WINNING AND SUSTAINING SPACE FOR CIVIL SOCIETY IN SEMIAUTHORITARIAN SETTINGS: WHAT WORKS AND WHAT DOESN'T WORK –THE CASE OF UGANDA

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Abstract

Over the past decade, the world has witnessed significant changes in global and national polities. These changes, which include the re-emergence of semi-authoritarian regimes have had a substantial effect on the space for civil society advocacy. In Uganda, there has been an undulation between the promising eras of democratization in the 1990s to low days of oppressive legislations and institutions since 2005. What these changes dictate is that stakeholders working within and outside of the state ought not only to change their approach and strategies to cope with the changes in the rules of engagement but also win and sustain their operating space.

This paper explores strategies employed by civil society actors to win and sustain space for operation in Uganda's semi-authoritarian setting. The analysis is situated in Uganda's Semi-Dominant Neo-Patrimonial Space, characterized by patronage and party dominance. Two case studies from civil society advocacy have been explored to delineate key lessons for civil society advocacy across the world. The case studies are presented in periodized interactions between the state and NGOs in order to contrast the outcomes of different strategies which predominated in different eras. The evidence presented shows that where civil society organizations and actors used more collaborative strategies and techniques in their advocacy, they achieved advocacy results and goals. One the other hand, where civil society engaged through less collaborative and confrontational strategies, they did not achieve results.

It follows from the analysis therefore that in semi-authoritarian political settings, where civil society is relatively powerless, change cannot be achieved in ways that are contradictory and conflictual to the interests of a dominant regime. As such, incremental collaborative changes are more preferable and more effective than confrontational change options. The scope and extent of incremental changes would be larger the more collaborative is the civil society engagement.

Key words: Civil society, non – governmental organisations, citizen mobilization, advocacy

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Chapter 1: Introduction

1.1. Introduction

Over the past decade, the world has witnessed significant changes in global and national polities and economies. These changes, which include a re-emergence of semi-authoritarian regimes have had a substantial effect on the space for civil society advocacy across the world. In Uganda, there has been an undulation between the promising eras of democratization in the early and mid-90s to low days of oppressive legislations and institutions. What these changes dictate is that stakeholders working within and outside the state ought to change their approach and strategies to cope with the changes in the rules of engagement, but also win and sustain their operating space.

This paper explores the strategies employed by civil society actors to win and sustain space for operation in Uganda's semi-authoritarian setting. The analysis is situated in Uganda's Semi-Dominant Neo-Patrimonial Space, characterized by patronage and party dominance. Two case studies from civil society advocacy initiatives in Uganda have been explored to delineate key lessons for civil society advocacy across the world. The case studies are the NGO Legislative Advocacy and the Campaign for Free and Fair Elections. Both initiatives averred to influence legislative outcomes in a context that is characterized by patronage and state non-responsiveness.

1.2. Purpose of the Study

The purpose of this study is to examine contrasting advocacy strategies deployed by civil society organisations in Uganda during the different phases of the Free and Fair Elections Campaign and the NGO Legislative Advocacy. A close analysis is done to reveal how civic actors used collaborative techniques and strategies to achieve advocacy results especially in Uganda's context.

1.3. Problem Statement

There are a number of studies that delineate the role of civil society in development and governance. Existing research explains strategies employed by different civil society and activist organizations to achieve results, especially in advanced, functional, and sustainable democracies with impersonal governance rules, and institutions. However, the proposed strategies are often devoid of clear description and characterization of the contexts in which these organizations operate, which leads to failure to achieve the desired results. Most of these proposed strategies do not go beyond the traditional best

practice strategies of advocacy, with blurred links to the contextual realities. For civil society organizations operating in semi-authoritarian contexts, where the rules of engagement are different and functional democracy is in short supply, the strategies proposed in existing research are more often than not ill-fitting.

1.4. Research Questions

The key question under investigation in this research is how can civil society achieve advocacy results in semi-dominant neo-patrimonial spaces? What works and what does not work? To exhaustively explore this question, the following questions structured around the two case studies will be answered:

- o What key advocacy strategies were employed by civil society organisations in Uganda during the Free and Fair Elections Campaign and the Advocacy on the NGO Legislations?
- o Who were the key actors, and how did they relate with government institutions?
- o What contextual factors have shaped government-civil society relationships in Uganda?

1.5. Hypotheses

H1a: In semi-authoritarian political contexts, where civil society is relatively powerless, change cannot be achieved through ways that are contradictory and conflictual to the interests of a dominant regime.

H1b: Therefore, incremental collaborative changes are preferable, and more effective than confrontational change options.

H1c: The more collaborative civil society engagement is, the larger the scope and extent of incremental change is likely to be.

1.6. Methodology, Process and Tools

To explore the above hypotheses, I use a case study design. More specifically, two case studies are presented to explore the relationship between the actions of the civil society leaders, their advocacy strategies, and the response of government actors in Uganda's context. The case studies take from two advocacy initiatives, that is; (i) NGO Legislation Advocacy (1999 – 2015) and (ii) the Free and Fair Elections Campaign (2012 – 2015). Through these, I generate evidence that explains the success and failures of civil society advocacy strategies and draw inferences that will be instrumental for civil society advocacy.

I employ the empirical methodology of process tracing as a method for identifying and testing causal mechanisms; where causal mechanisms refer to the causal processes and intervening variables through which causal or explanatory variables produce causal effects (Bennett & George, 1997; Bennett & George, 2005). I use process tracing to examine the different explanations for the outcomes of the advocacy engagements at different times in the advocacy process within the two case studies; and to make reasoned inferences on the most probable, feasible, and convincing explanations (Bennett, 2010) for the outcomes.

As such, the method was used to develop a historical narrative that explores the critical junctures and causal links between the actions of the civil society actors and the response of Government. For better causal inferences, beyond snapshots of variations in strategies during these engagements, I trace the process across time and changes over time. The political events during the period in focus provide a contextualized setting in which to examine the effectiveness of the strategies and provide deeper understanding of the specific critical junctures that shaped change; bring to bear the different forces at play; and aid in making qualitative analysis of whether the hypotheses are robust or weak.

More succinctly, in terms of the causal mechanisms, there are two factors I considered in determining what produces agreement between the government and civil society in advocacy. The two factors are content of the advocacy and the process through which outcomes are sought. **'Content'** refers to form of ideas being advanced by civil society (whether highly threatening or easing) and the inferences around those ideas. It was observed from the empirical narrative that where the form of the ideas fundamentally challenged the stakeholders involved — and threatened the power and authority of the dominant state, specifically the top political leadership — the ideas were not considered on their own merits, were deemed undesirable, and were rejected by the state and state actors.

On the other hand, where the ideas were packaged in ways that did not appear threatening to authority and the power of the top political leadership — ways that were easing to the political leadership — these ideas were accepted and adopted, bringing about incremental reforms. This supports hypothesis **H1a:** "In semi-authoritarian political contexts, where civil society is relatively powerless, change cannot be achieved through ways that are contradictory and conflictual to the interests of a dominant regime."

Secondly, **'process'** refers to the engagement strategies employed, and the actions taken by civil society actors in their pursuit of reforms. These strategies can be

categorized as collaborative or confrontational. With collaborative strategies, civil society actors mobilize, work with, and establish alliances with critical state actors. Negotiations around the content and ideas of reform take place, which inform critical concessions that cumulatively have the potential to lead to fundamental reforms. This takes place in ways that are not perceived by the top political leadership as threatening.

It was observed that where civil society actors engaged more collaboratively with state actors in the development and negotiation of reform ideas, their proposals were supported and adopted by Government and passed by parliament. The willingness of civil society actors to make concessions on some areas of their reform proposals made collaboration and mutual agreements possible. These observations support both hypothesis **H1b:** Collaborative incremental changes are preferable, and more effective than confrontational change options, and **H1c:** The more collaborative civil society engagement is, the larger the scope and extent of incremental change is likely to be.

With confrontational strategies, civil society actors apply the demand and supply model to advocacy while working outside the state. This is based on the demand and supply model of good governance, where civil society actors focus on building citizen consensus on the nature and character of reforms and carryout actions that increase demand for the reforms — the assumption being that government actors and institutions would be compelled to supply and enact the reforms. Some of the actions in this strategy are the use of public protests and media campaigns to generate public demand for reform ideas. As seen from the empirical evidence generated; in semi-authoritarian settings, political leaders have control over most institutions of government and the state and are not easily threatened by public pressure. It follows, therefore, that for ideas contradictory to their interests to be accepted, they must receive the support of key state actors and constituencies. This calls for collaboration and the packaging of ideas in ways that ease any existing insecurities and tensions in the top leadership.

1.6.1. Beyond Mechanisms to Process and Tools

The historical narrative presented in Chapters 6 and 7 is generated through conducting personal Key Informant Interviews with central actors involved in the NGO Legislative Advocacy and the Campaign for Free and Fair Elections. The interviews were semi structured and targeted key actors from organizations that were actively engaged in the advocacy activities. These interviews were instrumental in unearthing critical junctures and determining causal links. They also furnished specific attributes and explanatory explorations for significant actions by the various stakeholders involved, and how these

factors shaped the development of events. The interviewer/author made sure to explicitly acquire all the necessary clearance and consent from the interviewees and to quote the material generated for purposes of this research.

To augment the findings of the Key Informant Interviews, news reports and newspaper articles were assembled to recreate an accurate description of events and their outcomes. Lastly, a comprehensive literature review about the conceptualization of the term civil society, civil society advocacy strategies, and a deconstruction of Uganda's political context — in which this study is situated — were also carried out to provide a theoretical basis for the research.

1.7.   Limitations of the Study

The scope of this dissertation is limited to Uganda. The empirical work is based on two advocacy interventions by civil society organizations in Uganda, between 1999 and 2016. The study by no means examines all advocacy initiatives by civil society during this period. Additionally, in spite of the fact that methodical and academic rigor has been ensured, the reliability of the study might be affected by the fact that the author was central to the coordination of the advocacy activities for the two initiatives between 2014 and 2016. While the author has taken great care to remain objective in his narration of events, observer bias cannot be ruled out.

Chapter 2: Understanding the Concept of Civil Society

To provide a conceptual understanding of civil society, in this chapter, I explore key theories around civil society, its definition, characteristics and role in development.

