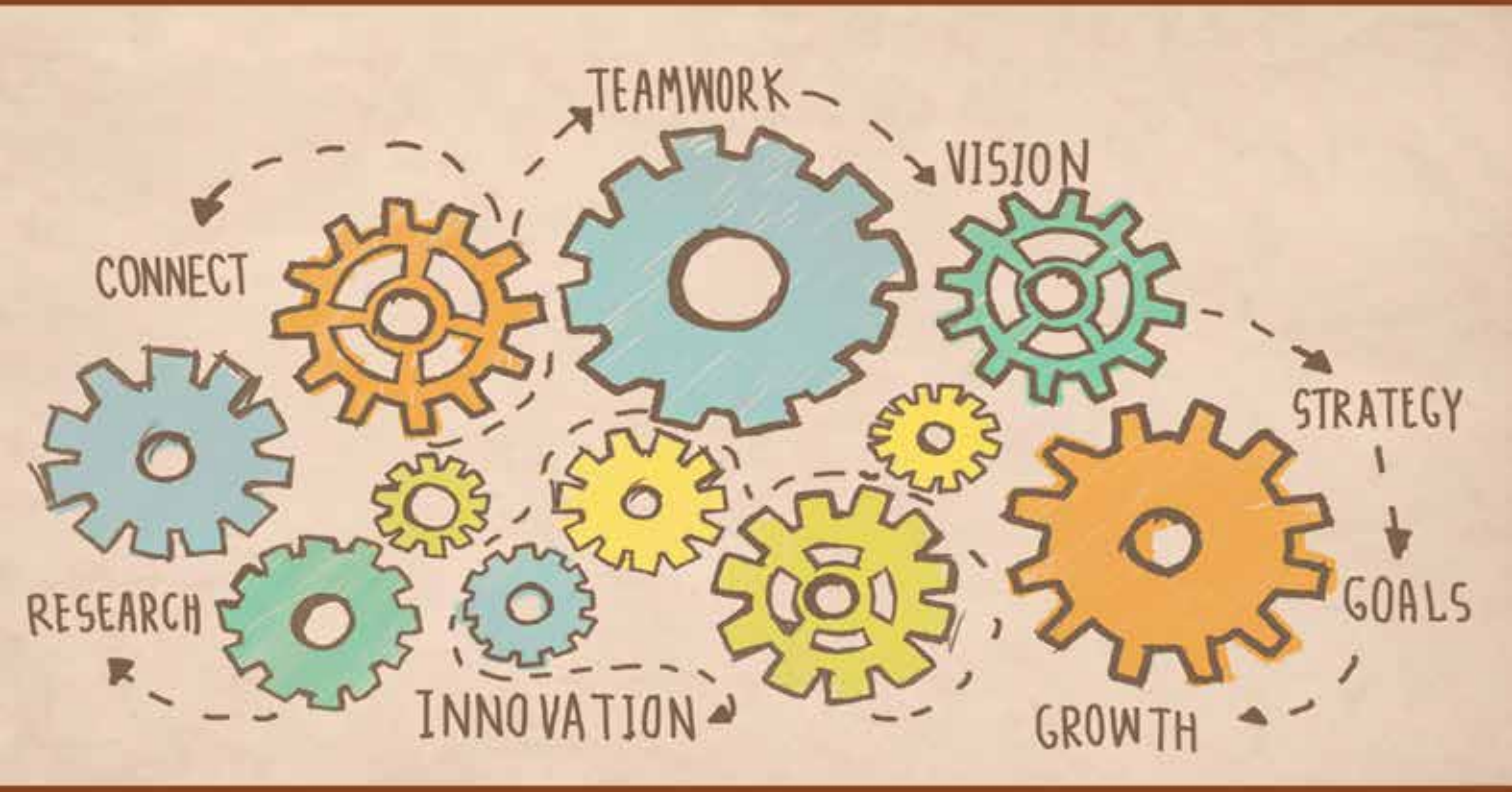
POLICY ANALYSIS & EVIDENCE - BASED ADVOCACY

A PRACTICAL HANDBOOK



Crossing Borders
creating space for dialogue and peace building

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UGANDA YOUTH NETWORK

Policy Analysis & Evidence - Based Advocacy

KEEPING THE PROMISE : PEACEFUL YOUTH PARTICIPATION AN D YOUTH POLICY AGENDA PROMOTION IN THE UGANDA 2016 NATIONAL GENERAL ELECTIONS AND BEYOND

2016

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2016

KEEPING THE PROMISE:
PEACEFUL YOUTH PARTICIPATION AND YOUTH POLICY AGENDA PROMOTION IN THE UGANDA 2016 NATIONAL GENERAL ELECTIONS AND BEYOND

This handbook has been adopted from the UYONET Leadership Academy and has been published and printed under Uganda Youth Network and Crossing Borders Partnership with Funding Support from Civil Society in Development (CISU). In the implementation of a one year project code named "Keeping the Promise: Peaceful Youth Participation and Youth Policy Agenda Promotion in the Uganda 2016 National General Elections and beyond". The project's overall objective is to facilitate an empowered and peaceful youth population in Uganda that constructively participates in the country's governance and development." This project is being implemented in the districts of Kampala, Mukono and Wakiso.

