

RESOURCE GUIDE FOR NATIONAL ASSOCIATIONS

# MANAGING INSTITUTIONAL RELATIONSHIPS

6



**CIVICUS**



AFFINITY GROUP OF NATIONAL ASSOCIATIONS

**AGNA**

## 6 Relationships

One of the key roles of national associations as networks of NGOs and NPOs dedicated to strengthening the civil society sector is to act as an interlocutor between the sector and the state and business sectors. National associations' relationships to and terms of engagement with the state, donors and business sector impact on their work, success and influence. In this section we explore each and provide some insights based on the experiences of members of AGNA.

### 6.1 Working with government

Relations between the state and civil society vary from country to country. Across AGNA members, the relationship between the association and the state ranges from one of partnership and service provision to one of critical engagement and even open hostility. Often, it is a combination of government's willingness to accept civil society as a legitimate player and the national association's eloquence, degree of organisation, effectiveness and influence, which determine the dynamics between civil society and government. Ideally, **a national association needs to be independent of, but influential on, the State.**

#### Rise of civil society

Relations between the State and citizen actors have changed over time. Significant shifts are occurring in the management of global, regional, national and local affairs. Many point to this being a time of significant shifting and sharing of powers. "The end of the cold war has brought no mere adjustment among states, but a novel redistribution of power among states, markets, and civil society. National governments...are sharing powers – including political, social, and security roles at the core of sovereignty – with businesses, with international organizations, and with a multitude of citizens groups." Governments are progressively including civil society as an accepted actor in politics. "New "non-state" actors – a multitude of citizen organizations – have become part of the processes and institutions we call "governance." This change, this shift in governance, is one of the most intriguing phenomena that will determine the way humankind starts the next millennium.<sup>1</sup>

*"The 1980s saw a growing rejection of the myth that government is the sole legitimate agent for development decision making and the management of development resources. It is now widely accepted that civil society has an essential, if not central role in both."*

Government's willingness to engage is determined by the extent of democracy, and the degree to which the government accepts that it is just one player in the process of development and governance. Very different tactics are used to engage governments that are open and those that are hostile. In this section we provide some thoughts on engaging in both favourable and in hostile conditions with the state.

1 Korten, op cit., p.112

### 6.1.1 State relations in a democracy

In a democracy, the state recognises the power of its citizens and sees itself as accountable to its citizens. Increasingly, it is recognised that civil society organisations, and national associations in particular, have an important role to play.

#### TOOLBOX:

#### Some of the roles played by national associations in national political life

- Advocates and adversaries in the public policy process
- Information resource
- Provider of services
- Champion of unmet needs
- Weather bell of public opinion
- Steward of public goods and guardian of public space

Governments engage civil society and national associations in a variety of ways. They may consult them on relevant public policy issues, solicit input and advice to help shape policies, regulations or legislation; they may invite their participation in a range of accountability forums such as committees and parliamentary forums; they may ask for their participation in reviews and international meetings; and they may request them to co-govern a programme. Government Ministers and Opposition members of parliament may be willing to speak at forums and events organised by CSOs if invited.

In addition, governments, along with civil society, play a significant role in fostering an environment conducive to a vibrant civil society. Often, with this recognition comes a requirement that CSOs register and comply with regulations. This enables government to maintain checks and balances on the sector.

**As governments expand their recognition of civil society, civil society engages more readily in governmental consultation processes. Similarly, government officials more readily engage civil society organisations in delivering services, developing policies and cooperating and collaborating in advancing some national objectives.**

## CASE STUDY:

## Mexico government relations

The national association in Mexico, CEMEFI was launched to defend the rights of civil society and to change the vision of the government's view of and relations with the non-profit sector. It helped to form good relations with the government that CEMEFI Board members already had contacts with several government officials. CEMEFI continues to prioritise the building of personal relations, cooperation and dialogue. Over the years the levels of trust have changed and relations at times were strained.

For CEMEFI it took ten years to successfully advocate for the Law on Promotion of Activities of CSOs. CEMEFI has succeeded in securing tax exceptions for human rights organizations and in actively advocating for improved fiscal framework, and ensuring elections free of corruption. CEMEFI has high functioning relations within most ministries that deal with civil society, including lasting relations with leaders who previously worked in civil society.

