

WORKING PAPER SERIES

No. 76

**Advocacy in the Age of Compacts:
Regulating Government-Community
Sector Relations – International
Experiences**

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February 2008

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CACOM WORKING PAPER No 76

ISBN 978-0-9804957-0-6

CENTRE FOR AUSTRALIAN COMMUNITY ORGANISATIONS AND MANAGEMENT (CACOM)

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Advocacy in the Age of Compacts: Regulating Government-Community Sector Relations -- International Experiences¹

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Abstract

In recent years, governments around the world have developed written agreements, commonly known as “compacts”, with community and voluntary sector organizations that specify the rules of engagement for a wide array of collaborations and relationships. This review examines the history of compact development in a number of countries and in supranational entities. Particular emphasis is given to compacts in England, where they appear to have been most successful, and Canada, where a widely-touted compact process appears to have faltered. The conclusion to this paper is presented as an analysis of lessons learnt and speculation about future compact development.

¹ The research for this Working Paper has been funded by Australian Research Council (ARC) Linkage Grant: LP0667785: *Advocacy in the age of compacts: Strengthening the policy development dimension of partnership agreements between government and community organisations*. The ARC grant was awarded to researchers from two universities (University of Technology, Sydney and University of Queensland) and two industry partners (NCOSS - New South Wales Council of Social Services -- and PIAC -- Public Interest Advocacy Centre).

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Introduction

In recent years, governments across the world have sought to define and formalise their relations with the array of non-profit, voluntary and community-based organisations which make up the community sector. In some jurisdictions this has led to the development of written agreements, most commonly known as compacts. In Australia, some form of written agreements have recently been signed in the Australian Capital Territory (ACT), New South Wales (NSW), Northern Territory (NT), Queensland (QLD), South Australia (SA), Tasmania (TAS), and Victoria (VIC), and Western Australia (WA) is in the process of developing a compact arrangement.

The purpose of this paper is to give historical and international context to this recent development of compacts and to their possible impact on the Australian political landscape by documenting the emergence of similar agreements around the world. The authors are part of a research project, funded by the Australian Research Council (ARC) that seeks to evaluate how Australian compacts will shape the future evolution of advocacy by the community sector. Thus, the primary focus of the paper is on the advocacy role of community sector organisations (CSOs) and how compacts seek to regulate this role.

The paper documents the advent of compacts in a range of overseas countries and similar documents in supranational institutions, and examines the subsequent evaluations of their impact. The emphasis is on the historical narrative of the processes which have led to the development of compacts and on the documentation of the provisions for advocacy contained in the written documents. Elsewhere we have analysed the emergence of compacts as instruments of the new governance regimes (Casey and Dalton 2006), and while further analysis inevitably emerges from any account of the development of compacts, it is important to emphasise that the primary motive here is to catalogue compact documents and the language they use to frame discourses on the advocacy relationships of the signatories. A complementary paper, *Advocacy in the Age of Compacts: Regulating Government-Community Sector Relations in Australia* examines the current status of compacts in Australian states and the federal government. Another paper from the ARC project addresses the issue of the evaluation of compacts³

Definitions

The following definitions are used for the key terms in this paper:

*Compacts*⁴ is the generic term for written protocols or agreements that seek to regulate the cooperative relationship between governments and the community sector. The aims of compacts are to strengthen the relationships between the sectors for their mutual benefit and to improve services to the public. They constitute an explicit recognition of the key role that community organisations play in contemporary society. Compact became the term of choice in the UK where such protocols were first widely adopted and it has become the most commonly used descriptor for them. At the same time other terms such as *accord*, *agreement*, *charter*, *concordat*, *cooperation program*, *framework*, *memorandum*, *partnership* and *strategy* are also used throughout the world to describe formal government-nongovernment protocols. Supranational entities use terms such as *consultative status* (UN) and *quadrilogue* (European Commission) to describe similar arrangements.

³ Documents related to the ARC-funded research project *Advocacy in the Age of Compacts* are available on the project website.

⁴ The word *compact* will be written with lower case in this article, except where it refers to the formal name of a specific document.

Debates about compacts and the new frameworks for participation they create are embedded in wider discussions of the evolution of *New Public Management* and *governance* approaches to the management of public goods and services. Reform and partnership agendas under these approaches include a broad range of dynamics and processes, of which compacts are just one example (for a more in-depth discussion of the emergence of compacts in the broader socio-political context, see Osborne and McLaughlin 2002, Casey and Dalton 2006). Compacts are distinguished from other government-community sector partnerships and collaborations by their sector-wide focus and by their inclusion of a broad range of interactions between signatories.⁵ Within governance debates, compacts can be seen as a part of a *mutual obligation* approach to partnerships and accountability (Brown and Jagadananda 2006).

Community sector organisations (CSOs) and the *community sector* refers to nongovernment, nonprofit organisations, usually administered by a volunteer management committee, working to deliver human services or to represent the interests of a specified constituency in regard to such services. The community sector is non-institutional (i.e. it does not include large nonprofit institutions such as hospitals, art galleries, universities, unions etc.) and provides an array of social, cultural, recreation, health and education services, or may specialise in a particular segment of the community such as aged, youth, or those with disabilities. The sector is predominantly made up of smaller organisations delivering services locally, although there are also a few large, Australia-wide CSOs which may dominate a particular area of service. The sector also includes numerous peak organisations that represent member organisations, and most CSOs are members of their state Council of Social Service (COSS) or other sector-wide organisations such as the NSW Federation of Nongovernment Organisations (FONGA). CSOs compete with public sector institutions and for-profit organisations for market share, funding and subsidies.

The term CSO is used in this paper because of its widespread usage in Australia, and because the primary focus of Australian compacts has been relations between governments and these small nonprofit human services organisations. In other countries, terms such as *voluntary*, *nonprofit (or not-for-profit)*, *nongovernment organisations (NGOs)*, *associations*, *civil society* and *third sector*, are used to describe the nongovernment signatories to compacts. These terms are not fully equivalent to CSO as they encompass a wider variety of organisations, but they will also be used in this paper where appropriate to the context of the country, region or institution being discussed. While the broadest terms such as *civil society* and *third sector* may be used to describe compact partners in some jurisdictions, the primary focus is almost always on those organisations that are funded by governments or private donors to provide the range of services provided by the Australian CSOs. Nonprofit and voluntary organisations outside this ambit generally have less involvement in compact processes, unless they involve negotiations over possible changes to regulatory frameworks or tax structures.

Advocacy is defined as active interventions by CSOs, on behalf of the interests they represent, that have the explicit goal of influencing public policy or the decisions of any institutional elite (Casey and Dalton 2006, Onyx and Dalton 2006, Salamon 2002).⁶ These activities may

⁵ The compacts discussed in this paper should also be distinguished from other commonly known compacts that impact on the community sector, such as the UN Global Compact for responsible corporate citizenship (see: <http://www.unglobalcompact.org/AboutTheGC/index.html>), and the Millennium Development Compact for addressing poverty in developing countries (see: <http://www.unmillenniumproject.org/documents/MillenniumDevelopmentCompact.pdf>). They are also separate from legislation regulating the establishment and operation of nonprofit and nongovernment organisations in any jurisdiction (for an excellent guide to such legislation, see USIG 2007).

⁶ This paper addresses only 'systemic' advocacy aimed at decision-making by institutions and elites. Some organizations also work with 'individual' advocacy aimed at assisting people in achieving desired individual outcomes. For a more complete discussion of the relationship between individual

be high profile and openly political acts, or they may be low profile, more discrete processes of influence; they may be aimed directly at the decision makers, or they may be aimed at influencing by proxy through public opinion or voter intentions. Analogous terms such as *activism, advising, campaigning, commenting, consulting, dialogue, engagement, feedback, giving voice, influencing, input, lobbying, negotiation, participation, policy work, promoting improvements* and *social action* are also used to describe the direct influencing processes, while terms such as *educating, disseminating information and informing* are used for indirect processes. While there are differences in meanings of all these terms, they are often used interchangeably and there are variations in their usage between different jurisdictions and interest areas. The terms used to describe any of these activities are often more the result of which labels sit comfortably with the participants involved than of any strict academic definition.

There are CSOs, such as peak organisations, that focus much of their work on advocacy, while others have advocacy as a minor or incidental activity. Many CSOs declare that they don't engage in advocacy, and studiously maintain an appearance of being "non-political", but an analysis of their activities often indicates that they in fact do seek to influence the direction of policy and program delivery. Conversely, some organisations may wish to be associated with what they perceive to be the positive connotations of the term advocacy -- and thereby convey to members and others that their group is about changing attitudes, influencing policies etc. -- yet they often may devote few resources to externally focussed advocacy activity.

Compacts in England and Canada⁷

England and Canada are the "gold standards", for compact processes and Australia appears to be following in their wake. The following sections document the development of compacts in England and Canada with particular focus on how they address the advocacy role of community organisations.

England

In England there are key organisations that played a crucial role in the creation of the Compact and it is necessary to explain their role before continuing to document the Compact process. The organizations are:

- The National Council of Voluntary Organisations (NCVO). Founded in the 1930s as the National Council for Social Service, it had become the peak body for what were in effect nonprofit or voluntary organisations in the community services industry in England. In the 1990s, the NCVO sought to draw into its membership voluntary organisations providing health culture and recreation services, local economic development and certain urban churches with social service and community

and systemic advocacy, see the paper Dalton et al. (2007), *The relationship between individual and systemic advocacy in Australian Communities Service Organisations: a source of legitimacy?* Paper presented at UTS Conference on Cosmopolitan Civil Societies, 4 - 5 October 2007, University of Technology, Sydney, Australia (available from the *Advocacy in the Age of Compacts* website).

⁷ The early part of the narratives on compact development in England and Canada are based on the papers *Institutional Prerequisites for Successful Compacts between Governments and the Third Sector, Or Why a Compact Is Not Yet Possible in Australia* (Lyons 2002) and *Improving Government-Community Sector Relations* (Lyons 2003). Sections of these two papers have been quoted with permission of the author.

development programs, and so it joined together with peak bodies from the cooperative and mutual sectors in a Social Economy Forum.

