficult and especially in the case of INGOs where the failures, violations of public law, and corruption are not simply those of the NGO implementing a program but of the international donor, the professionals at work for the NGO who may be violating oaths or simply unaccountable to any professional responsibility, and the local governments. While there are potential legal mechanisms for dissolving NGO charters and for holding them accountable, they are difficult to use and only address a small part of the problem.

The controls needed are at several levels, not only challenging NGOs.

- Universities teaching “international development” are not teaching accountability and oversight. “Development” teaching puts students directly in NGOs as a collusion between the institutions, with universities saving money, students finding jobs and public oversight evaded. And few professional journals or organizations are focusing on oversight and enforcement because there are conflicts of interest within the profession among those who both teach and work for NGOs and donors;
- There is no licensing of professionals in the fields and no professional sanctions;
- Government organizations essentially immunize those who implement projects in violation of laws and standards and they, themselves, are subject to little or no oversight;

Meanwhile, the incentives are for the problems to get worse. Quality organizations that follow professionalism and law in the NGO field are not those that succeed, as one would expect in a competitive environment, but are those who receive the least funding and may face blacklisting. Those organizations who set the standards and define the fields are increasingly those who play along in a failed system.

One potential avenue for reformers to note is that in many countries there are strong laws for fraud. Given the amount of money in NGOs, lawsuits on the basis of “False Claims” could be lucrative and provide incentives for reform.

In short, the system of NGOs is corrupted and it is getting worse. The only way that change can really occur is if those public voices who have an interest in the oversight act collectively to protect their interests.

This article offers one tool, a weapon of empowerment, to at least facilitate that effort, as part of a codification of laws and standards that could ultimately be enforceable both by those paying for the interventions and those at the receiving end. This indicator takes away excuses that oversight is too difficult for ordinary citizens and that we must simply wait, pray, and rely on experts to change in ways they have little incentive to change, rather than to take on the burdens of citizenship to protect the public interest in promoting effective, efficient and law abiding public organizations.

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