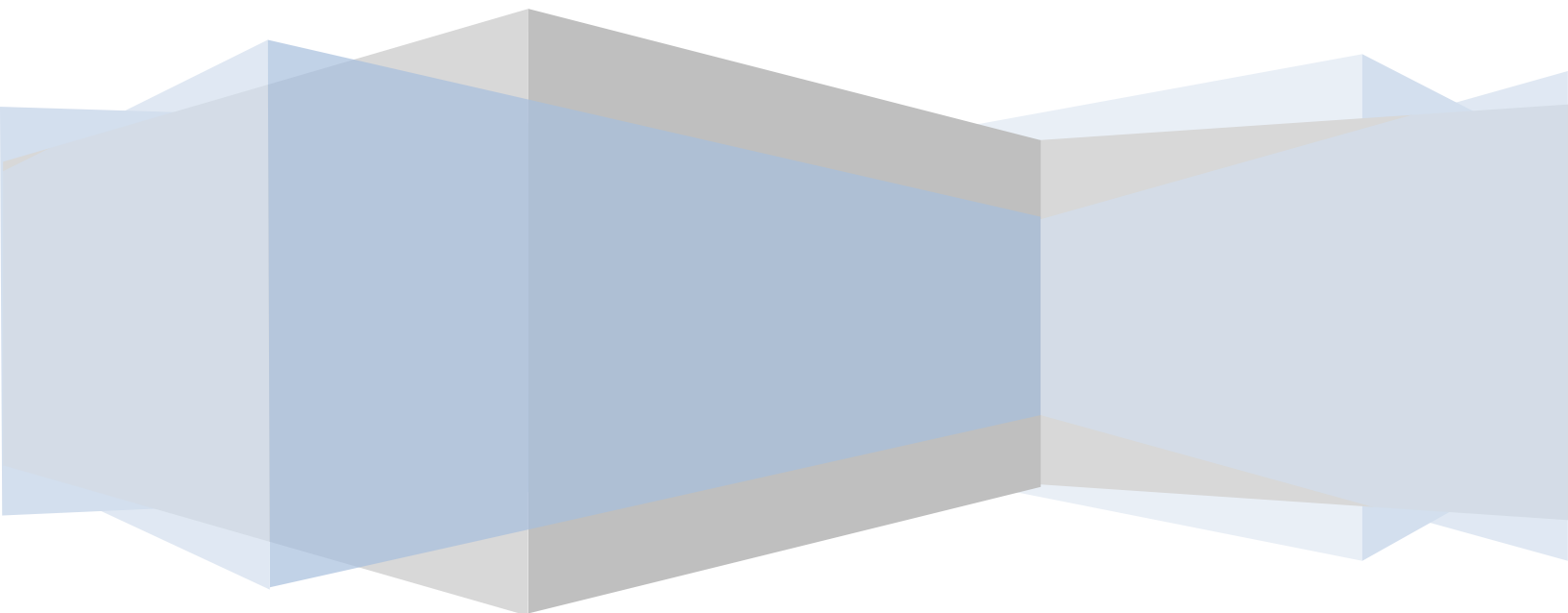


**Deliberate Relationships between the Non-Profit / Voluntary
Sector and Governments – the what, why, when and how well**

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Abstract

The past decade has seen the development of deliberate and formal relationships between governments and the non-profit/voluntary sector in a number of jurisdictions around the world at a national, sub-national and sometimes regional level. This paper will focus on these deliberate relationships collectively across a number of instances, highlighting the context or environment in which these have developed. It describes the existing or default relationships common to most jurisdictions over time. It identifies, on the basis of experience to date, the context(s) conducive to development of a formal government- and sector-wide relationship. It describes the range of starting points and incentives and the preconditions that appear to allow these to come to fruition. The paper goes on to outline what such deliberate relationships consist of, in the areas of framework agreements on relationship, capacity building and the architecture provided by laws, regulations and funding. Finally the paper proposes a definition of success for these deliberate relationships and identifies the factors critical to achieving this success as well as factors that impede or preclude.

Purpose and Approach

This research is a scan of formal relationships between governments and the voluntary/nonprofit/community sector in the many places where they have been developed or are developing. It focuses on deliberate relationships, as opposed to existing relationships in place wherever governments and the sector interact. The sources are of two types: primary material from a number of different countries and states where such deliberate relationships have been undertaken, and a number of scholarly analyses comparing such processes and their outcomes. It lays out what is common in these experiences and the variables which seem to contribute to differing outcomes.

