Advocacy in the New Zealand Not for Profit Sector: "Nothing stands by itself"

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Abstract

This research focuses on the nature of Government/Not for Profit (NFP) sector relationships with particular reference to advocacy in New Zealand. It follows up on a study of advocacy in NSW and Queensland carried by Onyx et al. (2009). There has been concern that NFP organisations in NZ have had their advocacy functions curtailed by the requirements of government contracting and by decisions from the Charities Commission. This study looks at the kinds of advocacy activities that NFP sector organisations are involved in, the language they use to describe their advocacy and the reasons given for the strategies NFPs adopt. The study shows that advocacy has not slowed down, the methods are evolving and NFPs are finding new ways to get their message across in a rapidly changing context.

Introduction

The research goal of this study was to investigate the nature of Government/Not for Profit (NFP) sector relationships with particular reference to advocacy in New Zealand. The objectives were to identify and analyse:

- The kinds of activities that NFP sector organisations in Auckland, Wellington and Waikato use to promote advocacy.
- The kinds of language used to describe these activities, and
- The reasons given for the strategies adopted.

Apart from the public health area, there is little information on advocacy activities of organisations in the NFP sector in New Zealand. While some research exists in other countries e.g. Australia, USA and UK, the work does not necessarily transfer to the New Zealand setting due to a different history, culture and size of the sector. Research by Onyx et al. (2009) analysed strategies used by Not for Profits (NFPs) in New South Wales and Queensland to promote advocacy. It also considered the advocacy language used by NFPs and the reasons for adopting their strategies. Like New Zealand, the Australian environment in which NFPs operate has been changing with government funding and contracting of the

NFP sector now well established. Because of this, new contractual relationships between government and the NFP sector have evolved. Individual NFPs are sometimes reluctant to openly and vigorously challenge government policies. However, Onyx et al. (2009) found that new strategies had evolved in NSW and Queensland to advocate for the marginalised.

This paper builds on the work of Onyx et al. (2009) and compares advocacy in the New Zealand sector with the results of the Australian study.

Onyx et al. (2008, p.632) defines advocacy as:

> ...active interventions by organisations on behalf of the collective interests they represent, that have the explicit goal of influencing public policy or decisions of any institutional elite.

Like the Onyx study, this paper also focuses on NFPs that carry out service delivery functions. However, employment–related (e.g. professional groups), representative organisations (e.g. disability groups) and cause-related organisations (e.g. human rights/environment groups) are not included. Service-delivery NFPs are more likely to have contractual relationships with government and it is this area of complexity that needs to be studied. Advocacy is important because it helps fulfil the stated constitutional role of organisations. It also furthers the advancement of participative democracy and strengthens civil society. This point was made by de Tocqueville (1840, 984) in his famous study of the United States. He commented:

> As soon as several of the inhabitants of the United States have taken up an opinion or a feeling which they wish to promote in the world they look out for mutual assistance; and as soon as they have found one another out, they combine. From that moment they are no longer isolated men, but a power seen from afar, whose actions serve for an example and whose language is listened to.

According to Edwards (2007), a necessary aspect of civil society is its advocacy role that is played out in the public sphere where time and space is provided for public debate and education on social issues occurs. In this way, Edwards (2007) argues that civil society has a major influence on democracy: by providing a dense network of voluntary associations and

a healthy public sphere which helps promote transparency, accountability, public pressure and the broad diffusion of power that are essential to democracy.

It can also be argued that advocacy is a basic human right. Article 19 of the UN Declaration of Human Rights states that:

> Everyone has the right to freedom of opinion and expression: this includes freedom to hold opinions without interference and seek, receive and impart information and ideas through media and regardless of frontiers.

Taking a rights based approach to social service also implies the inclusion of individuals and groups in decisions that affect them (Chrisp, 2011, p.16). In this regard, Ife (2008, p.174) further stresses the importance of citizenship obligations:

> ... it is also because of the idea of citizenship rights implying citizenship obligation for people to exercise their rights as citizens in a strong, active society, and the obligation to create the condition in which others are able to do the same.

Within the context of new public management theory, the advocacy role of NFPs is summed up by O'Brien, Sanders & Tennant (2009 p.5) when the state that, 'Historically and internationally, advocacy is a central role of many non-profit organisations. Performing this role can create tensions between non-profit organisations and government, particularly when non-profits receive a large proportion of their funding from the state.'

The importance of advocacy is supported by Crutchfield & McLeod Grant (2008). In identifying advocacy as a key attribute of successful NFPs in the USA, she said:

> High impact organisations ... may start out providing great programs, but eventually they realise that they cannot achieve systemic change through service delivery alone. So they add policy advocacy to access government resources or change legislation, thus expanding their impact. (p.21)

New Zealand Not for Profit Sector.