National associations engage with government for a plethora of reasons. At minimum national associations want to build relations to exchange ideas and to foster a climate of openness to policy issues. Keeping civil servants abreast of developments in civil society helps them to do their work within government more effectively. By staying in touch with elected officials, would-be-legislators and in communication with staff on governmental committees, national associations are able to offer insights, materials and tools that may be helpful and influential in deliberations.

Through opening avenues of communication, the national association may also extend their influence on governance style, and be able to hold the government to account. It may campaign for the allocation of needed resources or the development of policy. Collectively, these strategies help to protect and perhaps expand the role of civil society and its freedom to operate. The roles national associations play in advocacy are of great importance in securing and preserving this space for civil society. National associations may also be instrumental in fostering added accountability in government, including basing political policies and programmes on public needs and priorities.

## CASE STUDY:

## The challenges of maintaining legitimacy

CODE-NGO in the Philippines initially set up a good collaborative relationship with government both as advocates for changes and as partners in development projects and programmes. Many NGOs were active and open to engaging with government. This was helped by the numerous avenues for participation at both the national and local level. This situation changed with Estrada and many NGOs were involved in the campaign for his impeachment in 2001. After a change of power government-NGO relations improved again, but not for long. Following the electoral fraud scandals relations became tense.

CASE STUDY continued:

Today civil society is divided vis a vis relations with the government. Some NGOs want change and a new President, others have not engaged, yet others have become partisan to one party. There is also public fatigue. CODE-NGO's position is to call for the resignation of the president and advocate against government abuses. Some members not comfortable with the position, but the majority endorses it. CODE-NGO itself is focusing on electoral monitoring to ensure that there is no fraud. Consequently there is an uneasy relationship with the national government.

**Responses in the 2006 AGNA survey** revealed that almost half of key roles identified by NAs related to developing relations with and influencing thinking and practice of government. For example, these four key association functions were often cited:

- Effective advocacy, participation and campaigning in influencing government policy
- Improving non-profit law and regulation
- Linking national and international agencies, governments, associations and institutions
- Increasing funding from government

TOOLBOX:

### Tips to enhance your work with government

- Get to know the people and identify who you can and who you cannot work with
- Learn the language of government and use it in your communications
- Link your proposals to specific public policies, especially when they are due for review
- Demonstrate empathy for the bureaucratic, controlling, autocratic and centralised conditions that government officials may face
- Don't accuse, rather discuss
- Publicly recognise and praise progress, and acknowledge the challenges faced by government
- Remain non partisan
- Do your homework
- Know your argument. Don't provide facts unless you are confident of them
- Inform the government of the groups that support your proposals
- Involve government officials in the work done by the non-profit sector, motivate them to learn about the work of civil society

## CASE STUDY:

**JACO**

In Japan, a Public Interest Corporation Law (Civil Code) was enacted in 1896. Supervisory authorities regulated PICs (civil society organisations), authorised their establishment, monitored their governance. JACO was established in 1972, not only to support charities but also to resolve many problems with this form of regulation. They initiated research and advocated on the basis of the results. In 1998 a more citizen oriented law, the Specified Non-Profit Corporation Law, was passed, creating the momentum to reform the PIC Law. JACO advocated for the formation of an independent regulator, with academics and specialists from outside government as members; 90% of their positions were incorporated into a new PIC law, with a new Commission created in 2008.

Some legal, registration and taxation issues remained, and JACO continues to work hard, and with steady success, on resolving these through direct engagement with the Commission.

This demonstrates not only that a national association can have a significant beneficial effect on behalf of its members, but also that patience over a long period may be needed to see through the transformation that is sometimes required.

## CASE STUDY:

**Protecting Civil Society Space: Campaign against UK Lobbying Bill**

In 2013, a proposal was put forward by the UK government to reduce the scope of campaigning in the run-up to general elections. Originally intended to reduce the risk of third-party funding for political parties, the legislation was drafted in a way that would seriously limit the right of most charities to campaign in a pre-election year. NCVO alongside its sister councils in Scotland, Wales and Northern Ireland, and a broad range of charities and NGOs, launched a coordinated campaign to highlight the risks of reducing the democratic voice of civil society.

Key meetings were held with many MPs, including the Speaker of the House of Commons and the leading political party coordinators. The passage of the Bill was delayed and finally amendments were put in place to offer more clarity on what would constitute 'political' campaigning to ensure that non-partisan activity would not be subject to the new controls. Further clarity is being sought (2014) from the Electoral Commission.