Most of the work that has been done in investigating relationships between governments and the non-profit/voluntary sector has tended to focus on either the way that government(s) perceive and treat the non-profit sector, or on particular dimensions that are common features of deliberate relationships - most often framework agreements and legislative and regulatory provisions. **The purpose of this research is to take a holistic look at the initiatives to create a deliberate relationship between these two parties, the non-profit sector and government.**

This paper examines

- the nature of existing relationships between governments and the voluntary/nonprofit sector across a number of countries
- the creation of deliberate formal relationships between the whole of government and the whole of the sector – at national, sub-regional and local levels
- driving forces behind the creation of these deliberate relationships and some of the preconditions for such processes
- mechanisms and processes which occur in some form in the building and implementation of these relationships
- proposals of what constitutes ‘success’, and
- some key factors for success as well as identifying some of the challenges commonly experienced.

Background: Context

Several developments in governance and the way societies organize to manage themselves have created conditions which invite a larger role for the voluntary sector and clearer relationships between governments and the sector. The first of these is the move toward shared governance, referred to in Britain where it has been a cornerstone for the past decade, as the Third Way, but adopted to some degree by a number of other countries including Canada. It refers to the notion that “the process of governing in the public interest is now distributed and shared among a wide range of actors for the public, private and voluntary sectors and that the state’s role has shifted from exercising direct control and operating through hierarchies to working collaboratively through networks”.¹

The second development is the growing recognition of place-based policies and their importance in addressing so many of society’s critical issues. “In order to meet the policy challenges, new relations must be forged among state, civil society and the economy, and with different branches and levels of government”.² This is nowhere more true than in Canada with its multi-layered governance and the realization that so many issues from urban poverty to economic development and homelessness do not align with governments’ structures and that these “wicked problems” resist solutions by one agency – indeed can only be tackled by crossing departmental and governmental boundaries with other players including the voluntary sector from the local level upward.³

In addition to such shifts in governance and policy development over the past decade, there has been a third major development - the growing strength and awareness within the voluntary sector itself. The sector in Canada and elsewhere has experienced successes through coalitions and campaigns where civil society organizations teamed up to address particular issues. Such efforts at local levels had the ancillary benefits of building the ground for further collaboration and shared efforts. Internationally the emergence of more intermediary organizations and the experience of global campaigns has also strengthened the sector’s awareness of its own capacities and laid the groundwork for further collaboration and for the sharing of experiences and approaches.

In terms of relations between the sector and government, the past decade has seen a certain amount of “policy transfer” underway across the non-profit sector. The concepts of defined relationships with government, capacity-building tools for the sector and financial underpinnings for the sector have all been spread primarily by the sector itself: for example, initiatives in the UK have provided models of defined relationships and capacity-building with government which have been picked up on in countries around the world; in Europe, particularly Eastern Europe, the concept of the 1% tax has spread quickly and widely. Inside Canada the past decade has seen initiatives taken by the non-profit sector at the national level to engage the federal government and draw awareness and attention to the critical importance of the sector; some of these activities too have spread virally across the sector and are being developed between the sector and other provincial and municipal governments

¹ Phillips, Susan D.” Intersection of Governance and Citizenship in Canada: Not Quite the Third Way” in IRPP Policy Matters, Vol 7, #4, Aug.06, p.3

² Bradford, Neil, “Place-based Public Policy: Towards a New Urban and Community Agenda for Canada” Research Report F/51, the Family Network, CPRN March 2005, p.10

³ Torjman, Sherri in OpEd “No Small Answers to Big Problems” Toronto Star, Sept.17, 2007

Background: Existing Relationships

The way that voluntary sector organizations and governments understand and treat one another in each location is distinct, shaped by the size and circumstances of the particular city or region, province or country, and by the level of development of each of the parties. These pre-existing, “normal” or default relationships can be described in broad terms before turning to the creation of a deliberate government-wide policy or relationship with the voluntary sector.