Sanders, J et al. (2008), in analysing the key features of the New Zealand NFP sector (as part of the John Hopkins Comparative Nonprofit Sector Project, 2004[1]) states that it is a $9.8 billion industry. It represents 4.9% of the GDP and 9.8% of the New Zealand workforce. It is 90% the size of those employed in the manufacturing sector. Compared with Australia (34%), the New Zealand NFP sector receives only 25% of its revenue from government. It is also argued by Tennant, Sanders,O'Brien & Castle (2006) that, inspite of a dominant state sector providing for health, education and welfare services, since the late 1930s the NFP sector has also grown. This has been due to a number of historic and political events:

> Government funding, prior to the contracting system, of various religious and welfare services such as aged care, marriage guidance, prisoners' aid and family planning services.
>
> New community organisations grew to provide special social services for such groups as refugees, ethnic groups including Pacific, Chinese and African migrants.
>
> Maori organisation also developed with the formation of iwi and hapu-based agencies and urban Maori authorities.
>
> By the late 1980s, NFPs were active and ready to take on service contracts from government, which 20 years on have become an essential part of the delivery of state social services.

Government and NFP Sector Relationships

Since the 1980s relationships between government and the NFP sector in New Zealand have been through a number of key phases. The State Services Act (1988) and the Public Finance

[1]This was a collaborative project carried out between 2004-2008 between government, voluntary sector and academic representatives to measure the size and scope of the New Zealand non-profit sector. It aimed to measure and describe the role that non-profit organisations play in society, helped improve the visibility of New Zealand's non-profit sector by demonstrating the value of these organisations and the value of volunteering to the economy. (OCVS. http://www.ocvs.govt.nz/work-programme/building-knowledge/study-of-the-non-profit-sector/index.html)

Act (1989) introduced the concept of contracting and accountability to the state sector. Chief Executives (CEOs) of government departments were now under contracts with the Minister responsible. CEOs were required to meet purchase and performance agreements and these were linked to financial reporting. The requirement of the public service to provide good, free and frank advice could be seen as having lesser importance to the requirement to meet service specifications. This was part of a neo-liberal agenda and informed government preference for contracting with NFPs rather than providing grants-in-aid. O'Brien et al. (2009) identified three phases in government/NFP sector relationships.

1980s to the Mid 1990s.

This period of rapid reform of New Zealand's social and economic structures introduced contracting regimes between government agencies and NFPs. At the same time, questions were being asked within the NFP sector about the disparity of power relations between the two.

Late 1990s

New ideas emerged (e.g. Third Wayism) concerning the need to nurture government/NFP relations which became a key policy platform of Britain's New Labour government led by Tony Blair. Giddens, a New Labour thinker, stated that, 'The fostering of an active civil society is a basic part of politics of the third way.' (1998, p.78). The New Zealand government picked up terms like 'social capital' and 'social cohesion' and they became part of the lexicon. To re-enforce these ideas, Prime Minister Bolger (1997) highlighted the shift in thinking when he said to a meeting of the Auckland Division of the National Party:

> Power is flowing back to individuals and the intimate communities in which they gather. And, while inevitably there are those who still yearn for the supposed certitude of big government, we must have as our focus the development of policies which continue to devolve power and decision-making from the centre. (Blakeley & Suggate, p. 96.)

2000 to the Present

With the election of a new Labour-led government in New Zealand in 2000, steps were taken to rebuild the government/NFP sector relationships. Four key initiatives were taken:

Establishment of a Community & Voluntary Sector Working Party to report on the relationships and suggest ways of improvement. It reported that many NFPs distrusted government and felt excluded from policy decision-making. Later, the Community Sector Taskforce continued this work.

Statement of Government Intent (SOGI) by the Labour-led government to improve relationships. Later under the National-led government, SOGI was reviewed and a new accord: Kia Tutahi was promoted and signed by a number of NFPs and government.

Establishment of the Office for the Community & Voluntary Sector with the aim of building stronger relations over time.

The establishment of the Charities Commission, initially as a standalone agency, under the Charities Act to provide for registration and monitoring of charitable organisations. In 2012, the Charities Commission will be incorporated within the Department of Internal Affairs.

The non-registration or de-registration of around 120 NFPs (Barker & Yesberg, 2011) by the Charities Commission has caused deep concern within the NFP sector. Respected organisations like the National Council for Women for example were determined not to be charitable within the law. Two important tests are applied by the Charities Commission:

The English Charitable Uses Act, 1601 (which sought to ensure charitable resources were used for charitable purposes) and which listed the types of charities at that point in time.

NZ Court decisions which require purposes to be beneficial to the community. On this basis, the Charities Commission has produced advice on the types of activities that could be said to provide benefits to the community.

These lists are, however, restricted to activities that involve actually providing services or facilities e.g. health, public amenities and protection of the environment. In relation to advocacy, the Charities Commission (March 2008) has adopted the position in England and Wales that every charity must have a public benefit as its prime role. Driscoll (2009, p.1) explains this point:

> ... since courts have held that they are unable constitutionally to determine whether a change in law or Government policy would or would not be for the public benefit, an organisation with political purpose cannot be a charity.

