

## **Notes on Parliamentary Lobbying and Advocacy**

### **Policy Forum**

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#### 1. The Legislative Process and Entry Points for Civil Society Participation

According to the Roadmap produced by PACT Tanzania as a tool for policy work, there are several different entry-points for CSO in the legislative process. Below are a few that I have picked up from that document and the Fact Sheet on the legislative process that is available from the parliament website.

#### **Policy Formulation:**

The procedure for public policy formulation is that ideally the process is supposed to go from the grassroots upwards. If the policy is initiated by the department or sector responsible for the issue in question, then citizens are supposed to be able to contribute their inputs to the policy formulation through that sector or department. The next step is deliberation and adoption of the policy by the cabinet or inter-ministerial technical committee before the policy is taken to parliament for approval so that legislation can be formulated according to the policy. The official mechanism for policy formulation is that the government is supposed to issue a White Paper outlining the policy that it proposes which is then open to debate, comment and contribution by the public. I would assume that this would be part of the deliberation process at the Cabinet level before the policy is taken to parliament.

The opportunities for lobbying directly on an existing policy therefore are:

1. to catch it in its initial stages and try to open the policy up for discussion by stakeholders
2. to advocate for new policy or revision of existing policy

3. to monitor or research on the effects of policy and use the information to lobby
4. technical advice in drafting of policies
5. awareness creation in the citizenry, another form of supporting discussion by stakeholders
6. *lobbying decision-makers to influence the formulation of crucial policies as well as securing their adoption*

Source: PACT Legislative Roadmap Part I

What is not clear is who can initiate a public policy process. Though the booklet suggest that it is possible (and desirable) for citizens to do so, it also states that policy is made either by the government or by institutions such as political parties or organizations.

*Some grey areas:*

Does the GoT employ White Papers in its general policy formulation?

Which policies have emerged from outside of the government?

Apart from White Papers, what are the tangible or concrete mechanisms for citizen and NSA participation in the policy formulation process?

What is the record of NSAs initiating public policy? Which NSAs are successful at doing that and how do they do it?

### **The Making of Bills and Laws:**

Apart from being formulated to enact existing policy, Bills can be initiated on the recommendation of Civil Society alongside state organs (executive or Law Reform Commission). However there are only two sources of Bills in Parliament: private Bills introduced by individual Members of Parliament and Bills introduced by the Government through a Minister or the Attorney General. Since a minimum of 21 days must elapse between the first printing of the Bill in the Government

Gazette and its first reading in parliament, procuring the Gazette is a basic way of keeping an eye out on what is coming to parliament.

It is when a Bill has been directed for review by the relevant standing parliamentary committee that the public is invited to make its views known to the committee. What is not specified is whether this lobbying must be done at the committee deliberation on the bill, or if it can begin long before the committee sits (e.g. through written submission to committee members so that the oral presentation is not 'new information').

When the bill is discussed for the second time, it is discussed in parliament and changes can be made by the minister or MP who introduced the Bill. At this stage the Bill is reviewed section by section and passed or amended by the parliament. It is at this discussion and adoption stage that the results of lobbying may show themselves to have been successful or to have failed, depending on what has happened.

#### Reality check:

According to Harold Sungusia (LHRC) there is no guarantee that getting the government gazette would mean that we would be on top of processes. Often enough the gazette will be backdated, late deliveries etc so that you get bills and legislation that has already been passed. In addition, it can be bulky, you get it through a subscription (yearly or so) and it can also be found at some law libraries (government council? As well as the high court). In terms of keeping up with upcoming legislation, we would have to cultivate contacts within government- in the ministries, at the parliamentary offices through the staff who work with the committees etc. these are the channels through which some kind of legislative 'ear to the ground' can be kept.