To continue to earn the respect of governments, national associations recognise the importance of remaining non-partisan, objective and professional. Maintaining credibility with government as well as with CSOs and the public is important to maintain legitimacy. National associations have to walk a fine line to be viewed as non-partisan. In some cases, the demands of national associations are in line with those of political opposition parties. Spending time and money to help elect people aligned with the values and goals has proven more advantageous for some CSOs than trying to change the views of elected officials. However, national associations must be ever-vigilant in guarding their objectivity and credibility. A more suitable role may be in promoting free and fair elections, as was exemplified by the work of CEMEFI and CODE-NGO.

Martin Sime of the Scottish Council for Voluntary Organisations frames it this way, *“We see ourselves as needing to keep our distance, the space between us and government. Members may be particularly concerned if we make their position more vulnerable. We are sometimes criticised for not being close enough. ‘It is a relationship thing.’ Politicians change, priorities, and resources change. You have to accommodate. So in difficult times console yourself with the thought that another government will be along soon!”*<sup>2</sup>

As relationships with governments become more highly developed, more formal terms of engagement may be negotiated. Framework agreements, known as ‘Compacts’ or ‘Accords’, formed between the government and the voluntary sector in countries including England, Scotland, Wales, Northern Ireland, France, Sweden, Estonia, Slovenia and Canada stipulate such terms of engagement. *“Under the auspices of the Accord, very specific codes of good practice related to policy dialogue and funding have been developed that, if fully implemented, hold considerable promise to promote better working relationships in these areas.”*<sup>3</sup> These compacts or accords recognize the independence of the voluntary organisations, and the right of the voluntary sector to challenge government and advocate for supportive policies. In all cases, civil society should not be subject to hostility or adverse effects on funding as a result of advocating for change.

#### CASE STUDY:

### Scottish Compact

SCVO has forged a high-functioning relationship with the government in Scotland. The Compact between government and voluntary sector lays out the rights and responsibilities of each. It states clearly that the voluntary sector has the right to be consulted and the right to criticize. Due to the Compact, SCVO has been involved in drafting policy statements and has been engaged in legislation drafting. SCVO and the government have jointly taken-up non-contentious issues they share in common. The NGO Unit conducts staff exchanges that help to build understanding and appreciation of each other’s challenges and pressures. In the Scottish case such engagement is possible (issues of scale), but it may be challenging to replicate it in other parts of the world.

2 Sime, Martin. Private communication, following AGNA Workshop at World Assembly, May 2007

3 Phillips, Susan D. “In Accordance: Canada’s Voluntary Sector Accord from Idea to Implementation”, in Brock, Kathy L. (Ed.), *Delicate Dances: Public Policy and the Nonprofit Sector*. Kingston: School of Policy Studies, 2003.



This works if both the goals and methods proposed by a national association are in harmony with government plans, and the government is willing to accept civil society as a partner. But if the goals or methods are in opposition to the interests of the parties in power, discrediting or even repressing this public association becomes possible in ill-functioning or non-democratic states.<sup>4</sup>

### 6.1.2 State relations in a hostile environment

Facing hostile governments is a mixed experience for national associations. At times, threats of government oppression provide the impetus for a national association to act through the support of and solidarity from its members. The Pakistan NGOs Forum demonstrates this point. *“In the 1990s, NGOs united against the government, it was a great moment for NGO unity. They came together in one platform. Government came to realise that NGOs are important partners in development.”*<sup>5</sup> At other times working in a repressive context can be demanding and dangerous.

Circumventing repressive legislation and restrictive environments require innovation and ingenuity. In the face of oppression, demonstrating determination, tenacity and intelligent design are courageous and powerful acts.<sup>6</sup> Forming a national association does not replace other important methods of political action. But joining together in association is in itself a strong move that has political implications. It reveals coordinated effort and represents collective strength. The mere acts of forming a national association and exercising its rights are two such powerful acts.

Once formed, a national association has many options of how to engage. It can confront government on its actions. There are many different tactics for confronting government. This requires a bold membership ready to take risks.