The Charities Commission states that an organisation can qualify for registration but that its political advocacy activities must be ancillary to the main purpose i.e. providing a service or facility. If the main purpose is political activity such as addressing child poverty then the organisation would not qualify for registration. This has serious consequences for unregistered NFPs such as loss of tax concessions. The Charities Commission interpretation on this issue is considered to be 'narrow and technical' in an opinion by Chen & Barker (2011) of Chen Palmer, law specialists to ANGOA (Association of NGOs of Aotearoa). The opinion urges speedy reform of the Charities Act in order to broaden the interpretation of the definition of charitable purpose.

At the same time government agencies were providing advice and guidelines for correct contracting: Treasury (2001), Audit Office (2006), State Services Commission (2003) and Ministry of Social Development (2006). Interestingly, the latter stressed the need for a return to greater flexibility and use of grants-in-aid for low risk activities.

The key activities of government, with reference to the NFP sector, during the period 1988 to the present are shown below:

Table 1.GOVERNMENT ACTIVITIES THAT IMPACT ON THE NOT FOR PROFIT SECTOR.

DATE	ACTIVITY	COMMENTS
1988	State Sector Act	Introduced contracting between CEOs of government departments and the Minister responsible.
1989	Public Finance Act	This act does not differentiate between state owned entities and NFP organisations in terms of accountability.
1990s (early)	Strong contracting	Contracting started in the late 1980s but gained momentum in

	between government agencies and the NFP sector.	the early 1990s. Prior to that period government relied on grants to selected NFPs.
2001 (April)	Report: Community & Government: Potential for Partnership. Wellington: OCVS	This was a survey of the Community & Voluntary Sector (CVS) which reported a lack of trust between the state and the CVS. It stated that there was a "culture of contempt" within government agencies.
2001 (December)	Statement of Government Intent for an Improved Community-Government Relationship (SOGI).	Available on Ministry of Social Development website. It stated government's willingness to improve relationships between it and the CVS.
2001	Inland Revenue Department (IRD) released a discussion document: Tax and Charities.	This debated the tax free status of the CVS.
2001	Treasury Guidelines issued for contracting with NGOs for services sought by the Crown.	These guidelines were revised in 2003 to include the principle of political neutrality in contracts, capability of auditing and risk reduction by government.
2002	Community-Government Relations Steering Group report: He Waka Kotuia	This appointed group made recommendations on relationship building.
2003	Office of the Community & Voluntary Sector established	This was set up within the Ministry of Social Development.
2004	Income Tax Act	This act defined charitable purposes. This became known as the four heads of charity: relief of poverty, advancement of education and religion, and any other matters beneficial to the community.
2005	IRD in a report on the changing role in relation to charities defined a key feature of charities.	"They provide goods and services that confer a benefit to society over and above the benefits that the recipients or suppliers may get from the arrangement". This can be seen as a positive externality.
2005	Charities Act established the Charities Commission (CC).	The CC provides registration and a monitoring system for charitable organisations.
2006	Ministry of Social Development issues "Good Practice Funding Guide".	This guide stresses the funding process and suggests greater flexibility and more use of grants for low risk activities rather than contracts. This led to the introduction of "high trust" contracts with NFPs.
2010	Ministry of social Development issues the first "High Trust contracts"	This approach to funding for a limited number of organisations focuses on outcomes through short funding agreements which

		spell out expected results.
2011	A new accord between the CVS and government is promoted.	The accord named Kia tutahi – standing together. It replaces SOGI and introduced responsibilities of both the CVS and government.

Sources: Stott, A. B. (2006). MA Thesis: A Sector Under Siege. Auckland University Sociology Department. O'Brien, M., Sanders, J. & Tennant, M. (2009).The New Zealand Non-Profit Sector and Government Policy. Wellington: OCVS. Ministry of social Development

Advocacy Strategies

NFP organisations have used a variety of strategies to advocate for social change. Bradford (2004) argued that, 'Most NGOs worth their salt do have an advocacy role, whether it's making submissions to Select Committees or local Councils on relevant legislation and bylaws, putting out newsletters which critique Government in their policy area, making submissions in the local media or a host of other activities." (Bradford, p. 1). This point is supported by Driscoll (2009, p.3) who stated that advocacy (to support a charitable purpose) can be extensive.

> An organisation could testify on behalf of a charity at a public hearing on a law or policy; an organization could advocate for changing a law or regulation; it could organize a petition or letter writing campaign of its members or supporters to Members of Parliament, Ministers, or Government officials asking them to join a protest; or, it could organize a demonstration.

Samuels, (2007, p.185) agrees and notes that, '… public advocacy is used to signify a broad sweep of practices, ranging from public relations, market research, and report writing to lobbying, public-interest litigation, and civil disobedience.' He goes on to argue that there are three typologies of public advocacy: political, managerial and technical, and that the one used will depend on the beliefs and backgrounds of people and organisations. For example, a political activist may see advocacy as essentially a political activity, whilst a manager may utilise managerial and technical knowledge (good information) to encourage change. One difficulty in engaging in direct lobbying lies in the cost for NFPs of gaining access to decision-makers at opportune times. While this may be no barrier to the corporate sector it can be prohibitive to NFPs. Also lobbying may not fit comfortably with many NFPs who want to ensure they are including members and clients in the process of advocacy (flax roots approaches).