Relationships between governments and the sector tend to be of three varieties, often co-existing, with one coming to the fore in one era and another in the next:

- first is the **service delivery or contract agency** mode where sector organizations are contracted to carry out government programs that have already been shaped and determined where the role for sector organizations is as delivery agent;
- second is the potential **partnership** mode where government support is provided to organizations working in fields such as international development or local economic development where each party contributes according to its resources or expertise;
- and a third mode could be described as the **policy involvement** where governments engage the sector in the development of policy approaches and in designing ways to address issues.

Existing relationships tend to be **bilateral**, government department by department and even vary by program and by issue within departments. The relationships evolve and are influenced by the orientation of the party in power and **shift with political change**: a government elected on a platform of social inclusion will probably ensure that all departments find ways engage more with the nonprofit sector and stakeholders generally; a government committed to ‘smaller government’ will more likely devolve programs and expect them to be picked up by sector or other agencies. The relationships vary too according to the point in the **electoral cycle** and the state of **public finances** and resources.

The understanding and perception of the sector, both in governments and in the sector itself, also shape the form of the relationship. In approaching the sector, some governments focus primarily on the sector as ‘all about **volunteerism**’ and undertake efforts to laud and strengthen volunteering. A second lens has been that of **oversight or regulation**: some jurisdictions undertake initiatives to develop a legal/regulatory framework to govern the sector or to regulate and scrutinize particular activities such as fundraising. The third approach has been to approach the sector as an important but struggling partner and look at investing in **building sector capacity** in order to enhance the delivery of public programs.

The relationships also vary according to the strength and **effectiveness of sector organizations** and the energy being put into a particular issue by them and by the public at a given point in time. The cohesion within the sector as a whole or in component parts also affects relationships with government and with particular departments.

Deliberate Government-Sector Relationships: Origins and Starting Points (The WHY)

Formal, deliberate relationships between governments and the sector are undertaken for different reasons and in different contexts. But they have become a policy tool of choice relatively quickly. The English foundation piece, the Compact, was signed in 1997. Since then, formal deliberate relationships have been developed in many jurisdictions around the world. All the countries of the UK have formal relationships; a number of the countries of continental Europe including France and Italy have done likewise; as have several of the new democracies from Estonia and Croatia to Poland and Hungary as well as Chile, South Africa and New Zealand and Canada - and this list is far from exhaustive. These examples are strictly at national levels: in addition, a raft of states and provinces in many of these countries and others have formalized relationships as have hundreds of cities and towns in the UK, in Poland, and several in Canada.

All of these formal relationships have some form of framing document of agreement (explored in more detail below) and all are government-wide and sector-wide - that is they stretch across all government departments and include all or most components of the voluntary sector. What are the origins of these undertakings? What are the motivations and the starting points? Why undertake to develop a formal relationship with the nonprofit sector – and conversely why, from the sector perspective, be willing or interested in developing and codifying the relationship with government?

The origins or underlying rationales fall into three general categories: ideological, pragmatic and transferred. The **ideological** basis relates to an underpinning provided by the concept of 'shared governance' as espoused by the New Labour Government in the UK in the 1990's. For a government, shared governance can give rise to new understandings with the private sector and with the voluntary sector about the roles that each can play, and be a catalyst for developing a formalized relationship. Another motivation of the ideological variety exists in the Province of Quebec where the non-profit or community sector is seen as the legitimate voice of communities and governments best discharge their responsibilities through a close association with that community sector.

Pragmatic motivations would include the growing recognition by governments that smaller government cannot do it alone and particularly cannot wrestle society's "wicked problems" to the ground on their own. The growing value of policies rooted in community flows to a large degree from being able to operate across the usual boundaries, with governments operating horizontally across departments (what the British call 'joined up') and operating in conjunction with other agencies and players particularly the voluntary sector with its on-the-ground expertise. (For example in the US, the Empowerment Zones developed contracts that specified the role to be played by and the relationships with community organizations; the Polish framework agreement lays out how the economic development that is to occur in each district is to be implemented in conjunction with the local NGO's; the Urban Development Agreements in Canada lay out very concretely the relationship with the voluntary sector in those communities)

A formal or deliberate relationship can also be **transferred** or imported from elsewhere. This can take different forms: it can be directed, top down, as in Britain, Poland and elsewhere where national governments instruct local governments to develop agreements with the voluntary sector, based on those developed at the national level but tailored to suit local circumstances.