- The Charities Commission, which regulates charities (nonprofit organisations providing relief to the poor, advancing the interests of religion and education or providing a public benefit). In the UK, registration as a charity brings tax deductibility for donors as well as income tax exemption. The Commission is also able to make minor adjustments to the definition of charity, which dated back to the 1601 Statute of Elizabeth. It was generally seen as a conservative and somewhat hidebound body but in response to these criticisms, from the late 1980s, it had sought to become a more proactive body and, *inter alia*, cooperate with researchers seeking to map the dimensions of the charity sector and providing advice and support to charities.
- Within government, there have been a number of centralized agencies or offices that have sought to address the voluntary sector or significant parts of it, as organisations with their own interests rather than simply as agents for government programs. A Voluntary Services Unit had been formed within the Home Office in the 1970s to provide a point of entry into government for voluntary sector peak bodies such as the NCVO, whose interests ranged across several ministerial portfolios. It was also the source of government support for such peaks.

In the 1980s the Conservative Government's privatisation policies led to a growth of the voluntary sector but also to a growing hostility between the sector and the government over the impact of government cuts and the conversion of many government grants into contracts. As the state divested itself of comprehensive and centralized welfare provision, voluntary organisations were drawn in to a dialogue with government as service providers and contractors, in which government claimed a mutual commitment to innovation and efficiency in service delivery (Home Office 1990). This claim was sometimes greeted with unease by the sector, as the government sought to apply standards of accountability and efficiency to the activities of CSOs in return for the specific funding of supposedly measurable outcomes. Participating organisations were disciplined by market-based contractual mechanisms that allowed minimal consultation and left policy making in the hands of the government.

The potentially repressive function of commercial relationships with government is one of the most insistently recurring themes in the English literature of that time. Despite the frequent invocation by the government of the benefits of free markets, in the situation of welfare service contracting, government retains a monopsony⁸ power, at least to the extent that CSOs are dependent on government funds. Increasingly, those working in the sector expressed concerns that the independent advocacy and whistleblowing functions of civil society have been compromised with the widespread adoption of competitive tendering for contracts. Some CSO representatives argued that budgets dedicated to advocacy and public activism came increasingly under pressure. The following quote from Leat (1995) typifies the concerns of the time:

“As we approach the end of the twentieth century the voluntary sector is on the horns of a dilemma. It needs to enter the market and to become leaner and fitter, more efficient and effective, if it is to survive in the new “post welfare state” mixed economy. But entering the market, with all its knock on effects, may reduce the sector to a second-tier of government or transform it into a

⁸ A *monopoly* is when a single producer dominates the market for a commodity, thereby allowing it to set prices, quality and delivery to buyers. A *monopsony* is when a single buyer achieves similar control over a multitude of competing producers.

rather ineffective part of the for-profit commercial sector.” (Leat 1995: 185-86)

As a consequence, the sector entered the 1990s in a state of some turmoil. During the early 1990s, there was a good deal of research done into the voluntary sector, broadly defined, including several projects that mapped its size and scope. This research was funded by government agencies, such as the Central Statistical Office, but also by the Economic and Social Research Council and, most importantly, by foundations such as Rowntree.

In 1990 the Home Office funded a small private research group called Centris to prepare a comprehensive study of the voluntary sector. After several years, in 1993, the Centris report, *Voluntary Action*, appeared amidst a great deal of controversy. The report was less comprehensive than had been proposed but what drew controversy was a series of proposals such as splitting the voluntary sector into two parts – those in one part to be funded by government to provide services and to lose their charitable status whilst those in the other would remain charities but receive no government funds. The report was attacked by the voluntary sector and disowned by the government.

In 1995, the NCVO obtained foundation support to establish their own Commission on the Future of the Voluntary Sector, chaired by a widely respected professor of politics, Nick Deakin. Containing prominent figures with backgrounds not only in the voluntary sector but also within civil service, politics and business, the Deakin Commission produced a report, *Meeting the challenge of change: Voluntary Action into the 21st Century* (Deakin 1996), mainly calling for more research and development. However, it also called for a formal agreement between the government and the voluntary sector, an agreement which it referred to as a “concordat”. The origins of that notion appear to lie in some other work that Deakin was doing at the time on ways of improving the relationship between the Treasury and other government departments. There, too, a clash of interest suggested that a framework for the conduct of relationships embodied as a form of agreement between the parties might be a good idea. As well, most importantly, Deakin held several informal discussions with Alun Michael, an important figure in the Labour opposition.

By 1996, it was clear that Labour was going to win the next election. Tony Blair had transformed the Labour Party, dropping its commitment to state ownership and provision of services and embracing a “third way”. The third way idea drew on communitarian theory from the United States including ideas about the importance of social capital, beginning to be articulated by Robert Putnam. This reworking of Labour philosophy necessitated a recognition of the central role played by the voluntary sector.

In February 1997 the Labour Party published a report on the voluntary sector entitled *Building the Future Together*. Authored by Alun Michael, it called for an agreement between the voluntary sector and the government in terms very similar to those used in the Deakin report. The main difference between the two was that Michael substituted the term “compact” for Deakin’s “concordat”. After winning the May 1997 election, Blair placed Michael in charge of the Voluntary Services Unit in the Home Office where he soon secured a significant increase in resources.

With the election of New Labour, came a rhetoric of renewed relations between government and the voluntary and community sector which recognized the latter’s contribution to pluralistic citizens’ democracy and the local ownership of welfare delivery strategies. In October 1997, discussions were opened between a group of voluntary sector leaders established by the NCVO in 1996 as a follow-up to the Deakin report and a group of civil servants from a number of government departments. After some wider consultation and further meetings, in November

1998 a *Compact on relations between the government and the voluntary and community sector in England* (NCVO 2007b) was launched.

The Compact (NCVO 2007b) described itself as “a general framework and an enabling mechanism to enhance the relationship between the government and the sector”. It noted that it was not a legally binding document and that its authority was “derived from its endorsement by government and by the voluntary and community sector itself through its consultation process”. It would apply to central government departments and a range of organisations in the voluntary and community sector.

As part of a “shared vision”, it noted that the government and the voluntary and community sector have “a number of complementary functions and shared values”. Most importantly, it declared that its “underlying philosophy” was that:

“Voluntary and community activity is fundamental to the development of a democratic, socially inclusive society. Voluntary and community groups as independent, not for-profit organisations, bring distinctive value to society and fulfill a role that is distinct from both the state and the market. They enable individuals to contribute to public life and the development of their communities by providing the opportunity for voluntary action. In doing so, they engage the skills, interests, beliefs and values of individuals and groups” (NCVO 2007b, p. 6)

It contained a list of government and voluntary and community sector understandings. Government understandings included a recognition of the sector’s independence, of the need for better funding practice (to be developed by a joint working group), a guarantee of consultation on all policy matters likely to impact on the sector, and a consistent approach toward the sector by various government departments. It also provided for an annual review. The voluntary sector undertook to maintain high standards of governance and to meet government accountability and reporting requirements, to consult with service users before putting views to government and to commit to best practice. A mediation process was agreed. Black and ethnic organisations and small community groups were both recognised as having specific needs that required further discussion between their representatives and government officials.

The government established a group of several ministers to oversee the implementation of the compact within government. Chaired by the Home Office minister, it included Health, Social Services, Education and Employment, Environment, Transport and the Regions, Culture, Heritage and Sport and the Scottish, Welsh and Northern Ireland offices.

Compacts were agreed in Scotland, Northern Ireland and Wales during 1998. At the same time, the first review of the Compact was completed. With the encouragement of the central government, negotiations between local authorities and local voluntary and community sector groups to develop local compacts were under way. In most cases, these focused largely around social services, although in a few cases they included local health and education authorities, arts, sporting groups and community businesses as well as social services. The education sector seems largely to have been excluded from these developments. The key principles of the various compacts include:

- Voluntary action is an essential component of a democratic society.
- An independent and diverse voluntary and community sector is fundamental to the well-being of society.
- In the development and delivery of public policy and services, the Government and the voluntary and community sector have distinct but complementary roles.

- There is added value in working in partnership towards common aims and objectives. Meaningful consultation builds relationships, improves policy development and enhances the design and delivery of services and programs.
- The Government and the voluntary and community sector have different forms of accountability and are answerable to a different range of stakeholders, but common to both is the need for integrity, objectivity, accountability, openness, honesty and leadership.
- Voluntary and community sector organisations are entitled to campaign within the law in order to advance their aims.

(Commission for the Compact 2007)

A key element of the Compact process has been the creation of a series of Codes of Practice. In 2000 two key Codes were published:

- Consultation and Policy Appraisal Code, which provided good practice guidelines for government consultations with the voluntary sector.
- Funding Code (revised in 2003 as the Funding and Procurement Code), which committed the government to multi-year funding and to funding core costs as a way of building sector capacity.

Other Codes published in subsequent years were:

- Black and Minority Ethnic Groups Code (2001);
- Volunteering Code (2001, revised 2004);
- Community Groups Code (2003).

Of particular interest to this review is the Consultation and Appraisal Code. Under the Compact, the government undertook to:

“Recognize and support the independence of the sector, including its right within the law, to campaign, to comment on Government policy, and to challenge that policy, irrespective of any funding relationship that might exist, and to determine and manage its own affairs.” (Home Office, 1998, section 9.1)

The Consultation and Appraisal Code elaborates on this by providing a 16-page guide to effective consultation, with suggestions for choosing an appropriate approach and for evaluating the impact of consultation (Commission on the Compact 2002).

Since the launch of the Compact, there have been a number of evaluations that focus on its implementation and related issues within the voluntary sector. A 2005 Home Office evaluation, *Partnerships: Next Steps for Compact* (Home Office 2005a), found that the Compact had been an integral part of a package of government measures that had significantly strengthened the voluntary and community sector in England and that it had been an important means to developing better understanding between these sectors and public sector bodies. At the same time, the evaluation found that the Compact didn't always work well. The Compact and its codes were lengthy and somewhat difficult to understand and apply and so government departments and voluntary organizations could not be sure whether they were “Compact-compliant”. There was evidence of poor practice among both public sector bodies and voluntary and community sector organizations, particularly in the area of funding, but there was no mechanism to recognise good practice, to highlight bad practices and there were no penalties for those who did not comply with the Compact (Home Office 2005a). Another Home Office report from 2005 *The Paradox of Compacts: Monitoring the Impact of Compacts* (Home Office 2005b), recommended a greater focus on implementation, evaluation and review of Compacts at national and local level.

