

## *Symposium on NGO/Government Partnerships*

# **Guidelines for the Preparation of Compacts** **By Daimar Liiv**

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### **Introduction**

The last decade of the twentieth century was the decade of the beginning of new developments in the history of humankind. Let us just remember the info-technological revolution, the Internet, and the mapping of the human genome. In the field of political developments we were lucky observers (some of us even active participants), in the crash of the “empire of evil” – Soviet Union and the bi-polar build-up of the worlds political system.

For the not-for-profit world the very end of the century also opened new perspectives. In four parts of Great Britain general agreements on cooperation between not-for-profit sector and government – **compacts** - were signed. These events marked a new stage in the development of the democratic society and summarized work done by many activists of voluntary organizations, politicians, and researchers of the third sector. In these compacts the basic understanding about the role and importance of the third sector for contemporary democratic society was outlined and partnership networks were established.

The British developments are not the only ones. Similar needs for systematic interpretation and establishment of relations between governmental and third sector organizations were recognized in many countries around the world –for example, Canada, Estonia, Ghana and Croatia – and in large international organizations like UN and EU. In many countries the cooperation between the state and third sector is developing rapidly and reaching new dimensions right now. To support this development it is necessary to create a systematic basis for this new cooperation. Usually the

best way to express these developments is to prepare and pass a compact – a national document establishing, the basis for proper relationship between two sectors.

The term “**compact**” as used here has a very broad meaning. The reason for this is that in different countries the formal shape of the general agreement on the principles and general mechanisms for cooperation between state structures and the NGO community are different. Even in case of United Kingdom, where all the compacts are between the Government (Executive) and the third sector, the actual terms used to explain the nature of compact, are different. In case of the England, the compact is called “...a memorandum concerning relations between the government and voluntary and community sector.” In Wales the compact is “...an agreement between the Government and the voluntary sector...” In Northern Ireland the compact is “... jointly prepared, agreed statement of the general principles and the shared values which will govern the further development of the relationship between Government and the voluntary and community sector...” And in Scotland it is “ an agreement between the Government and the Voluntary sector on the principles of working in partnership.” It is also interesting to mention that the Northern Ireland compact substituted or developed further the “Strategy for the Support of the Voluntary Sector and for Community Development in Northern Ireland” published in 1993.

Another strategy for passing compact is chosen in Estonia. Estonian “compact” will be passed by the Riigikogu (Estonian parliament) as a “Concept of the development of Civil Society”(further Concept). It is also important to mention here that in the case of Estonia, the first step toward the Concept was “Memorandum of cooperation between third sector and political parties” which was signed by the all parties represented in the Riigikogu and main third sector umbrella organisations. In case of Croatia compact is in the form of the “Program of Cooperation between the Government of the Republic of Croatia and the Non-Government-Non-for-Profit Sector in the Republic of Croatia” (further referred as Program). In Canada the reordering of relations of two sectors was first expressed in the form of “a Joint Tables” document.<sup>1[1]</sup>

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<sup>1[1]</sup> See for the documents: Compact between the government and the voluntary sector in Wales: [www.official-documents.co.uk/document/cm41/4107/4107.htm](http://www.official-documents.co.uk/document/cm41/4107/4107.htm)

The Scottish Compact: [www.scotland.gov.uk/library/documents-w3/comp-00.htm](http://www.scotland.gov.uk/library/documents-w3/comp-00.htm)

Compact between government and the voluntary and community sector in Northern Ireland: [www.nicva.org/compact.html](http://www.nicva.org/compact.html)

Compact on relations between government and the voluntary and community sector in England: [www.homeoffice.gov.uk/acu/compact.pdf](http://www.homeoffice.gov.uk/acu/compact.pdf)

Working together: a government of Canada/voluntary sector joint initiative. Report of Joint Tables: [www.web.net/vsr-trsb/publications/pco-e.pdf](http://www.web.net/vsr-trsb/publications/pco-e.pdf)

Ghana: Comprehensive Policy Framework for the Not-for-profit Sector in Ghana Draft Discussion Document: <http://www.icnl.org/library/africa/drafts/ghafinaldraftngos.htm>

Draft of the Estonian Civil Society Development: <http://www.ngo.ee/>

National Program for the Cooperation between the Government of the Republic of Croatia and Croatian Civil Sector “Together for Better”: <http://www.uzuvrh.hr/eng/suradnjaENG.htm>

## Why have a compact?

One of the principal reasons for the desirability of systematic cooperation between the public and the not-for-profit sectors is the institutionalisation of the society and the growing understanding of the people about it. People want to participate actively in this process and to use the not-for-profit sector organisations as tools to express their views and to protect their interests. This provides an opportunity to concentrate resources and knowledge for reaching social and economic development goals. Participation in the third sector activities has also become more and more important for preserving democracy, especially if we consider almost the universally decreasing rates of the participation of people in political voting.

Despite the fact that the not-for-profit sector has been until now the main initiator of the compact process, the reasons for having them are not limited to the interest of the third sector. The government has at least as strong an interest in compacts. For example, one of the main reasons for preparing the compact in England was the inability of the government to fulfil the rapidly increasing number of tasks and to provide necessary services to the population in a cost-effective manner. There are other reasons in various countries why cooperation between two sectors is important. In the US, where the people don't like bureaucracy and are basically against state intervention into their private life, NGOs are able to propose a wide variety of services with considerable flexibility and without public sector bureaucracy and restrictions. In Netherlands (with its extremely large third sector) the principle of subsidiarity is the cornerstone for the large not-for-profit sector, which can propose necessary services directly to the consumer. In Austria voluntary organizations are regarded as one of the means to decentralize power.

In addition, the third sector often is active in fields, in which the state doesn't participate but the activities and services are nevertheless necessary. The role of the not-for-profit sector as a pioneer and experimenter in many fields of societal life is also very important, especially when the importance of the field is not yet clear to the state and the need for providing services to the public must be proved.

Thus the British compacts as well as other similar processes and documents developed in Canada, Croatia, Estonia, and Ghana deserve attention and provide a good basis for reshaping the relationship between government and the third sector in democratic countries.

In the following chapters of this paper experience gained during the preparation and implementation of partnership agreements as proposed agreements between the third sector and government in Great Britain, Canada, Estonia, Croatia, and Ghana are summarized. Possible ways to create such documents are also proposed. One caveat of course applies, every country as well as its third sector has its own path of development. Thus, the specific situation needs to be taken into account and the partnerships designed according to the real situation in the particular country.