The handbook is part of Uganda Youth Network broader campaign for peaceful, non – violent and issued based participation of young people and the broader citizenry ahead of Uganda's 2016 general elections and beyond.

Crossing Borders (CB) is a non-profit, civil society organization which works to provide young people and educators with knowledge about diversity and globalization as well as tools for creating space for dialogue among different cultures and viewpoints. Crossing Borders is based in Humlebæk, Denmark and has activities in Europe, the Middle East, Africa and South America. Crossing Borders vision is a world at peace in which diversity is celebrated. The mission is to create dialogue space and to build the capacity of youth, media workers and educators. Crossing Borders goal is to enable people with different backgrounds to learn to live together on equal terms.

CISU - Civil Society in Development is an independent association of 280+ small and medium-sized Danish Civil Society Organizations (CSOs). All members are actively engaged in development work in Asia, Africa or Latin America - either as their main engagement or as part of their activities. CISU supports member organisations with advice and training, and manages the Civil Society Fund on behalf of the Danish Ministry of Foreign Affairs. CISU is located in Aarhus, Denmark's second largest city. Until April 2012, CISU was known as PATC - the Project Advice and Training Centre.

The publication of this booklet was made possible through funding from the **Crossing Borders through Civil Society in Development** (CISU)

Uganda Youth Network, 2016

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List of Acronyms

AU- African Union

CB - Crossing Boarders

CISU - Civil Society in Development

CSOs - Civil Society Organization

CEDAW - Convention on the Elimination of All forums of Discrimination Against Women

DSIP - Development Strategy & Development

DDT - Dichloro - Dyphenyl - Inchloroethene

FIDA - Uganda Association of Women Lawyers

GMO - Genetically Modified Organisms

IGAD - Inter Governmental Authority on Development

IGG - Inspectorate of Government

LA- Leadership Act

MDGs - Millennium DevelopmentGoals

MAAIF - Ministry of Agriculture Animal Industry & Fishes

NDP - National Development Plan

PP - Public Policy

PATU- Project Advice and Training Center

UPE - Univeral primary Education

UCB - Uganda Commercial Bank

UYONET - Uganda Youth Network

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The project team, consisting of Fiona Ibanda – Program Officer, Isabella Akiteng- Program Officer, Peniel Rwendeire – Program Assistant and Ronald Otim – Program Manager, who ensured that this booklet became a reality.

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Policy Analysis and Advocacy

Course Summary

This booklet discusses the contending role of different stakeholders (in the public sector, private sector and civil society) in the complex process of "public" policymaking. "Public" policy is in inverted commas for a simple reason. What is "public" is contestable. Different stakeholders struggle to construct "public" policy in a manner that typically promotes their vested political, economic, and/or ideological interests.

The course is designed for delivery via a highly participatory, learner-centred, modularized approach. To pass the test of context-specificity, case study materials will be drawn from Uganda's public policy realm.

The course begins with an introductory information-sharing module entitled *Political Context of Policymaking*. The rationale for this session is simple. Public policy is inherently political. Thus, political context matters. From a policy perspective, it matters a lot whether power is organized under (a) an absolute monarchy (or its variants); (b) a Parliamentary democracy; (c) a presidential democracy; or (d) a hybrid system (also known as a semi-authoritarian political dispensation).

After an introductory module, the course is organized as follows:

- Module II outlines the basic concepts in policy analysis and advocacy. A case in point here is the contest over problem definition, and what it is that makes public policy 'public'.
- Module III examines the forms and sources of public policy
- Module IV introduces the basic models of public policy. The aim is to understand the possible spaces for policy advocacy and influence.
- Module V examines in some detail, the politics over problem definition
- Module VI introduces participants to the contested role of evidence in policymaking. The key question is: Does evidence really matter in public decision-making?
- Module VII shifts attention to Uganda's mega-problem – policy implementation (or its failure). To drive the point home, two cases of policy implementation are used: (a) the anti-corruption policy/struggle and (b) the anti-polythene bag policy. In each of these cases, the question is: Why is policy implementation succeeding in Rwanda and failing in Uganda?
- Module VIII outlines the strategies for effective policy advocacy/influence

The training program ends with an outline of the lessons of good practice for effective policy analysis and evidence-informed policy advocacy.

Facilitator Guide:

The Facilitator should emphasize that this course (as taught under the Leadership Academy] is non-academic. Thus, the course primarily targets policy practitioners, not academics. The Facilitator should nevertheless comment on the career opportunities for those that study public policy. Students of public policy typically seek professional career opportunities in several – areas, including: the civil service; Parliamentary service commission; the executive; local government; the academia; public policy think tanks; international development circles (e.g. the United Nations); regional agencies (such as IGAD), and the private sector (for example the oil companies).