As a result of these evaluations, a Commissioner for the Compact was appointed. The Commissioner, John Stoker, was the former head of the UK Lotteries, and of the support fund for the victims of the London Underground bombings. In early 2007, a new nongovernment support institution, the Commission on the Compact was created to strengthen the implementation of the Compact. Subsequently, one of the first acts of the newly installed Prime Minister Gordon Brown in July 2007, was to launch the report on *The future role of the third sector in social and economic regeneration* (Cabinet Office 2007). The report reaffirms the commitment of the Labor government to partnerships with the voluntary and community sectors and explicitly encourages the advocacy role of the voluntary sector. The report identifies an “enabling voice and campaigning” as a key role of the voluntary and community sector (Cabinet Office 2007 p. 11). This role is described in the following terms:

Most people desire to have a greater say over issues that affect their lives, but many feel that they are not currently able to do so. ... Participating in third sector organisations is an important way of achieving such influence at a local and national level and over the last decade, the role of the sector has been substantial, from fighting for equal rights to shaping local regeneration programmes. The third sector review has identified a desire in much of the sector to further increase their campaigning and advocacy role. The recent report of the sector-led Advisory Group on Campaigning and the Voluntary Sector, chaired by Baroness Helena Kennedy, is just one example of that interest. .. The Government welcomes this role for the sector....The vision for partnership over the next ten years is to ensure that third sector organisations are able to play a growing role in civic society, better engage with decision makers and are never hindered from speaking out and representing their members, users and communities.

The response to the *Future Role* report by the NCVO emphasises the importance of this unequivocal recognition of the advocacy role of the nongovernment sector. The NCVO acknowledged that by recognising the need for a more holistic outlook and not simply focussing on the sector’s role in service delivery, the report showed a much deeper understanding of the sector than previous government reports. “We particularly support the renewed recognition of the Compact’s importance in asserting organisations’ right to campaign and the focus on improving consultation with the sector” (NCVO 2007a). Moreover, the Compact has bipartisan support. The July 2007 *Breakthrough Britain* report by the Conservative Party think-tank Social Justice Policy Group recommends that the principles of the Compact be enshrined in legislation and that more National Lottery funding should go to smaller charities (Social Justice Policy Group 2007).

However, the Commission on the Compact fell into turmoil in September 2007 when the Commissioner John Stoker resigned (the Chief Executive had resigned in June).⁹ The Guardian reported that:

“There is a terrible synergy between the current state of play at the Commission and the failure of the compact itself to live up to expectations. ...[T]he compact was supposed to revolutionise funding agreements and promote equal partnerships between statutory funders and voluntary groups delivering frontline services [but] it has been largely ignored by local authorities and has frustrated voluntary sector groups who have been powerless to insist that compact compliance is honoured by government funders. Stephen Bubb, chief executive at the Association of Charity Chief Executives (Acevo), said: ‘Many people in the voluntary sector are very strong supporters of the compact, but this is a 1997 document that has not been moved forward in any

⁹ These events were unfolding at the time of writing of this review.

real tangible way. I'm afraid to say there is a real problem with the level of cynicism among charity chief executives about the compact and how effective it can be. The number of charities that simply don't bother to use it is growing.' Mr Stoker's resignation is fuelling renewed calls for the government to finally grant the commission the legislative powers many feel it desperately needs." (Guardian 2007a)

There appeared to be muted relief at the end of what some saw as Stoker's softly-softly approach (Guardian 2007b). The launch of the Commission and appointment of the first Commissioner in 2006 was applauded as a step toward more rigorous Compact enforcement, but apparently many in the sector have been disappointed by John Stoker's policy of highlighting best practice instead of exposing those bodies in breach of their compact obligations. The new interim Commissioner is Helen Barker, a non-executive director at the commission and chair of learning disability charity Advance Housing and Support, has been appointed interim commissioner.

In October 2007, the Compact was tested in court when Public Law Project (PLP), on behalf of Age Concern South Lakeland, challenged a decision by Cumbria County Council to introduce day care charging across the county, claiming that the Council had breached the Cumbria Compact by failing to consult properly. The High Court ruled against the challenge by finding that the Council did act lawfully because of consultations that took place later in the process, but also ruled that the Compact was "more than a wish list; it is a commitment of intent" and that consultation provision contained in compacts should be used as a yardstick for processes (PLP 2007).

The key milestones in the development and reaffirmation of the Compact are summarised in Table 1.

Table 1: Compact Milestones

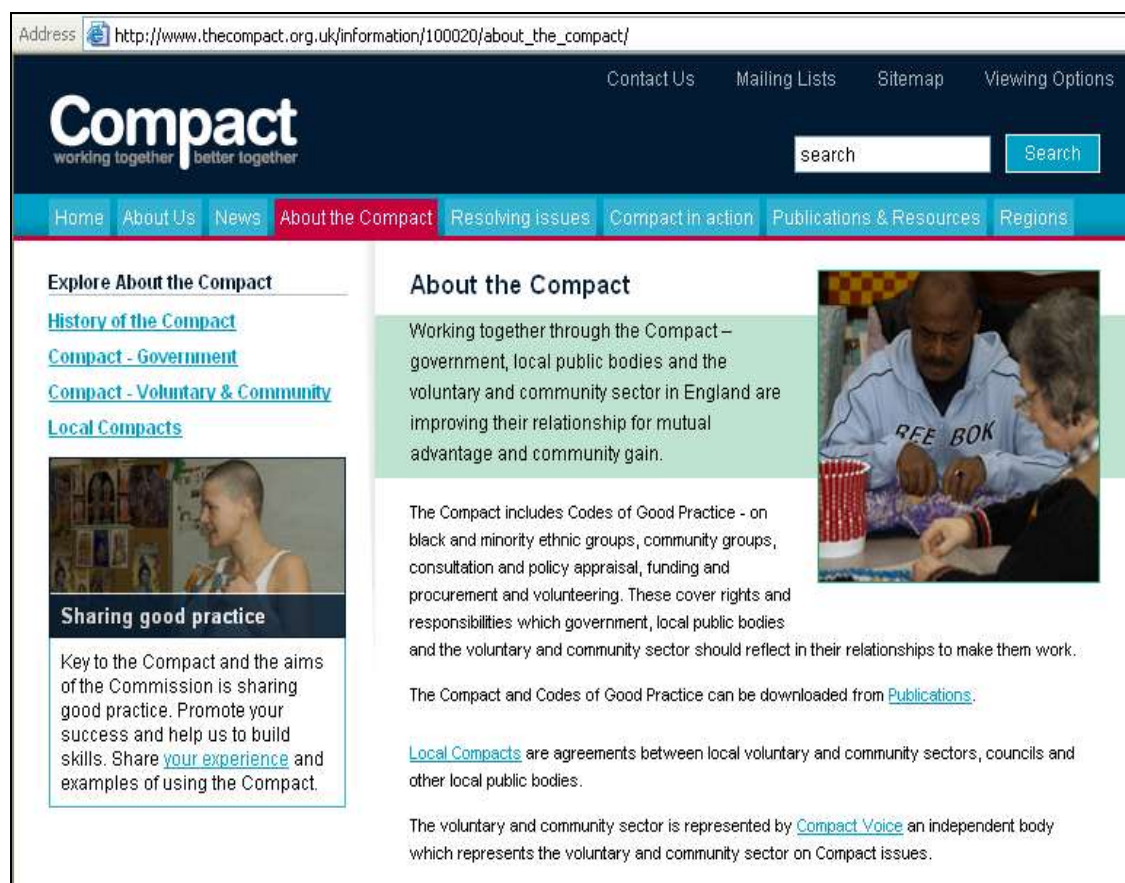
<ul style="list-style-type: none"> • 1996 Deakin Commission report <i>Meeting the challenge of change: Voluntary Action into the 21st Century</i> (Deakin 1996) calls for formal "concordats" between government and the voluntary sector • 1997 Labour Party wins elections and publishes <i>Building the Future Together</i>, which recommends formal agreements, to be called "compacts". • 1997 Conference of leading sector umbrella bodies backs NCVO's proposal for a Compact Working Group on Government Relations (set up as Compact Working Group, now renamed Compact Voice) • 1998 Compact agreed and launched • 2000 Funding Code published (revised 2003 as Funding and Procurement Code) • 2000 Consultation and Policy Appraisal Code published • 2000 Local Compact Guidelines published (revised as Local Compact Implementation Workbook, 2006) • 2001 Black and Minority Ethnic Groups Code published • 2001 Volunteering Code published (revised 2004) • 2003 Community Groups Code published • 2005 Consultations on Compact implementation result in the report Strengthening Partnerships: Next Steps for Compact • 2006 Commissioner for the Compact appointed • 2007 Commission for the Compact established • 2007 Prime Minister Gordon Brown launches report <i>The Future Role of the Third Sector in Social and Economic Regeneration</i>, which reaffirms importance of Compact. Conservative Party confirms bipartisan support in its own report <i>Breakthrough Britain</i>. • 2007 Chief Executive and the Commissioner of the Commission on the Compact resign. • 2007 High Court rules that Compact is "more than a wish list; it is a commitment of intent".

Source: Authors based on Commission on the Compact (2007b).

It is important to note that the Compact in England and the UK is not simply a series of documents, but a continuing process backed by a considerable infrastructure. Since its launch in 1998, the Compact in England has been supported by both the government unit with the responsibility for liaison with the voluntary and community organizations and by independent Compact infrastructures, jointly created by the government and the NCVO.

Currently within the English government there is an Office of the Third Sector in the Cabinet Office and a Minister for the Third Sector. Separate from government is the Commission on the Compact, created in 2007 as a result of the 2005 evaluations. Another organization is Compact Voice (Compact Voice 2007), the current iteration of the NCVO-sponsored Compact Working Group on Government Relations. The Working Group was originally formed to assist in negotiating the Compact. Once it was signed, the Working Group remained as an independent advocacy body overseeing the operation of the Compact. In addition, a Compact Advocacy Programme is run by NCVO to provide practical support and wider campaigning to the sector in cases where Government has breached the Compact (NCVO 2007b).

The following screenshots from websites of the The Commission on the Compact and the Compact Voice illustrate the type of support available.



Source: Commission on the Compact (2007a)



Source: Compact Voice (2007).

Canada

Instead of the word *compact*, Canadians have chosen to use the word *accord* to describe the written agreements between government and the voluntary sector.

In December 2001, the Prime Minister of Canada signed and launched *The Accord between the Government of Canada and the Voluntary Sector* as a culmination of a Voluntary Sector Initiative it had initiated a few years earlier. The Accord is described as “a framework agreement that sets out the values, principles and commitments to action the Government of Canada and the Voluntary Sector have made to each other when they choose to work together” (Voluntary Sector Initiative 2001). The purpose of the Accord is “to strengthen the ability of the voluntary sector and the Government of Canada to better serve Canadians” (Voluntary Sector Initiative 2001, p. 10). The Accord was developed by one of the seven working groups, or “Tables”, created during the first phase of the Voluntary Sector Initiative. Several important institutional changes preceded the emergence of the Initiative and the Accord between the government and the voluntary sector.