But in many other cases the transfer has been more of a “policy transfer” where the concept has crossed borders through shared learning and been adopted – and adapted – to fit particular circumstances. (And after a while it seems that not to have such an agreement is to be behind the times).

The voluntary sector itself can seek a deliberate relationship with government. A formal understanding with government can allow a greater degree of **stability and predictability** in the relationship with their largest partner and supporter, and can also bring greater **recognition and legitimacy** to sector organizations. In many cases, the move to develop a deliberate government-sector relationship has started with the sector itself. It has often been the voluntary sector that has brought formal relationships to the attention of their own governments and argued for their benefits based on information about the experience of other countries and the advice and expertise shared by the sector in other countries.

Deliberate Government-Sector Relationship: Preconditions (The WHEN)

The above describes origins of formal or deliberate relationships; this section identifies some of the preconditions – ie. circumstances the absence of which make the creation of a formal relationship unlikely or at least much more difficult and unstable according to prevailing experience.

The first precondition is a **well-organized nonprofit/voluntary sector**. The sector must be sufficiently well organized to have a strong voice that can speak on behalf of the sector and sufficient breadth of support and consensus across the sector that they do so without contradiction. This collective sector voice comes from either a cross-sector coalition (like the Voluntary Sector Roundtable did in Canada representing all the major subsectors nationally) or from a preponderantly large umbrella organization (like the National Coalition of Voluntary Organizations, NCVO, in England) or a professional organization with a large proportion of the sector organizations as members (like the California Association of Nonprofits) or a single organization in a particular subsector that is unchallenged in its convening capacity (such as the Community Services Council of Newfoundland and Labrador). Whatever form, in interacting with government, it needs to include a broad enough cross-section of the sector and the populations they serve that they are and are perceived to be legitimate.

A second precondition is a sector with a **well-developed profile and public credibility**. The first step in building credibility needs to be the public understanding that there is a voluntary/nonprofit sector (and that it constitutes a big piece of the economy and of the social infrastructure). Such profile can be built in a number of ways, but the roles of the Deakin Commission in the UK and the Broadbent Panel in Canada were key in the lead up to a new relationship taking shape between sector and government. Both were lead by well-respected senior public figures with the ability to attract both media and public attention, respect and trust.

A third pre-condition is **government interest** in developing a formal relationship with the nonprofit/voluntary sector. The section above outlined some of the reasons why governments over the past decade have pursued such relationships: for ideological reasons such as shared governance (Third Way) or associating closely with the credibility that sector links bring; pragmatic, in order to connect with sector organizations and others in community building and in

pursuing place-based solutions to persistent issues; or transferred from elsewhere, either directed by a higher level of government or inspired by developments in other places and seen as ‘the thing to do’.

Linked to government incentive for such relationship-building is **government capacity** to undertake it. The presence of strong champions at the political level and within government is a critical precondition. As is the organizational capacity of government to undertake horizontal management and policy initiatives.

Deliberate Government-Sector Relationships: Components (The WHAT)

Deliberate relationships most often have four broad components: the relationship itself, usually codified through a framework agreement; strengthening the capacity of the nonprofit sector; and improving the architecture of laws, regulations and funding that governs the sector. The way in which these components are implemented and institutionalized constitutes a fourth component.

A Framework Agreement

Framework agreements are a common feature of nearly all relationships – in fact there are a number of sector/government relationships that consist only of a framework agreement. Framework Agreements go by many names: Compact, Accord, Declaration, Statement, Pact, Policy, Scheme, *Charte* and various legislative names where the agreement takes the form of a law. All set out principles to guide and govern the working relationship between the two parties, and what each commits to in that relationship. They are variously described as memoranda of understanding or rules of engagement. While most of the framework agreements are bilateral, some are tripartite including business umbrella groups (Poland) and the Manitoba Declaration is even more ambitious including 6 parties (voluntary sector, city and provincial governments, business, labour and the aboriginal community).