Onyx et al. (2009, p. 46) argues that advocacy strategies can be viewed along a continuum between radical and institutional approaches. She says that, 'Radical advocacy is associated with external democratic processes that are overtly political and therefore open to contestation.' Institutional approaches, on the other hand are more elitist involving only the executives of the two institutions: NFP professionals and government decision-makers. However, she points out that most approaches fall between the two extremes. According to Onyx et al. (2009), the danger of solely relying on institutional forms of advocacy lies in excluding clients, members and constituents from democratic processes and using only elite professionals to represent their members' interests. This point is supported by Samuels who said: 'If public advocacy is not rooted in grassroots realities …the voice of the marginalized is increasingly likely to be appropriated by urban (or international) elites who have the necessary information and skills.' (P 192)

Blaiklock, (2010), Executive Director of the New Zealand Health Promotion Forum, suggests that approaches to advocacy should include building alliances and relationships within the sector, involve people's values, emotions and intellect and include common cause values such as responsibility towards one another and the natural world. She also warns that successful advocacy and change in the public health sector takes time and often involves the might of powerful opponents such as the tobacco industry.

Public health researchers, Casswell, Stewart & Duigan (1993) noted that providing valid social research to policy-keepers does not necessarily change policy. She goes on to argue that research should be methodologically beyond question, following which researchers have a duty to actively disseminate research to other practitioners, health advocates and the media.

This analysis is supported by Carr-Gregg (1993) who noted that in the successful public policy campaign that led to the passage of New Zealand's Smoke-free Environments Act, 1990 there was a combination of:

> Solid international research on the health impacts of tobacco consumption, as well as on the effectiveness of banning tobacco advertising in reducing tobacco consumption.
>
> An active group of public advocates able to link research and advocacy. They were able to show, through methodologically sound social research that the public was ready for change in this area.

> A health minister who strongly supported the cause and had the strength of character to persuade her Cabinet colleagues of the need for the legislation.

These approaches are consistent with the work of Onyx et al. (2009) which suggests a range of advocacy strategies, which vary depending on the issue, relationships and networks, and the size and resources of the NFP organisation. In a wide ranging review of advocacy networks, Acosta, (2012, p. 164) notes their growing importance within the NFP sector. He states:

> Local regional or national efforts to achieve policy changes are increasingly taking a 'softer' or more institutional tone, in contrast to a 'harder' or more radical one. … This is partly due to the diverse commitments citizens' organisations have with local government, either in the form of funding or in co-participation for service delivery or assessment.

Acosta also points out the diversity of such networks and their growing skills in negotiation with external institutions.

Methods

This article presents the analysis of in-depth interviews with the Chief Executive Officer (CEO), Director or Manager of 11 not for profit organisations in the New Zealand community and social sector. The study included three national/umbrella organisations, two social service organisations from the Wellington region, five from the Auckland region and two from the Waikato. The two researchers both work part time as academics teaching not for profit managers and part time as independent practitioners and volunteers in the not for profit sector.

The range of organisations was chosen to provide a national perspective, and therefore organisations were selected from three regions of the country. The researchers' experience led them to believe that this spread would provide information on a range of advocacy strategies and activities.National organisations are usually based in Wellington because of the ease of access to central government.

All the organisations included received funding via a government contract or grant (although they all received funding from other sources as well), employed paid staff, and had a positive reputation and some profile within the sector. They were identified through the researchers' networks and sector peak/umbrella bodies.

All of those who responded were involved in advocacy in some form or other; although all were concerned to delineate funding for this from their government service deliver contracts.

The results presented here are derived from an analysis of the in-depth interviews and a questionnaire which asked participants to identify the types of advocacy activities they were involved in. The checklist, which was adapted from the study by Onyx et al. (2009), provided for five categories of activity: *advocacy for clients, dealing with government (national and local), political change, law change, public benefit (which included the subcategories education/educational outreach, background research, news media outreach and demonstrations/protects/direct action*. Items listed in the questionnaire ranged from "institutional" advocacy (as identified in the literature) such as participation in government sponsored consultation/ advisory processes to "radical" e.g. organising or promoting a demonstration/ rally. The interview data was first analysed in terms of the questionnaire,

but as in the Australian study, other discourses emerged that were not in the questionnaire. These included language concerning the market, networks and human rights revealing a possible emergent form of advocacy as a reaction against legislative restrictions and learning from past actions. The results represent the perception of those included in the study based on their experience in their organisations; however the analysis does not identify the organisations or their personnel in order to protect their identity. Nevertheless, many of those included have many years' experience working in the not for profit sector and involvement in advocacy.

Limitations

Of potential relevance to the results of this study, we wish to point out that the interviews took place during the latter part of 2011 in the period running up to and immediately after the November elections which returned a National government (which holds a neo-liberal position on most social issues), for a second three-year term. The amalgamation of previous local government authorities into the new Auckland Council in late 2010 also provides a backdrop to this study as the changes impacted on all of the Auckland based organisations and to a lesser degree nationally. The results reflect the reality of organisations working successfully in this political landscape.