Comment on Assessment: The Facilitator is also encouraged to indicate that hands-on, practical knowledge and real-world cases or examples will be emphasized in this course. Effective participants will be given certificates of successful completion.

Module 1:

Political Context of Policymaking

Learning Objectives

At the end of this session, participants will be able to:

- Appreciate that public policy is inherently political
- Understand that the subject matter of politics is power – how power is acquired or lost, how it is used or abused; and how it can be influenced to deliver good governance for the majority/citizens
- Understand the major institutional structures under which power is organized, including:
    - Absolute monarchy (or its variants)
    - Parliamentary democracy
    - Presidential democracy/ political dispensation
    - Hybrid systems (i.e. semi-authoritarian political dispensations)

Facilitator Guide:

On the basis of the above sub-categories of political dispensations, the Facilitator should divide course participants into four groups. To maximize learner participation, the groups should be small – ideally 5-9 members each. Each group should be asked to get a name for themselves, depending on their "take" (positive or negative) of the political dispensation they are going to discuss. For example, a group that has a positive view of absolute monarchy (or its variants) may wish to call themselves "The Visionary Leaders' Group." A group that is critical of the authoritarian character of absolute monarchies will call themselves "The Nut-Crushers Group". Similarly, those with a positive view of Parliamentary Democracy may call themselves "The Listeners' Group or the People's Power Group" etc. Course participants are encouraged to be innovative eg The Mandela Group (for those that wish to reconcile widely divergent views ….)

The purpose of this group task is to outline (a) the constraints to policy advocacy/influence posed by the political context (democratic, authoritarian, hybrid, etc); and (b) opportunities or "windows of hope" that exist for public policy influence (or advocacy work).

Comment on Assessment: Each group will be asked to nominate a Chair (to lead the session) and a Rapporteur (to take notes on a lap top or flip chart for presentation to the plenary session). The quality of each group's work will be assessed for its quality and innovativeness (out of 10).

Module 2:

Basic Concepts in the study of pubic policy formulation

Learning Objectives

By the end of this session, participants will have a clear grasp of the following:

- What is 'Policy'? What governments chose to do or not to do, when, where, how, and with what implications (in t.o costs, effects, benefits, inclusion, exclusion, sustainability, etc)
- What Makes Public Policy 'Public'?
- Meaning of Policy Analysis

Facilitator Guide:

The Facilitator should help course participants to draw a distinction between the following:

• Analysis of Policy: This is descriptive and analytical. It seeks to describe what is involved in public decision-making, and to make sense of public policies.
• Analysis for Policy: This is, by definition, prescriptive. That is, it seeks to (a) generate data (or "evidence") on the available policy alternatives; (b) conduct some form of "cost-benefit analysis, and (c) prescribe (or recommend) "the best" possible policy choices or solutions".

The Facilitator should also highlight the difference between:
- **Prospective Policy Analysis vs Retrospective Policy Analysis**
- **Normative Policy Analysis vs Analytical Policy Analysis**

At a normative level, policy analysis assumes a linear path from - policy initiation thru Agenda-setting; evidence generation; identification of alternatives; Cost-benefit analysis; implementation of the most cost-effective choice(s) or decision(s)
From an analytical perspective: Two key claims can be made:
- ✓ No linear path exists: - Policy making is highly political
- ✓ Evidence is important but is often outweighed by politics/political considerations
- ✓ Examples: Invasion of Iraq over Weapons of Mass Destruction
- ✓ Uganda's Invasion of S. Sudan "to protect the lives and business interes*ts of Ugandans??"*

Group Discussion and Assessment: Members will be divided into groups to do a simulation exercise. The groups will discuss the multiple justifications for Uganda's involvement in South Sudan. Each group will present a firm position justifying Uganda's invasion from any of the following perspectives):

- ✓ The Business/Economic perspective: Present evidence of Uganda's business interests in S Sudan
- ✓ The Strategic Defence Perspective: The Kony Factor? The Bashir Factor?
- ✓ The Geo-Strategic Perspective: To assert Uganda's presence/identity in regional affairs
- ✓ The Failed State Perspective: The cost to Uganda of a failed state in S Sudan
- ✓ The Democratic Perspective: Uganda got involved to protect a democratically elected President

Each team will discuss (in their group) and later on present to the plenary session). The quality of each group's work will be assessed for its quality and innovativeness (out of 10).