The process of developing the framework agreement usually involves both parties to some degree; in some cases (such as the Canadian Voluntary Sector Initiative) the process itself is designed to model the eventual joint nature of the relationship and so the process itself is a joint one with all of the groups and committees that carry out the work having equal representation and being co-chaired. The Canadian framework agreement, the Accord, was developed in this way. Other frameworks have been developed by one party or the other and then negotiated extensively – the English Compact was drafted initially by a sector working group, whereas the Quebec Policy was drafted by the government. (The pro’s and con’s of different approaches and the resulting documents have been analyzed fairly extensively; the findings need to be viewed in the context of their particular political context but they are an excellent source of guidance for new initiatives).⁴

In a number of jurisdictions, the process has moved on from the framework agreement and developed codes of good practice to outline what the principles of the framework agreement look like in practice. The British Isles all developed codes of good practice in the areas of Funding, Consultation and Policy Appraisal, Volunteering and Black and Minority Ethnic Groups. Scotland has

⁴ Brock, Kathy and Phillips, Susan D. Multiple Writings and Presentations

a Good Practice Guide on Funding, Consultation, Partnership and Proofing (the practice of reviewing and screening proposed legislation or regulations for their potential impact). In Canada there are codes of good practice on Funding and Policy Dialogue.

Framework Agreements are ratified or signed off and the form this takes can have lasting significance. Often they are 'signed off' or issued in the name of the responsible minister or leader, and a senior representative for the voluntary sector. In some instances it has involved a prime minister or president, thereby ensuring its government-wide status. In some instances it has been further elevated: Estonia, Croatia and Scotland have had their framework agreements approved by Parliament and in some countries they have received all-party endorsement in their legislature, thereby increasing the chances of continuing beyond the life of a given government. In some countries, the ratification process has taken a different form; in Wales and Poland the framework agreement and codes have been turned into legislation.

There is frequently a debate about whether framework agreements are an important step in the development of a formal relationship, where the process of developing the agreement is at least as important as its wording, or whether it has more value as a synthesis document capturing all the pieces of the relationship that have been put in place. In other words, should it come at the beginning or the end of the relationship-building process.? In the final analysis most develop a framework agreement at the outset where it serves as a very visible 'deliverable' and a compass or guide for the rest of the process.

Capacity Building

A second component of most deliberate relationships is capacity-building where work is undertaken by both parties to improve knowledge about the sector (research), capacity in areas of human resources, management, information technology through creation of centres of shared expertise (networks and hubs), public investment, tools and the sharing of learnings across the sector. This component frequently includes policy capacity where methods are developed to enhance the sector's involvement in public policy and the government's capacity to engage it, along with implementation of the good practices set out in codes of good practice on policy involvement.

Architecture

A third component is what can be described as the **architecture** of the relationship⁵ - funding and the legal and regulatory framework. The parties often work together on both the forms and the processes of government funding to sector organizations including areas such as providing full cost recovery for projects, streamlined funding application and approval processes and funding durations. In many cases there is often examination and often revision of the legislation and regulations that govern sector organizations, and several cases have seen the development of new legislation to govern charities.

Implementation and Institutionalization

Implementation of the components can occur among the same players who developed the framework; sometimes a framework is developed at a central point in government and then each department is told to implement it in conjunction with those parts of the sector to which they

⁵ Phillips, Susan D. "Civil Society Excellence: A Framework for Analysis" *Paper presented at an International Seminar on Strategies and Agreements between the Public Sector and Nonprofits: March 3-5 Tallin, Estonia*

relate. In some countries, implantation occurs in state or city governments at the direction of the national government with clear guidelines for monitoring and reporting such implementation.

A number of variables are in play in this regard. Where does the responsibility for the relationship lie in government? Often a special or dedicated government unit will be created for this purpose. The location of this unit is often critical to its effectiveness: a unit located in a line department, even if that department has a lead role, has been demonstrated to be less effective in reaching across the whole of government than a unit based in a central location (in England the unit began in a central location, was moved to a line department and then back again within a year at the recommendation of both sector and government).

In order to monitor and nurture the relationship, some countries have put in place a system of regular reporting on the relationship including an annual report and annual meeting between the sector and ministers (UK). The level at which this occurs is significant. Some jurisdictions have a Minister responsible for relations with the sector, sometimes in combination with mechanisms such as the above. Other jurisdictions have built responsibility for maintaining the relationship with the sector into the on-going mandates of senior public servants.

The non-profit/voluntary sector role in entrenching and maintaining the relationship is also important. Follow-up often depends particularly on intermediary and umbrella organizations: (the British umbrella organizations NCVO has a division dedicated to monitoring the relationship and recommending corrections). The sector can also play a key role in breathing new life into the relationship in cases where the momentum in implementing and maintaining the relationship appears to have waned or stalled: in the UK a renewal or second wave of building has been launched recently with considerable new financial investment by government and commitment by the sector.