They also reflect a "more generic phenomenon that is explained as third sector responses to global capitalism rather than to particular national or local governments" (Kamat, 2004 cited in Onyx et al. 2009). The results should not be generalised across the entire community and social sector because of the relatively small sample size of 11. However most respondents reflected on the broader advocacy and socio/political and economic environment in which they operate.

Results

Participants were asked to identify the types of advocacy activities their organisations engaged in by completing a questionnaire. This questionnaire was based on the Checklist (as used in the study carried out in Australia by Onyx et al. (2009)), modified to take account of the New Zealand Charities Commission parameters. The CEOs of nine out of the 11 organisations participating returned the questionnaire. A summary of the results of the questionnaire feedback are presented in Table 1 below.

As in the Australian study, further categories emerged as a result of the analysis of the interview material, where respondents provided more background and a fuller description of their advocacy endeavours. These are discussed below.

Table 2: Types of Advocacy Activity.

Advocacy activities	**Total affirmative responses** [2]
1. Advocacy for Clients	
1a. Seeking policy change on behalf of clients/ users	89%
1b. Personal and representational advocacy: helping clients access their entitlements	78%
2. Dealing with Government (National or Local)	
2a. Participate in government sponsored consultation/ advisory process	100%
2b. Prepare submission to government enquiry/ review in support or opposition of a particular issue	100%
2c. Contact government staffers/ advisors in support or opposition of a particular issue	100%
2d. Meet with elected or appointed officials to express support or opposition to a particular issue	100%
2e. Seek support from government for innovative projects	100%
2f. Engage in other government contact for or against a particular issue	100%
3. Political Change	
3a. Encourage people to vote for or against a particular issue	44%
3b. Encourage people to vote for particular candidates/ parties	11%
3c. Organize elections forums/ discussions to express support or opposition	44%
3d. Inform about party platforms/ policies to express support or opposition	33%
3e. Engage in other election-related activities	67%
4. Law Change	
4a. Provide expert evidence for policy related law suit	22%
4b. Promote legal action for or against a particular issue	55%
4c. Engage in other advocacy related legal activity	33%
5. Public Benefit	

[2]Percentage of responses based on questionnaires

5.1 *Education/Educational Outreach*	
5.1a. Organize lectures/ presentations for or against a particular issue	78%
5.1b. Prepare or print materials for or against a particular issue	67%
5.1c. Use art or cultural activities for or against a particular issue	33%
5.1d. Distribute literature for or against a particular issue	67%
5.1e. Engage in other educational activities for or against a particular issue (Explain)	55%
5. 2 *Background Research*	
5.2a. Research a specific problem or solution in support or opposition of a particular issue	67%
5.2b. Provide data to illuminate a specific problem or solution	100%
5.2c.Write a research report for or against a particular issue	77%
5.2d. Engage in other research activity for or against a particular issue	100%
5. 3. *News Media Outreach*	
5.3a. Send letters to Editors for or against a particular issue	67%
5.3b. Prepare opinion piece for print or visual media	67%
5.3c. Express opinion during media interviews for or against a particular issue	89%
5.3d. Engage in other media activity for or against a particular issue	55%
5.4. *Demonstrations/ Protest/ Direct Action*	
5.4a. Organize or promote a demonstration/ rally	22%
5.4b. Organize or promote campaign to contact parliamentarians (phone calls, letters, emails)	100%
5.4c. Organize or promote boycott or petition	44%
5.4d. Engage in other direct action or protest activity	44%

All of the organisations participating in this study are engaged in advocacy in one form or another. The table highlights a number of emergent trends. Most salient is that organisations are now far more likely to engage in institutional advocacy than take radical action. Most organisations never take part in demonstrations or rallies although several indicated that historically their protest activity was an important component of advocacy. Few now organise or promote boycotts or petitions or engage in other forms of direct action; although they have done so in previous times. Most use the media to promote their opinions with the most common form of media activity being media interviews. Over two thirds of participants use the printed media; e.g. Opinion Pieces or Letters to the Editor.

All participants were actively engaged in relationships with government officials. They took part in activities such as sponsored consultation/ advisory processes, making submissions to various government bodies, contacted public servants or politicians regarding particular issues, scheduled meetings with government officials to express support or opposition to a particular issue and sought government support for innovative projects.

Those organisations providing social services all supported and advocated for individual clients. The most common issues mentioned for which clients received support were in securing benefit entitlements and housing. As noted by Crean and Baskerville (2008. P. 3) these two issues are often linked and are among the most common issues addressed in New Zealand social practitioners' advocacy work. While the majority of advocacy work is carried out by paid staff; support for individual clients was often done by volunteers.

Interestingly and as noted in the literature, all the organisations included provision of data relating to specific issues or concerns and were engaged in research activities in support or opposition to a particular issue. Interview data showed that whilst evidence from research or compilation of data from service users was crucial to underpin advocacy, fewer organisations actually carried out research themselves citing resource constraints as the main barrier to further research activity.