Although the idea of civil society has been widely discussed, the challenge of defining the concept has remained surprisingly difficult (Larok, 2009), and the term has conceptually remained fluid. One reason for this maybe that civil society is diverse, multifaceted, and broad (Viterna, Clough, & Clarke, 2015). Quite often, the term is interchangeably used in reference to Non-Government Organisations (Ibrahim, 2015; Pearce, 2000). However, to look at civil society through the narrow lens of NGOs is rather limiting: civil society takes different shapes. Working within the broader field of the third sector, or non-profit research, (Salamon & Anheier, 1992) have famously argued, in their attempt to define NGOs, that most definitions of the term have been either legal (focusing on the type of NGO), economic (based on the organisation's source of funding) or functional (based on the type of activities undertaken). Appropriate definitions will therefore differ depending on the context in which the term is applied.

In the liberal view, one that has been most popular with donors and governments, civil society is seen as an arena of organized citizens and a collection of organizations that act to balance the state and the market; a place where civic and democratic values can be upheld (Boulding, 2010; Lewis & Kanji, 2009). This implies that civil society is a wide range of groups, ranging from community organizations and movements, to consumer and producer associations, women's and workers' groups, and of course NonGovernmental Organizations (Carroll, 1992; Edwards & Hulme, 1992) — the most common feature being that they operate outside of government and the state, and are mostly voluntary (Dicklitch, 1998; Lewis, 2010).

In Uganda, the term civil society has unsurprisingly been erroneously and rather interchangeably used to mean NGOs. The NGO Act 2016 defines organisations as private voluntary groupings of individuals or associations established to provide voluntary services to the community or any part, but not for profit of commercial purposes (Government of Uganda, 2016). The Act further distinguishes NGOs according to geographical coverage, place of original incorporation, and ownership. The National NGO Policy, on the other hand, provides a much broader definition; 'any legally constituted private, voluntary grouping of individuals or associations involved in community work which augments government work but is clearly not for profit or commercial purposes (The Government of Uganda, 2010). The two definitions centralize the fact that NGOs operate not for profit, which provides one of the major distinctions

between NGOs and private business. The Policy further recognizes the role of NGOs in Uganda's development and delineates their activities, such as mobilization, sensitization, consulting, and aggregating citizen's interests and actions (The Government of Uganda, 2010). The levels at which NGOs perform these responsibilities include; agenda setting, policy formulation, monitoring, and ensuring transparency and accountability.

For this particular paper, I use the term civil society to refer to all organized actors outside of the state and the market, which include, but are not limited to, Non-Governmental Organisations. I also abstain from trying to make a distinction between NGOs and other forms of civil society since one is not only subset of the other, and thus may not make much conceptual distinction, but also because the distinction may not be useful due to what (Hulme, 2008) calls the 'fluidity of analytical boundaries'. I shall therefore adopt (Heinrich & Khallaf, 2005) definition of civil society as simply the arena outside of the family, the state, and the market, where people associate to advance common interests. This definition represents the parameters within which this paper attempts to examine the question of civil society effectiveness: Firstly, it recognizes citizens' engagement which is central to citizens exercising their voice and secondly, it underscores the concept of association – the interaction between citizens and state actors. This definition thus facilitates the appreciation that engagement in this 'arena' can take on different forms and that it may differ with differences in context. This may as well partially or wholly explain the divergences in effectiveness of interventions and advocacy.

2.1. Historic Role of Civil Society in Development Practice

In the past fifty years, civil society has rapidly gained recognition for its role in development policy and practice. Following the re-emergence of the New Policy Agenda in the early 1990s, and the consolidation of neoliberal and democratic governance reforms, mainstream development organisations such as the World Bank quickly identified CSOs as vehicles for advancing ideas about good governance (Mohanty, 2002). They were viewed simultaneously as public actors that could support democratic process in political spheres, and private market-based actors that could support service delivery where the state failed (Edwards & Hulme, 1992). It is no wonder that civil society organisations, especially NGOs, have now become part of the global governance and development system.

The imposition of structural adjustment policies on many developing countries, especially in Africa, led to drastic cuts in the provision of social services. Some of the reforms required states to reduce economic interventions and emphasised a stronger role of the

market, yet there existed very few indigenous private enterprises (Bratton, 1989a). This left a huge gap in service delivery that non-state organisations attempted to fill. CSOs thus provided vehicles for people to participate in development and social change in ways that would not be possible through conventional government programmes. In being 'not governmental', they constituted a 'space' in which it was possible to think about development and social change in ways that would not be likely through government programmes (Mitlin, Hickey, & Bebbington, 2007).

More so, central to the alternative development approaches were the dual concepts of participation and empowerment: participation being the need to build a central role of ordinary people in decision making, while empowerment represented a shift from viewing poverty as simply a lack of material resources towards a view of poverty as an outcome of unequal power relations. These concepts, advanced by academics among whom are a US activist Arnstein (1969), have informed a large part of civil society engagements with governments and in development. Therefore, beyond service delivery (Roy, Raquib, & Sarker, 2017), civil society organisations have played an important role to engender rights-based approaches that can strengthen the voices of people who find themselves excluded from policy and political process.

Chapter 3: Uganda's Political Context – The Emergence and Sustenance of a Semi-Dominant Neo-Patrimonial State

This section illuminates some key aspects of Uganda's political history and context, the nature of political settlements, and the emergence of a semi-dominant neo-patrimonial state. I delineate the key characteristics of this context and the relationship between the state and civil society. It follows from this contextual exposition that an argument for collaborative techniques as the most viable advocacy strategies for civil society organizations working in similar contexts is laid out.

In *Working with the Grain: Integrating Governance and Growth in Development Strategies*, Levy (2014) provides an instructive typology[1] to distinguish among different country governance types and contexts. The typology distinguishes among six different country governance types whose characteristics are provided in a table below:

Table 1: Characteristics of Different Country Governance Contexts

No.	Country Context	Main Characteristics
1.	**Conflict**	Country is trapped in endemic, violent conflict.
2.	**Dominant discretionary**	There is strong political leadership (perhaps military or civilian, organized around a political party or charismatic individual) which has successfully consolidated its grip on power, but formal institutions remain weak, so rule is personalized.
3.	**Rule-by-law dominant**	Institutions are more impersonal but political control remains monopolized.
4.	**Personalized-competitive**	Politics is competitive, but the rules of the game governing both the polity and the economy remain personalized
5.	**Rule-of-law competitive**	The political and economic rules have become more impersonal – though some other necessary aspects of democratic sustainability have not yet been achieved.
6.	**Sustainable democracy**	The country has built a sustainable platform for sustainable democracy

Source: Adopted from Brian Levy: Working with the Grain: Integrating Governance and Growth in Development Strategies

Uganda can be located between the personalized-competitive and dominant discretionary spaces. This characterization is instructive in understanding Uganda's political context as well as the nature of relationship between the state and non-state actors. To understand this characterization, it is imperative to briefly look at some of the historic political and economic aspects of Uganda's polity.

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[1] The typology provides a framework for distinguishing between political and governance contexts and understanding the nature of political settlements.

Firstly, the National Resistance Movement (NRM)[2] under the leadership of Gen. Yoweri Kaguta Museveni took over power following a protracted guerrilla war that lasted a period of five years from 1981 to 1986. This was preceded by almost two decades of political turmoil from the mid-1960s (Sejjaaka, 2004). These political conflicts had led to dysfunctional state institutions and mistrust of the state by the citizens (Southall, 1980), which partially[3] explains Museveni's motive in pursuing decentralization – to foster participatory democracy at grass roots level (NRM-O, ; Okidi & Guloba, 2006). It should also be noted that prior to the guerrilla war, Museveni's political party then, the Uganda Patriotic Movement, had lost the elections, acquiring just one parliamentary seat (Tall, 1982; Willis, Lynch, & Cheeseman, 2017). Decentralization was thus a political strategy to muster political support that was necessary for consolidating its fragile power base.

Institutionally, decentralization reform is one of the many democratic innovations that were offered by the country's 1995 Constitution. These reforms galvanized both domestic and international political support for the NRM, were rated to be exceptional in terms of transfer of power and praised as one of the most far reaching local government reforms in the developing world (Francis & James, 2003), and ceded power to subnational governments on the assumption that such reforms would strengthen good governance ethos (Mawhood, 1983).

It is indubitable that, looked at in relation to the periods before and immediately after 1986, the first years of the NRM registered significant economic and political progress (Magaju, 1996); for example, Uganda in the 1990s registered one of the highest economic growth rates on the African continent (Ssewanyana, Matovu, & Twimukye, 2011; Young, C., 2001). It can be argued however that Uganda made this progress, not because of the qualitative impersonal institutions and rules, but rather, a leader who had the potential to use clientelism and patronage to provide political goods. This system was deepened by the goodwill and popular support of majority of Ugandans who had gotten tired of the oppression of previous leaders.

In spite of the legal progress therefore, the system continues to facilitate the informal power of presidentialism (Kjaer, 1999), unaccountability, and patronage (Carbone, 2003; Green, E., 2010; Tangri & Mwenda, 2006). This is reflected in the 1995 Ugandan constitution which gives the president far reaching powers to appoint heads of all

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2 The National Resistance is the Political Party in Power in Uganda, It's Chairperson, Gen. Yoweri Kaguta Museveni has been at the helm of the country's political leadership from January 1986 to date.

3 The other explanations are the reform programs adopted by the NRM including: liberalization and privatization were supported by the international financial institutions

government commissions, security agencies, government ministries and departments, judicial officers, and members of the electoral commission. This leaves him with overarching control over all the government institutions and departments which facilitates patronage. One can argue that parliament provides oversight with these appointments, however, with over 70% majority in parliament, President Museveni controls the institution (Kjaer, 1999) which compromises its independence.

More so, in spite of the progress that was made, there are clear discrepancies between the commitments and pronouncements. For instance, there was a ban on political party activities for almost 20 years (Kasfir, 1998), yet even with the return to multiparty politics through a referendum in 2005, the effectiveness of political parties still remains challenging: political parties remain weak, and the rules governing their operations are overly constraining and personalized (Makara, 2010). The institutional practice restricts the freedom of association and expression (Tabaire, 2007), mitigates opposition, and consolidates President Museveni's power (Tangri, 2006). Quite often the operations of political parties are constrained by Uganda Police, and government continuously harasses opposition politicians (Dicklitch, 1996) and constrains financial mobilization by opposition political parties.