*Grey areas of the legislative process*, from PF experience on the Local Government Laws (Miscellaneous Amendments):

1. Information gaps. We found out fairly late in the game that the legislation in question existed so had to move extremely quickly to develop a position and lobby. Simultaneously it appears that the LGR people in government were equally unaware of the bill's existence. It is not in the interest of government to inform stakeholders 'pre-emptively.'
2. public hearings: these are restricted to the committee meeting on the bill in question. It appears that the bunge office in Dar is the site of many of these meetings, and access to them is questionable. What are the procedures for participation in committee meetings, are they open to all or only to groups and citizens who wish to make an oral submission? There are also issues of committee dynamics. According to Deus, not all committee chairmen are as welcoming as the one we encountered.
3. When is it too late to influence a Bill? After the public hearings have taken place and the committee presents its deliberations in parliament, I can see no clear avenue for continued lobbying other than going to Dodoma and trying to influence the parliamentarians there. Of course the feasibility and productivity of this tactic is something that would have to be considered, and it is probably too late at this stage to effect considerable change when the parliament has such an overwhelming ruling party majority.

#### The access to information problem: bureaucratic ineptitude or conspiracy?

Much of the LG lobbying work relied on network members who knew people who could get them copies of certain documents. This is not exactly a transparent approach that is backed by the right to information. Now, while the tardiness of important dissemination tools like the Government Gazette may be explained away by bottlenecks at the government printers and various other points, cumulatively there is a real problem accessing necessary information in a timely manner. This affects everyone except the small circles who are 'in the know' in government, because they are preparing the bill. How can accurate and timely analysis for lobbying be achieved in such an environment? While much of the

problem may be attributed to bureaucratic issues, it seems to me that this works in favor of the executive. It makes it difficult to debate or even understand legislation that the executive tables in any meaningful way, so there may not be much incentive for the strong executive to make the system to work more efficiently. This opacity serves to keep parliament fairly docile. Interestingly enough, when looking at the Hansards of the last parliamentary session (Hansards are the transcription of everything that was said during a day's session), I could not access the one for the day on which the LG Bill was discussed and passed. All the other Hansards were there. Is this a mere technical glitch...or something more sinister?

#### Resources on Parliamentary Advocacy Work:

##### *Literature:*

- The Constitution of the URT: the 14<sup>th</sup> Amendment is available in Kiswahili at present, and not yet online.
- The Standing Orders of the Parliament: these may change but they are available online on the parliament website
- Legislative Factsheet: available under documents on the parliament website
- PACT Legislative Roadmap parts I and II: originally printed as booklets, they are good for getting a general idea about the legislative process and (loosely) the role that different actors have to play in it.
- A Short Guide to Parliamentary Procedure and Practice in Tanzania by SUNY (includes info on budget debate, and schedule of parliament sessions)
- The Parliament website ([www.parliament.go.tz](http://www.parliament.go.tz)): the site has an impressive amount of information on it, and it is worth visiting regularly if you want official documentation as well as electronic versions of existing legislation.

##### *Contacts and specialists:*

- Contacts within Parliament: so far we have been able to access information through members' personal contacts in the parliament. In a country where public information is not very public, this has been crucial. Contacts can also give us a heads up on matters that are in development.
- Parliamentary Staff: Through the SUNY Parliamentary program we may be able to arrange for some networking with parliamentary staff who are key. This would include Directors as well as Parliamentary Clerks. Once we have met with them and familiarized them with our work, we may be able to 'access' parliament better.
- SUNY project: they have a wealth of information and experience with parliament, they are looking to network with Policy Forum and they are 'indigenizing' the project. May opportunities exist here.
- Individuals: within the network there are individuals who are either experienced in parliamentary issues, have access to information or contacts or some form of expertise. We need to find these people and use their resources.

Tuesday 19<sup>th</sup> February 2007: Ongoing linkages.

**Case Study: Meeting with Parliamentary Staff**

**SUNY-Tanzania Offices**

**Wednesday 14<sup>th</sup> February 2007**

**Background:**

On the 14<sup>th</sup> of November 2006, the Policy Forum secretariat met with SUNY-Tanzania staff from the Parliamentary Strengthening Program, namely Donna Bugby. The aim of the meeting was to understand more about each other's work and explore possibilities for collaboration and partnership. Policy Forum had been considering ways in which to strengthen its parliamentary advocacy, and SUNY suggested a series of meetings to try and break the ice between Policy Forum as a CSO network and parliamentary staff, with the hopes of fostering some networking.