Dimensions for Analysing Public Policies

Variable	Indicative Measure	Task/Question Asked
Political Context	Absolute monarchy Parliamentary democracy Presidential democracy Hybrid: semi-authoritarian	In what ways does political context matter in the different phases of the policy process? E.g. adoption,execution, etc.?
Timing	"Pressing" Issues Competing priorities Fashion/Trend	In what ways does timing matter for policy adoption or non-adoption?
Originator	Community Business State elites Donors Coalitions	How much power/leverage has originator got to cause issue adoption on the policy agenda? Kinds of political settlements that promote/block policy adoption
Cost Involved	Financial cost Political cost, Cost to environment, Opportunity cost etc	What qualitative and quantitative measures of cost were taken into consideration?
Effects	Effectiveness Unintended consequences, Inclusion/exclusion Equity/inequity	What are intended/unintended effects of the policy that got adopted and implemented?
Implementation	Recruitment (merit-based?) Capacity of bureaucrats Coordination issues Relations between technocrats and politicians	What practical issues promoted or blocked
Evaluation	See indicators for EFFECTS	See question for EFFECTS

Selected Readings:

Lodge, Martin, 2007: Comparative Public Policy, in Fischer, Frank, Gerald Miller, and Mara Sidney (eds), *Handbook of Public Policy Analysis*, (New York/London: CRC Press), pp. 273-287.

Stein, Ernesto, Mariano Tommasi, Koldo Echebarria, Eduardo Lora, Mark Payne (Coordinators), 2006: *The Politics of Public Policies*, (New York: Inter- American Development Bank), Chap 2.

Module 3:

Forms and Sources of Policy

Learning Objectives

Course participants will be able to identify the different forms and/or sources of public policy [at the global, regional, national, institutional, associational networks levels]
This is important since:

- You cannot conduct policy analysis of the policies whose forms or sources you do not know
- You cannot advocate policy initiation, change, or termination unless you know the existing policies

3.**1 International Forms/Sources of Public Policy** (I. Law, treaties, declarations, global plans e.g. MDGs, norms e.g. anti-terrorism, etc)

3.2 **Regional Forms/Sources of Public Policy** (Regional treaties, declarations, plans e.g. IGAD, AMISOM, etc

3.3 National Forms/Sources (the Constitution, subsidiary legislation e.g. Acts, Standing Orders; directives/decrees; budgets, national and sectoral policies e.g. UPE; Plans e.g. NDP; sectoral plans e.g. MAAIF Development Strategy and Investment Plan (DSIP); Plans and budgets of public agencies;
District ordinances, bye-laws, regulations

3.4 Institutional Forms/Sources of PP (Family policy; Company laws & regulations, policies, guidelines, minutes

3.5 Associational Networks e.g. Law Society; Rotary Club have rules & regulations, etc
1.6 Individual Level??

Module 4:

Models of (a) Policy Analysis and (b) Advocacy/ Influence

Two key questions guide this module

(a) **Why do we get the kinds of policies that we get (adopting certain "priorities", and ignoring or rejecting others?**

- Example: Shs4m per Sub-county is found for each NRM MP to popularize the incumbent as a sole candidate for 2016.
- Money to enhance teachers' pay from 300,000 to 800,000 is NOT found

(b) **What spaces exist for practical policy influence in our context?**

- **Participants will be able to internalise the following "spaces" for greater understanding of policy analysis and policy advocacy (or influence)**.

4.1. Institutionalism: Policy as Output of Formal State Institutions e.g. Parliament, the Executive, etc.

Question 1:
Assess the validity of the view that Parliament is the greatest actor in public policymaking.

Question 2: *Where are public decisions made (e.g. in USA versus Uganda) – in the Executive, Parliament, courts, in the bureaucracy, at Federal, state or local government level?*

4.2. Process Theory of PP – Looks at PP as a political process running from problem
4.3. Elite Theory/ Elite-Mass Theory: Identifies two broad stakeholders. PP is seen in terms of elite preferences often times dressed up in mass rhetoric
4.4: Marxian theory of PP: Two broad classes – oppressors and the oppressed; the rulers vs the ruled. PP seen as instrument of class domination. Tool of the haves against the have-nots.
4.5. Rational Choice/Public Choice Theory: resembles elite theory; rejects notion of "public" officials and "public" policy. Sees state officials as "self-interested" individuals…
4.6. Incrementalism: PPs are mere variations on past choices/preferences i.e. Policy serves goals of system maintenance (of the status quo), not radical improvements
4.7. Systems Theory: Sees pp in terms of the input, conversion, output, feedback model
4.8 Garbage-can Model: Sees pp in t.o. the garbage can where all problems (and solutions) are dumped. Oftentimes, the "solution" becomes the "problem" e.g. Anti-Homosexuality Act

4.9. Democratic Theory of PP: That PPs signify inclusion of voters/popular masses in policy and political process
4.10. Feminism: Looks at PPs from the female's vantage point. Views most PPs as instruments of oppressive male agendas against women and girls. E.g. Anti-Porn Act = anti-mini-skirts/freedoms of expression. UPE policy = high drop-out rates of girls: Budgets = male choice

Summary: (A) Normative Theories or Models: The question Asked is normative (see below)
(B) Analytic Theories or Models:

Revision Questions:

- ✓ Normative question: Where *should* authority and legitimacy lie in public policy making?
- ✓ Empirical question: Where *does* authority or/and legitimacy lie in the actual world of policy making?

Selected Readings:

- Thomas Dye, *Understanding Public Policy*, Cap 2 "Models of Politics…" Replace with "Theories of Public Policy", pp.17-39.