Additionally, it is imperative to recall that to create a broad-based government when NRM came to power, it adopted a co-optation strategy through the use of state patronage. Today, Museveni continues to create new constituencies and political positions (Green, E., 2010) to accommodate his patronage network. One of the most recent expressions of the president's use of patronage for political survival is in appointment of the former president of the Uganda Federal Alliance[4], an opposition political party, to a ministerial position. Beyond appointments, President Museveni continuously uses public funds to run his political campaigns (Helle & Rakner, 2013; Imaka & Otage, 2014; Kalinaki, 2014) and compromise politicians into serving his political interests (Nganda, 2017; Nsubuga, 2018). The use of public resources for political legitimization is thus an apparent feature in the country's political settlements.

Lastly, clientelism is another domineering feature of Uganda's polity. There are growing sentiments that Museveni surrounds himself with people along the same tribal line. He has continuously recruited from Western Uganda, which is his tribal area. This has

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[4] President Museveni appointed, Hon. Betty Kamya who was formerly the president of the Uganda Federal Alliance, an Opposition Political Party to a ministerial position.

created high levels of mistrust between some of the tribes of Uganda, and tribalism is becoming a major factor in Uganda's political life (Buwembo, 1998).

What the preceding analysis demonstrates is the elusive promise and narrative of the democratic state in Uganda. It shows that while Uganda has organized regular elections since the promulgation of the 1995 constitution, the rules governing elections, political and economic activities are personalized, and associational life is severely constrained. Because of the overarching intent of President Museveni and the NRM government is to maintain political control, regressive actions are often taken to constrain any civic actions that threaten the fundamental power of the NRM, while maintaining the institutional illusion of democracy. These contextual realities fulfil all the characteristics of a semi–dominant neo-patrimonial context; there is strong political leadership, a hybrid of military and civilian, organized around a political party which has successfully consolidated its grip on power, yet formal institutions remain weak, and so rule is personalized (Levy, 2014). This is the context with in which the two case studies are presented, demonstrating strategies for achieving advocacy results in such contexts.

Chapter 4: History of Civil Society in Uganda and Relationship with the State

To narrow down the conceptual exploration of civil society and lay foundation for the empirical work in chapters 6 and 7, I discuss the emergence of civil society in Uganda, its characteristics, and the mutation from predominantly service-delivery to advocacy. I also explore how this change in focus shaped the relationship between the state and civil society sector in Uganda.

During the colonial period, civil society groups in form of churches and missionary societies were the principal providers of basic social services in Uganda. Till today, NGOs continue to deliver social services (Barr, Fafchamps, & Owens, 2005; Kaleeba et al., 1997) to majority of citizens in Uganda and provide humanitarian aid to victims of instability in some parts of the country, especially the North and North-eastern regions. Until recently, it was estimated that CSOs, and mainly Faith Based Organisations, provided up to 40% of health services in the country (Nyamugasira, 2000). Since the mid-1990s however, there has been an emergence of advocacy organisations working on governance and accountability. One of the key reasons for this shift is the fact that NGOs realised that the way they had been approaching development achieved limited results (Larok, 2018). Their work was likened to patching up wounds without addressing the root causes of the problem (Nyamugasira, 2000). This realisation precipitated a shift in focus of many CSOs to governance, accountability, and advocacy work. The late Warren Nyamugasira, one of the civil society icons in Uganda provides a fair analysis;

"We have come to the sad realization that, although we have achieved many … successes, the systems and structures that determine power and resource allocations – locally, nationally and globally, remain largely outside our sphere of influence." Warren Nyamugasira.

More succinctly, CSOs have shifted from being loose associations during the pre-independence and immediate post-independence period, to aid organizations providing humanitarian support to victims of war and disaster in the early 1980s and 1990s, and now the emergence of advocacy and accountability organizations engaging in activities to balance the power between citizens and the state. Beyond thematic shifts, the Civil Society Sector in Uganda has also grown in terms of numbers; official government figures indicate that Uganda had 94 registered NGOs in 1988; 7,000 by the end of 2007; 10.0000 by 2010 and 13,000 in 2016 (National Bureau for NGOs). This growth in numbers has also come with emergence of different types of NGOs engaging differently with the state.

Because these shifts have an analytical impact on the relationship between civil society and the state, and certainly have an effect on the advocacy strategies adopted by civil society organizations, it makes for conceptual importance to distinguish between civil society organisations that are explicitly advocacy oriented and those that pursue other agendas (Lang, 2012) such as service delivery, if we are to understand their relationship with the Government and how these organizations impact Uganda's polity.

Service delivery NGOs, for example, augment government service delivery efforts and fill the gaps where Government cannot reach. For their complementary role, the Government is supportive and welcoming to these kinds of organisations. The only complication in their relationship could be the fact that they compete for the same resources from international financial institutions and donors. The fact that Service NGOs have the effect of reducing official aid to Government, as international donors look to NGOs as alternative channels, does not endear them to Government. In 2012, for example, following a widely publicised (BBC, 2012; Redfern, 2012; The Guardian, 2012) corruption report in the Office of the Prime Minister, the United Kingdom withdrew its support to government and channelled it through NGOs. Moreover, for neopatrimonial contexts, the threat of political mobilisation and empowerment from providing social services to the population may also threaten the Government's grip on power, and yield conflict between the state and civil society actors.

On the other hand, advocacy NGOs provide a counter weight to the power of the political executives (Bratton, 1989a) and balance the power between citizens and the state. Some of these organisations include human rights-based organisations, anticorruption activist societies, and governance-focused organisations. These organisations check state excesses and challenge its inefficiencies. It is unsurprising therefore that in neo-patrimonial contexts where the state works towards maintaining political control, it is suspicious of advocacy and governance organisations, which often yields conflictual relationships.

In the final analysis, I do argue that the nature of Government-CSO relationship depends on both the political context, nature of political settlements, focus of the civil society organisations, and the advocacy strategies adopted. The more confident the Government is of its grip on power, the less the fear of civil society; the less fragile the Government's sense of political legitimacy is, the less permissive it will be of advocacy organisations (Bratton, 1989a). As such, the amount of space allowed for civil society operations in any context is dependent on political risk, threat posed by the NGO, and

the ongoing nature of political settlements. The chart below builds on the earlier distinction of different political contexts. It highlights a synthesis of the nature of relationship between CSOs and Government, depending on the focus of the organisations.

Table 2: Delineating Country Context Vs Type of NGO

Type of Civil Society

Cell	Service Delivery	Advocacy
Conflict	CSOs perform most of the service delivery functions and fill service delivery gaps.	Nonexistent functional state.
Dominant discretionary	Government receptive of CSO interventions, Strong control and monitoring.	Government constrains CSO Operations, strong control, Government takes account of content of CSO Programs.
Rule-by-law dominant	Restrictive Laws, Government receptive of interventions with close monitoring.	Restrictive Laws, CSO operations are constrained.
Personalisedcompetitive	Personalized institutional laws, Government receptive of CSO Interventions, prefers collaborative patronage relationship.	Hostile reception personalized and selective application of restrictive laws to constrain CSO operations.
Rule-of-law competitive	Impersonal Institutional Laws, CSOs perform their mandates in a mutually agreed operational framework.	Impersonal Institutional Laws, CSOs perform their mandates in a mutually agreed operational framework.
Sustainable democracy	Impersonal Institutional Laws, CSOs perform their mandates in a mutually agreed operational framework.	Impersonal Institutional Laws, CSOs perform their mandates in a mutually agreed operational framework.

Based on Authors Synthesis and Analysis

4.1. Changes in Relationship Due to Changes in CSO Engagements Overtime

More critically, in the context of the empirical work for this paper, there are four critical periods of time and junctures in Uganda's politics and contexts that shaped Government – CSO Relationships and the nature of legislations in the past three decades. As I reveal in the later chapters of this paper, at each of these moments there are critical events that shaped civil society advocacy response and strategies to influence the proposed Government legislations.

Firstly, (i) between 1989 and 1999, Uganda was recovering from the 1980 – 1986 civil war and the NRM government viewed CSOs as partners in recovery and development efforts, the relationship between CSOs and Government was cordial and positive; (ii) in

the early and mid - 2000s, CSOs realized that the way they had been approaching development achieved limited results, as such, they started engaging in advocacy and became more involved in political processes, mobilizing citizens to participate in governance processes such as the campaign against the removal of term limits from the Constitution of the Republic of Uganda in 2004/5; (iii) between 2010 and 2013, a series of highly defining events took place — the first is the 2011 general elections, which was succeeded by a series of mass citizen protests (the "walk to work" protests) across major towns in the country, and the second is the Black Monday Movement, an anticorruption campaign that was jointly driven by a number of Civil Society Organizations and bred a series of confrontations between Government and civil society actors; lastly, for this paper, (iv) the events that took place between 2014 and 2015 — learning from efforts towards monitoring Uganda's elections under multi-party dispensation since 2006, NGOs engaged in the campaign for electoral and constitutional reforms called the 'Free and Fair Elections Campaign' *(I return to this in finer details in the second case study in chapter 7).* These events had a defining effect on the nature of relations between the NGO sector and Government of Uganda; during each of these periods, the Government responded with a new piece of legislation to control NGO operations.

It is imperative to note, however, that while I state that during the first period (between 1989 and 1999) the relationship between NGOs and the Government was 'cordial and positive' (Maghela, 2018; Nassali, 2017), there are other views that contest this analysis. Maghela (2018), for example, argues that because the country was emerging from a guerrilla war (between 1980 and 1986) that had brought the current NRM government, and because NGOs were instrumental in the recovery programs and providing humanitarian relief to victims of conflict in some parts of the country, Museveni's government in some way viewed NGOs as partners. That the Government recognized NGOs' contribution to the development and economic recovery process, and had no major desire to control their operations, which was manifest in the 1989 NGO Statute[5].