> *We need to present hard evidence.*
>
> *We can be very firm if we marshal information and have research behind us; then the government does listen.*
>
> *We do a little research; research is a luxury we can't afford. Everything is a battle.*

One respondent expressed some scepticism regarding the recent reduction in government funding for social research. "They know the more social research there is the more people get informed, and they don't like that". This quote also highlights the power imbalance between government and the not for profit sector; a theme noted in the literature and picked up again below.

Organisations were less likely to be engaged in legal activities overall than any other category of advocacy. Just over 50% of participants have promoted legal action for or against a particular issue. From the questionnaires it was unclear if the provision of expert evidence for a policy related law suit or involvement in other forms of advocacy related legal activity was a current activity; or one they had been involved in historically, as no participants mentioned any current form of legal activity in the interviews.

From the questionnaires, it appears organisations are wary of involvement in activities to promote political change. This was interesting given the period in which the research was carried out, and possibly reflects the parameters of Charities Commission proscribed activities. Again it is difficult to determine if those that indicated they encouraged people to vote for or against a particular issue or for particular candidates/ parties had done so

recently; or this provided insights into historical activity prior to the establishment of the Charities Commission. Given the proximity of the research to the national election one interviewee indicated that they had prepared briefing papers for the incoming government on particular issues and for not for profit sector organisations on contemporary issues.

The qualitative material gathered during the interviews adds a more nuanced dimension to organisations' advocacy and provides insights into how these organisations currently conceptualise or rationalise and describe their advocacy. This material is reported below.

The language of advocacy

Several participants noted that in recent years they have needed to change the language they use to describe their activities and to engage with government. The need for discretion and nuance in style was noted.

> *The biggest problem has been to make advocacy more discrete and use coded language … while the preference is to be direct and accountable… has to make political judgements in order to secure the survival of the organisation and deliver services, more discretion is necessary.*
>
> *If you are too strident or outspoken whether it is a real or perceived there is a risk of compromising our contract. This makes me very cautious.*

This last quote highlights a concern voiced by another participant that there is a feeling of reluctance among some NFPs to speak out for fear of damaging future contracts.

Whether it was a deliberate strategy or not; most organisations included in this study stressed that it was senior managers or the CEO who carried out their "advocacy" work implying that this required discretion and needed to be done sensitively and with good judgement as not only the organisation's credibility was at stake in relation to the positions they took on issues, but potentially their contracts also.

Agencies have also struggled to gain an understanding of and be able to speak "the language of the market" and to find better ways of explaining the issues and what they do.

> *It took a long time to understand where market people are coming from. Their drivers are so profit driven.*

Being seen as credible and being known to government was of importance to all of the organisations included in the study. One noted

> *If you have credibility you will be heard, but if it's a new issue it's hard to be heard. If the government doesn't know you, you won't be heard.*

In speaking of barriers to advocacy one noted a mismatch in worldviews or understanding of issues:

> *People don't listen to what you are saying or understand where you are coming from.*

Again the need for good research was highlighted. One participant believed that more research such as the John Hopkins study would make politicians and public servants understanding of contentious issues more contextualised.

De-radicalising/professionalising

The prevalent political ideology was seen as framing and largely determining and changing advocacy efforts overtime. Again the participants' length of service in the sector enabled them to reflect on this. In discussing barriers to advocacy one agency noted that the prevailing political ideology determined or restricted their approaches.

> *The political feelings of the day or the government's views of the day determine our approach*

The quote below builds on this and reflects the continuum postulated by Onyx et al (2009) with a move from radical to institutional advocacy.

> *What we've done, we've moved from a radical group on the streets and have become pretty sophisticated at research and policy advocacy.*

Securing and maintaining government contracts undoubtedly determined and structured the type of advocacy organisations were involved in. Those that were less reliant on government funding appeared more confident in positioning themselves as advocacy organisations and acknowledged advocacy was central to their work; however one noted

> *We have no issues over advocacy; but we don't use the term lobbying*

Others were concerned that the utilisation of "old style activist activities" would damage their credibility and so they have moved away from these.

We have too much of an influential name which you can't risk by getting arrested. There might be an element of getting older in this- but I think it's more strategic than that.

Despite these reservations about their own organisation's involvement in more radical activities, the need and place of these approaches was still considered important as a source of information and as a societal function (echoing Edwards, 2009 and Ife 2008 as cited above). As one put it

There are different forms of advocacy and it's all needed. Some groups are more radical than others and they should be able to do that without penalty or compromise to their status with the Charity Commission or their funding. They are also how policy is changed and we achieve a more just society. So now that voice has gone underground; how will the voice be heard? They should be able to express their opinions otherwise how do we hear from these people. The government needs to keep the doors open a bit so those who are willing to speak up can be heard.

Relationships with government

As seen from the discussions below; fostering and maintaining relationships with government officials and agencies was central to the work of the not for profit managers interviewed and was implied in their choice of strategies. All of the organisations included were registered with the Charities Commission. Most indicated registration had been relatively straightforward and required minimal discussion or negotiation. Only one indicated they had any concerns about discussing their registration or the negotiations required to enable them to register.