[2\[2\]](#) The first draft of this paper was prepared during the summer 2000 in Washington D.C thanks to a fellowship from ICNL. ICNL, after being established in 1992, has contributed enormously to the creation of the proper legal environment for non-governmental organizations in many countries all over the world. Even if the guidelines are a small step away from entirely legal approach to third sector questions, they are nonetheless driven by the idea that the environment for the activities of not-for-profit organizations should be ordered in a most favorable way to them and society.

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[2\[2\]](#) Insert footnote on Ghana and Tanzania.

## **Chapter One: Preparation of the Agreement – Organizational Aspects**

### **Section 1.1: Initiation**

#### **A. The third sector is the best initiator**

##### **Comments**

NGOs are the best initiators. In most cases, governments do not want to take on additional work, and therefore, NGOs may need to take the initiative and exert gentle pressure on the government to work with them on a compact or similar agreement. Notably, in the case of the United Kingdom, as well as in the case of Estonia, the participation in the pre-initiation phase of political parties and NGOs was crucial to beginning the negotiation process.

In United Kingdom during the opposition years, the Labour Party prepared a document called “Building the Future Together – Labour’s Policies for Partnership between the Government and the Voluntary Sector” which laid down the main principles of cooperation between the government and NGOs as the Labour politicians saw them. Using this document as a foundation, it was easy to initiate the preparation process in all parts of the United Kingdom.

In Estonia, the Estonian Center for Not-for-profit Associations and Foundations began the preparation process through a project financed by UNDP. As a first step, a meeting of leaders of several umbrella organizations, scientists and politicians (leading MPs in the fields of social, educational and cultural affairs both from the governmental coalition and its opposition) was organized to discuss the project and brainstorm possible goals and strategies. As all sides expressed genuine interest in the project (politicians were particularly interested in the ongoing discussion over the public administration reform), a cooperative link was easily created. Only three months after the first meetings, in December 1999, “The Memorandum of Cooperation Between Estonian Political Parties and Third Sector Umbrella Organizations” was signed. The Memorandum set out, among other things the drafting of the Strategy for the Development of the Civic Society.

From the other side the Croatian Government Office for Cooperation with NGOs initiated the preparation of the program of cooperation between the government and the not-for-profit sector and invited more than 16000 NGOs to participate in the preparation process.

#### **B. Initiators of the process should have a general agreement on what they want to do and how they want to do it.**

##### **Comments**

It is crucial for the process that initiators, whether from the not-for-profit or the governmental sector, have a clear understanding what they want to do and how they want to do it. As the topic is quite new, there are not many materials on establishing compacts. Nonetheless, current

guidelines and materials mentioned here, as well as materials available via the Internet, offer enough resources to gain at least a cursory understanding of key points and learn how existing compacts have been prepared.

In the case of England, for example, the NGOs revised the first draft of the Compact before even starting the negotiation process with government, but in five other cases the first draft was prepared by joint government-third sector working groups after the initiation of the negotiation process.

**C. Initiators should have a clear understanding of probable partners and should work at engaging those partners in the process.**

**Comments**

Usually initiators of these kinds of agreements have knowledge of probable “supporters” (partners) and “opponents” of the proposed cooperation. The supporters of the process may not only be members of the government, politicians or public servants but also representatives of the business sector and very often people from academia.

The whole process of preparing the agreement is largely a coalition-building effort, and therefore, all supporters should be asked and encouraged to share their views and opinions.

Generally, coalition-building should begin with the supporters of the process. Initiators must work at creating a positive image for the process. For instance, the public support of well-respected persons can be crucial to creating a positive image in the initial negotiation phase. Creating a positive attitude for the public toward the process is important because opponents of the process will become wary of speaking out against it, as doing so could damage their reputation.

**D. Specific resources should be allocated for the process.**

**Comments**

The whole process of the preparation of the compact demands certain resources. For example, the core group’s work should be paid (there are no free lunches!). There are communication expenses during the consultation period which are relatively high, the cost of seminars and other meetings, TV and radio advertisements, and finally, the costs of the signing ceremony, printed materials and follow-up should be calculated in advance in a comprehensive budget. Initiators must ensure that minimum necessary financing is available.

Many methods of reducing the cost of the process to the NGO sector also exist. Strategically, the most important of these is to share the costs of preparation with the government. Usually, the basic cost of the preparation is not very great and does not put a large burden on the government. The best way to share costs is to include the necessary costs of the preparation in a separate article of the state budget.

Nevertheless, the problems of the budgetary process may influence governments' willingness to finance the process, especially if a budget deficit exists. Therefore, every rational and available means of reducing the cost of the preparation should be calculated and, if appropriate, used. The cost of communication can be largely reduced by using e-mail, but in many cases smaller NGOs and community groups don't have their own e-mail accounts and, in many Eastern European countries, lack inexpensive Internet access. The cost of TV and radio broadcasts can be reduced if public stations and the government can agree to produce these broadcasts in the framework of publicly financed programs.

Finally, many international organizations are able and willing at least partially to finance the preparation of compacts in the framework of advancing democracy. The help of these organizations should be utilized. For example, in Estonia a special cooperative agreement with the UNDP local office was developed for supporting and financing the preparation of the compact.

**E. 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.**

#### **Comments**

The compact is not just an agreement between one small NGO and governmental offices with minor importance to the public. The impact of a well-prepared and implemented compact can be enormous for strengthening democracy and developing co-operation between government and society.

Therefore, the PR campaign should be well organized and emphasize the importance of the work from the outset. Organizers should use the carefully targeted media campaign at the initiation of the process to invite people and NGOs to actively participate in the process and to provide them with the necessary contact information to do so. The public initiation of the process should be organized as a media event during which the preliminary timetable and plan of action should be advertised as well as the names of responsible governmental (officers in order to exert some pressure on the government to take action).

#### **Section 1.2: Participants**

**A. The circle of participants of the preparation of the compact should be as wide as possible and open to change throughout the process.**

#### **Comments**

In all cases, the discussion of the compact served as a catalyst for establishing or developing cooperative relationships within the NGO sector. The process quickly created networks between the leaders of similarly-oriented NGOs and facilitated the exchange of information and professional experience. Thus, umbrella organizations should not monopolize the discussion but instead encourage the grass-roots NGOs to join in and share their experiences and opinions.

There is also a need to remember the large number of informal groups who should also encouraged to participate in formulation of the text of the compact. England's compact put special emphasis on the role of these community groups ("...associations of people who come together to pursue a common cause or interest, often on mutual basis..." - Article 12 of the England Compact).

Additionally, it is worthwhile to mention that in case of England separate attention was given to the minority, ethnic, voluntary and community organizations. After the passage of the compact, special working groups were formed to deal with the special problems of NGOs representing minority groups in greater detail.