The contesting view, however, is that, given that the NRM government came into power as a rebel movement using the "people power" dynamic, they were always afraid that the same dynamics could lead to their fall. In the places where they operated, they were supported by a number of NGOs with food and medicine. Within the rebel thinking therefore, Ssewakiryanga (2018) and Larok (2018) argue that NRM government found

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[5] The 1989 NGO Statute was considered by many actors as facilitative of NGOs, whilst it was not fully developed to provide from a broad framework for CSO operations, it was not legally constraining.

CSOs, especially the Humanitarian NGOs, very helpful; and as such, its dominant and enduring thinking coming into government was that NGOs are capable of doing the same favor — facilitate, resource, and support a similar rebel group against their government. In a sense, therefore, there has never been a smooth relationship between NGOs and Government.

It is my view, however, that this does not discount the fact that the CSO-State relationship was a smooth one during this base period. Ssewakiryanga (2018) for example recognizes that what could have contributed to the smooth relationship during this period was mostly around the Movement System of Government which centralized consensus politics and nation building ideology. In this framework, NGOs were brought into the mix not only as development actors but also as the quasi opposition — due to the fact that the movement system didn't have opposition. Secondly, with multiparty politics banned, effectively muzzling opposition political parties, CSOs were one of the few channels through which citizen expression happened (Larok, 2018). In a sense therefore, one can argue that CSOs had a smooth relationship with Government, not for being predominantly service delivery partners, but rather for the fact that they were being exploited to legitimize the movement system of government. It would therefore be inaccurate to posit that the Government liked CSOs since Museveni's government believed that CSOs have the capacity to support another rebel movement, which partially explains the placement of CSOs under the Ministry of Internal Affairs and not any development ministry of government. Nonetheless, it is indeed correct to say that the relationship between CSOs and Government was a smooth one. In the much broader analysis therefore, the inclusion of this period is important for a couple of reasons; firstly, to provide an analytical baseline for tracing the NGO Legislative Advocacy in the subsequent focus periods, and secondly, to bring to bear the relationship between the form of ideas that CSOs work on and the Government's response in Uganda's neopatrimonialism context.

Chapter 5: Civil Society Advocacy Strategies, What Do We Currently Know?

There is limited consensus on the definition of the term advocacy. Scholars such as (Scott, 1983) have defined it as a process of using power to influence the institutional rules that define the character of the institutions' operational environment, or the act of influencing or supporting a policy. The common factor being 'to influence' (Steinberg, Walter W Powell Richard, 2006) the decisions of any institutional elite on behalf of collective interest. Beyond influence, (Young, E. & Quinn, 2012) define policy advocacy as the process of negotiating and mediating dialogue through which decision makers accept the ideas and act upon them. It involves defending causes of others and speaking out for policy changes and actions that would address the causes of problems confronted in development (Lindenberg & Bryant, 2001), and give voice[6] to the majority (Almog-Bar & Schmid, 2014). These two broad definitional areas – that is influence and negotiation, provide a working definition for this paper. I define civil society advocacy as a negotiation process that seeks to define and influence changes in the status quo for the betterment of society. This process can be in form of round table debates, exertion of pressure on the political system and structures of power through political mobilization, generation of new knowledge and ideas that shape public discourse, popular protest against undesirable conditions, among others. In this section, I will explore the existing theories and discourse around civil society advocacy strategies.

To understand civil society effectiveness in advocacy, and the strategies adopted by civil society organizations, it is imperative to situate the analysis in the relationship between stakeholders involved, especially the state and those outside of the state, and the form and substance of advocacy ideas. These facets quite often determine the nature of approach and strategy used by civil society actors in the quest to influence political processes. In some cases, organizations operate independently or against the state, which raises questions about their legitimacy and agenda. In other cases, and contexts, organizations implicitly or explicitly challenge the state; for instance, by demonstrating an alternative vision of development and exposing the limitations of the status quo (Bratton, 1989b). Such cases have provided pivot for post development critics such as (Lewis & Kanji, 2009) to argue that Civil Society Organizations, specifically NGOs, represent a continuation of colonial missionary traditions and act as handmaiden of capitalist destruction of non-western societies. He referred to them as a 'Trojan horse' which transfers western capitalist values into communities. This has threatened many

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[6] See World Bank (2004). **World Bank Development Report, 2004: Making Services Work for the Poor** Washington. DC. World Bank and Oxford University Press

African states, some of which have quite often worked to undermine the efforts of these organizations.

This particular criticism is important, especially given the contest within which this paper addresses the question of space for civil society operation. The Government of Uganda, through its agents has variously (ActionAid Uganda, 2012; Opondo, 2017) dismissed civil society reform efforts as foreign agendas. However, with the advancements in networks and increased interaction between the state and civil society actors, coupled with visible increments in the democratization of states across the African continent, opportunities for civil society to work together with governments to advance accountability and give voice to the poor and vulnerable communities have begun to emerge.
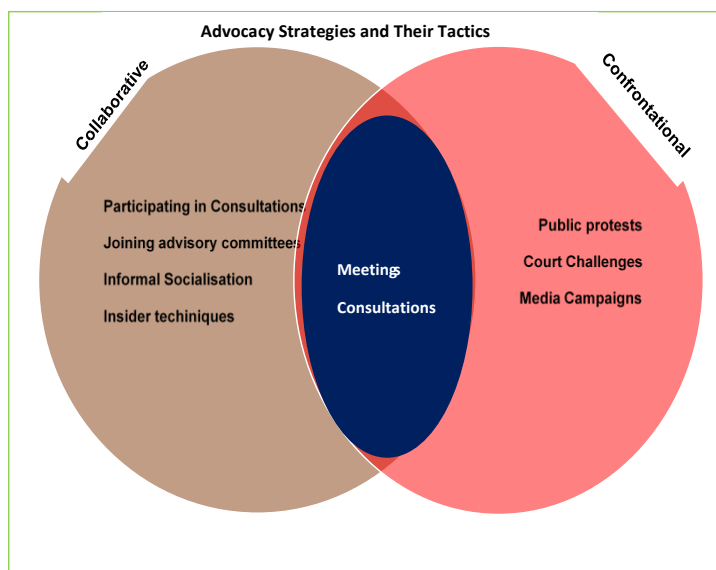
5.1. Some Key Strategies

Having provided context to this section, this section looks at the existing literature on civil society advocacy strategies. While there is varied literature documenting civil society advocacy and accountability efforts (Encarnación, 2000; Fox, 2001; Price, 2003; Scholte, 2004), not enough is synthesized to delineate strategies that are 'better fit' in different contexts. Most of the available research and literature on civil society engagements is often commissioned and funded by individual organizations and is specific to projects and programs. Other literature presents lessons by senior civil society activists and NGO advisors such as Green (2016), who have been generous to document their experiences. This paper will therefore lay out a few synthesized strategies used by civil society organizations in advocacy, without losing sight of the fact that different contexts will require different approaches.

The chart below presents a synthesized comparison between the two major advocacy strategies — collaboration and confrontation — and the tactics involved in each of the strategies. The chart also shows any areas of convergence between the strategies. Perhaps it is important to distinguish between advocacy strategies and tactics.
According to Berry (2015), a "strategy is a general, long-range approach to advocacy whereas tactics are a set of actions taken to advance a specific strategy[7]".

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[7] Modified by author for emphasis

Chart: Civil Society Advocacy Strategies and Tactics

Advocacy Strategies and Their Tactics

Collaborative

Confrontational

Participating in Consultations
Joining advisory committees
Informal Socialisation
Insider techniques

Meetings
Consultations

Public protests
Court Challenges
Media Campaigns

In a three-dimensional model of NGO advocacy, five particular advocacy strategies are highlighted: - networking, mass movement, public support, confrontation and collaboration (Dechalert, 1999).

The strategies that span a number of case studies and literature I have surveyed in preparing for this research are: inside techniques, direct confrontation and collaboration.

Author's representation of textual descriptions

My focus will be on collaboration and confrontational strategies due to the fact that the empirical work undertaken in this research brings to bear the effectiveness and shortcomings of these strategies in semi-dominant neo-patrimonial political contexts.

More so, Berry (2003) categorizes advocacy strategies and their tactics into two; the first is what he calls the aggressive confrontational, which involves tactics such as testifying on hearings, protests, among others; the other is the less aggressive and cooperative forms of interaction, which involves collaborative forms of interaction and tactics such as working in planning and advisory groups, joining teams of government resource persons, socializing informally with government officials, responding to requests of information, and developing personal relationships with government officials.

There is a tendency for CSOs to operate outside the existing political and bureaucratic structures — to build citizens' agency through organization and mobilization in an attempt to achieve advocacy objectives. In Thailand, for example, local NGOs in the early and mid-1997 provided organizational support and resources to organize protests on behalf of the poor (Covey, 1995; Korten, 1990). Protests thus became an important feature of Thai NGO advocacy work, and public rallies against government became common place. This approach usually adopts strategies like networking, building coalitions with likeminded NGOs, citizens, and media campaigns, among others. It involves building citizens' 'power within' (Green, D., 2016) to generate momentum for change upwards.

In a study, documenting strategies of CSOs in Nepal, lobbying, policy dialogues, protest programs to a complete shutdown were used to advance their agenda. Silpakar (2012) argues however, that only some of the advocacy campaigns have been successful in effectively influencing policies. He further argues that when CSOs opt for complete shutdown, especially in circumstances when their voice is not heard by the state, the desired policy influence is easily addressed. The preference for protest and complete shutdown is augmented by the thinking that accountability is best enforced from outside the established political system and the state. In such contexts, mass dissatisfaction amongst the general populace about the status quo is a necessary condition. These conditions may make it risky for the political elite not to respond to the demands and proposals raised by organized citizen formations and organizations, but do not guarantee success. The case studies presented in the next section demonstrate that this strategy often breeds suspicion and confrontation between the citizens, their organizations, and the duty bearers. Furthermore, due to the extreme imbalance of power between citizens and the state, it compromises chances of achieving results. I therefore postulate that this approach may only be effective in countries where accountability institutions and systems such as those that administer justice and management of elections are impersonal, functional and independent.