The late 1980s and the 1990s had seen growing tension between significant parts of Canada’s voluntary sector and the government over funding cuts and the introduction of contracting regimes in some fields. In the early 1990s a tenuous coalition between various national organisations within the community services and non-hospital health parts of the voluntary sector was formed, the Coalition of National Voluntary Organisations, to better represent their views to the government. In addition, in the late 1980s and into the 1990s, the Canadian Center on Philanthropy became an important voice not only for grant makers but for other parts of the nonprofit sector, based on its strong research program.

Then, in early 1995, at the initiative of the Coalition of National Voluntary Organisations, and with support from the McConnell Foundation, a Voluntary Sector Roundtable was formed. Its membership included the Canadian Center on Philanthropy, Volunteering Canada, peaks from

overseas aid, environment, arts, social services, sport, health and churches. It began pursuing the government for wider and more consistent tax concessions to encourage giving.

In 1996, the Kahanoff Foundation committed \$C1 million to research into the voluntary sector, with the specific goal of building a “knowledge infrastructure” for the sector. Some of this funding was used to encourage the government to undertake the 1997 survey on giving, volunteering and participation, conducted by Statistics Canada. In 1997, the Liberal government was re-elected for a further four years. Its election platform included a section titled “Engaging the Voluntary Sector” which recognised that “Canada’s ability to offer opportunity and security to its citizens is tied to the vitality and capacity of the voluntary sector”.

In late 1997, with encouragement from the McConnell Foundation, the Voluntary Sector Roundtable appointed a committee of six eminent Canadians to enquire into the governance and accountability of the voluntary sector. Chaired by a previous head of a minor political party, Ed Broadbent, and containing retired civil servants and business leaders as well as voluntary sector leaders, the committee produced a discussion paper in early 1998. After extensive consultations, a final report *Building on Strength: Improving Governance and Accountability in Canada’s Voluntary Sector* was published in February 1999 (Broadbent 1999). It recommended that the federal and provincial governments enter into “discussions with the sector to establish mechanisms, such as compacts for promoting understanding and agreement on appropriate conduct and the future of relationships between the sector and governments” (Broadbent 1999, piii). For the sector, the report proposed a code of good governance and gave tentative support for output-based performance measurement. It proposed, controversially, that legislatures, not the courts, decide what type of organisations should qualify for charity tax exemptions, known as the “charity plus” model. This reflected a previous Canadian High Court judgment which had been critical of the government’s failure to adjust charity law to contemporary conditions.

Meanwhile, largely in response to these developments in the voluntary sector, in 1998, the Canadian government set up a Voluntary Sector Task Force comprising officials at the Deputy Secretary level from a wide range of departments. The Task Force was located within the Privy Council Office, one of the key central agencies of the government.

In March 1999, in response to the Broadbent report, the Voluntary Sector Task Force and the Voluntary Sector Roundtable established three “Joint Tables” to address what they saw as three primary issues:

- Building a new relationship between government and the voluntary sector .
- Strengthening capacity of the voluntary sector.
- Improving the regulatory framework

Each Table had a joint chair, one from the voluntary sector, the other a deputy head of a government department. The joint tables reported in August 1999. The first Table, Building a New Relationship, *inter alia*, proposed an “accord” between government and the sector “to guide the evolving relationship”. *Inter alia*, the Strengthening Capacity Table proposed a task force to analyse current funding arrangements and develop government-wide funding principles and guidelines, a national volunteering initiative, an IT enhancement initiative and the development of a set of satellite accounts on the voluntary sector as a subset of the national accounts. The Improving Regulatory Framework Table proposed three models for improving regulatory oversight and, mirroring the Strengthening Capacity Table, a review of funding mechanisms.

In February 2000, a Reference Group of seven ministers was appointed to determine the government's response, chaired by Lucienne Robillard, President of the Treasury Board and Minister Responsible for Infrastructure. The Reference Group was supported by the Voluntary Sector Task Force. Since its establishment in 1998 it had grown to include representatives from 22 departments. It was in turn supported by an interdepartmental working group of less senior officials.

In June 2000, the government announced that it had committed itself to the recommendations of the Joint Tables, talking of its "Voluntary Sector Initiative" and committing \$95 million to be spent over five years on a series of initiatives, including coordinating participation within the sector, developing IT and better funding models, building management skills and enhancing the knowledge base of the sector through research and building a wider public awareness of the contribution of the sector. A new set of Joint Tables was established to move these initiatives forward. These included separate Tables to:

- Develop an Accord
- Identify issues related to the regulation of charities.
- Deal with issues relating to research, information sharing, and human resources capacity.
- Develop the IT initiative.
- Build on the national volunteering initiative.

All these tables were coordinated by a Joint Coordinating Committee. In addition, a Voluntary Sector Working Group on Advocacy was established without government representation.

In October 2002 a Code of Good Practice on Policy Dialogue was launched which described the policy relationship in the following terms:

Policy dialogue between the Government of Canada and the voluntary sector is essential to ensure that policies benefit from the sector's experience, expertise, knowledge and ideas. The voluntary sector plays a crucial role in representing the views of its stakeholders to the Government of Canada, in particular, those of unheard and minority voices. ... To be effective, the public policy process must recognize and value this diversity. Another strength of voluntary sector organizations is that they are close to the experience, interests and concerns of their constituents, a connection that gives them an important perspective on policy issues affecting the lives of Canadians. They also play an important role in raising awareness, building common ground and achieving consensus. This process of dialogue and deliberation is one in which participants can feel confident that their views have been heard and taken into account. (Voluntary Sector Initiative 2002a, Section 1.3)

This Code was later reinforced by the publication of *Participating in Federal Public Policy: A Guide for the Voluntary Sector*, a detailed "how-to" handbook funded by the Government of Canada and published by the Voluntary Sector Initiative (Voluntary Sector Initiative 2003) with the same format and branding as the formal codes. The Voluntary Sector Initiative has also sponsored a voluntary sector-only Advocacy Working Group that worked to ensure that advocacy was fully recognized and supported. The aim of the working group is to create the legal, financial and regulatory framework necessary to support the advocacy work of the voluntary sector (Voluntary Sector Initiative 2002b). A parallel initiative was the Sectoral Involvement in Departmental Policy Development project which sought to strengthen opportunities for input by voluntary sector organizations into the work of federal government departments and to strengthen policy capacity in the voluntary sector. A 2004 evaluation

reported that the voluntary sector had hoped to be taken more seriously as a partner and player, and that the readiness and capacity of federal government departments to respond to this expectation varied widely. However, the conclusion was that respondents from within the departments and the voluntary sector agreed that the project was very successful in strengthening the voluntary sector's capacity to contribute to departmental policy development (Social Development Canada 2004).

In a 2004 evaluation of the Accord's implementation, voluntary sector respondents to an online survey were positive about the professional relationships between government staff and voluntary organizations. However, they had concerns about the relationship and particularly processes relating to funding and protocol, which some characterized as burdensome or restrictive. Almost half of the federal departments responding to the survey said their relationship with the sector had stayed the same over the past year, while one quarter said it had improved. The improvements cited included a greater level of engagement in constructive dialogue, enhanced sharing of good practices, and greater involvement by the voluntary sector in governmental activities (Voluntary Sector Initiative 2004)

However, despite all this activity and seemingly positive evaluations, the Accord and the Voluntary Sector Initiative is now considered by many to have achieved limited success. The Voluntary Sector Initiative was a fixed term project, with staff seconded from other organizations. Despite some recognition of the worth of the project and the products it produced, its long-term impact has been questioned. The emphasis was on the Initiative as a "project" and not as a continuing process to build and maintain an ongoing relationship. As Phillips (2004) observed, "perhaps one of the greatest concerns is that the multi-faceted, time-bound nature of the Voluntary Sector Initiative gives government and the Canadian public the sense that the "voluntary sector file" is more or less closed – accomplished. Done that, next." (p.7)

One interpretation is that the Initiative was shaky from the start: parts of the bureaucracy resisted addressing issues that were important to the sector and some sector leaders overplayed their hand. Also, the federal system worked against an effective national compact, as provincial peaks objected to the way the national bodies kept them out of it while spending lots of money, and the provincial governments did not follow the national government (Lyons, personal communication August 2007). According to White (2006, p.16-17) the feeling within the voluntary sector is that the Accord did not improve the conditions under which the sector operated. The creation of the Voluntary Sector Initiative took control out of the hands of the sector itself and there was an internal reorganization of sector leadership, which appears to have disenfranchised many organisations. As White (2006) notes:

"The Voluntary Sector Roundtable and Steering Committee appeared as a self-nominated star chamber, working with government behind closed doors and oblivious to the everyday trials of organizations on the ground. Thus, these identity-building and constituency-building activities by a few actors at the federal level did not enjoy a high level of legitimacy throughout the Canadian third sector. In fact, they were observed with significant skepticism. The leaders were not unaware of their weak credibility, but were drawn inexorably into the government-led maelstrom" (p.16-17).

The Accord and the Voluntary Sector Initiative appear to have lost widespread stakeholder support relatively quickly. The February 2006 election of a Conservative Party government (after 12 years of Liberal Party rule) has now consigned them to a historical reference, mentioned almost only in the past tense, although many documents are still available on the

old Voluntary Sector Initiative website. This site recommends that anyone wanting to find out how the Government of Canada and the voluntary sector currently collaborate should follow hyperlinks to the new government department Human Resources and Social Development Canada and also to the Voluntary Sector Forum (Voluntary Sector Initiative 2007)¹⁰. According to Phillips (2007)

“The Liberal Government really took up the idea because they saw it as a quick win and highly visible; but, they did not really know what they wanted it to do. The process was not negotiated between government and peak voluntary organizations, but through the Joint Tables in which the members were specifically there as individuals not organizational reps. A key challenge for government was that their own members of the Tables did not stay in their position through the implementation process (simply due to the high levels of mobility in the public service) and thus there were few consistent champions. Moreover, the Federal government did not provide enough funding for reporting or for the Voluntary Sector Forum (an organization created at the end of the Voluntary Sector Initiative to oversee implementation as the Roundtable had felt a new body with greater breadth of membership was needed) and the Forum is now defunct as a result of lack of funding and the fact that the organizational model was not right. The new Conservative Party government has even less interest in supporting advocacy organizations than did the Liberals, and it has no vision for a constructive relationship with the sector so the Accord is not likely to be revived in any way (personal communication, August 2007).