Several respondents noted they had positive relationships with government officials and were listened to by them. Some differentiated their relationships with policy makers in government departments who were eager to hear of the detailed issues and impacts of policies on NFP clients compared to their relationships with contract managers with whom they have negotiated their contracts for service.

There is a collegial relationship at times with policy staff and they understand our values; but they are public servants under government control.

Contractual relationships often left participants pretty much in a take it or leave it position. For some, the negotiations and discussions that had taken place over the previous year shaped the contracts, so there were no surprises. Others note that contracts prohibit organisations from publicly criticising the government or government agency about matters relating to their contract causing them to be cautious with the language they use when writing emails etc.

The introduction of High Trust contracts by the Ministry of Social Development(MSD) has changed the nature of contracting for a small number of organisations in our sample. According to MSD, the principles underpinning these contracts include:

- respecting and valuing each other's expertise
- acting with integrity and good faith
- recognising accountabilities
- having open, transparent, honest and timely conversations.

MSD sets out the parameters of the sort of relationship it requires with community organisations before they can be considered for this type of contract. They must

- have a good track record of delivering the services they have been contracted to provide
- are a viable organisation – with strong governance, good management systems and effective and meaningful reporting systems
- are an integral part of their community -– connected, trusted, and provide the services that the community needs
- work well with other agencies in their community – both government and non-government
- are high performing, and understand what it takes to help their clients make a difference to their lives.

Overall, the resource imbalances between all agencies and government agencies were acute. Often there was only one person in the not for profit organisation responsible for managing and researching issues whereas government agencies had dedicated staff in these areas. Nevertheless, all saw their relationships with government as a form of and forum for advocacy.

Sector coordination and cooperation

Participation in partnerships, networks, alliances and collective work, was the accepted modus operandi for most organisations in the study, especially in the advocacy arena. These relationships have taken on different organisational forms and varying degrees of formality but all our informants acknowledged that more can be achieved through collective rather than individual action. For at least one organisation there was open acknowledgement that working collectively had been a deliberate strategy of self-protection since the threat of funding cuts in the 1990s. There was also some suggestion that government Ministers in

particular were only prepared to meet with organisations collectively; making it clear they were not interested in specific interest groups.

Leadership appeared to rotate in these various networks depending on the issue and an organisation's particular expertise. Some noted they provided data and information for others who were preparing position papers or submissions; whilst others acknowledged their position as principle author of these types of materials.

The increasing complexity and rapid changes in the sector over recent years made key sector leaders more conscious of their position and the need to "take the tail with them", while at the same time keeping themselves engaged with and informed by service delivery; echoing the points made by Onyx et al (2009).

Advocacy Success

Participants readily spoke of their advocacy successes. Given the length of time a number of them had been involved in the sector, they were able to reflect on their perceptions of success over a considerable period. (It appeared most interviewees had been involved in the sector for more than 10 years were able to reflect on their advocacy efforts through several government cycles). Most successful efforts appear to have been during the period of the previous Labour Government; this was also the time when CEOs had most contact and influence with senior politicians or government officials.

Several noted that over time they had needed to adjust their approaches and language to include data from research in the face of the prevalence of "evidence based" policy making or the shift from the saliency of debate of issues in social terms to an era where emphasis was placed on economic discourse and analysis. As noted above; participants needed to learn to understand "the language of the market" with their advocacy at a lower ebb than five or so years ago. Nevertheless a number of organisations feel they retain some influence.

> *They had to dialogue with some of us who could actually talk their language and I believe that modified them in a number of ways.*

In the view of most participants, successful advocacy meant government strategy, policy or law development or change. They took various positions within this from mobilising community awareness around issues through to appointments on Ministerial Advisory Panels. Within advocacy of this nature, developing their and their agencies credibility to the

point where they were considered a sounding board or trusted advisor to either senior government officials or politicians often featured. Several also mentioned the work contributing to or as a catalyst for the establishment of government agencies or structures.

Other recent successes mentioned include increased funding to cope with unanticipated impacts of government policy changes or social media campaigns; or increasing public awareness of particular issues in order for them to be addressed at a policy level. Advocacy of this sort was based on ground breaking research with one interviewee noting that attention to a particular issue was "part of a broader social movement that is happening worldwide and we are part of that movement".

Interestingly one respondent maintained that they did not have one success story: "Nothing stands by itself". For this organisation, and other umbrella bodies, building the confidence and capacity of the community or sector to respond to issues so they "can be their own advocates" was an important hallmark of successful advocacy efforts given the increasing complexity and diversity of issues facing the community and voluntary sector.

Despite its acknowledged importance, funding for advocacy is increasingly scarce. As one respondent noted "as we are a small country, all agencies are incredibly lean" with organisations all stretched to do "more than we're paid for", and "we don't have funds for what we do". Others acknowledged redundancies in the sector; further constricting agency activity.

The nature of funding requirements also restricted advocacy.

> *Funders often want to see numbers of clients and outcomes but we have a long term programme. We want to move away from being project oriented and promote a long term relationship with local government.*

Related to funding restrictions were time constraints.