The other contrasting key strategy in this paper involves collaborative techniques. This is where organizations invite government agencies, policy makers, politicians, and other key stakeholders as partners to address some of the policy and service delivery deficiencies. In this way, organizations involve these stakeholders in the planning and implementation of the activities and programs. This often creates reciprocal relationships of trust between organizations, service providers, citizens, and duty bearers. Sometimes NGOs establish these collaborative relationships through the provision of social services. Collaborative strategies also create a platform for community organizing and mobilization (Carol, 1992) and partnerships through service delivery later mutate into opportunities for collaborative policy formulation and implementation. They also guarantee smooth implementation of organizations' activities without resistance from target institutions and invested stakeholders.

One of the techniques used in this strategy involves 'insider techniques', or 'working from within' which refers to where organizations, or their leaders, position themselves as experts and avail their resources to government policy makers. They form part of focus groups, teams of experts and commissions of inquiry. With these established relationships, NGOs are able to express their dissatisfaction about deficiencies in ways

that are simultaneous with the established government practice and structure. It also gives them a platform for constant and continuous engagement with key policy makers in government and opens up opportunities to argue for particular reform ideas and proposals that are central to their agenda. This strategy is reflected in the NGO Legislation Advocacy Case Study in the next chapter: NGO Actors were part of the team of experts to develop the NGO Legislations, 2016. With this strategy, however, organization leaders and actors stand a risk of being branded as 'sell-outs', especially in political systems that are characterized by strong political patronage.

Relatedly, in a book based on papers and discussions in a seminar on the theme '*Democracy at Work in South Africa: The role of organizations in promoting an Open Society*', Van Der Merwe (1980) differentiates between two distinct strategies adopted by civil society actors in apartheid South Africa, i.e. Gradualism and confrontationalism. In their thematic breakdown, they argue that there was a continual, and sometimes acrimonious, debate on the question of gradualism vs confrontation strategies. Many actors felt that any compromise on matters of principle would jeopardize real change by seeming to accept an unacceptable system. On the other hand, a certain group argued that, given the prevailing situation, change could only be achieved by gradually "chipping away" at the edifice of apartheid and creating situations where concessions became the norm. The "confrotationalists" however, believed that the "gradualists" were actually harming their cause while the gradualists believed that the confrontationalists were keeping issues in the public eye and that there was room for both approaches in the change process.

Chapter 6: Case Study I – The NGO Legislative Advocacy Process

6.1. Introduction

This case study looks at the tactics used by civil society in their attempt to influence NGO legislation at different points in history. The case study traces civil society engagements from as early as 2000 to as recent as 2016. It is imperative to note that the NGO legislation process has taken different shapes at different points in Uganda's history, and over the past couple of decades. It is not surprising, therefore, that civil society advocacy efforts to influence the legislation have also mutated through different characters and employed different strategies at different points in this history. In this section, I present both an analytic and narrative story of civil society advocacy on NGO Legislations in Uganda. I trace this process across four different periods of time and underscore critical moments and junctures in Uganda's politics and contexts that shaped Government – CSO relationships, and the nature of legislation. In each of these moments, I also identify critical events that shaped civil society advocacy response and strategies to influence the proposed government legislations.

Table 1 below presents a summary of the narrative. The main hypothesis is that collaborative and confrontational advocacy approaches by civil society have different prospects of success. More succinctly, in semi-authoritarian political contexts, where civil society is relatively powerless, change cannot be achieved through ways that are contradictory and conflictual to the interests of a dominant regime: therefore, collaborative incremental changes are preferable, and more effective than confrontational change options; the more collaborative civil society engagement is, the larger the scope and extent of incremental change is likely to be.

The table reveals that where NGOs used more collaborative advocacy techniques, the ideas and changes advocated for were largely adopted by Government. The ease with which Government adopted the ideas and proposals also largely depended on the packaging of the ideas. Where the ideas were packaged in a more fundamentally challenging way, government actors rejected those proposals, but where ideas were presented in a non-threatening manner, government actors accepted reform proposals with ease.

From the table, I present a detailed account of the narrative in four distinct but interrelated parts (presented as rows). These four parts are linked to a comprehensive analysis of Uganda's political context in sections 3 and 4 of this paper – underscoring a broader

view of Uganda's polity and politics. Critically, and more succinctly, the narrative traces the NGO legislation process across four periods in Uganda's political history, i.e. (i) the base period — between 1987 and 1999 — when Uganda was recovering from the 1980 – 1986 civil war; (ii) the early and mid - 2000s; (iii) between 2009 and 2013; and lastly, for this case study, (iv) the period between 2014 and 2016. As indicated before, there were critical events during these periods that had a defining effect on the nature of relationship between the NGO sector and the Government of Uganda. During each of these periods, the Government responded with a new piece of legislation to control NGO operations as highlighted in the second column of the table. The strategy adopted in the NGO response to the Government's proposed legislation, and the packaging of their ideas had a determining effect on whether they were successful or not.

Table 3: NGO Legislative Advocacy Process Traced

Key hypothesis: collaborative vs confrontational approaches by NGOs have different prospects for success.

Key Period	Key Moments and NGO Response	NGO Strategy	Content of NGO Proposals	Packaging of NGO Proposals	Consequence
2000 - 2005 (NGOs realize that the way they have been approaching development achieves limited results, begin to engage in more political process).	Government introduces amendment to the 1989 NGO Statute. NGOs petition Parliament to drop the Bill, challenge the bill with Ministry of Internal Affairs.	Confrontational	Highly threatening	Fundamentally challenging	NGO Defeat: Bill is passed amidst protest.
2006 – 2009 (NGOs become more political as they engage in election monitoring)	Government passes the NGO Bill, 2006. NGOs mobilize to challenge the Bill in constitutional court, organize protest match to the constitutional court.	Confrontational	Highly threatening	Fundamentally challenging	NGO Defeat: Effort to repeal the Bill fails.
2009 – 2013 (a series of highly-defining events including the launch of the Black Monday campaign take place)	Government embarks on the process of developing the NGO Policy 2010. NGOs participate in consultations to develop the policy, organize meeting to draft policy.	Mixed	Highly threatening	Easing	Mostly NGO success: Rules agreed collaboratively.
2014 – 2016 (NGOs engage in the Campaign for Electoral and Constitutional Reforms.	Government introduces the NGO Bill, 2015. NGOs convene meetings with MIA and the Parliamentary Committee on Defense and Internal Affairs, organize retreats to input into the Bill.	Collaborative	Highly threatening	Easing	Mostly NGO success: Most NGO proposals are adopted.
	NGOs join a team of experts to develop NGO Regulations, organize joint (Government and NGOs) drafting retreats and countrywide consultations.	Collaborative	Somewhat threatening	Easing	NGO Success: Regulations agreed collaboratively.

6.2. What Happened – an In-depth Look

This section presents a detailed and descriptive account for the summary depictions in the table 1 above, and the motivations behind them. The subsections are classified according to the different periods represented by the four different rows in the table.

6.2.1. 2000 - 2005, Government Introduces Amendments to the 1989 NGO Statute: Confrontational NGO Strategy and Highly Threatening Ideas

"This is how we want to be legislated, and this is the bill," Peter Magehela.[8]

As indicated in the introductory paragraphs of this section, in the early 2000s, CSOs realized that the way they had been approaching development achieved limited results. As such, CSOs started engaging in advocacy and became more engaged in political processes and mobilization of citizens to balance the power between citizens and their leaders. When this approach was detected, government responded by introducing reforms to the 1989 NGO Statute that ushered in ways to control CSO operations.

When the first amendments to the 1989 NGO Statute were proposed, NGOs, under various coordination mechanisms and platforms — including the Coalition on the NGO Bill (CONOB)[9] and the Uganda National NGO Forum — did analysis of the proposed Amendment Bill, lobbied Parliament, and held meetings with the Ministry of Internal Affairs in an attempt to challenge the proposed Bill. Throughout these engagements, the NGOs attempted a parallel confrontational approach (Tumwine, 2018); instead of inputting into the proposed Amendment Bill, they focused on ensuring that 'if they do not get a good law, at least they should prevent the proposed Bill from being passed by parliament (Larok, 2018; Tumwine, 2018). A lot of the engagements, therefore, were more about, "this is the kind of law we need" (Maghela, 2018) and less about adjusting and improving the proposed government Bill. Some of the Human Rights Organisations also petitioned parliament asking the Committee of Defence and Internal Affairs, which was considering the Government Bill, to drop it (Maghela, 2018). Parliament however declined to drop the Bill (Musoke, 2002) and instead asked the organisations to appear

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[8] Peter Maghela is the Program Director at Chapter IV Uganda, a Ugandan Civil Society Organization. He was among the team of Civil Society Resource Persons engaged in the advocacy process

[9] Members of the coalition include; Uganda Debt Network (UDN), Community Development Resource Network (CDRN), Anti-Corruption Coalition Uganda (ACCU), Human Rights Network Uganda (HURINETU), Development Network of Indigenous Voluntary Associations (DENIVA), Uganda Women's Network (UWONET), Uganda National NGO Forum (UNNGOF), Transparency International (TI)

before it. In spite of this request from the committee handling the bill, NGOs chose not to appear before it to present their proposals.

The refusal by NGOs to contribute to the government process brings to bare their confrontational stance as far as engaging with the bill is concerned. It is not surprising therefore that during the interviews, respondents revealed that, following frustrations with Government ignoring their analysis and the little progress registered (Larok, 2018), NGOs concentrated on promoting the idea of an Alternative Bill under the auspices of Coalition on the NGO Bill (CONOB). The idea was to show Government exactly the kind of law they needed, and subsequently put pressure on Government to adopt it (Tumwine, 2018) in place of the Government Bill.

As NGOs embarked on the idea of developing an alternative Bill, the Government continued with the process of drafting theirs, ignoring the NGOs, which dragged on until 2006 when it was finally passed amidst protests from NGOs. It is not clear why the Government and the Parliament of Uganda took this long to finally pass the Bill. My observation is that given the critical occurrences throughout this period, and the sudden change in the focus of some NGOs from predominantly service delivery to advocacy, Government was using the notion of introducing a restrictive law to intimidate NGOs and get them 'in line'. When this did not happen — especially with NGOs becoming more active in challenging the proposed amendment of the Constitution of the Republic of Uganda to remove Presidential Term limits and refusing to engage in a parliamentary process to improve the Bill — the Government felt the need to re-introduce the Bill in 2004. The timing of the Bill's resurfacing augments the assertion that these campaigns had alienated the president, who consequently responded by ordering (Larok, 2018) the reintroduction of the NGO Bill.