Reocities, n.d.: 'Theoretical Models of Public Policymaking' http://reocities.com/athens/2400/pptheory.html, accessed June 07, 2014.

1. Politics over 'Problem' Definition

- Subject Matter of Politics = POWER in a "competitive" setting
- **Key Determinants of "Problem Definition": What you see depends on where you stand**
  - One's theoretical standpoint/ viewpoint: "It is theory which decides what can be observed" Albert Einstein) Implication: What you see depends on where you stand
  - Ideological position e.g. Marxism vs capitalism; Demo Party vs Republican Party: Implication (again): What you see depends on where you stand
  - Political Interests (Power) e.g. party in power vs Opposition; Putin vs Obama in Crimea
  - Economic/social class interests e.g. Sudhir Rupherera vs citizens: Kampala land grab
  - Structure of Power (e.g. centralized/authoritarian vs democratic) & one's position therein
  - Prevalent Norms e.g. "styling up" in a dot.com era vs "traditional norms"
  - Topicality of Issues/Timeliness e.g. gender, environment, gay rights – whatever is "sexy" (or politically correct) at any one time.

After presenting an overview of the politics of problem definition, the Facilitator should help course participants to focus on a distinctive problem such as:

- Traffic jam in Kampala
- Persistent youth unemployment in Uganda
- Chronic cholera in Bwaise
- Endemic corruption
- Multiplication of districts

In each of the above, course participants (all groups) should be asked to focus on one and answer the question: What is THE PROBLEM??

Group Assessment: The quality of the presentations will be assessed for the evidence presented, and the forcefulness of the argument (out of 10).

Revision Questions:

- ✓ Why do some pressing policy issues find their way onto the crowded public decision making agenda (e.g. UPE) while others are ignored, rejected or defeated (e.g. jiggers/ poverty in Busoga)?
- ✓ With reference to (a) a successful and (b) an unsuccessful lawmaking process in Uganda, identify the key stakeholders involved and the policymaking strategies that led to policy success or failure.
- ✓ With reference to the current debate over Genetically Modified Organisms (GMOs) or the use of DDT in malaria control programs, assess whether or not *evidence* really matters in policy making.
- ✓ Why are some technically appealing solutions to public problems often deleted from the list of alternatives?
- ✓ With reference to the privatization of UCB, explain why government action does NOT always reflect the initial priorities (or choices) of that government

Selected Readings:

Stein, Ernesto, Mariano Tommasi, Koldo Echebarria, Eduardo Lora, Mark Payne (Coordinators), 2006: *The Politics of Public Policies*, (New York: Inter- American Development Bank), Chap 1 &2.

Kobusingye, Olive, 2010: *The Correct Line? Uganda under Museveni*, (Boulevard: Author-House), Chaps. 2-4.

Olupot Article on GMO Foods

Kiiza, Julius 1997: Liberalisation Policies and University Education in Uganda: An Assessment of the Cost-Sharing Policy, *Makerere Political Science Review*, Vol. 1, No. 1.

Kiiza, Julius, et al, 2006: Understanding Economic and Institutional Reforms in Uganda, Joseph Mensah, ed, *Understanding Economic Reforms in Africa*, (Pal grave Macmillan), pp. 57-94.

Kiiza, Julius et al., 2011: Righting Resource-Curse Wrongs in Uganda: The Political Economy of Oil Discovery and Management of Popular Expectations, Mawazo Journal, Vol. No. pp. 183-203.

1. Role of Evidence in Policymaking:

The Case of Schooling without Learning in Uganda

Revision Question:

- ✓ (a) Document the key messages of the TWAWEZA/UWEZO study entitled: *Are Our Children Learning? Literacy and Numeracy Across East Africa*, 2013
- ✓ (b) Discuss the view that researched evidence, however compelling, does NOT really matter unless the state elites in charge of policy making are "caused" to care.
- ✓ (c) Outline a policy advocacy strategy which, in your view, will cause education policymakers to address the problem of *schooling without learning* in Uganda.

Selected Readings:

Twaweza, *Are Our Children Learning? Literacy and Numeracy Across East Africa*, 2013
Van Waeyenberge, Elisa and Hannah Bargawi, 2010: *Macroeconomic Policy for 'Full and Productive Employment and Decent Work for All': Uganda Country Study for ILO*, November.
Kiiza, Julius, 2011: New Developmentalism in the Old Wineskin of Neoliberalism in Uganda, in Linda Weiss, et al, (eds) *Developmental Politics in a Changing World*, (London: Macmillan), pp.
Stein, Ernesto, Mariano Tommasi, Koldo Echebarria, Eduardo Lora, Mark Payne (Coordinators), 2006: *The Politics of Public Policies*, (New York: Inter- American Development Bank), chap 4

2. Controversial Role of Donors: Fusion of financial, ideological and political power

Revision Question:

- ✓ The elite bureaucrats in Uganda's central bank and the Ministry for Finance have more in common with foreign interests (eg donors) than Ugandan citizens. Do you agree? Explain your answer with reference to 'central bank autonomy', the conservative budget deficits of under 10% and/or the 'prudent' inflation targets of under 10%.