The processes of the Voluntary Sector Initiative, particularly the dialogue in the Joint Tables, were considered to be constructive as they built trust among the individuals involved from both government and the volunteer sector. But in the end, that trust was not able to be institutionalized. The Accord itself was seen as a positive result when it was launched, but it appears to have got bogged down in operational matters (which had project funding and when that ended, so did the projects), and the ultimately was not seen to have addressed big policy issues. Some commentators argue that in fact the Voluntary Sector Initiative and the Accord ended up destabilising the sector.

However, some residue of the Accord remains. A February 2007 briefing by Service Canada (the Government of Canada’s “single-window” access agency) on a current Call for Proposal for community development programs (Service Canada 2007) refers to the Voluntary Sector Initiative’s *Voluntary Sector Working Group Report on Developing New Approaches to Funding* (Service Canada 2005) as the basis for recent reforms in the funding process.

It should be noted that this review of the Accord in Canada has focused on the federal government. There has at the same time been parallel initiatives in various provinces. Of particular note is the work done in Quebec to create a government policy on Community Action. The policy document launched in 2001 focuses on the independence of the community sector and on its role in “social action” (Quebec 2001).

Compacts in Other Countries

England and Canada are both English-speaking industrialised countries with Westminster political structures. The fact that they are the first point of international reference for discussions of Australian compacts is primarily due to commonalities with Australian

¹⁰ In August 2007, all attempts to follow hyperlinks to the original Accord documents lead to a private website that appears to have colonized the Voluntary Sector Initiative website.

political traditions and governmental structures. At the same time, the constant referencing to UK and Canadian models also is the result of more prosaic realities: they have solid government and nongovernment structures that regularly provide English-language documents through easily accessible websites, and there is a more constant flow of researchers between Australia and these countries.

Are similar trends emerging in other countries? Before addressing the question directly it is important to remind ourselves of the different “cultural models” or “regimes” of government-nongovernment relations. There are various versions of such classifications, but for the purposes of this paper the following classification is used (see Bullain and Toftisova 2005, Casey 2003):

- Anglosaxon “liberal” model: Strong nongovernment and voluntary sectors, based on multiple ethnic, religious, social and geographic identities. The impact of New Public Management has made government contracting a central organizing principle. Government funding of nongovernment organizations but also high levels of private giving through foundations and trusts and high levels of volunteering. Advocacy relationships are based on perceived strength of nongovernment sector and its capacity to mobilize.
- Continental “corporatist” model. A nongovernment sector based on ideological-religious divisions that have formed social “pillars” that link government and nongovernment organisations through the principle of subsidiarity. Advocacy relationships are channeled through the strong corporatist arrangements.
- Nordic “social-democratic” model. Relatively strong state and small, member-serving organizations that have self-organizing as central principle. There is a high level of volunteering, but a small foundation sector. Advocacy relationships are channeled through strong corporatist arrangements.,
- New democracies and developing nations “emerging” model. Less developed nongovernment sector, which is a relatively recent phenomena. Nongovernment organizations are often under the auspices of religious organizations or political parties. There are relatively low levels of giving and volunteering, and in poorer nations the majority of funds for nongovernment organizations may come from foreign aid agencies and foundations. Advocacy relationships are often mediated through the auspicing organization and may be marked by high levels of distrust and conflict between state and nongovernment organizations, which may be considered more as “anti-government” agencies.

In a globalised world that is experiencing an increasing convergence in policy and practices, these models are becoming less distinct and it is increasingly difficult to find pure examples of any of the models -- any single nation or jurisdiction will display elements of more than one model. However the models do remain relevant, so the following review of the processes and structures that are used to regulated government-community sector relations around the world are classified according to these models. This review is by no means comprehensive, but instead provides a number of snapshots of compact-like processes in a number of countries.¹¹

¹¹ It should be noted that the research has been restricted almost exclusively to English-language documents. A more comprehensive multilingual analysis may lead to a more nuanced examination of compact processes in non-English speaking countries.

Liberal (Anglosaxon) Model

New Zealand

In 2001, following the UK and Canada examples, a Working Party was appointed by the Minister for the Community and Voluntary Sector to develop a framework for an agreement between the government and the community and voluntary sector. The Working Party concluded that the pre-conditions for a broad sector-wide written agreement were not present. Among the reasons cited was a lack of clear consensus across Maori, community and voluntary organisations that they constitute a sector (Lyon 2001)

While no compact document has been developed, an Office for the Community and Voluntary Sector (OCVS) was established in September 2003 to address overarching issues affecting the community and voluntary sector and to raise the sector's profile within government. No single document comparable to a compact has emerged. The closest New Zealand has come was the 2001 "Government Statement of Intentions" - a document outlining the government's commitment to developing relationships with community organizations (OCVS 2001). The OCVS has worked to produce good funding guidelines, which make explicit reference to the UK Compact, (OCVS 2007) and the Auditor General's department, in its document *Principles to underpin management by public entities of funding to non-government organizations*, emphasises the independence of nongovernment organizations and their authority to engage in advocacy activities (OAG 2006).

United States

There is a long tradition of partnership and collaborations between nonprofit organisations and government in the US and there are many agreements between governments and specific community sector organizations, or between government and small groups of organisations to pursue specific goals such as the regeneration of a neighbourhood or provision of adult literacy education in a region. However, there is no evidence of broader, sector-wide compacts¹² in the US that would be equivalent to the agreements in the UK or Canada. There appear to be a number of intersecting dynamics that work against such agreements.

- A long history of privatisation and marketisation of service delivery in the US has meant that nonprofit organisations are more accustomed to functioning under the rules of the marketplace and competing with private for-profit providers, and they have not sought to demarcate a particular or privileged role for nonprofits.
- There appears to be little "sector consciousness" among nonprofit organizations in the US. They are most commonly identified by a tax code category -- nonprofits are widely referred to as "501(c)3 organisations" -- and much of the literature focuses more on the diversity of nonprofits than on their identity as a sector. This also is reflected in the structure of peaks which are generally issue-based or service sector-based with little cross-fertilisation between them.
- The autonomy of the states and of cities/towns, and the resulting multi-layered funding streams and oversight responsibility makes it hard to determine which level of government could or should promote such written agreements.

¹² The word *compact* is used widely in the USA, but it almost always refers to agreements either between two or more universities, or between universities and nonprofit organizations, that seek to promote closer links between universities and the communities that surround them. "Campus compacts" are often touted as evidence of universities meeting their social responsibilities.

- Private philanthropy plays a prominent role in funding nonprofits, so much of the focus and energy of community organisations is spent on developing relationships with corporations, foundations and private donors. The Vice-Presidents for Corporate Responsibility (the common title of the corporate manager responsible for donations and other relationships with nonprofits) often appear to wield as much power as government funders.
- The structure of philanthropy has also created intermediary organizations such as the United Way, which are at the same time donor organizations (they collect donations from the public and corporations and gives grants to nonprofits) and peak coordinating organizations (they promote the work of and represent the interests of nonprofits).

The authors of this review have not been able to find evidence in the US of any calls for governments and nonprofits to enter into sector-wide written agreements or any documents which argue that such agreements would make a meaningful difference to the way in which the signatories operate. This does not mean however that the underlying dynamics that have lead to the development of compacts in other countries do not exist in the US. On the contrary, many of the same concerns that compacts seek to address are evident in the US.

Gronbjerg and Salamon (2004) note the poor state of current relations between governments and nonprofits organizations. In order to put government-nonprofit relationships back on track, they recommend “a new paradigm of government-nonprofit interaction” in which nonprofits acknowledge the legitimate performance requirements of government, and government acknowledges the advocacy responsibilities of nonprofits and its own obligation to provide greater stability in public funding for nonprofits (Gronbjerg and Salamon 2004). Similarly, in New York City, where a single city government covers 8 million people and some 30,000 nonprofit organizations, Krauskopf (2001) identifies a range of problems with the City’s contracting process, including late contracts and delayed payments, which result in inadequate cash flows to community based organizations. As these examples appear to indicate, nonprofits in the US are experiencing the same problems in their relationships with governments as the community sector in other countries. However, compacts do not appear to have been touted as a solution to these concerns.

Corporatist (Continental) model and Socio-democratic (Nordic) model

The relative strength of State institutions and corporatist nature of government-nongovernment relations in the Western and Northern European countries have generally precluded the creation of new compacts. Relationships between government and nongovernment organizations have been institutionalised through stable relationships based on social pillars and, particularly in Germany, on the concept of subsidiarity. Notwithstanding the existing strong ties between government and community sector, there is some evidence of recent compact activity in these countries, but the efforts appear to be somewhat half-hearted. The following two examples are from France and Denmark.

France

On July 1, 2001, -- the centenary of the French Association Law - the French entered into a “Charter” with nongovernment organisations (the French word *association* is most commonly used to describe these organisations) which was signed by the Prime Minister and the President of the conference of peak organizations (known as CPCA -- *Conférence Permanente des Coordinations Associatives*). The Charter (*Charte d’Engagements Réciproques entre l’Etat et les Associations regroupées au sein de la CPCA*) (Activecitizenship.net 2001) was not a legal document, but more a symbolic statement giving

public recognition to nongovernment associations as a key social actor in French society, which sought to “strengthen democracy through greater public participation”. Like compacts in other countries the Charter catalogued a series of commitments, both symbolic and operational from both government and nongovernment organisations. Some of the specific goals of the Charter had already been implemented by the government in a 2000 reform of taxation and funding arrangements when it was launched. For example, the government authorized public bodies to enter into multi-year agreements to subsidize nongovernment programs, gave employees additional rights to take time off to perform volunteer work and increased tax incentives to encourage charitable donations (Newman 2002).

With the change of government in 2002, however, the Charter was no longer a priority and any impetus for a more comprehensive implementation of the Charter principles appears to have been lost. It remained simply the symbolic document that marked the centenary of the French law on associations. An October 2005 French Senate report on nongovernment associations to the made no mention of the Charter (World Volunteer Web 2005).

Denmark

In December 2001, a Charter for Interaction between the Danish government and the voluntary sector was launched . The purpose was to:

- provide the individual citizen with the best conceivable framework for participating actively in community coalitions and to strengthen the forces of social cohesion
- help build respect for the diversity of goals and forms of organization in the voluntary sector.
- strengthen and develop the interaction between voluntary sector and the public sector while respecting their differences
- maintain and develop the efforts of voluntary sector to promote the development of society, the welfare of community coalitions, and the individual's quality of life
- promote volunteer efforts and make them more visible (Ministry of Culture 2001).