At this phase, NGOs reignited their previous engagements using similar confrontational strategies. NGOs organised meetings with the Ministry of Internal Affairs but focused more on promoting their Alternative Bill and pushing for Government to adopt it. This was opposed to engaging with the amendment process to influence the outcome of the Government Bill. According to Mr. Peter Maghela, the parallel nature of the process adopted by NGOs partly explains the failures of this advocacy initiative (Maghela, 2018). Larok (2018) augments Maghela's assertion, adding that NGO requests during the meetings with the Ministry of Internal Affairs and government stakeholders were diametrically opposed to the content of the bill and would fundamentally alter the character of the proposed Government Bill, effectively threatening the political establishment.

The alternative Bill was shared with the Government, but it was not considered and did not prevent, or meaningfully change, the character of the final NGO Act that was passed in April 2006, under questionable circumstances, and amidst protests from NGOs. My inquiry into why parliament hastily passed the bill revealed that the President had ordered the immediate passing (Larok, 2018; Maghela, 2018; Tumwine, 2018) of the Bill. It is reported that on top of friction caused by NGOs actively engaging in the campaign against the removal of term limits, President Museveni had been rattled by a report (DEMGROUP, 2006) produced by a local election monitoring group — the Democracy Monitoring Group[10] — which generated evidence of electoral malpractices that was used by Dr. Kiiza Besigye to challenge the results of February 2006 General Elections in the Supreme Court. In a meeting at the president's home in Rwakitura,

President Museveni is reported to have asked about the proposed legislation to 'control' NGOs (Larok, 2018), and specifically requested that it is passed immediately.

It is my contention that if civil society had engaged with Parliament and the Ministry of Internal Affairs through collaborative rather than confrontational means, some, if not all, the proposals of NGOs would have been adopted. As we shall see in the subsequent subsections, where civil society worked collaboratively with Parliament and the Ministry of Internal Affairs in a similar process (2015-2016), most of their proposals were adopted.

6.2.2. 2006 – 2009, Government passes the NGO Bill, 2006, NGOs mobilize to challenge the Bill in Constitutional Court, organize protest match to the constitutional court — a continuation of confrontational NGO approach and highly threatening ideas:

When the Bill was finally passed in April 2006, NGO's response was double-fold. (i) There was a section of NGOs which focused on mobilizing to challenge the law in the constitutional court, in essence deepening the confrontational lines between NGOs and the Government: the constitutional court challenge was based on the fact that the Bill that was passed infringed on rights to assemble and freedom of expression, provided for a restrictive licensing regime, and was considered regressive —an argument that was raised during the advocacy process. (ii) The other section of NGO actors felt that they needed to adjust and comply with the provisions of the 'New Law', effectively accepting the regressive provisions of the law.

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[10] Democracy Monitoring Group (DEMGroup) is a consortium of four civil society organizations that came together to contribute to a freer, fairer, transparent and credible elections landscape in Uganda. The members of DEMGroup are Uganda Joint Christian Council (UJCC), Action for Development (ACFODE), Transparency International Uganda (TIU), and the Centre for Democratic Governance (CDG). The main goal of DEMGroup is to foster free, fair and transparent elections in accordance with National, Regional and International standards

According to the respondents for this research, the duality of response to the "New" Act from the NGO sector was due to the diversity of the NGO sector itself (Maghela, 2018; Tumwine, 2018). Those who chose the confrontational route[11] — through the constitutional challenge — were predominantly advocacy NGOs, whereas service delivery NGOs believed that they could work within the existing 'restrictive' context. Further analysis of the responses from the interviews conducted revealed that beyond the divide between Service Delivery and Advocacy NGOs, there were clear divergences on questions of the appropriate strategy (Larok, 2018; Sewakiryanga, 2018). There are some NGO leaders who believed that due to the nature of the political system in Uganda, challenging the Bill, and by extension the Government, would not achieve results; they believed that the best strategy would be to potentially work with Government to improve it incrementally.

On the other hand, determination to challenge the law and deepen confrontation with the system and the Government was revealed more in the second court challenge, following the publication of a list of NGOs to submit information to the NGO Board within a short period of time or be de-registered. Instead of complying, civil society actors decided to challenge the directive in the Courts of Law. This directive was challenged on two grounds: (i) freedom of expression, and (ii) the fact that the law which was being applied had been challenged in the constitutional court.

Predictably, the confrontational approach failed. Court dismissed the civil society application in 2016. This constitutional court challenge provided an excellent display of President Museveni's control over state institutions, as highlighted in the preliminary sections of this paper; a classic characteristic of Semi-Dominant Neo-Patrimonial States in which this research is situated. The court, which was petitioned in 2007, never sat through to 2009, and when it finally sat to consider the matter (Maghela, 2018; Tumwine, 2018), it took around two more years for the Attorney General to provide the Government's response. The court never sat again until 2016 when it dismissed the matter on the grounds that the case had been overtaken by events.

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[11] The NGOs that petitioned court were majorly human rights and advocacy NGOs including; Uganda National NGO Forum, Human Rights Network, Foundation for Human Rights Initiative

6.2.3. 2009 – 2013: Government Embarks on the Process of Developing the NGO Policy 2010 – NGOs Learn from the Past, Mixed Strategy Engagement on the NGO Policy

Around the time of the court cases, the Government embarked on the NGO Policy Amendment Process. The NGO engagement with this process was championed by the same NGOs that were leading advocacy against the NGO Bill, 2005. This means that the changes in strategy were not due to changes in the actors involved in the process but rather as a result of other factors. It is imperative to also underscore that a government policy is an executive document, therefore the process of engagement is more closed than the process for the Bill. While Parliament is obliged to consult with the stakeholder when considering a Bill before it, policies are executive documents and governments are not obliged to consult. In spite of this, government procured a consultant who conducted consultations with stakeholders. It is not clear why government procured a consultant to lead the process, rather than government staff, however respondents for this paper (Larok, 2018; Tumwine, 2018) indicated that it could be explained by the fact that it was a requirement by donors supporting the process. Even when the consultations took place, they were too structured to deliver the desired outcome. Nonetheless, NGOs decided to participate in the consultations and make their input. It is still unclear at this point as to what prompted NGOs to change their strategy and agree to engage in the consultations, the most plausible explanation is that they realized from their previous engagements that collaboration would achieve better results that confrontation.

When the draft policy was published, it was considered by most sections of the NGO fraternity as relatively better than the 2006 NGO Law. A number of issues and concerns of the NGO sector were addressed in the final text (Larok, 2018; Maghela, 2018; Tumwine, 2018) of the policy and adjustments were made to the satisfaction of the NGOs. Some respondents (Sewakiryanga, 2018) attributed this success and improvement to the fact that NGOs engaged collaboratively with government in developing the NGO Policy and were willing to make compromises in order to have most of their concerns addressed. According to Mr. Arthur Larok, this collaboration was made possible by fact that the government agency responsible for developing the policy was the Office of the Prime Minister (Larok, 2018), unlike previous engagements with the NGO Act, 2006 which were led by the Ministry of Internal Affairs. The Office of the Prime Minister was willing to engage with NGOs in a collaborative process.

While this argument places responsiveness of the responsible government agency at the center of success rather than the strategy adopted, it can only be true to an extent; it does not explain the demand side factor, such as the change in civil society strategy and the willingness to make compromises and accept incremental gains. It is imperative to recall that in the first phase of the amendment, the committee of parliament invited civil society actors for consultations and to make their input in the Bill. Unlike the engagement on the policy, the parliament call was rejected by civil society (Maghela, 2018; Tumwine, 2018). It is therefore logical to conclude that civil society registered success due to their approach to advocacy on the policy development process. More directly, there are those among the respondents (Maghela, 2018; Sewakiryanga, 2018) who clearly argue that the collaborative strategies used by NGOs were effective in achieving results.

When the policy was finally published in 2010, government justified the need for a new law to match the NGO Policy, 2010. A closer look at the events that characterised the period between 2010 and 2013 when a draft Bill was leaked (Tumwine, 2018) to the general public, coupled with a comprehensive analysis of the content, reveals that the government's justification for a new law might have been simply an excuse. The tone of the Bill revealed that it was intended to control rather than regulate NGOs, which is opposed to the spirit of the Policy. To understand this assertion, one needs to look at the events characterising the period in question (2010 – 2013) highlighted earlier. During this period a series of highly defining events took place: the first was the highly anticipated 2011 general elections which was succeeded by a series of 'walk to work' protests across major towns in the country; the second is the launch of the anticorruption campaign — the Black Monday Campaign — spearheaded by a number of Civil Society Organizations and Actors. These actions by the wider Civil Society Sector were in my view the trigger for the process of developing a new NGO law to control the sector.

This process of developing a new Bill was initiated by cabinet around 2011. It was secretive, and information was highly guarded (Tumwine, 2018). It is unclear why government was covertly introducing the Bill, however, some government actors involved, who agreed to an interview on condition of anonymity, revealed that the President Museveni did not want any diversions that would compromise his 2011 election campaigns. This process went on until 2015 when the Bill was finally gazetted on 10thApril 2015. It is at this point in the civil society legislative advocacy process that the NGOs adopted more collaborative strategies.

6.2.4. 2014 – 2016; Government Introduces the NGO Bill, 2015, NGOs Engages More Collaboratively

Following the publication of the proposed NGO Bill, 2015 in April 2015, NGOs held a series of meetings to discuss how they would engage with the process. As indicated earlier, the Bill was considered by NGOs as regressive and an attempt by the state to constrain NGO operations in the country (Mwesigwa, 2015; Okuda, 2015; Ssekika, 2015). It is imperative to note that, learning from events monitoring Uganda's elections under multi-party dispensations since 2006, NGOs had engaged in the campaign for electoral reforms called the Free and Fair Elections Campaign between 2013 and 2015. This campaign had led to clashes between the government and the NGO sector, with the government purveying the narrative that NGOs were engaging in political and 'subversive' activities. This was also reflected in the tone of the Bill which as NGOs variously argued (Okuda, 2015; UNNGOF, 2015), was littered with regressive provisions that would further constrain NGO operations.