Selected Readings: (AS under Topic 8).

3. Role of Non-State Actors: The case of the mass media

Revision Question:

- ✓ With reference to the now-discredited allegations of Saddam Hussein's 'Weapons of Mass Destruction', critically assess the contemporary role of the media as a Weapon of Mass Deception. OR
- ✓ Assess the media's portrayal of Uganda's 2011 Walk–to–Work demonstration as riots, and how this sentiment helped or hurt the process.

Readings

Stein, Ernesto, Mariano Tommasi, Koldo Echebarria, Eduardo Lora, Mark Payne (Coordinators), 2006: *The Politics of Public Policies*, (New York: Inter- American Development Bank), chap 5.

Kiiza, Julius, 2011: New Developmentalism in the Old Wineskin of Neoliberalism in Uganda, in Linda Weiss, et al, (eds) *Developmental Politics in a Changing World*, (London: Macmillan), pp.

4. **On Policy Implementation**

   Participants will be able to understand:

   - That policy implementation is not a simple technocratic process. It is a complex political process. Put differently, struggles over policy choices continue even after a policy has been formulated and adopted for implementation
   - That several crucial obstacles to policy implementation exist – for example, Uganda vs Rwanda regarding anti-Kavera policy or the anti-corruption campaigns.
   - On the basis of the above, participants will be able to identify what needs to be done (differently) to enhance policy implementation – for example, at the level of evidence gathering, policy advocacy, etc.

Revision Questions:

- ✓ Qn: With reference to the Anti-Polythene Bag policy in Rwanda and Uganda and Rwanda, account for policy implementation success in one jurisdiction, and failure in another.
- ✓
- ✓ Why are certain well-identified problems often left to reach crisis proportions before government acts? Examples: Museveni's threat to go to the bush after the 1980 elections; Dr Besigye's assertion: 'I can't rule out war' after the 'vote-rigging' of 2011; massive youth unemployment in Uganda; systemic official corruption.

Module 5:

Strategies for Effective Policy Advocacy

Question: *What would you do (differently) to make your policy advocacy (more) effective?*

Participants will be able to appreciate the importance of what Julius Kiiza calls the ACCOMPLISHED strategy of policy influence

ACCOMPLISHED = an acronym which stands for:

- **Action-oriented SMART strategy** with SMART objectives for policy influence:
  - **Purposefulness** is key
  - What exactly do you seek to achieve?
  - Clearly define the policy issue, and the change/impact you desire to achieve
    - e.g. Increase toilet coverage from 45% to 90% over next 5 years
    - Reduce FGM (or maternal deaths) by 50%
    - Choose an advocacy strategy that will maximize your impact

- **Context-specific (targeted) strategies**: Understand the driving incentives of the major actors in the policy process (especially:
    - Policy entrepreneurs
    - Gatekeepers; and
    - Policy Czars)
  - Who are the likely allies i.e. enablers of your policy advocacy
  - Who are the likely resisters/obstacles?
  - What are you planning to do
    - To mobilize enablers and galvanize support for change?
    - To neutralize or navigate past the resisters to change?

- **Cost-Benefit Advocacy Strategy**: Certain key stakeholders will ask the question: ***What's In It for Me???***
  - Document the cost of inaction (e.g. youth unemployment will rise to 80% by 2050 if no corrective action is taken), AND
  - Outline the benefits (reduced juvenile deliquescence/crime)**.**

- **Optimism**: Adopt a positive attitude:
    - Weakness of attitude becomes weakness of character
    - Take critics or sceptics as future allies, not enemies
    - Learn from failure, not just success:
    - *Every successful person has failed at some stage. Unsuccessful people succumb to failure; successful people use failure as a learning moment.*
    - Persistence (not defeatism) is the key

- **Multipronged Approach**: Adopt multiple methods
    - Both formal methods e.g. petitioning IGG; influence Parliament; and
    - Informal methods e.g. sms messaging; pinning policy briefs in toilets

- **People's Power as Driver of Change:** Emphasizes change via mass mobilization strategies e.g. strikes:
    - An inclusive mobilization strategy for the most affected people e.g. Delta Region in Nigeria. ***Risk:*** Political Wrath
  - Adopt an appropriate Networking & Coordination Strategy:
    - Build social capital via policy networks (locally, nationally, regionally & globally): For example forge partnerships with the media.
    - Learn the Importance of TEAM-work: Together Everyone Achieves More (TEAM)
    - Coordinate your policy advocacy work

- **Lobbying as Advocacy Strategy**:
    - Identify the most important institutional actors and officials
    - E.g. Standing Committees and Sectoral Committees of Parliament
    - Certain officials listen if you lobby; may be resistant when you "confront"