#### TOOLBOX:

### Tactics for confronting government

- Direct action such as a march
- Forming alliances with other national actors
- Using independent media channels to raise the issues and put pressure on decision makers
- Using international networks to put pressure on your government
- Using the law and courts to force a decision
- Strengthen your arguments; document your cases, statistics and qualitative information

There are risks to this approach. Members may be detained, blacklisted and harassed. Also, the government may refuse to work with the national association.

4 Oommen, op cit, p. 184

5 AGNA Interviews - Synthesis Report, 2007, p. 6

6 Rothstein, Bo. Social Traps and the Problem of Trust. Cambridge: Cambridge University Press, 2005. p. 208



## TOOLBOX:

**Forms of government control**

- Bring in the police and army to prevent the association from carrying out planned actions
- Banning or restricting an association or its campaigns
- Introducing restrictive legislation
- Harassment of members and staff
- Media campaigns to discredit or undermine the association
- Detention of leaders
- Blocking donations

In the experiences of NANGO and CODE-NGO some members distanced themselves from the national association when it took a position against the government. Given the risks of working in a hostile context, some national associations refrain from a confrontational approach and rather utilise their energies to work within the system. This involves building relationships steadily through increased understanding and information-sharing to increase mutual trust on non-contentious issues where agreement exists between government and civil society. For example, NANGO has been involved in the delicate dance of managing multiple roles with government. It is active in collaborating with the government of Zimbabwe on development issues, while confronting the government on its lack of sufficient progress on democratization. To increase the comfort and agreement of government, an association would be wise to indicate that it was not looking for any credit for policy or programme change but would support the government in promoting productive policies and needed programmes.

## CASE STUDY:

**The Philippines opening up elections**

CODE-NGO, like many other national associations, has the continual challenge of adjusting to dramatic political transitions. At times the sector was viewed as a partner by government and at other times it was viewed as an antagonist. Civil society too was divided in its views on how to manage relations with government. Uneasy relations with the national government continue due to extra-judicial killings, restrictive legislation, opposition stifling, and violent break-ups of peaceful protests. Still some collaborative work remains underway at the local level. The national association, CODE-NGO has taken the position to call for the resignation of the president and advocate against government abuses. Some members are not comfortable with the position, but the majority endorses it. CODE-NGO directs much of its attention to monitoring and advocating for free and fair elections.

## CASE STUDY:

**Zimbabwe restrictive environment**

The dynamic relations with the government in Zimbabwe provide an example of a national association that needs to be able to work within a variety of political climates. After Zimbabwe's independence the relationship between civil society and the government was quite positive and collaborative. It deteriorated when NANGO and the sector were faced with hostility from government. The space for civil society was tightened under the governmental regime. Yet even in this repressive state civil society was successful in blocking the 2004 restrictive NGO Bill. NANGO continues to maintain its non-partisan and neutral relations. As NANGO is interested in achieving better outcomes from the legislator it provides MPs with information because they find poor information, not sinister motives, contribute to bad MP decisions.

NGOs must often navigate very carefully in these waters to remain effective, and to continue advancing their agenda while avoiding being shunted aside into irrelevance or expulsion.”<sup>7</sup>

While the voices of civil society are stifled or silenced in some regions, they cannot be deemed irrelevant or ignored for long. Civil society is increasingly becoming more influential.

## 6.2 Working with donors

Good relationships with donors are an essential for national associations. The relationship is often the most important one from a member's point of view, since typically many members struggle to sustain themselves financially; any help the national association can provide to ease their relations with donors will be highly valued. Donors, on the other hand, are often under pressure to keep their administration costs down; being able to keep the entire sector informed through a single channel – the national association – can be valued highly by the donors too.

So building an effective working relationship with donors, and emphasising to both them and the association's members that you can play a key information-transmission role, will build the national association's credibility and added value for many key stakeholders. Prompt and timely information distribution on new calls for proposals from donors, changing priorities, application or reporting requirements, etc can become a key role for the Secretariat.

Some national associations go further. Bringing together members' staff who specialise in preparing funding applications and reporting to donors can create the space in which members share experience, intelligence and knowledge; they can work out, this way, whether a communication from a donor signals a change in the way the donor is treating them as an individual grant recipient, or whether the donor is treating the whole sector in the same way. Shared experience of the application and reporting requirements, or of donors' changing priorities, can be turned into valuable advocacy on behalf of the sector towards donors on how to make their procedures easier to handle, more cost-effective, or better targeted for members. An effective dialogue can be created between the sector and each major donor in this way, which can result in more effective ways of resourcing the sector.