The Charter was seen as “a starting point for continuing dialogue on values, parameters and concrete opportunities for interaction between the voluntary sector and the public sector”, and a joint government-nongovernment working group was established to promote this dialogue. However, similar to the French document, the Danish Charter appears to have had little impact on the subsequent development of government-voluntary sector relations. The one area in which there continues to be development of framework agreements in Denmark is international aid (Toftisova 2005).

Emerging (new democracies and developing nations) model

Western and Northern European countries have a long tradition of a robust nongovernment sector and of the structures and processes that regulate relationships with government institutions. In contrast, the new democracies of Eastern Europe and the developing nations around the world have only relatively recently needed to lay the groundwork for emerging nongovernment sectors.

These countries have relatively weak economies, so there are limited government funds for NGOs and the populations have limited time and income to devote to the voluntary dimension that is a defining feature of NGOs in Western democracies. The other significant feature of the sector in these countries is the strong presence of foreign, aid-based NGOs and the economic impact of foreign donors who contribute to local NGOs, and the subsequent political and operational consequences that flow from international funding. NGOs have generally played a crucial role in building democracy and providing essential services. But

the "dark side" of the sector has also developed and there are considerable concerns about corruption: organised crime sometimes uses NGOs to steal foreign donations or to launder illegal income and political parties use them to illegally fund campaign activities. Moreover, NGOs in these countries are often seen as *anti*-government and there is a significant amount of suspicion around what is commonly characterised as foreign influence on internal issues. In some countries the sector is still on the wrong side of what is termed the "civil society paradox": a strong democratic civil society needs strong democratic government to function effectively (Foley and Edwards 1996). NGOs can end up becoming barriers to effective democracy if their work is seen undermining democratic institutions.

In a context in which effective nongovernment service delivery and participation in policy making is often compromised by the weakness of nongovernment organisations and a sense that they simply act as a surrogate opposition, compacts appear to be emerging as key documents for guiding the development of the sector. However, a weak nongovernment sector means that it is not in a strong position to negotiate and so the compacts that are emerging in these countries have been primarily initiatives from government and appear to be concerned more with controlling possible political opposition than with developing an emerging sector.

Hungary

In 2002, the Hungarian government proposed a Government Strategy on Civil Society. As with the compacts signed in other countries, the Strategy included statements such as the following:

"The state views an autonomous civil society as its partner. On this basis, the government:

- recognises and acknowledges the importance of nongovernmental organisations in contributing to a more deeply rooted democracy and as a means of giving full expression to individual and civil liberties;
- respects the independence of nongovernmental organisations, accepts as essential the oversight function played by civil society;
- wishes to eradicate the political dependence of nongovernmental organisations;
- views nongovernmental organisations and the representatives legitimised by these organisations as essential players in social dialogue and interest conciliation" (NOIK 2002).

Initially, the government envisioned signing an agreement with the NGO sector, but had to abandon the idea when it could not reach consensus with civil society organizations regarding the representation of all NGOs in Hungary. The parliament did not adopt the Strategy when legislation was introduced in June 2003, however, it is considered to have had a positive impact on government-NGO relations. One consequence is that the government has a Civil Office of the Parliament that maintains a database of NGOs, answers their inquiries and coordinates and arranges NGO participation in Committee meetings of the Civil Office of the Hungarian National Assembly (2007). In 2006, a newly elected government reviewed the civil society strategy. The major conceptual change in the document presented by the new government in February 2007, is that there are "guiding principles", rather than an actual strategy. These principles decentralise relations with NGOs by requiring individual ministries to develop their own strategies towards civil society and NGOs. In the meantime, a 2007 review of the nongovernment sector in Eastern Europe cautions that there is a "a blurring of the role of civil society in Hungary. Groups are perceived as being used as political tools and

public advocacy is being confused with the expression of political ambitions” (USAID 2007 p.114).

Croatia

The development by the Croatian government in 2002 of a *Program of Cooperation with Nongovernmental Organisations* (the Program) and a subsequent *Model of Organisational Structure for Civil Society Development* (the Model) is an example of a state-centered process that becomes a defacto compact. The Program and the Model are not legally binding, but frameworks for cooperation that have been initiated by public authorities. The original Program was developed with the primary objective of hastening NGO legal reform, following years of war and ethnic conflict in Croatia and the surrounding Balkan states (Toftisova 2005, ICNL 2003). In July 2006, the government adopted a National Strategy to Create an Enabling Environment for Civil Society Development 2006-2011 (USAID 2007).

The Croatian government first established an Office for Cooperation with NGOs in 1998 to foster the development of the nongovernment sector and to lay the groundwork of collaborations with government. One of the primary achievements of this office was the development of the Program, adopted in December 2000, which like compacts in other countries was embodied in a document that included principles such as respect for the independence of the nongovernment sector and subsidiarity as the foundation for the partnership between the government and the nongovernment sectors. Shifting governmental interest in the Program has led to some implementation problems. However, there have been significant legislative and administrative outcomes, including a new Law on Associations, a Lottery Law that dedicated lottery proceeds to finance NGO sector activities, and a multiyear financing scheme to replace the prior system of single-year funding.

Also, two key entities were established. In 2002, a cross-sector advisory board, the Council for the Development of Civil Society, was established with 10 representatives from ministries, 10 representatives from NGOs (elected by the NGOs themselves) and four external experts. In 2003, a National Foundation for the Development of Civil Society was established through legislation. This Foundation is primarily financed through the proceeds of the state lottery and governed by a Management Board composed of three representatives from the government, one from local governments, and five from NGOs. It supports innovative programs developed by NGOs as well as informal, community-based initiatives, and is seen as a vital step toward improving the system of public financing for NGOs in Croatia by marking a shift from a highly centralized system to a more decentralized system. This decentralized financing system, along with the continued collaboration between the government Office for NGOs and the new Council and Foundation, became the basis for the Model. One of the projects under the Model was the drafting of *Code of Good Practice and Standards for the Financing of Programs of Civil Society Organizations out of State and Local Budgets* (ICNL 2005)

As in other countries, key champions for the compact process can be identified (the former Director of the government NGO office subsequently became the Executive Officer of the Foundation). And also, as in other countries, there is the debate about the gap between rhetoric and reality. According to one commentator, despite the theoretical legal framework being favourable for cooperation between government and civil society organisations, in practice the system lacks functioning consultation mechanisms and there continues to be a strong lobby group that represents the NGO sector. There also are concerns about the poorly developed legal and participative culture in Croatia, the lack of developed public advocacy skills, the absence of internal democracy in NGOs and the reluctance of many NGOs to form coalitions. Some claim that NGOs have become “businesses,” that there are blurring

boundaries among sectors and a “mission-drift” phenomenon in order to secure funding (ETC 2006).

Estonia

An experience that appears to break the general trend of newly democratic and developing countries is that of Estonia. In 2002, the Estonian Parliament passed the *Civil Society Development Concept* (EKAK is its Estonian acronym). EKAK combines general principles with specific proposed actions, and in both its form and proposed goals can be seen to be the equivalent of the compacts signed in other countries. The principles in EKAK include:

- **Citizen Action.** Citizen action, self-initiative and voluntary participation in public life are an integral part of the democratic society. Public authorities support it by creating a favourable legislative environment, informing the public about their work, involving citizens and their associations in the planning and implementation of relevant decisions.
- **Participation.** Nonprofit organizations are channels in the democratic society for representing different values and interests; people receive information on drafted decisions and express their viewpoints. The actions of the public sector will get more credibility in the eyes of the public if the proposals emerging in public debates are taken into consideration by the political decision-makers.
- **Political independence of civic initiative.** Citizens' associations are free and independent in their goal-setting, decisions and activities. When civic initiative receives allocations from public sector budgets and foundations, restrictions of a political nature are to be avoided (Estonian Ministry of the Interior 2002)

EKAK included an implementation plan and schedule for review, and in subsequent years has come to be considered to be a relatively successful platform for creating legislative reforms that support the non government sector. These reforms included a new tax policy, leading to exemptions from income tax and customs duties for nonprofit associations and foundations. At the same time, it appears that the nongovernment sector was silent as the Parliament passed a Gambling Act that did not dedicate funding to the voluntary sector.

An important factor in the original development of EKAK and in its continuing implementation and review is the role played by two key nongovernment organizations, the Network of Estonian Non-profit Organisations (NENO) and the Open Society Foundation. They were active participants in the development of the EKAK since the earliest negotiations and they have served as co-chairs of two of the working groups for the EKAK Implementation Plan. At the same time, EKAK had strong support within the parliament. An Estonian MP, Daimar Liiv, spent time as a research associate in the Center for Nonprofit Law in Washington DC in 2000 and prepared a paper *Guidelines for the Preparation of Compacts* (Liiv 2001) which became the basis for EKAK (Toftisova 2005).

In October 2003, a Commission made up of representatives of the government and civil society was established to ensure continued collaboration to evaluate the degree to which the parties have fulfilled the commitments they undertook under EKAK.

The NENO website states:

At present, we are mostly involved in the planning and implementation of the Estonian Civil Society Development Concept (EKAK), a document that defines the mutually complementing roles of public authorities and civic initiative, principles of their cooperation and mechanisms and priorities for cooperation in shaping and

implementing public policies and building up civil society in Estonia (NENO 2007).

The implementation of (EKAK) is supported by the government's 2007 Civic Initiative Support Strategy, which serves to standardize the government's approach to nurturing civil society. But nongovernment organisations are somewhat dissatisfied with the Strategy as innovative ideas proposed by the nongovernment sector were not accepted. There is generally slow progress in EKAK implementation, "caused by insufficient resources and lack of political interest" (USAID 2007, NENO 2007). Recent reports on EKAK implementation indicate that the members of the joint implementation committee have agreed to revise the EKAK principles and membership of the committee. The new committee will be smaller but of a higher level, and will include leaders of umbrella organizations as well as heads of departments of the ministries of Finance, Social Affairs, Education, Culture and Economic Affairs. The Minister of Regional Affairs chairs the committee. NGOs are also pushing for the formation of an independent EKAK bureau, which would help the nonprofit sector in taking EKAK forward (NENO 2007).