A deliberate relationship can be extended and expanded to other jurisdictions and this takes several forms: other jurisdictions can be directed to develop a relationship; other jurisdictions can agree among one another to pursue such relationships; or they may decide that it is a useful model to emulate. In addition the nonprofit/voluntary sector sometimes lobbies governments for the development of a deliberate relationship.

Deliberate Government-Sector Relationships: What is success? (HOW WELL)

If the purpose of these deliberate sector/government relations is about a better relationship in order to achieve better outcomes, does this mean the relationship is about sharing governance? About getting along better? About having stronger partners in the work to be done? It is probably some of all of these. But an effective relationship does have certain characteristics:

- Stronger, on-going relationship between all parts of government (departments) as well as centrally, and all parts of the sector
- A relationship that is comprehensive, including architecture, capacity and policy involvement

- A relationship that is on-going and enduring with mechanisms to regularly review issues and renew as required; processes in place to monitor the relationship, identify issues and find remedies, and agree on priorities
- Both government and the sector are accountable and able to demonstrate accountability to their respective constituents and bring inputs from their respective constituents to the table
- Sector on level playing field with private sector in terms of relationship with government and access to tools of investment, capacity building and policy input
- Mutual respect and appreciation of what each party can bring
- A strong non-profit sector recognized and viewed with pride within the sector, in governments and by the public

Deliberate Government-Sector Relationships: FACTORS OF SUCCESS

Looking across formal, deliberate relationships in many jurisdictions, what are some of the key factors that contribute to success, or without which success proves elusive?

- Building the relationship jointly or at least having both parties closely involved
- Having the right people from government participating: those with sufficient seniority and authority to commit, the longevity to see it through and collectively the breadth to reflect across all the departments relating to all parts of the sector
- Having the right people from the sector participating: those who can bring the full diversity of the sector to bear while also being able to represent and speak for that part of sector, as well as those from key intermediary organizations
- Making it clear who each party is speaking for, and what authority and commitment they have at the table
- Taking the time - and continuity - required to build necessary trust (“political inspiration gets them to the table but trust is necessary to keep them there”)⁶
- Making it clear what objectives each party is looking to come out of the relationship, and maintaining this ‘compass’
- Respecting the autonomy of the sector and promoting awareness and value of the sector
- Respecting and making use of intermediary organizations in the sector and their critical role as conveners and interlocuteurs

⁶ Participant at roundtable on building deliberate relationships

- Ensuring that entrenchment and ratification of agreement is done in a way not tied to political tides in order to endure beyond the life of a single government
- Institutionalizing the relationship through lead roles and responsibilities and government unit centrally located or arms length to carry forward
- Having a strong sector voice speaking for a large number of organizations and staying connected with them (keeping them up to date and providing for ongoing input)
- For the sector, maintaining that independent voice through intermediate organizations and lead coalitions and effective networks
- Adequate resources for sector organizations to be able to play the three roles, as participants in the relationship-building process, as leaders in their subsector and as service or voice providers to their constituents
- Finding ways to share learnings from such relationship-building so that every initiative does not have to learn from scratch

Conclusions: Challenges in Deliberate Government-Sector Relationships

For the sector

- Creating and maintaining a coordinated concerted network/voice
- Maintaining independence and political voice, even when engaged with government or when faced with the differing resource pressures
- Common government perception of sector organizations as units of service or supplicants, sometimes vocal or critical
- Expectation of being representative and reflecting all the diverse elements of the nonprofit sector as well as all the geography and population characteristics of the country (although there is no comparable expectation of the government representation)
- Making the relationship with government relevant to all parts of the sector (small, remote) or explaining why not
- Recognition that the task of capacity-building in the sector is on-going as new organizations and new needs are always emerging

For governments

- Sector's partial (imperfect) understanding of operations and constraints of government

- Fitting the non-profit sector into the structure of departmental mandates
- Finding resources for relationship with sector among competing priorities
- Developing and managing horizontal initiatives, particularly in collaboration with other actors
- Maintaining multi-year commitments to on-going initiatives
- Engaging and being open with sector organizations while continuing to steer and be responsible for spending decisions
- Maintaining relationship with and support for sector and organizations that publicly criticize

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