Similar to response on the NGO Act, 2006, in the second phase of this narrative, at the first NGO Leaders meeting to consider collective response to the Bill, there was a clear revelation of divergence in approach and strategy on how to engage with the New Bill. There are those actors who believed in a more collaborative process contending that past confrontational engagements had yielded limited results[12]. It is imperative to note that this was the fourth time in almost 15 years that NGOs were engaging with an NGO legislative process and as such, learning lessons from previous engagements, this group of NGO leaders believed that working collaboratively with key actors in the legislative process and designing targeted messages to key institutions such as Parliament, the Ministry of Internal Affairs, and the NGO Board would go a long way in ensuring that NGO concerns with the Bill were addressed. Some of the actors in the Civil Society Coalition for Oil (CSCO)[13] also shared their very successful (Imaka, 2012) collaborative process in the advocacy on the Petroleum (Exploration, Development and Production) Bill, 2012 which Munabi (2018) believes contributed to the decision to adopt a collaborative strategy. There had also been several informal bilateral meetings with key government stakeholders involved the process (Sewakiryanga, 2018) which were a precursor to a collaborative process.

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[12] The most vocal proponents of this view were; Ugandan National NGO Forum (UNNGOF), Human Rights Network (HURINET), Network of Indigenous Voluntary Associations (DENIVA), Uganda Women's Network (UWONET), ActionAid – Uganda, all of whom were involved in the previous engagements.

[13] CSCO is a network of more than **40 civil society** organizations that aim "to maximize the benefits to the people of Uganda from **oil and gas** discoveries by promoting social, economic and environmental sustainability in exploration and production activities.

On the other hand, those who preferred a confrontational approach[14] argued that President Museveni's government had become openly repressive and was not committed to the preservation and protection of citizens' rights. This group believed in a more confrontational and or challenging approach, given the nature of the NRM Government, the tone[15] of the bill, and the relationship between the NGO sector and the Government (Sewakiryanga, 2018). They argued that drawing clear "battle lines" would be the more appropriate strategy to use; there was no point to think about meaningful engagement, after all, the then Minister of Internal Affairs, the late Hon. Aronda Nyakairima, a military general and former army commander of the Uganda People's Defense Forces had also tried to isolate NGOs from the process (Tumwine, 2018) and was playing divisive politics in the sector. As such, they believed that NGOs had to "either win or the government wins" (Larok, 2018), an outcome that could not be achieved with collaborative strategies.

Ultimately, the 'learning from the past' argument carried the day; NGOs chose a collaborative approach. To do this, four complementary processes and collaborative strategies were undertaken. (i) appeal to the logical sense of members of parliament through research, argumentation, and debate; (ii) recruit allies within Parliament and the Committee of Defense and Internal Affairs with whom to work and improve the Bill (iii) engage with the Minister of Internal Affairs (Government) and the technical staff at the NGO Board to collaboratively work and make reasonable concessions and agreements on the Bill, engage in informal discussions with critical actors involved in the process, and then lastly; (iv) engage in public debate to demystify some of the myths and narratives that were purveyed by government against the NGO sector.

a) Towards a Logical Appeal, the Establishment of an Experts' Team and the CSO Position Paper

A team of experts was put together to draft documents to use throughout the advocacy process. About four different documents were produced: (i) an analysis of the Bill and its implications to the NGO sector; (ii) an academic analysis of the Bill targeting the members of parliament with a legal background, and the clerks to the committee of parliament handling the bill; (iii) contribution of the NGO sector to Uganda's development and an imperative for a facilitative law, and; (iv) clause by clause analysis and the

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[14] These were majorly led by Chapter 4 Uganda an independent not-for profit non-partisan organization dedicated to the protection of civil liberties and promotion of human rights for all in Uganda and Human
Rights Awareness and Promotion Forum (HRAPF)
[15] The tone of the Bill was believed to be draconian, intrusive and dictatorial and challenging the sustenance and independence of the sector.

alternative text of the bill[16] which was used for engagement with the Committee on Defence and Internal Affairs and the Minister.

To counter the negative narrative about NGOs engaging in subversive activities, civil society actors developed a CSO Position Paper on the Bill. The position paper was prepared for the general public and emphasised and underscored the contribution of the NGO sector to Uganda's development. This decision was very critical in the advocacy process. As a strategy, NGOs focussed on appealing to the legislators on the Committee of Defence and Internal Affairs and the general public with the contribution of the sector, in essence arguing that NGOs, and CSOs in general, are not a threat to the state like the government sought to suggest, but rather partners in development. The tone of the position paper in many respects guided the actors involved towards a collaborative strategy. The paper delineated the contribution of NGOs to Uganda's development and extrapolated the view that NGOs are development partners (economic argument) with government but not challengers of the state. Ssewakiryanga (2018) believes that the tone of this paper, and the advancement of this narrative, in many respects changed the disposition of many state actors towards CSOs.

b) Engagements with the Minister and Parliament: Small Gains and Beginning of Mutual Compromises.

Being a Government Bill, the Minister had a lot of power over the nature of the Bill. Therefore, NGOs met with the Minister to convince him about what is desirable. These meetings were convened through NGO leaders who had personal relationships with the Minister. They were organised in the form of dialogues and spaces where honest and open conversations would be held. During these meetings, NGO leaders shared their concerns with the proposed Bill and the imperative for a facilitative law for NGOs in Uganda. A few concessions were made at the ministerial level, the least of which was the need for a new NGO law; one that does not seek to control, but rather regulates the NGO Sector. The Minister had publicly and privately argued that some NGOs were exploiting the public and thus the need to control them, this shift in attitude was therefore an important step towards progressive engagement. The Minister agreed (if not in action but in principle) that NGOs need not be controlled but rather regulated. What remained to be agreed upon was how this regulation would happen.

The engagement with parliament happened in three different ways. The first one is the formal retreats with MPs on the Committee of Defense and Internal Affairs. These were

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[16] This is not the same as the alternative bill referred to earlier but rather a different text based on the provisions in the bill

formal engagements to argue for the proposals of the NGO sector to improve the Bill. The other form of engagement was the informal interactions with some members of parliament who advised on which ideas may pass and which ones may not, depending on the interactions they had had with the Minister and other government stakeholders. This way, NGOs understood how to design their proposals and ideas in ways that were not fundamentally threatening to government actors. The third form of engagements with Parliament were one-on-one interactions with the technical and drafts team of the Committee on Defence and Internal Affairs. Through these engagements, alternative provisions were discussed and presented for consideration. Most of the engagements with this group of actors were informal and based on established personal relationships. It is through these strategies that most of the proposals of NGOs were adopted by the committee of parliament handling the bill.

To understand this strategy broadly, and the extent to which the NGOs had decided not to be confrontational in their engagement process, it is imperative to present the discussions following the drafting of the final report for the committee of defense and internal affairs. After collecting the views from all the stakeholders, the committee drafted their final report to the house of parliament for consideration, according to the formal parliamentary procedure. Most of the concerns and ideas from the NGO sector were addressed and adopted and made part of the committee report. Civil society actors had already made allies with some MPs on the committee who were considered to be inclined towards the civil society throughout the engagements. After finalisation of the report, these MPs had two options; the first was to draft a minority report which would be presented on the floor of parliament for consideration, and the second was to endorse the majority report and engage further in the bigger house debate. Civil society and the MPs chose the latter. This way, it revealed a perspicuous intention of working together with Government, and the Ministry of Internal Affairs in particular.

It is imperative to note that civil society engaged with the formal process of coming up with the final Act. For example, when Government called for views on the Bill, about 30 NGOs submitted their memoranda before the committee. Beyond the formal process, like earlier indicated, NGOs engaged with both parliamentary and government actors informally (Sewakiryanga, 2018). One of the most outstanding displays of this informal engagement was during the house debate on the report of the committee. Some of the technical members of the NGO sector were allowed access to parliament through the Office of the Leader of Opposition and played a key role in providing research and information to members of parliament during the debates in the house. Copies of their

research were given to MPs indiscriminately to spread information among MPs as much as possible. Having space in the parliamentary building also gave an opportunity to the NGO team to follow debate and generate real time information to counter some of the narratives that had been advanced by some members of government. The Bill was passed by Parliament with over 70% of NGO recommendations and proposals.

6.2.5. NGOs Join a Team of Experts to Develop NGO Regulations, Collaborative Strategies Deepened

During the same period (2014 – 2016) NGOs worked closely with government and state agencies. In Parliament for example, NGOs supported the identification and facilitation of a research assistant attached to one of the Members of Parliament who was on the Committee on Defense and Internal Affairs. This not only gave NGOs an opportunity to acquire information about everything that went on in Parliament, and in the committee meetings in particular, but also a platform to make their arguments consistently heard by the committee. More so, and strategically, NGOs identified and worked closely with the clerk to the committee, who was very supportive of the arguments of NGOs. Given his role in drafting and writing the committee report, he ensured that the arguments and position of NGOs became part of the final committee report.

Respondents for this paper believed that on the whole, NGOs achieved more than before with their advocacy on the NGO Bill, 2015. There was no contention on what success should have looked like[17]. NGOs had made an array of proposals to improve the Bill. On average, majority of NGO concerns with the Bill were addressed, and about 70% of NGO recommendations and proposals were adopted by Parliament and incorporated into the final Bill. This level of success is greater than any other process that was undertaken with all the past laws.

To operationalise the Act, S. 55 (1) of the Act provides that the Minister may, after consultations with the National Bureau for NGOs make regulations for giving full effect to the Act. It is imperative to underscore the fact that regulations are an important part of the NGO regulatory framework, they provide for the operational details of the laws. If 'progressively' drafted, regulations go a long way in creating a conducive environment for NGOs. As such, leveraging on alliances created during the law-making process, NGOs agreed with the NGO Board and the Minster of Internal Affairs to jointly develop

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[17] Success meant that civil society proposals are taken up by government and parliament and that their concerns with the bill are addressed.

and draft the regulations. A joint expert team comprising of four members[18] from government, and four[19] representatives of civil society, was appointed by the Minister and tasked with the responsibility of developing regulations. It is not yet clear how this agreement was reached, but respondents for this paper attributed it to informal conversations that took place between some civil society leaders and the bureaucrats at the NGO Board. This was a major shift from the previous adversarial relationship where the Government was on the opposite side of NGOs to having both the Government and NGOs in one room to develop regulations.