In addition to the NGO community, people from academia can and should be asked to participate in the process. As the experiences of the preparation of existing compacts show, representatives of academia have a good deal to contribute through their participation. In the case of Canada, the individuals in the drafting groups were chosen not on the basis of the organization to which they belonged but on their personal and expert knowledge of the field. With the assistance of members of academia, a relatively neutral first draft can be prepared quickly with a certain level of comprehensiveness, creating a good basis for further discussion. Likewise, the academic background of the members of the core team helps to better differentiate between general and particular subject matter and to undertake and conduct research when necessary. In Estonia a special research project on the questions of cooperation between state and NGOs was prepared by the academicians participating in the drafting of the Concept.

The third main group on whom organizers should focus during the process is state and local governments officials. Without their commitment to implementation of the ideas and values expressed in the compact, the work will be largely unsuccessful. In the case of the United Kingdom many government officials were working in cooperation with NGOs in the central and local administration. However, links between them were weak and the work of the parties involved lack uniformity. Only the process of the preparation of compacts brought them together through the creation of a single forum for discussion and sharing experience.

Existence of special officials dealing in the central government or even at the Prime Minister's office helps a lot to organize the work as show by the Croatian experience. In several Eastern European countries such officials exist and can be used to coordinate governmental efforts.

Despite the number of separate bodies involved, the NGOs should make a special effort to persuade the government to nominate officials who have demonstrated their commitment to cooperating with NGOs for inclusion in the working groups. The methods and results of the working group will be more efficient and effective if the government officials involved are supportive of the process.

Although the compact will mainly regulate the general principles of cooperation between the government and third sector, most of its implementation will be the responsibility of local governments. Thus, in England, for example, after the preparation of the national compact, compacts between local governments and local NGOs were established. It is therefore important that the officials of the central government are not the only representatives of government who participate in the preparation process. Participation of representatives of the local governments, especially of those governments with the greatest influence, has an important role in implementing the compact in local governments.

In many countries, local governments have joined into unions or other influential representative bodies. It is important that the representatives of such bodies be invited to take part in the process. Once again, NGO representatives usually know well which local governments have been friendly and have already created working and mutually beneficial relations.

Representatives from such local governments should be specially invited to participate in the process.

Politicians in many countries are just discovering the importance of NGOs to their country's development. Close cooperation with the third sector has a place not only in the programs of left-wing parties (such as societal cooperation organizations) but also in the programs of right-wing parties (such as organizations involved with the expression of free initiative and self-organization of citizens). Therefore, all political parties should theoretically be interested in cooperation with the NGO sector. Political importance and usefulness of such cooperation is clearly recognized in the UK by the Labour party and the US by both Republican and Democratic parties. These political parties seek support of third sector organizations. Political parties can also be enticed by the prospect of establishing additional support mechanisms for the implementation of their plans and promises.

Inviting representatives of the business sector to participate in the preparation of the compact may give substantial additional input to the work. First, business people represent one of the main groups of donors and donors' problems can and should be included in the text of compact<sup>3[3]</sup>. Secondly, business people experience and support for the market economy can provide a balance for a predominant public-sector oriented approach of governmental officials. Third, business people often have their own representative bodies in the form of not-for-profit associations and therefore they may have quite a good understanding and knowledge of the specificity of the third sector's work. In addition they can propose innovative approaches that are used in the business sector for solving problems. In addition, if the donors are invited from the very beginning to the process, networks between donors and recipients can be developed. The trust of the business sector toward the third sector can also be enhanced through showing that the third sector is really concerned about internal rules and self-regulation. If the business sector recognizes that the money donated is used in the proper way, it may enlarge the donations.

## **B. Participation should be encouraged.**

### **Comments**

Participation can and should be encouraged by delivering the draft of the compact using mass media, the Internet, and the facilities of umbrella organizations and asking for comments and amendments to it. The organization of roundtables, seminars and other similar events to discuss the compact are very useful tools to advance participation and further implementation of it. It must be remembered also that broad participation in the process of the state and local government officials is crucial for the implementation of the compact.

## **C. The participants in the process have different tasks, interests, and background, and that should not be forgotten.**

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<sup>3[3]</sup> See Ghanaian draft compact, which has special part devoted to the donors.



## **Comments**

There should be a clear understanding, that in the preparation process there exists a need to differentiate between general participants and the core team of experts for drafting the compact, summarizing and evaluating the amendments and, finally, preparing the draft for passing. The core team must be able to “translate” different messages from different actors into a commonly understandable language.

## **Section 1.3: The process and the timetable**

### **A. The process should be recognized as being as important as the content.**

## **Comments**

For the success of the compact, the process of preparation is crucial. If the process is badly planned and poorly implemented, neither the NGOs and community groups nor the governmental officials will feel they are committed to the principles of compact, and it will be regarded as just one paper among others. Therefore, the process should not be concentrated only on the preparation of the text of the compact but also on creating a common understanding that the text is only the first step. Commitment to future development of the principles and real implementation of the compact must be stressed from the outset.

### **B. The process should be planned from the beginning to the end including agreement on final dates for different phases.**

## **Comments**

The experience preparing the existing compacts shows that it will take approximately one year from the starting point to the time when the compact is finalized . In many cases, during this period the first draft was prepared, publicly discussed, amendments were collected and analyzed, and the compact finalized and, signed.

The experiences of other countries give valuable hints to the initiators of the compact writing process. Using these experiences as a model, the different phases of preparation can effectively be planned and an appropriate schedule worked out. As was mentioned above, the work on the compact can generally be divided into three main stages: preparation of the first draft, wide discussion, and finalization of the text and acceptance.

### **C. 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.**

## Comments

The existing compacts provide quite good, systematized basic material for new country-specific compacts. Nevertheless, the actual writing can take a lot of time if the writers are inexperienced in formulating such general texts and the resulting text may be of poor quality.<sup>4[4]</sup> Therefore, it is necessary that the initial core drafting group consist of people with relevant knowledge and expertise. In all cases except England, the initial drafting groups were formed from representatives of the NGO umbrella organizations and the government. In the case of Canada, the members of the Joint Tables were chosen on the basis of expertise, experience and willingness to pull together as members of a team rather than as representatives of particular organizations or departments. In the case of England, the initial draft was prepared by representatives of the NGO sector umbrella organizations and then proposed for wider discussion among the NGOs and government officials.

In the case of the Eastern European countries, the initial drafting is a little more complicated than in the countries with a more developed third sector. In most cases, the experience of the NGO sector in preparing real policy documents is limited or lacking entirely. Therefore, it will be necessary to form the first group of drafters especially carefully. Inviting scientists working in the field, experienced governmental officials and third-sector friendly orientated politicians will assist in speeding up the preparation and raise the quality of the first draft. In some cases it may even make sense to contract with an experienced group of interested persons who will write the first draft.