As a result, SUNY invited Policy Forum to the Roundtable Discussion with the Director of Committee Operations plus Committee Clerks held on the 14<sup>th</sup> of February, 2007 at the SUNY-Tanzania offices. The meeting was attended by Hebron Mwakagenda (The Leadership Forum), Festa Andrew (Women's Dignity Project), Elias Leonard (LHRC), Gertrude Mugizi and Elsie Eyakuze of Policy Forum. The Parliamentary Clerks were Mr. Lawrence Makigi (Social Welfare and Community Development Committee), Mr.

Dickson Bisile (Local Authorities Accounts), Mr. Emmanuel Mpanda, Mr. Ernest Zulu and Mr. Charles Mloka (Constitutional and Legal Affairs) and Ms. Justina Shauri (Economic Infrastructure) and other staff. Notably present was the Director of Parliamentary Committees, Mrs. Phoebe Mmbaga.

**Parliamentary Strengthening:**

The SUNY program’s objective is to provide parliamentary committees and their clerks with support that aims at enhancing the committees work. During the discussion, committee clerks were asked to identify areas in which they felt their committees needed some support. This support is given in the form of briefings for parliamentarians, or training opportunities, and topics range from technical knowledge on public expenditure through to legal analysis and legislative procedures.

Although there was some initial concern about the presence of civil society organizations in at a committee activity planning session, after the introductory presentation this concern was set aside. It emerged during the meeting that parliamentary staff and civil society had some common areas of interest in working with each other. The objectives for civil society in networking with parliamentary staff is to increase access to public hearings, gain a better understanding of parliamentary processes and opportunities for participation, get more opportunities to access or brief parliamentarians, and know who to get in touch with at Bunge offices for information purposes.

On the side of Parliamentary staff, civil society was seen as useful in terms of providing information to them and their committees in their areas of expertise. As such, they would be interested in receiving (constructive) oral and written submissions on legislature, expert analyses to feed into committee deliberations, and an expanded pool of stakeholders to call upon for information. There is some lack of clarity as to whether all stakeholders are welcome or only those who are formal experts in their field, but this may vary according to the committee in question.

**Meeting Outcomes:**

1. A laminated contact list of parliamentary staff was handed out to civil society participants of the meeting, and is available at the Policy Forum offices as well as through LHRC, WDP and The Leadership Forum.
2. Clarification was provided on the rules that govern public hearings. At present they are by invitation by the committee chairman but this may change with the new Standing Orders which are expected in April of this year.
3. A platform for interaction between parliamentary committee staff and civil society (namely Policy Forum and its partners) was initiated with potential for mutually beneficial collaboration.
4. We were informed that the Freedom of Information Bill will be assigned to the Social Welfare and Community Development Committee for deliberation.

In the end, due to a relatively successful meeting, contacts have been made in the parliamentary offices. The main selling point for civil society is the value that we can add

to the work that the committees do in understanding issues and deliberating legislation in a more analytical or technical manner backed with good information.

Some lessons learned in this particular encounter may be applied to other difficult networking situations with public institutions that are not familiar with civil society/that may be hostile to civil society:

1. Having a 'neutral' broker trusted by both parties is helpful. In this instance, civil society narrowly avoided being ejected from the meeting because the hosting organization 'strongly encouraged' interaction between the two groups and managed to push it through.
2. exposure to each other can forge links. As the day progressed there was a thawing on the part of the participants, fuelled by informative discussions during break-times and meals. Breaking the ice in a small group seems to have done its part as there wasn't an overwhelming stress on formalities.

3/04/07: Some intelligence that the legislative process may not be followed as closely as it should. It appears that aside from there being problems with how regularly the Gazette actually gets printed, Bills are not necessarily printed in it before appearing for the first reading in parliament. Does this loophole make legislation that skips this step illegal? Another area is to challenge the laissez-faire approach which makes legislation so easy for government to manipulate to its benefit.