- **Information Gathering and Sharing Strategy**:
    - Information is power: Conduct research and gather as much info as possible
        - On the policy issue
        - the interests/incentives of your targeted stakeholders
        - the Windows of Hope (or Windows of Policy Change)
        - The likely obstacles; etc
    - Share your research findings and advocacy messages (broadly) with the appropriate audiences/Windows of Hope - e.g.
        - News papers and policy briefs
        - Media interviews and Seminar presentations
        - Web-links to your website
    - Adopt a Just-in-Time (JIT) dissemination strategy (NOT the slow, hypothesis-testing academic approach)
  - Have in-built mechanisms (in your advocacy strategy) for
    - Listening, defined as getting feedback
    - Embark on the "before and after" policy research
    - Do not just "talk and talk" in the hope that someone will listen "out there
    -

- **Simplified, Accessible Communication Strategy**:
    - Clearly define your audience or "customer"
    - Keep the message customized, simple and accessible
    - E.g. Tell real-world stories/recordings of affected communities
- **Entryism**: Also known as "infiltration" this strategy is, for example, used by feminists who
    - Join formal state structures (e.g. Parliament) to "change" patriarchal norms, or
    - Push the gender agenda onto the crowded policymaking agenda.
    - Problem: Entryists are often "captured" by the establishment

- **Dialoguing versus Confrontation as an Advocacy Strategy**:
    - No one advocacy strategy fits all situations
    - Chose your strategy well, depending on context (and the issues at hand)
    - You may frame your advocacy (proposed policy change)
        - **I**n terms of confrontation (where those in power are unwilling to change e.g. Mandela's UmKhonto we Sizwe (armed wing of ANC); OR
        - In terms of win-win outcomes in which you emphasize shared interests, norms & values
            - **W**ith those in power (or influential positions)
            - With affected communities

Case Study 1 - The Stalled Marriage and Divorce Bill

For the last 50 years or so, women's rights advocates have attempted to push for a women-friendly law on marriage and divorce. The earliest attempts go as far back as the mid-1950s when women groups comprising mothers union, the Indian Women's Association and the two women in the Legislative Council, conducted research into the issues that afflicted women in marriage.

In the 1960s, in response to the women's demands, the then Government instituted a Commission of Inquiry into Marriage, Divorce and Succession. The Commission was led by Mr. Kalema, who produced the famous Kalema Report. The Report made wide sweeping recommendations about the reform of practices such as bride price, widow inheritance, property in marriage and divorce. Not all the recommendations were acted upon, but the process produced some changes to Uganda's Succession Act and in 1976, Amin passed the Customary Marriage Registration Decree, which enabled people marrying under customary law, to obtain marriage certificates.

In 1980, FIDA – the Uganda Association of Women Lawyers, along with the Ministry of Justice, also proposed changes to Uganda' marriage and divorce laws, and that was the first formulation of the Domestic Relations Bill. When the Law Reform Commission came into being in 1990, one of its first projects was an extensive research study on marriage, divorce and inheritance practices in Uganda, with a view to proposing changes. After the research, the Law Reform Commission then went ahead to develop an improved draft of the Domestic Relations Bill.

The changes to the law were necessitated by Uganda's signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW is an international convention that spells out the rights of women, and the duties of State Parties to promote and protect the rights of women. Uganda also promulgated a Constitution in 1995, which enshrined the right to equality between men and women at marriage, during marriage and at its dissolution.

Women's rights groups and women in Parliament, over the years – in the 7th, 8th and most recently in the 9th Parliament, championed the Domestic Relations Bill, which was later re-named, the Marriage and Divorce Bill. The advocates for the bill have used all kinds of tactics including education and sensitization at local level, education and sensitization of key committees of Parliament, and writing shadow reports to Government's official report to the UN Committee on the rights of women. This Committee is in charge of ensuring that Governments are making progress in implementing CEDAW.

Advocates also filed and won a petition challenging the current Divorce Act as unconstitutional. There are currently two other petitions before the Constitutional Court – one on bride price and anther on polygamy.

Despite all these efforts across the decades, the Marriage and Divorce Bill remains unpassed. Last year, the 9th Parliament attempted to debate the bill and there was a lot of heated debate about the bill in the media. The President was one of the chief opponents of the bill. The MPs were given 5 million shillings each, to consult on the bill, and the NRM Caucus finally voted to 'throw out' the bill.'

Case Study Questions:

- ✓ Identify the major points of (a) consensus; and (b) contention in the Marriage and Divorce Bill
- ✓ What analytical and/or advocacy strategy would you adopt to ensure the Marriage and Divorce Bill becomes law.

Case Study 2: "Successful" Anti-Corruption Policy in Uganda

Uganda is lauded as one of the countries with the best legal and policy framework on the issue of corruption. The core of Uganda's legal framework against corruption consists of, but is not limited to, the following:

- The Anti-Corruption Act 2009
- The Penal Code 1950
- The Inspectorate of Government Act 2002
- The Public Finance and Accountability Act 2003 (PFAA)
- The Leadership Code Act 2002 (LCA), and
- The Public Prosecution and Disposal of Public Assets Act 2003

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The Penal Code 1950 provides instruments to deal with various corruption offences including embezzlement, causing financial loss, abuse of office and fraud. The LCA is designed to increase transparency and to curb corruption. It sets out minimum standards of behaviour and conduct for political leaders, and requires them to declare their incomes, assets and liabilities. It also criminalizes attempted corruption, active and passive bribery, extortion, bribing a foreign public official, and abuse of office.