### **D. The second phase, discussion and consolidation, should be as inclusive as possible.**

## Comments

It is possible to reduce the time spent for the first part of the preparation of draft because some basic examples exist and can be used as a model by drafters. The most important phase in preparation of compacts is the second phase, public discussion. During this phase, the public and the wider NGO sector will be informed about the idea of the draft, and they can make their amendments and other proposals concerning the compact. As experience demonstrates, this phase is really vital to gain the effects desired by the formulation of the compact. This phase is especially important because during it not only will the main ideas of the compact be introduced and discussed, but also the relationships between NGOs, governmental officials and politicians will be created or developed on a new level.

In all of the cases so far, establishing wide participation in the process was one of the main aims of the discussion phase. So, for example, in England thousands of organizations and community groups participated in the process. In Northern Ireland, the Voluntary Activity Unit from the side of the public sector and the Northern Ireland Council for Voluntary Action tried to engage all parties who had possible interest in the Compact and, as a result, cooperated with more than 5000

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<sup>4[4]</sup> It happened in Estonia with the first draft of the Estonian Concept of Development of Civil Society. It was declared “unsatisfactory” by the political parties and even by some NGOs, who participated in preparation of it. Lots of time and resources were spent and the result was poor.

organizations. In Croatia 16000 and in Estonia more than 3000 organizations were invited to participate in the process.

At the same time, the establishment of wide participation, quality work and the consideration of proposals from individual organizations will link those organizations to the process. In Estonia, after some messy consultation rounds, the core drafting group started to use an amendment procedure similar to that used by Parliament in drafting laws. Every amendment was taken in a written form; the decision on whether to include it was formulated in writing and made public.

In the case of Eastern European countries participation in the process should be heavily encouraged and well organized. Therefore, the initiators of the draft should be especially careful to plan their activities during this period and to estimate the resources needed to ensure proper participation. The meetings with drafters of the first draft and public officials should be planned, as well as the regional and sectoral (professional) activities and seminars held during the process. In Estonia for example, the big "NGO fair" was used to inform the NGO sector and the public about the idea of the compact, which created lot of positive reaction.

## **Chapter Two: Content of the Compact**

### **Section 2.1: General approach**

- A. The content of the compact as well as the strategies for writing it and developing its form can from country to country.**

#### **Comments**

Depending on the situation in a particular country, not only the content but also the format of the compact itself can take different forms. For example, in the UK the compacts were concluded in the form of agreements between the government and the third sector, while in Estonia and in Ghana compacts will probably take the form of the national strategy of the development of the civic society or the third sector. In Croatia the compact took the form of national program of cooperation between the government and not-for-profit sector. It is probable that there can be some other forms for the implementation of the idea, but these three forms should be regarded as the principal suggested forms to deal with the topic.

Despite the differences in format, the **main idea of the compact is to fix the general framework for cooperation between the third sector and national government** (state organs) in a broad sense. It will be easier after fixing these general rules to elaborate more concrete solutions in specific fields on the basis of the general principles. This approach was used in the case of all compacts concluded thus far, but it must be remembered that in all cases the third sector was relatively developed and was able to initiate and participate in negotiations with government. The main requirement for this approach is that these general agreements should have enough flexibility and should be reviewed periodically because of the rapidly developing nature of both sectors and of society as a whole.

At the same time, it is probably possible to form a first compact between one or several ministries or local governments and the third sector and after successful implementation of such a compact

move on to the general level. Such a strategy can be very useful in a situation when the government is mostly unfriendly toward or ignorant of the third sector or when the third sector is extremely underdeveloped or in an embryonic stage of development. Through implementation of such sub-sectoral compacts it is probably possible to prove the usefulness of such cooperation in some sectors (usually in the solving of social problems) and, most importantly - to change the unfriendly attitude of the government toward the NGOs.

On the other hand, such sub-sectoral compacts contribute only to the development of a certain part sector of the NGO sector and makes that part of the sector very dependent on the national level decisions. It also contributes to the underdevelopment of other parts of the NGO sector.

And finally, as the British, Canadian, Croatian and Estonian experiences show, during the preparation stage of the compact, the most intensive exchange of opinion, experience and information takes place among different NGOs. In the case of a sub-sectional compact, the cooperation essentially develops only between a limited numbers of NGOs and will usually not reach a level of generalization necessary for supporting the entire sector.

Therefore, in case of certain levels of the development of the third sector and political structures, it is better to fix first the general framework for cooperation between the third sector and national government (strategy of cooperation). It will be easier after fixing these general rules to elaborate more concrete solutions in specific fields on the basis of these agreed general principles and to initiate official negotiation with separate parts of the government.

**B. The main topics of the compact should include questions related to recognition, representation, partnership, resources, and implementation of the compact.**

### **Comment**

The content of the existing compacts is very similar as is the general approach toward them. The main topics touched on are **recognition, representation, partnership, resources, and implementation** (development) of the compact. In all compacts the basic duties and rights of all parties of compact are described and several principles of good practice emphasized. In all compacts, especially in the case of the UK, the compacts are mainly directed toward the government and, in most cases, list governmental duties to improve, enhance, and encourage cooperation. This is understandable because the government has the ability and the resources available to influence the third sector's position in society.

Although there are many similarities, there are also topics that are different in these documents and are connected with specific local situations. In the Estonian draft, the topic of civic education and the creation of the possibility of direct participation in legislation drafting are included. In the Ghanaian draft a separate part exists that deals with donors. The Northern Ireland compact foresees preparation of a supporting document replacing the 1993 Strategy for the Support of the Voluntary Sector and Community Development and also invites the new Northern Ireland Assembly to endorse the compact or develop their own partnership agreements. England's compact specifically refers to black voluntary and community organizations.

The final content and form of the compact will remain in the hands of those who are party to it. Nevertheless, the compact should primarily focus on the general principles of cooperation.

## Section 2.2: Recognition

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

### Comments

Different parties have different needs for recognition of their specific roles. During the negotiation over the compact, the NGOs should not forget the third sector's specific features and ensure that these features are inserted into every part of the compact. In connection with the recognition of the third sector, the state (or other party) should first of all recognize the important and fundamental role of third the sector to the development of a democratic, socially inclusive society and also recognize its distinction from the business sector and the state. Government should also directly recognize the independence and diversity of the third sector, the right for advocacy and criticism toward the government, and the right to refuse to cooperate with government.

The basic topics of recognition of the NGO sector are its independence from the governmental policy decisions and the recognition that not all NGOs are interested in cooperation with government. Some NGOs, such as advocacy groups and independent monitoring groups, are specially established to comment on and to challenge governmental policy. The special circumstances of these NGOs should be recognized in the compact to avoid future misunderstandings.