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7 Wiarda, op cit., p. 185

A significant complication for some national associations is that, in needing to raise resources themselves, they can become competitors against their own members for funds. This can be damaging for the national association's internal dynamics; it is important to have a realistic discussion with members about the boundaries for the association's own fundraising, and set groundrules in place to ensure that potential disputes and dissatisfactions are dealt with before they arise.

**Some national associations are approached by donors to become channels for their funds – especially for small grants. For example, a donor may want to use its resources to support large numbers of small organisations with small grants, but it would find the administration costs prohibitively high. In these circumstances it may ask the national association to receive a single, large grant, and then to make decisions about, and to administer, small grants to its members. There may be a significant administration fee for this service, so it can be very attractive as a way of raising resources for the national association.**

However, being a channel in this way can mean making choices between members, on which of them will or will not receive grants, and this can be very damaging to the dynamics of the relationship between members and the Secretariat. So the national association has to make a difficult choice between the 'purity' of its core functions as a membership organisation, and the advantages to itself of receiving the administration fee, and to its members of having access to resources that would otherwise be unavailable.

#### TOOLBOX:

### Tips for working with donors

- Build relationships
- Share information and stories, show impact
- Profile your members work along with the work of the association
- Don't hide misdemeanours. Rather work with donors to investigate the problems
- Be honest at all times
- Acknowledge the role and contribution of donors
- Don't play donors off against one another

### 6.3 Working with the business sector

Very few national associations actively work with the business sector. In fact, the voluntary sector is often hostile to the business sector. In general most national associations have not adequately focused on building relations with the corporate sector or tried to tap them for funding. Yet with increasing commitments to social responsibility and an increasing recognition of the influence of the business sector, there are opportunities for forging relations with this sector. These relations can focus on collaborating around a common goal, or on resourcing the national association and its members.

**The Busan Alliance for Development Effectiveness invites the private sector to develop innovative financial mechanisms that could mobilise private resources to support development goals.**

**One type of collaboration between NAs and the private sector is through the assistance of NAs to help create foundations. NAs have the knowledge about NGO regulations and are sometimes approached by enterprises interested in improving their work on corporate social responsibility as a first step to becoming a foundation.**

**The corporate sector can also be part of a national association, as associate collaborators, active participants or donors, as the Alianza ONG case below demonstrates.**

#### CASE STUDY:

#### **Alianza ONG and corporate partners/the corporate sector**

Alianza ONG has several members that are foundations. This type of relationship facilitates channels of communication with the private sector. In addition, some representatives of the private sector participate as members of the board of directors of some of its associated members, which makes them be more engaged in the activities of the organisations.

Nevertheless, we recognise that the relations between the private sector and the non-profit sector -even beyond the sphere of NAs- has to be strengthened. A good indicator of this in the Dominican Republic is that we estimate that less than a 3% of the income of the non-profit sector comes from the private sphere.

## TOOLBOX:

## Why Corporate Social Responsibility occurs

- For economic, social, and environmental bottom lines
- Community pressure to do so
- To enhance reputation
- As a branding exercise
- To improve community relations and public image
- To enable employees to enjoy new levels of responsibility and leadership skills
- To improve employee satisfaction, morale and loyalty

## CASE STUDY:

### PNF

There is a lot of domestic philanthropy in Pakistan despite the impressions that most funds come from the outside. Therefore PNF set up a NGO, PCP, to build relationships with the corporate sector in late 1990s to raise funds for the sector. PCP wanted to create a system to certify NGOs and to increase their legitimacy vis-à-vis donors. Initially there was a lot of opposition and mistrust from NGOs. Eventually they saw the benefits and PNF encourages its members to go through the process of certification.

## CASE STUDY:

### NANGO

For NANGO in Zimbabwe the private sector has a role, but a limited one. They have found that members of the private sector do supportive work and donate money to civil society. Some banks provide micro-credit loans and there is a supermarket which is working with some NANGO members on joint projects. All the projects business engages with are development/charity focused. According to NANGO they would never work on human rights or good governance projects as they are too afraid to lose their privileges and antagonize the ruling party. Their advice is therefore to engage selectively and be pragmatic about what you can expect from the private sector.