In addition to the above, Uganda has a Code of Conduct and Ethics for the public servance. This Code was published by the Ministry of Public Service, and lists the standards of acceptable professional behaviour for public officers. Under the Code, bribery is defined as any gratification with a value equal to UGX 20,000 or above that is given either to Public Officers by anyone with the intention to influence any current or future decisions in favour of someone, or that involves conflict of interest. The LCA requires that a gift or donation to a leader must be declared to the Inspector General. It is important to note that a leader may accept a personal gift or donation from a relative or personal friend "to such an extent and on such occasion as is recognised by custom".

It is worth noting that Uganda is a signatory to both theUN and theAU conventions against corruption. However, although both were ratified in 2004, the conventions have not yet been fully domesticated into Ugandan laws. In July 2009, the Anti-Corruption Bill was enacted in an attempt to deal with corruption in both the public and private sectors. According to the Bill, those found guilty of corruption may face up to 10 years in prison and a fine of UGX 100 million. The Whistleblowers Protection Act was passed in March 2010 and seeks to protect whistleblowers and provide monetary rewards in return for reporting. The Parliament has also recently passed the Anti-Money Laundering Bill and the False Claims Bill.

Uganda also has several institutions whose mandate is to deal with corruption. These include;

- **Anti-Corruption Court:** Parliament passed a provision in 2005 creating a special Anti-Corruption Court, which became operational under the High Court in May 2008. There are 232 convictions out of total 350 cases between 2009 and 2011. The great majority of cases, 68%, in 2010 and 2011 were related to embezzlement and public procurement.

- **Directorate of Ethics and Integrity (DEI)**: The DEI was established in 1986 to raise the issue of corruption to a cabinet level, to coordinate government efforts in its fight against corruption through the Inter Agency Forum (see below), and to establish an integrity system that promotes good governance. The DEI is mandated to implement the government's zero tolerance towards corruption policy; it maintains an extensive collection of anti-corruption resources that are open to the public. The DEI is carrying out its functions to address issues related to ethics and corruption, and has acquired a considerable amount of information and materials. A resource centre has been established to make this material available (to the public). The DEI was mandated to implement the National Anti-Corruption Strategy 2004-2007, which aimed both at improving enforcement and the coordination of existing law; and at ensuring public involvement in fighting corruption. This strategy has been followed by the National Strategy to Fight Corruption and Rebuild Ethics and Integrity in Uganda 2008-2013.

- **Inter Agency Forum (IAF):** The IAF has been developed by the government and is chaired by the Directorate of Ethics and Integrity (DEI, see above). The IAF aims to ensure the effective coordination of agencies on corruption issues and is comprised of Uganda's major anti-corruption institutions, including the judiciary and police among others. The IAF has been used by anti-corruption agencies to work together in designing and implementing national anti-corruption strategies and to promote awareness and the advancement of reforms.

- **Ombudsman / Inspectorate of Government (IGG):** The IGG is an independent agency under the 1995 Constitution. While it also functions as ombudsman, its mandate is wider than that of a traditional ombudsman. The IGG has the power not only to investigate, arrest and prosecute cases involving corruption or the abuse of authority or public office, but also to gain access to documents whenever necessary. The IGG has implicated anti-corruption institutions in incidences of corruption, such as the lower levels of the police and the judiciary.

- **Directorate of Public Prosecutions (DPP):** The DPP has the mandate over all criminal prosecutions in the country and is further empowered by the Prevention of Corruption Act (1970) to prosecute cases of corruption and bribery. In 2004, the

Fraud Unit, a specialised body, was created within the DPP to handle fraud and corruption cases, working closely with the CID National Fraud Squad. Most cases investigated by the DPP are related to embezzlement and forgery.

- **Auditor General (AG):** The AG audits and reports on the public accounts of Uganda and on all public offices. According to Global Integrity 2011, the AG works closely with other government departments to initiate and conduct financial and value for money audits regarding any project involving public funds. The AG also audits the Local Councils (local government bodies) and submits reports to parliament and other relevant authorities on local cases.

Despite Uganda's seemingly successful efforts in formulating anti-corruption policies and establishing anti-corruption institutions, corruption still plagues the country as is shown in the figure below. Additionally, when Civil Society came together under the Black Monday Movement, to lend a hand in the fight against corruption, the Government's reaction was to arrest the anti-corruption crusaders.

Question:

- ✓ Identify (a) the major allies; and (b) the key resisters/obstacles in the case of Uganda's Anti-corruption policy [or the anti-polythene bag policy]
- ✓ What advocacy strategy would you adopt to
  (a) Galvanize support for the allies/enablers; and
  (b) Minimize/ameliorate resistance to policy implementation?