On the other hand, it is quite clear that several aspects of public sector actors should also be recognized by the third sector. These include: recognition of the specific role of the government in arranging the country's social, economical and cultural life, the statutory (legal) framework within which the government works and public accountability of its spending, and especially the constraints limiting governmental actions toward the NGOs.

The government is sometimes restricted not only because of legal constraints but also because of the logic of governance. For example, government cannot always provide the information on planned actions and necessary legislation in advance. Nevertheless, these constraints are usually well known (public safety, emergency situations, state secrets and public security etc.) and do not infringe on the democratic rights of citizens and citizen organizations. Therefore, even recognizing these exceptions, the recognition should be limited to the above-described circumstances. One of the most important recognitions in the field is the recognition that the government has the right to define its own priorities and to further them using democratically acceptable means.

## Section 2.3: Representation

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

Representation question is one of the features, which usually is a very difficult problem for the third sector because of its diverse, dynamic nature and relatively weak institutionalisation. At the same time, the government needs clarity on the question of who is represented by whom and how and what sort of mandate the counterpart has. The text of the compact should clarify that no single body or group of bodies could represent the complete range of interests that the voluntary sector pursues with government.

However, if there are recognised representative bodies the third sector these bodies acting in their representative capacity should follow certain rules. They should deliver their requested opinions to the government at the time agreed upon. They should also demonstrate how they consult their members, that they are accountable to them, and that they accurately represent the views of their stakeholders. Sometimes the government is interested not only in an opinion of the representative body that discloses its own members' preferences but also one that discloses the particular interests of its non-members. In these cases, the neutrality and objectivity of the opinion should be the minimum required standard.

Often the grass-roots organizations and informal community groups are forgotten when the articles of representation are formulated. It is essential that their part in the consultative process is particularly emphasized and that umbrella organisations have the duty to consult with them before forming their opinions.

From the side of the government, the representation questions can be more easily solved. Nevertheless, as it often happens in countries with weak and only developing institutions and administrative culture, the solution of the representation question that is provided is not optional even though these questions are vitally important to the partners and answers must be provided if good results are to be achieved.

Basically there are two main problems here. First, there are no clear, accessible and elaborated channels for NGOs to communicate with government. Therefore, the government should be obliged by the compact to identify clearly accessible channels of communication as well as the government's priorities and objectives for cooperation. Second, the methods used for communication may be poorly developed thus making real representation of the community interests impossible. Therefore, the Welsh compact put particular emphasis on the procedures that the government should introduce to make possible the democratic representation of the interests of stakeholders for NGOs possible. These arrangements include, for example, compulsory consultation with the sector on issues that are likely to affect it. They also include: early information about possible policy changes and developments, introducing the NGOs to potential problems from the outset, allowing adequate time for consultation<sup>5[5]</sup>, giving feedback on outcomes of the consultation and ensuring the ability to be involved at the implementation and evaluation stages of policy. All of these questions should be introduced to the compact to make the representation effective.

Additionally, in the Scottish compact, there is a special provision requiring that the government must seek nominations from the voluntary sector to appropriate public boards, agencies, working groups and service users' groups.

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<sup>5[5]</sup> The special article (Article 11.1) in Consultation and Policy Appraisal: A Code of Good Practice (England) sets 12 weeks as the recommended time for regular written consultations and 8 weeks for more urgent replies.

## Section 2.4: Partnership

### **A. The parties to the partnership (especially government) should be encouraged to promote cooperation, good-practices, and collaborative decision-making.**

The interest of NGOs is that the government will take the responsibility of establishing arrangements that enable effective and mutually useful cooperation. Government should promote cooperation through its policies and funding strategies, promoting co-operation throughout the public sector, including local governments.

Working within the context of partnership means that both sides (especially government) will actively seek the other's advice and experience and respect the particular interests of other party, as for example, the need for maintaining the confidentiality of information received, if requested.

### **B. Information provided should be in understandable format.**

Information provided to the other party should be in understandable form and not incomplete. Especially important is that it be in easily understandable form for the third sector, because their representatives often have only limited experience in working with governmental and policy documents. If they are unable to understand the exact meaning of the documents, their advice will not be so valuable as it could be, and both parties will lose some of the value of the relationship, as will society at large.

### **C. Knowledge about the partner's working methods should be encouraged.**

Partnership also means that partners are **well aware of each other's working methods** and can understand their respective decision-making processes. One of the easiest and most innovative ways to enhance mutual knowledge of internal working arrangement is "secondment." The authors of the Canadian Report of the Joint Tables proposed to **establish special internships and fellowships between the sector and government**. They proposed that sector personnel would be seconded to work in departmental policy branches, and government personnel would be seconded to intern in voluntary sector organisations, thereby sharing experience.<sup>6[6]</sup> The usefulness of secondments was especially emphasised also in the first English Annual Meeting between Government and Representatives of the Voluntary and Community Sector to Review the Operation and Development of the Compact.<sup>7[7]</sup> For most Eastern European countries such an

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<sup>6[6]</sup> They also proposed to establish fellowships to academics and graduate students to encourage studies in aspects of public policy that relate to the sector. (RJT p.41)

<sup>7[7]</sup> See Annual Meeting Between Government and Representatives of the Voluntary and Community Sector to Review the Operation and Development of the Compact art.3.5: "... In terms of staff resources ... two-way secondments between Government departments and voluntary and community organisations helped to share expertise and enhance mutual understanding. Paul Boateng agreed that such secondments were very much in the spirit of the Compact and were to

approach is novel, but the spirit of partnership and its proven utility should encourage experiments with it.

#### **D. Success of the and responsibility for the development of the partnership depends also on the positive attitude of the third sector**

Partnership problems are not only connected with the activities of the government. Many problems in building working partnerships are also related specifically to the third sector and its diversity. Therefore all the existing compacts deal with these problems also. One of the main tasks for the third sector in Eastern European countries is to promote the value of the collaboration with the public sector. It should be remembered that cooperation with the public sector and especially with one's country's government does not compromise independence, but rather is an honourable exercise of that independence, and useful for both parties as well as for all of society. Taking into account mutual benefits and state recognition of the independence of the third sector as one of the general principles of compacts, there should be theoretically no problem with collaboration as we have described it.

The voluntary sector should recognise also that partnership relationships would require responsibility on its part. Accordingly, the agreed commitments and the confidentiality of government information should be honoured, as well as the need to assure high quality and accountability for services the sector provides using government funding. The Welsh compact specially refers to the third sector commitment to assisting government to obtain information from under-represented sections of society and developing and sharing innovative approaches to service delivery.<sup>8[8]</sup>

As a generalisation it can be said that good partnership is build up on a foundation of mutual trust, respect, and recognition of the partner's independence as well as, active co-operation to use in the most constructive and knowledgeable way each other's strengths in order to provide the best possible services to the community.