Other developing countries

Other processes somewhat analogous to compacts are the attempts to oversight the involvement of international NGOs in developing countries. In Africa, the UN has encouraged the development of "policy documents" which provide guidelines for the operations of NGOs in different countries (see for example an example of Sierra Leone in DACO 2007), although it could be argued that these policies in effect constitute the legal framework for regulating NGO activities in the absence of local legislation.

Also, while the focus of this review is on agreements signed freely between governments and independent third sectors, it should be recognized that in more authoritarian regimes there also are organizations that take on the form and "speak the language" of CSOs. Usually these mass movement, party-based organisations are tightly controlled by the ruling regime (often the President's wife heads the women's mass movement). Compacts signed with democratic governments generally seek to strengthen CSOs and guarantee their independence, but other governments are seeking to achieve the opposite: to weaken and control this nascent nongovernment sector, which is regarded with suspicion by ruling elites. A study by the International Center for Not-for-Profit Law (ICNL 2006) reveals that nineteen countries have recently enacted or proposed laws that would in some way restrict the activities of civil society. These countries are generally in Africa, the Middle East, and the former Soviet Union, and are governed by authoritarian regimes. The restrictive laws are part of continuing repressive government tactics and appear to be motivated by a desire to forestall political opposition. In the countries of the former Soviet Union, some governments have become wary after the Rose Revolution in Georgia and the Orange Revolution in Ukraine in which civil society organisations played prominent roles in elections that swept authoritarian leaders from power.

Compacts in Supranational Institutions

While supranational institutions such as the United Nations, and the European Union offer distinct challenges in terms of the level of diplomacy and negotiation required for participation in policy development, there are processes similar to compacts in supranational policy domains. In fact, the consultative status offered to NGOs by the UN since its inception in 1945 is, arguably, a pre-cursor to compacts at national levels.

Supranational entities work primarily with NGOs that work in the international policy arenas, either because they are the international peak organizations for like-minded national organizations or because of their strong cross-national interest. These organizations are often called International NGOs (INGOs). It is debatable whether the possible influence of INGOs on supranational entities is comparable to the relationships regulated by the compacts emerging between the national governments and CSOs. However, many of the same discourses exist at an international level around the role of civil society in addressing the democratic deficit and legitimacy crisis facing many contemporary democratic institutions. In addition, there are emerging discourses about whether globalisation is leaving the nation state behind as the highest legitimate level of democratic power (Nye 2001) and the emergence of global civil society (Keane 2003). Certainly, INGOs are active as advocates for their constituents and causes and supranational institutions both acquire legitimacy from and confer legitimacy upon registered NGO observers and partners.

United Nations

The founding Charter of the UN states that the Economic and Social Council (ECOSOC -- one of the five active principal organs that make up the UN) "may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence" (UN Charter 1945: Ch. 10, Article 71). These "arrangements" became a series of rosters of accredited NGOs that have attained Consultative Status through a formal application process. The Charter specified that consultation was to be with "international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned" (UN Charter 1945: Ch. 10, Article 71). NGOs with Consultative Status generally have the words "international or "world" in their names (e.g. International Federation of Women Lawyers and the World Muslim Congress), but there are also many nation-based organizations (e.g. Association of Presbyterian Women of Aotearoa New Zealand).

There are three categories of Consultative Status: General, Special, and Roster. Organizations in the General category must be "concerned with most of the activities of the ECOSOC and its subsidiary bodies"; Special category is for NGOs "which have a special competence in, and are concerned specifically with, only a few of the fields of activity covered by the ECOSOC"; Roster is for organizations which "can make occasional and useful contributions to the work of ECOSOC or its subsidiary bodies". In 1948 there were 45 NGOs with Consultative Status. In 2007 the comparative figure is 2,719, with some 400 NGOs accredited to the ECOSOC subsidiary, the Commission on Sustainable Development (UN 2007). Other NGOs are accredited by UN specialized agencies such as the Food and Agriculture Organization (FAO), the UN Educational, Scientific and Cultural Organization (UNESCO), and the World Health Organization (WHO). Many NGOs with consultative status are members of the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations (CONGO), an international non-profit membership association that since 1948 has facilitated the participation of NGOs in UN debates and decision-making. CONGO seeks to ensure that NGOs are present issues of global concern are discussed by fostering a range of NGO participation processes. (CONGO 2007).

European Union

The European Parliament has an accreditation system of registered lobby groups and their representatives, which allows a certain degree of access to its members. These are nongovernment organisations, but no distinction is made between industry lobby groups and CSOs. In response to calls from NGOs for more meaningful participation, members of the European Parliament defended representative democracy, arguing that "consultation of stakeholders can only ever complement and not replace the procedures and decisions of

legislative and democratically legitimate institutions; only the Council and the Parliament as legislators can rule in the legislative process” (Cited in Global Policy Forum, 2002).

The European Commission (the executive branch of the European Union) has sought to increase consultation and dialogue with the voluntary sector. In 2001, the Commission issued a White Paper on European Governance followed by a Communication on its principles regarding consultation with respect to its legislative functions. Entitled *Towards an enhanced culture of consultation and dialogue*, the Communication acknowledged a duty on the part of the Commission to engage in wide consultation with diverse stakeholders- employers, industry bodies, national and regional government representatives and civil society organizations. Also in 2001, the Commission developed a protocol of co-operation for the Economic and Social Committee (ESC), seeking to enhance the function of the committee as an intermediary between the EU and organised civil society (Global Policy Forum, 2002).

In 2005, the English NCVO and its sister councils NICVA (Northern Ireland), SCVO (Scotland) and WCVA (Wales), working with the Compact framework they were familiar with, disseminated a paper *Civil Society Can Put the Spark Back into Europe* (CEDAG 2007). This paper called for the EU to improve communication and consultation with NGOs. Subsequently, the NCVO launched a campaign to create an EU Concordat, based on the UK Compacts (European Commission 2007). The NCVO is working on this campaign with the European Council of Nonprofit Organisations (a European-level peak based in Brussels, commonly known by its French acronym CEDAG). CEDAG held a seminar in March 2007 to promote an EU Civil Society Charter which included NGO community representatives and EU officials.

Council of Europe

Not to be confused with the Council of the European Union, the Council of Europe (COE) is an intergovernmental organisation that fosters dialogue between European countries beyond the boundaries of the EU (although with the continued expansion of the EU there is an increasing overlap). The Council has relatively weak decision-making powers and acts more in an advisory and oversight capacity, but is lobbied by numerous nongovernment and business groups.

The COE has offered consultative status to INGOs since 1952. In 2003 the COE, “convinced that initiatives, ideas and suggestions emanating from civil society can be considered a true expression of European citizens”, adopted a resolution which shifted “consultation” with INGOs to “participation” (COE 2003). Under this enhanced status, INGOs would become more integral to the COE’s decision-making process. The resolution institutionalised the status of INGOs as one of the four pillars of the COE. These four pillars, known as the “Quadrilogue”, consist of: the Committee of Ministers and its subsidiary bodies; the Parliamentary Assembly; the Congress of Local and Regional Authorities of Europe and INGOs. In return for this new participatory status, INGOs were required to make a greater commitment to the COE in terms of the level of their engagement with COE activities and they were accorded the following privileges:

- allowed to address memoranda to the Secretary General for submission to the committees as well as to the Commissioner for Human Rights;
- invited to provide, through their specific activity or experience, expert advice on Council of Europe policies, programs and actions;
- issued the agenda and public documents of the Parliamentary Assembly in order to facilitate their attendance at public sittings of the Parliamentary Assembly;

- invited to public sittings of the Congress of Local and Regional Authorities of Europe;
- invited to activities organised for them by the Secretariat;
- invited to attend seminars, conferences, colloquies of interest to their work according to the applicable Council of Europe rules (COE 2003)

INGOs with participatory status with the Council of Europe are organized through the Conference of INGOs. In 2007 there are 370 INGOs with participatory status (COE 2007).

Conclusion: Lessons Learnt and Future Directions

Different political, economic and cultural contexts have generated varying interpretations of the role of CSOs and the need to formalise agreements between CSOs and the State. Nevertheless, a common discourse of compacts has emerged across many jurisdictions that seeks to explicitly recognise the contribution of the CSOs to democratic social structure and acknowledge the legitimacy, and uniqueness, of their role in service delivery and in organising community input into the policy process. As this review demonstrates, written compacts have been a key feature of government-CSO relations over the last decade in a wide range of countries and supranational entities since the late 1990s. These compacts constitute an unequivocal recognition of the important and unique role of the community sector and they contain mutually-agreed principles and seek to regulate and institutionalize relationships between the sectors. The two key areas that compacts seek to address are the stability of the funding process and the recognition of the independence of CSOs. As part of that independence, compacts generally acknowledge the legitimacy of CSO participation in policy development processes.

Typically, the texts of compacts share the following elements (CEDAG 2007, Bullain and Toftisova 2005, Toftisova 2005):

- A statement of **representation** that identifies the parties representing the sectors in adopting and implementing the compact. This may include the mechanisms for their nomination and a statement of their responsibilities and duties.
- A statement of **principles** addressing the roles and functions of the signatories, including recognition of their autonomy, their rights and obligations, the constraints they may face in fulfilling these obligations, and their commitments to mutually respected values defined in the document. These values might include public participation in decision making accountability, openness, promotion of non-violence, respect for diversity transparency and liability for utilizing public resources.
- An outline of the **areas of cooperation**, such as service delivery and policy formulation in various areas of interest.
- An outline of **instruments of cooperation**, including public debates, consultations, joint consultative and decision-making bodies, partnership agreements for the joint delivery of services, exchange of information, and right to legislative initiative.
- A statement on **funding**, which can include obligations to develop codes of good funding practices, descriptions of funding mechanisms to support the CSOs, commitments to revise tax systems to encourage third-sector activities and commitments to develop legislation supporting the self-sustainability of the third sector.
- A statement on **implementation** activities, including a timeline covering short-term and long-term objectives, allocation of responsibilities to stakeholders involved in implementation, proposed monitoring and evaluation processes, provisions for review and revision, and a mechanism for settling disputes.