> *Time is a barrier; advocacy takes a lot of time. The Board is very supportive of me but there's a cost to being involved. There are hours of reading and the need to be away from work.*

While most examples put forward in the interviews related to relationships with central government, a number of respondents noted their relationships with local government. With the formation of the Auckland Council in 2010, influencing local government and the

formation of solid relationships of trust at this level emerged as a recurrent theme in some Auckland based agencies.

A theme emerging from this study appears to be a view of success in advocacy being framed as "a space for the agenda to be defined and as a constantly developing thing". For one agency, this approach to advocacy resulted in the formation of a community forum which they led during the establishment phase and then withdrew when alternative leadership emerged.

Discussion

Comparing the results of this study with that of Onyx et al. (2009) in NSW and Queensland, two notable differences appear. On the whole the language of the organisations included in this study was less militant and less oppositional than that of their Australian colleagues. This could be because of the degree of familiarity these NFP managers have with government officials and Ministers. As noted by (Tennant et al. 2006, cited in O'Brien et al. 2009, p. 35), New Zealand is quite different to Australia in some ways in that New Zealand NGOs have always had relatively easy access to MPs because of the small scale of the country, and the informal and often personal nature of relationships between sector managers and politicians. Secondly, New Zealand's Mixed Member Proportional[3]electoral system has also increased opportunities for NGOs to engage with political processes as this system favours the formation of coalition governments and therefore the need for negotiation and some degree of compromise.

Our findings however support Onyx et al. (2009) in that we see that NFP advocacy is opting for a range of approaches including the formation of new networks to carry out the advocacy on behalf of a wider group. But as the environment in which NFPs operate becomes more complex and continues to change rapidly, there are likely to be further shifts in relationships and in advocacy. Changes in political ideology are being reflected in the NFP sector's relationship with government, providing an example of Edward Said's observations that the nature of political society infuses that of civil society (1978, p. 11).

As noted, the introduction of High Trust contracts by the MSD is a relatively new initiative. We believe if a trend towards these types of contracts is established; there will be increased avenues for frank and open discussion with government officials around the issues affecting families and communities but at the same time the move from radical to institutionalised advocacy will be further entrenched and possibly accelerated.

[3] The Mixed-member proportional (MMP) electoral system used in New Zealand allows for the overall total number of party members in Parliament to mirror the overall proportion of votes a party receives in a general election. In addition the New Zealand system allows for the inclusion of members elected by geographic electorate who are deducted from the party totals so as to maintain overall proportionality. Eachvoter casts two votes one for their preferred party and one for their preferred electoral candidate.

Looking to the future, several respondents noted an increasing engagement with the private or business sector as a new avenue, target or ally in terms of advocacy. While the business sector could be considered an "institutional elite" as included in Onyx et. al's 2008 definition which has shaped this study, it is a notable departure from advocacy traditions amongst social sector NFPs in New Zealand.

Discussion of human rights also permeated the language of a several participants; heralding perhaps an increased awareness of the way in which international standards can be used either as an aspirational position or as a yardstick for measuring issues; and a language whereby they can hold government to account as part of a growing international movement.

Most predicted on-going funding constraints and a deepening and on-going economic crisis in the western world causing them to think of new ways of working and funding sources.

> *We've got to find alternative ways to sustain our sort of work at the moment.*

Conclusions

Returning to the literature on advocacy, a key point made by a number of writers (e.g. Onyx 2009) and informants in this study was the importance of hearing the voice of those most affected by change in society; the poorest and the most marginalised. Further, it is the knowledge agencies accrue from on the ground work in communities which provides the strength of their voice; and what is sought by government agencies and MPs.

Samuels (2007, p.192) sees the danger of the professional assuming the sole advocacy role. He argued that where this happens, the credibility of professionals would be on the line. He went on to say:

> If public advocacy is not rooted in grassroots realities and is practiced only at the macro level, the voice of the marginalized is increasingly likely to be appropriated by urban (or international) elites who have the necessary information and skills.

The literature highlighted the impact of contracting within the public sector and its possible restrictions on government department CEOs providing free and frank advice to Ministers. Those we interviewed were similarly concerned with the way in which NFP contracting mirrors this. The organisations we interviewed see changing political ideologies largely determine their advocacy approaches. We perceive considerable risks will continue for those involved in advocacy and predict NFPs may feel increasingly inhibited in their advocacy in future.

It seems their language will be further modified and approaches will move even further from radical to institutionalised at the same time as there are increased generalised public protests against government actions.

Further, as The Office of the Auditor General (OAG) noted in 2006, we see that genuine partnerships between NFPs and government are difficult to achieve where there are disparities of power and resources such as currently exist leading organisations to seek a wider range of funding to ensure their ongoing sustainability, or investing more in their relationships and networking to underpin their advocacy efforts as observed by Acosta. (2012).

Overall we conclude that to be committed to advocacy, it needs to be entrenched in an organisation's culture, and supported and led at a senior management and governance level to ensure its efficacy and achievement of a fairer society for all.

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