Partnership and representation are really the subjects at the core of compact relations. Because the format of compact is specific, it is important to elaborate on these topics in greater detail. In England therefore the preparation of the special code of good practice on consultation and policy appraisal was foreseen in the compact, and it was elaborated during the first half of 2000.<sup>9[9]</sup>

Finally, the commitments of the government should be designed so that a change of political leadership will not cause the danger of reversal of the agreed principles. This was one of the reasons why in Estonia parliamentary adoption of the compact was chosen – to prevent easy reversal.

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be encouraged. It was noted that work was underway between NCVO and the Cabinet Office on the development of secondments between Government and the Sector.”

<sup>8[8]</sup> These commitments are closely related with the third sector specific advantages over the public sector and should therefore be taken really seriously

<sup>9[9]</sup> This code is really useful source in preparation of future compacts and can be found at: [http://www.ncvo-vol.org.uk/main/gateway/pdfs/compact\\_consultation&policy.pdf](http://www.ncvo-vol.org.uk/main/gateway/pdfs/compact_consultation&policy.pdf)



## Section 2.4: Resources, funding

### A. Description of the acceptable methods for delivering of resources and accountability over their use is extremely important part of the compacts

Available resources and especially the method of allocating resources are probably the most important questions for the success of the government and third sector partnerships. In many countries the share of governmentally provided resources in the total resources employed by NGOs is considerable. Nevertheless, existing compacts fail to approach this topic in any more detail than other mechanisms. The main reason for this is the complexity of the problem and the limits of the compacts. One way to overcome these problems is to foresee the preparation of the special funding code.<sup>10[10]</sup> Another reason for this is that the sum of resources provided by the government depends primarily on the country's specific economic conditions. In the modern world the economic situation may change very rapidly, and governments prefer to avoid long-term and clearly formulated resource allocation commitments. Nonetheless, even following the agreed principles in existing compacts can radically improve current situation.

Provisions of current compacts on funding can be divided into two main blocks:

1. articles describing **best practices** and procedures **for allocating resources** by the government,
2. articles describing best practices **for using these resources** and NGOs' **accountability** to the government and to the public.

### B. Compacts should include a commitment of the government to clear and consistent resource allocation policies toward the not-for-profit sector.

All compacts require the commitment of the government to elaborate and enforce clear, consistent, and objective resource allocation criteria and plans with respect to the third sector. England's compact goes even further – namely, government recognises in it (at 9.2) the necessity of working out the concept of strategic funding of third sector organisations to ensure the continued capacity of voluntary and community organisations to respond to government initiatives.

Another important problem connected with governmental funding is that in many cases there is no consistency and cooperation between governmental departments. In England the governmental representatives specifically recognised this problem during the first evaluation meeting and promised to deal with it seriously.

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<sup>10[10]</sup> Such a code was prepared for example in England and can serve as an example. Look at:

[http://www.ncvo-vol.org.uk/main/gateway/pdfs/compact\\_funding.pdf](http://www.ncvo-vol.org.uk/main/gateway/pdfs/compact_funding.pdf)

The main objective of the third sector in this respect in Eastern Europe should be to prescribe a minimum level of financing of its activities by the government and transparent mechanisms for allocation of resources. However, the government usually wants to have the flexibility to use resources according to its priorities, and if the rules of democracy and fair play are followed in designing such priorities and allocating resources, there should be few objections from the side of the NGOs.

In designing the scheme of financing, all available sources should be taken into the account. As a good example, the Ghanaian compact contains special provisions governing donors. This approach demonstrates that in designing funding principles for the sector the availability of additional resources from and interests of local and foreign donors should be taken into account.

Finally, in designing strategies for financing, grass-root organisations and community groups should not to be forgotten. Even if in most cases their source of founding is local government, it may be important to make available to them special resources from central government funds. Particularly useful to these organisations is seed money for innovative projects, but it should not be limited only to such grants.

### **C. All basic types of funding should be discussed.**

In designing articles of the compact, it is useful to remember that there are basically three types of funding provided by the government to the third sector – strategic (core), project, and contract funding.

Usually the most difficult topic for the NGOs is the long-term strategic funding, which is focused on the creation of genuine sustainability of third sector organisations. Sometimes governments simply fail to understand that, by making this kind of financing available, they will ensure that necessary capacity exists and contribute to longer term planning and stability. The solution to this problem may be especially important in the countries in which third sector enjoyed substantial foreign financing during the transition period and such financing has subsequently been reduced or withdrawn. This situation is quite common in the most advanced Eastern European countries. Even if foreign donors are now aware of the problem of sustainability and in the best cases will try to help resolve it after their own withdrawal, the main actor should be the government of the respective country. Decisions made by the government about long term financing schemes for the NGO sector can be effective in preserving existing capacity of the sector or can damage it substantially.<sup>[11\[11\]](#)</sup>

In Eastern European countries core funding can probably be provided only to a very limited number of NGOs. Therefore, it is better to concentrate core activities financing on the active and widely recognized umbrella organisations by providing them resources for training, creating infrastructure for their activities, and providing resources for necessary research in the field. By targeting these organizations, the benefits of the funding support will be spread throughout the sector organizations that use the services of the umbrella organizations who have recipients of government funds. Additionally, core funding or funding for the development of the infrastructure of the organisation (equipment and facilities) can and should also be provided through project or contract funding.

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<sup>[11\[11\]](#)</sup> In Canada, the government basically withdraw itself from providing necessary financing to the NGOs in the beginning of 1990's and this hurt many organisations. As a result the level and quality of services available to the public dropped.

Despite the strategic importance of core funding, in most cases the largest part of the governmental funding directed to NGOs is provided through the financing of specific projects or fields of services. Therefore it is extremely important for the development of the third sector that this type of financing is provided in accordance with procedures that are consistent with the principles of good regulation and with the obligation to provide effective management of and accountability for public money. In many cases this type of financing is the most comfortable for government delivery because of the flexibility in designing the projects (political prioritising) and choosing among the resources available for them. As in the case of core financing, the resources can be used in very different fields, but immediately after the signing of the first compact it would be useful to agree that some of these resources will be used for research about the sector and its activities. These resources should be also allocated for supporting innovative projects and experimental approaches.

The third part of governmental funding available to NGOs is the governmental contracting for public services that it historically has provided. In many cases NGOs are competing with business enterprises for these resources and contracts. It is important that final contract decisions be made according to objective criteria. Usually business entities are more professional and rational in organizing the implementation of the contracts, but the use of voluntary work can create circumstances where NGOs can compete with business entities on equal or even favourable terms. Therefore, it is important that the legislation not foreclose the possibility of participation by NGOs in such procurements.