This review also highlights that there is considerable variations between countries in the characteristics of the compacts. The variations are in the following dimensions:

- **The form of the documents.** They can be short statements of principles or long prescriptive detailed documents. They may stand alone or be accompanied by a series of supporting documents and specific regulations or codes.
- **The legal status of the compacts.** They may be enshrined in legislation or they can be more informal documents sustained primarily through the political sponsorship of current office holders.
- **The number and scope of both government and nongovernment signatories.** Government partners may be “whole of government” (through either the legislative or administrative branch), a centralized agency with the responsibility for relations with the community sector (e.g. the Office for Civil Society Development), or specific line agencies (most commonly the social or community services agency). Nongovernment partners may be all the individual frontline organizations, or a small number of umbrella or peak organizations that represent the sector or subsectors. The compact may focus on a specific subsector (e.g. CSOs, organizations that use volunteers, etc), or it may be a wider cross-section of Third Sector or Civil Society organizations.
- **The range of government and nongovernment support structures** created to support the compacts. Compacts can be supported through a range of capacity-building institutions and monitored by watchdog organizations who mediate disputes, or, at the other end of the scale, the implementation of compacts may simply be monitored through an ad-hoc coordination committee that meets rarely.
- **The stated aims of the compacts.** The compacts can focus more on process outcomes (i.e. developing better relations) or on the achievement of specific goals (i.e. new funding regimes, legislative initiatives, improvements in social indicators).

There is little doubt that there has been significant policy transfer and convergence in the development of compacts, with almost all post-1998 processes making some reference to the UK, which continues to be the benchmark by which other jurisdictions measure their own processes. Based on the UK and other experiences there have been a number of attempts to bring together the lessons learnt about what constitutes good practice in the compact process. Table 2 provides a summary of the *Guidelines for the Preparation of Compacts* (Liiv 2001) prepared by the Estonian Member of Parliament, Daimar Liiv, during his time as a research associate with the Center for Nonprofit Law in Washington DC.

Table 2: Guidelines for the Preparation of Compacts

<p><u>Preparation of the Agreement – Organizational Aspects</u></p> <p>Section 1.1: Initiation</p> <ul style="list-style-type: none"> • The third sector is the best initiator • Initiators of the process should have a general agreement on what they want to do and how they want to do it. • Initiators should have a clear understanding of probable partners and should work at engaging those partners in the process. • Specific resources should be allocated for the process. • The public initiation of the process should be organized as a media event and media should be used as widely as possible during the process. <p>Section 1.2: Participants</p> <ul style="list-style-type: none"> • The circle of participants of the preparation of the compact should be as wide as possible and open to change throughout the process. • Participation should be encouraged. • The participants in the process have different tasks, interests, and background, and that should not be

forgotten.

Section 1.3: The process and the timetable

- The process should be recognized as being as important as the content.
- The process should be planned from the beginning to the end including agreement on final dates for different phases.
- The first stage, preparation of the first draft of the compact, should be done by persons with experience in or knowledge of the NGO sector.
- The second phase, discussion and consolidation, should be as inclusive as possible.

Content of the Compact

Section 2.1: General approach

- The content of the compact as well as the strategies for writing it and developing its form can vary from country to country.
- The main topics of the compact should include questions related to recognition, representation, partnership, resources, and implementation of the compact.

Section 2.2: Recognition

- Recognition of the specific interests and roles of parties in society is a natural part of every compact.

Section 2.3: Representation

- Representation provisions should include basic norms about the nomination of representatives, their mandate and duties.

Section 2.4: Partnership

- The parties to the partnership (especially government) should be encouraged to promote cooperation, good-practices, and collaborative decision-making.
- Information provided should be in understandable format.
- Knowledge about the partner's working methods should be encouraged.
- Success of the and responsibility for the development of the partnership depends also on the positive attitude of the third sector

Section 2.5: Resources, funding

- Description of the acceptable methods for delivering of resources and accountability over their use is extremely important part of the compacts
- Compacts should include a commitment of the government to clear and consistent resource allocation policies toward the not-for-profit sector.
- All basic types of funding should be discussed.
- In-kind resources should not to be forgotten during the preparation of compacts
- Accountability for the use of public money should be recognized by the NGOs and minimum standards of accountability followed
- The not-for-profit sector should take the initiative in preparation and implementation of self-regulatory mechanisms of accountability

Section 2.6: Implementation

- The system for the implementation and review of compacts should be clarified in the text of the compact.
- It is useful to divide implementation objectives into two categories – short-term and long-term objectives. It is very useful to include into the text of compact specific measurable short-term implementation objectives.
- Cooperation must be institutionalised through the formation of organs for cooperation and appointment of responsible persons
- Representatives of not-for-profit sector should have wide support in the sector and a mechanism should be established for guaranteeing the rotation of them after some time
- Quality standards should be elaborated to measure the success or failure of the activities during the implementation of compacts
- The compact should include articles establishing mechanism for resolution of disputes and disagreements over the implementation of compact
- Implementation provisions should include articles on periodical review and modification of the compact
- Implementation of the compact should not concentrate only to the central level. Elaboration of local compacts and their active implementation is a natural part of the process.

Source: Adapted from Liiv (2001)

In addition to those jurisdictions that have written compacts, there are others that have a “compact-style approach” to government-CSO relations that may not yet have delivered a final agreement or may have decided not to develop such a document. Such jurisdictions maintain some form of institutionalized dialogue between government and CSOs in order to promote better relations and to develop a range of processes and formal organizational structures which promote cooperation between the sectors. These structures can be government, semi-government or nongovernment, and can include the re-configuration of prior structures based on historical partnerships (corporatism), or new government structures that raise to the level of a Ministry the relations with CSOs and the wider Third Sector.¹³

It also must be acknowledged that in some countries, the compact process has failed or at least failed to prosper. On the heels of the UK Compact, numerous countries launched similar compact processes, yet just a few years later there is little evidence of the continued implementation of many of the documents that resulted. The Canadian Accord is probably the most high profile example. Considerable resources were committed from 1999 to developing the Accord and the Voluntary Sector Initiative, yet by all accounts it has all been abandoned.

The reasons for the lack of success in compact process include: a top-down attempt at development which does not include wide representation from the non-government sector or which tries to graft a compact process onto a political, social, and framework that is not ready to support it; a lack of clear champions at the top of government and in the NGO sector who continue to drive the process; a change of personnel (or of the government itself); a lack of sufficient resources to fully implement the commitments in the compact and a perception that it fails to address key issues such as funding and respect for the independence of the nongovernment sector.

Recent evaluations and analyses of compacts have raised the following issues:

- They are seen in a positive light as heralding a new era in the evolving relationship between the government and community sectors, but also in a negative light as necessary peace treaties between sectors that have been at odds due to previous excesses of the contracting and competitive tendering approaches.
- They tend to be “top down”, with much of the initiative for their establishment coming from government and/or major peak organizations. Evidence about “bottom up” community sector demands for such compacts is sketchy (perhaps because such documents are not widely circulated), although it could be argued that the initiatives of the peak organisations do in fact represent the interests of frontline CSOs.
- There is evidence both of the parallel emergence in different countries/jurisdictions of the need to create frameworks for better government-nongovernment relations as well as policy transfer. In the early 1990s, a number of countries were debating how best to structure these increasingly fractured relations, but as the UK emerged as the front-runner in formal compact development it quickly set the standard for similar processes in other countries.
- Local compacts (i.e. at regional or local government level) can be useful, but they are not essential. Local compacts are important if there is devolution of funding and oversight of community organisations to different levels of government and it is felt

¹³ Note that while the emphasis in this review is on sector-wide or industry-focused compacts there continues to be an ongoing parallel development of more specific partnerships that focus on a particular service type or geographic location. They are all part of wider discourses of public-private collaboration that are key elements of current governance regimes, but our focus in this review is on broader compacts that transcend specific partnerships.

that compact commitments will not be met at these levels unless there also are specific local documents.

- Initial evaluations demonstrate that they have majority support among participants who are aware and involved in the compact process. However, there is widespread lack of knowledge about their existence and significant dissatisfaction in the processes and outcomes, even among signatories in both government and community organisations. “Sceptical goodwill” appears to be a common reaction.
- The impact of compacts on target groups/programs is difficult to evaluate. Evaluations tend to focus on outputs/processes and on the relationships between signatories, and it is extremely difficult to determine what achievements can be ascribed to any compact and what to other reform processes. Evaluations also invariably focus on signatories to the process (either directly or through membership of peaks). There is an absence of research about the community sector that may have remained outside the process, either voluntarily or by omission.
- The key factors that appear to determine the perceived success or otherwise of compacts include: timing of the process; the “fit” between perceived problems and compacts as a solution; the work of key “champions” (individuals or organisations) who continue to promote and drive compact processes; the level of trust between stakeholders that existed at the beginning of the process and the trust generated through the process of creating it; the resources available to the implementation process and the visible gains that can be shown to have resulted.
- Compacts are subject to continual review and adjustment. They are not static documents, but continuing processes which include continued oversight and regular formal reviews as well as the dissemination of successful outcomes.
(Craig et al. 2002, Rawsthorne and Christian 2004, Toftisova 2005)

As noted above, one of the key elements of compacts and compact-style processes is the recognition of the independence of CSOs and of their right to participate in the policy process through advocacy activities. But advocacy, particularly when it constitutes dissent from current policies, is hardly the primary role envisioned by governments when they promote and support partnerships with the community services sector.

Nevertheless, there is considerable evidence that compacts do support the advocacy role of CSOs and they have significantly altered the relationship between government and CSOs in a wide range of countries and jurisdictions. Compacts are likely to continue as a central feature of government-CSO relations worldwide in years to come, even though it remains to be seen whether they in fact constitute new relationships or they are simply a rediscovery of the traditions of the social partnerships of European corporatism by those who had moved towards a more neo-liberal Anglosaxon model of government (Casey and Dalton 2006). The recent installation of Gordon Brown as Prime Minister in the UK and his unequivocal support of the UK Compact(s), suggests that the UK will continue to set the benchmark for government and community sector relations in other countries.

At the same time, the apparent abandoning of the much vaunted Accord in Canada indicates that there are no guarantees of ongoing commitments to such compacts, and that while they may have positive short-term process outcomes (e.g. they improve the relationships between those negotiating the documents), they may have few longer-term structural outcomes. As Rawsthorne and Christian (2004) noted there are four possible future scenarios for the outcomes of compacts: 1) government and community organisations become equal partners; 2) government subsumes community organisations as a third-party operating arm of the public service and of pre-determined policies; 3) community organisations capture government agendas; or 4) the compact becomes simply irrelevant. In these first years of compact implementation, we can see evidence of three of these scenarios emerging:

compacts, or compact-like processes, have helped create stronger partnerships between governments and CSOs, but they have also allowed some governments to impose even greater controls on community organisations, or the compacts have simply become empty gestures that have had little enduring impact on relations between the sectors.

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