But also another possibility exists – namely, a situation where certain fields of activities are legally allowed only for legal entities in the form of NGOs, or where NGOs have actual preferences over business organisations. Such fields are usually connected with specific social services (such as healthcare, eldercare, care of handicapped people, etc.) and education. Usually such a preference requires that the professionalism is expected from the side of contractors. Nevertheless, the professionalism can be best developed only when some certainty on financing is created. Therefore, the possibility should be considered of creating a system in which financing is guaranteed and contracts renewed automatically when the organisation has properly fulfilled a previous similar contract. At the same time, quality standards can be used as a control by the state.

#### **D. In-kind resources should not to be forgotten during the preparation of compacts**

Government can provide resources for NGOs in the form not only of monetary contributions but also in-kind. In Hungary, for example, several local governments provided buildings free of charge in order to create so-called “not-for-profit centres.” Some municipalities publish free newspapers or newsletters including news and reports of NGO activities in their territory. <sup>12[12]</sup> In Estonia public TV produced a special TV program on activities of the third sector.

#### **E. Accountability for the use of public money should be recognized by the NGOs and minimum standards of accountability followed**

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<sup>12[12]</sup> See Istvan Csoka, Relationship Between the Governmental and Civil Sectors in Hungary, IJNL 2000 v.3 iss.1. See at: [http://www.icnl.org/journal/vol3iss1/ar\\_csoka1.htm](http://www.icnl.org/journal/vol3iss1/ar_csoka1.htm)

The issue of accountability for using public money is the second main issue governed by the funding provisions in compacts. Sometimes, as in Ghana, NGOs view accountability requirements as government intervention into their independence. In addition, there they claimed that the government did not use the data it collected – a charge that may be true. It is true that reconciling sector interests in independence with the broader responsibilities of the government presents a continuing challenge. Nevertheless, NGOs must accept the demand of the government for accountability if they want to have access to the governmental resources. A compromise should and can be achieved on the exact form of accountability. The Canadian Joint Tables document (p.12), for example, contains a proposal to differentiate versions of the tax return forms for NGOs depending on their yearly revenues so that smaller NGOs may use a shorter form and be exposed to less bureaucracy.

Another problem is that transparency should not mean the preparation of senseless reports and fulfilling endless formulas. It should mean that requests for information should be in a form that enables easy review of NGO activities and expending of resources, readily understood by the public. All forms used to implement accountability requirements should be authorised only after meaningful consultation with the NGOs.

#### **F. The not-for-profit sector should take the initiative in preparation and implementation of self-regulatory mechanisms of accountability**

In addition to the official, mandatory reporting, the interest of the third sector dictates the need to establish some kind of self-regulatory mechanisms. In many Eastern European countries the limited number of scandals with NGOs that misused public resources has damaged the reputation of the sector in the eyes of public. The sector itself can restore the public trust not only through compliance with governmentally imposed accountability rules, but also by the creation of codes of good conduct and behaviour and by voluntary acceptance and compliance with them. These codes can be expressly provided in the compacts, and could include, for example, the duty to maintain agreed monitoring, performance evaluation, and report-back systems to secure effectiveness in the use of resources not only to the government but also to donors and public. One special form of such a code was developed in England. It was the code of the good practices of funding

### **Section 2.5: Implementation**

#### **A. The system for the implementation and review of compacts should be clarified in the text of the compact.**

Special attention in preparing the text of the compact should be given to its implementation. Even if the compact is mainly a collection of general principles and guidelines for cooperation, the parts connected with its implementation can and should be more concrete. The main target of the articles connected with the implementation of the compact should be the supporting of the creation of the stable institutional cooperation network and enforce mutual commitment to making the compact work.

Various compacts deal with implementation issues in different ways. In some of them the implementation articles are in separate parts of the compact (as in the English, compact) <sup>13</sup>[13]. Other compacts foresee preparation of special document(s) (an action plan) to deal with implementation issues. The Northern Ireland compact directly authorises the government and the NGOs to prepare special supporting documents to the compact, setting out the mechanics for the government to implement the principles and commitments in the compact and maintain effective review. The Welsh compact foresees preparation of action plan setting out specific measures for implementing the compact. The Canadian Joint Tables proposed comprehensive a three-phase (commitment, construction, and consolidation) implementation plan as a final part of their report. The Estonian draft proposes to form a special committee of the representatives of the government and NGOs and offers also short and long-term priorities to be implemented.

**B. 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.**

It is important that, in designing the compact and its implementation articles, two different types of targets are recognised – both development of strategic goals and tactical steps to achieve those goals. Usually **governments are not keen to include short-term and measurable goals** in the terms of the compact. At the same time, for the third sector such short-term objectives are extremely important, because these are easily observable and will clearly demonstrate the initial impact of the implementation of the compact. Also these first clearly defined steps and their implementation will give to the third sector some control over the whole process and will force the government to act. Additionally, they will simplify the task of conducting some research on the results of implementation. In England, for example, in the first evaluation meeting, the sides analysed results of the review questionnaire about the level of knowledge of the compact among governmental officials. This exercise made possible for the third sector to evaluate the governments' promise to promote "... effective working relationships, consistency and good practice between Government and the sector..." <sup>14</sup>[14]. As in England, other UK compacts also burden government with duty to promote the compact and familiarise the state apparatus with its ideas and principles.

In the Eastern European countries these first steps should be also easily controllable – the appointment of specific officials who deal with the problems with third sector, making their names and addresses available and accessible for interested NGOs are the best examples. For the not-for-profit sector it will be usually also beneficial to have agreed to basic research on sector capacities and scope accomplished at the first annual review meeting. In most cases, such first

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<sup>13</sup>[13] For example article 9.3 foresees the preparation of the code of good practice of funding, article 9.9 code of good practice covering consultation, policy appraisal and implementation, article 9.12 to establish annual review process of the operation of the compact, article 12 to establish code of good practices on issues relating to community groups and black and minority ethnic organizations etc. Article 15 of the compact summarizes undertaking in the field of preparing codes of good practice and annual review meetings.

<sup>14</sup>[14] Article 9.10 England Compact. Special survey was conducted and the findings of the questionnaire sent to central Government departments, Government Offices for the Regions and a sample of Executive Agencies were discussed in the Annual Meeting Between Government and Representatives of the Voluntary and Community Sector to Review the Operation and Development of the Compact. See the minutes of the meeting at : <http://www.homeoffice.gov.uk/acu/compmeet.htm>

surveys and research should be arranged in a way allowing replies to them after certain time (3 or 5 years) and later evaluation and comparison of the results.

### **C. Cooperation must be institutionalised through the formation of organs for cooperation and appointment of responsible persons**

The creation of a co-operative relationship between NGOs and the government third sector means that some institutionalisation of the cooperation should take place. In the texts of compacts this is usually provided through the establishment of mutual co-operative organs and appointment of persons responsible for co-operation.

There must also be some reasonable limits here as well. Even if the government undertakes the duty to appoint persons responsible for relations with the voluntary sector, it should be recognised that not every governmental office is in close contact with the third sector and needs a person responsible for co-operation. It is important that officials appointed to be responsible for co-operation are sufficiently senior level public servants. In another case they can't influence the activities of the office and its employees.

Another problem, connected with the governmental activities is their wide range and lack of necessary coordination between different parts of government [15\[15\]](#). Therefore it is recommended that one special organ or official (usually at the prime minister's level) be nominated as a central co-ordinator of governmental activities with the third sector. His/her main responsibilities should include promotion of good practices, collecting and summarising data about the cooperation, organisation of meetings, and training of persons responsible for co-operation, informing different parts of governmental structures about activities of other parts of the government etc. It must be mentioned also here, that NGOs should actively monitor activities of these persons and express their opinion about their work in annual review meetings.

### **E. 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**

The problem of representation of the NGO sector exist here as well. As was mentioned above, this problem arises from the diversity of the sector. Despite the fact that some strong groups can be formed and sustained for the preparation of the compact, the same groups are generally not suited for being in the role of co-operation institution. The problem is that the co-operation institution should have wide and continuous support of the sector. It should also be in an institutional position to work and analyse continuously on the topic and not treat it merely as a project to fulfil. Therefore some kind of agreement should be developed during the compact preparation period, about how the co-operation institution will be set up after passage of compact. It is natural, that some big umbrella organisation(s) can be entrusted to be the main basis for co-operation organ, but the wide participation of NGOs in the real body should be encouraged and the rotation principle of the members of this body may be very useful tool for organising it. The umbrella organisation should propose technical support for the body and keep the records of the

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[15\[15\]](#) Incoherence of funding arrangements was for example expressed by the NGOs and recognised by the government in the English first annual evaluation meeting. The same problem was risen in Estonia during the round-table discussions of the draft of Concept

cooperation. The main task of this organ should cover not only collecting and analysing information on the implementation of the compact but also active dissemination of information and networking.

#### **F. Quality standards should be elaborated to measure the success or failure of the activities during the implementation of compacts**

Implementation of the compact can be measured only against certain standards. Setting these standards should be mainly the problem for the NGO sector. Because of its diversity it is usually hard to elaborate overwhelmingly acceptable quality standards. Nevertheless, the sector can and should prepare quality standards for different services and maintain them. Acceptance of proper quality standards by the NGOs and taking control of following them helps the government to make funding decisions and to control the use of resources.

All existing compacts mention the problem of quality and effectiveness of the services provided by the NGOs. By undertaking to establish and to enforce quality standards NGOs also can preserve their independence from political manipulation. Of course, the enforcement of these standards must be effective to avoid governmental interference. Thus, both positive and negative examples of following or not following the standards should be made available not only to the government but also to the public.

Dealing with quality standards in the compact does not mean only quality standards for the third sector. The government should be also obliged to follow certain quality standards in their contacts with NGOs. Especially important is that these standards are followed in governmental decision-making over allocation of resources.

#### **G. The compact should include articles establishing mechanism for resolution of disputes and disagreements over the implementation of compact**

There is quite a high probability that different types of disputes and disagreements will occur between the government and the third sector during implementation of the compact. Disputes may arise for example over the wording of documents, activities of one or another party when applying the compact, etc. Therefore the mechanism of resolution of disputes or its general framework should be included in the compact. England's compact is the only one that mentions in a separate part the issue of dispute resolution. It proposes three possible ways for solving disputes – by the negotiation between parties, by mediation, and by the Parliamentary Commissioner for Administration. Even if all ordinary means to deal with the conflict (like the court proceedings, etc.) were still available to the parties, the mechanism proposed in England's compact would usually help to resolve conflicts more easily and cheaply. Also it tries to avoid the emergence of really sharp conflicts that could disturb co-operative mood of the compact. Therefore, depending on legal system of the respective country, adding the dispute resolution mechanism to the compact should be considered.

#### **H. Implementation provisions should include articles on periodical review and modification of the compact**

No one compact is designed as the final document describing NGO-government relations for all time. All existing compacts are designed to solve current problems and to create cooperation

networks with certain characteristics. As soon as the main aims are achieved, new ones should be looked for. Therefore compacts should include provisions on their institutionalised review and development. This mechanism must ensure that compacts or their implementation plans will be reviewed periodically and also in the case of rapid changes in the environment. A mechanism for review should be designed with care. The review mechanism should be designed taking into consideration the differences of the parties and the legal and political order in respective countries.

These provisions are especially important in transition countries. Because of the lack of political, social, and economical stability and especially because of the quick development of the sector, the compact and its implementation plans probably need more frequent review and modification. There is for example, foreseen in Estonian concept a duty of the parliament to discuss the content of the compact together with the NGO representatives and if necessary to modify it at least once in four years. This way every new parliament will at least once discuss the concept and new developments will be introduced into it. The Croatian program states expressly that the agreement is only a starting point and both parties will try to develop it. The program outlines joint preparation of the strategy for the support of the development of civil society and some other documents.

**I. 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.**

The real success of a compact comes when its ideas are used at the local level where most of NGOs are situated. The experience of the preparation of all existing compacts shows that local NGOs, after becoming familiar with the ideology of a national compact are very keen to start preparation of their own local level compacts. For this they need just a little encouragement and advice. The best example of such developments is in England, where "localisation" of compacts after passage of the national compact became one of the main aims of implementation of the national compact.

Usually the preparation of the local compact is easier in a larger local government like a city. But in case of small local governments a compact can be prepared in cooperation between several local governments and the NGOs. This happened, for example, in the northeastern Estonia, where local councils and NGOs of six counties started negotiations and agreed on preparation of common compact.

The main difference between national and local compacts is that later can be more detailed and consist not only general framework of cooperation but also articles describing very concrete activities and funding decisions.<sup>[16\[16\]](#)</sup>

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<sup>[16\[16\]](#)</sup> NCVO has elaborated special guidelines for the preparation of local compacts. See Compact – What's New? Local Compact Guidelines: [www.ncvo-vol.org.uk/main/gateway/compact.html#4](http://www.ncvo-vol.org.uk/main/gateway/compact.html#4).



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