Retreats were organized to draft the regulations, during which a series of debates took place. I was personally involved in some of these debates: it was clear that government actors had strong beliefs about some of the issues being discussed, while civil society representatives also held firm on some proposals. What was beautiful about this process was that debate was internal and all the actors involved considered themselves as part of the same team. On some of the contentious provisions, debates would go through the night until consensus was reached. When the final product (regulations) came out, it was jointly owned by the experts' team and it was subjected to countrywide stakeholder consultations. Throughout all these consultations, the expert's team moved together to present their product and spoke with a common voice regardless of their distinctions. The regulations came out and were adopted by Parliament. It is widely believed that the regulations are 'progressive' and addressed civil society concerns.

6.3. Conclusion

It can be observed from the narrative above that NGO engagement with the 2015 NGO Bill that NGOs advanced the positive and collaborative lens in the amendment process. The empirical work demonstrates that the more than 70% of the civil society proposals were accepted and passed by Parliament, and that 80% of the civil society concerns were addressed. It is my argument that this success was a result of the collaborative strategies adopted by NGO actors. By welcoming the idea of amending the existing law, it allowed government stakeholders the flexibility to work with them to develop and or improve the Bill. They however argued that the draft Bill was littered with problematic clauses that undermine the very essence of the proposed law. Unlike engagements in the earlier periods, NGOs where were unwilling to work with government to improve the

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[18] Representatives of government on the technical team included; Stephen Okello, the interim executive director of the National Bureau for NGOs, Alex Byaruhanga, a legal officer from the office of the Attorney General among others.
[19] Representatives of civil society on the committee included; Peter Maghela, from Chapter IV Uganda, Barbara Nambi from Human Rights Centre Uganda, Patrick Tumwine from Human Rights Network and a representative from the Uganda National NGO Forum who alternated between Job Kiija and Chris Nkwatsibwe

proposed law and were not willing to compromise on some of the principles which blocked any channels of negotiation — like previously indicated, the packaging of ideas advanced fundamentally challenged the government Bill (Larok, 2018) which alienated government officials who ignored their proposals. With the 2015 engagements, NGOs were willing to make some concessions and win some proposals. This is synonymous with incremental methods of progress proposed by Andrews (2013). This way, government actors feel less threatened and are willing to make some compromises.

It is imperative to note that the NGO Act, 2016, and the NGO Regulations, 2017 are the most progressive set of NGO legislations Uganda has ever had, both in letter and spirit. This was made possible by NGO engagement with the legislative process. The originally proposed Government Bill was very regressive and contained provisions that would legally constrain NGO operations.

That said, it would be wrong for one to assume that since NGOs made gains with the NGO legislation of 2016, that in some way this translates to a better operating environment for NGOs in Uganda. Far from that, the macro operating environment for NGOs has remained the same since the passing of the NGO Act, 2016. The Government of Uganda has remained increasingly repressive and continues to extra-judicially shrink the operating space for civil society (ActionAid, 2017; The Observer, 2017).

This condition is due to the fact that the character of the NGO operating environment is a function of the broader politics of Uganda (Larok, 2009). Museveni's government has variously operated outside of the existing legal provisions to constrain any perceived opposition and threat to his grip of power. There is sufficient evidence (Oloka-Onyango & Ahikire, 2016) of openly misapplying and or ignoring the law to meet his political goals. This, however, does not discount the progress made with the NGO Act, 2016. Suffice to note that the advocacy engagement was a legal reform campaign: understandably changes that were envisioned fell within the ambit of the form and character of legislation, which while central to shaping the character of the macro operating environment are not in themselves sufficient guarantees for a conducive environment for NGOs.

It is possible for a critic to argue that changes in Uganda's political context might have contributed to the shifts that happened and results achieved in the latter period. To control for this, I will delineate a case study of an initiative for constitutional reform implemented during the same period of time — the Free and Fair Elections Campaign, which was coordinated by a coalition of civil society organisations in Uganda.

Chapter 7: Case Study II – The Free and Fair Elections Campaign

7.1. Introduction

This case study looks at the strategies adopted by civil society actors across the different phases of the campaign for Free and Fair Elections, which undertook to influence election management legislations and cause constitutional reforms. The

Campaign for Free and Fair Elections (the FFE Campaign), which was undertaken between February 2014 to June 2015, was conceived at a time following successive periods of monitoring Uganda's elections under multiparty electoral system, by NGOs in Uganda since 2006. The overall goal of the campaign was to develop and cause the enactment constitutional and electoral reforms that would guarantee free, fair, and transparent elections in Uganda. The idea was to generate momentum towards a national consensus on the nature and substance of constitutional and electoral reforms for the Parliament and Government of Uganda to enact. The campaign was coordinated by a coalition of Uganda's civil society organisations who worked closely with some key political party leaders.

The key argument in this section is that where NGO actors collaborated with NRM political party members and government actors in the design and implementation of the campaign activities, that stage of the campaign was successful. What Table 2 below presents is a tracing of the campaign across three specific phases: (I) the first phase is the public rallies on free and fair elections which registered mostly failure; (ii) the second phase is the nation-wide regional consultations on free and fair elections, which were mostly successful, and lastly; (iii) the national consultation and post consultation engagements.

Table 2: Electoral Reform Advocacy: The Free and Fair Elections Campaign

Key hypothesis: collaborative vs confrontational approaches by NGOs have different prospects for success; the ease with which success is achieved also depends on the packaging of ideas.

Key Period	Key Moments and NGO Response	NGO Strategy	Content of NGO Proposals	Packaging of NGO Proposals	Consequence
(February to June 2014) Public Rallies	The Uganda Police Force disrupts the public rallies and meetings and NGOs and political parties seek dialogue with the Uganda Police Force.	Confrontational	Highly threatening	Fundamentally challenging	National consensus on reforms not generated, NRM and Government isolated from the process.
(August to November 2014) Nation-wide Regional Consultations	NGOs take lead in the organizing of regional consultations, involve NRM and state actors in the planning and execution of the consultations. Rules of engagement agreed to more collaboratively.	Collaborative	Highly threatening	Easing and unifying message	National bi-partisan consensus on the nature and substance of electoral reforms generated.
(November to December 2014) National Consultations and Post Consultations Engagements	Political leaders purvey an anti-government narrative. Ideas around mass protest begin to emerge. The NRM snubs the national consultations.	Confrontational	Highly threatening	Fundamentally challenging	Failed bi-partisan consensus on how to take forward the reforms.
(December 2014 – June 2015)	Government introduces the Constitutional Amendment Bill, 2016. NGOs present the FFE Compact as a National Consensus on the nature and substance of electoral reforms.	Confrontational	High threatening	Fundamentally Challenging	Mostly civil society failure: none of the civil society proposals are adopted.

7.2. What Happened – a Closer Look into the Campaign

As a background to this campaign, a series of civil society leaders' strategy meetings and discussions were held on how civil society can contribute to the transformation of their country (Okello, 2018), having come to the realisation that the effectiveness of the civil society sector is intricately linked to the nature of the county's politics. One of the most notable meetings took place at a hotel in Kampala and attracted civil society leaders from different organisations and parts of the country. In that meeting, it was resolved that civil society organisations needed to pull together and organise strategic advocacy on key governance issues (Munabi, 2018; Okello, 2018). All the campaigns were undergirded by the fact that the citizen is central and as such the overarching philosophy would be to organise and mobilise citizens to generate pressure on the political elite (Okello, 2018) in the country to enact key governance reforms. Accordingly, a list of 13 campaigns were designed including; the Black Monday Campaign, the Campaign for Land Reform, Access to Decent Education Campaign, Access to Decent Health Care, and the Free and Fair Elections Campaign, among others.

Civil Society Organisations under the auspices of the Uganda Governance and Monitoring Platform had been implementing a project called the Citizens' Manifesto Initiative from 2009. They had realised that developing content alone was not enough (Larok, 2018; Nkwatsibwe, 2016), and that a significant part of the problem is the electoral laws that facilitate the nature of the processes through which the citizens elect their representatives.

It is this background that informed the decision by civil society organisations, specifically Non-Government Organisations, to work with political parties to push for electoral reforms. A meeting between key political party leaders and NGO leaders was held in February 2014 to discuss the possibility of a joint campaign. This relationship between NGOs and political parties was brokered by Bishop Zac Niringiye[20], through a series of negotiations and meetings. It is from this meeting that the joint campaign called the Free and Fair Elections Campaign was birthed. It is imperative to note, however, that there were previous efforts led by opposition political parties and leaders to push for electoral reforms in Uganda especially under the auspices of various political outfits. Those efforts are beyond the scope of this research. The major focus of this paper is the Civil Society lead campaign that took place between 2014 and 2016**.**

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[20] Bishop Zac Niringiye is a Ugandan clergyman and political activist. He was involved in the campaign for free and fair elections and brokered the relationship between NGOs and Political Party Leaders

7.2.1. February – June 2018: The Public Rallies – Political Mobilisation to Generate National Momentum – Confrontational Strategies

The public rallies were organised between February and June 2014; they formed the first phase of the campaign. The rallies attracted mainly opposition political leaders and key civil society leaders who moved around the country popularising the need and demand for electoral reforms. These public rallies attracted thousands of Ugandans who gathered in open spaces to listen to political and civic leaders articulate and popularise the need for reforms. Typically, characteristic of political rallies, the meetings were organised in open fields and the message delivered was designed to arouse emotion and chants from the audience. The message was more around, 'let's throw this government out' (Munabi, 2018) because it cannot organise and deliver a credible election. The argument for this message was that it would be naïve to expect credible constitutional reforms and later on credible elections under the NRM government. This alienated most government actors and induced a negative reaction from the Uganda Police Force. Uganda Police responded by dispersing and disrupting the meetings (Nassali, 2017; Okello, 2018; Tumushabe, 2018) under the cover of the Public Order and Management Act, 2010.

Munabi (2018) believes that the interruption by the police was more about fear from what could come out of those rallies — a form of anti-government revolt, given that the message that was purveyed by the political leaders at the rallies was anti-government. This observation is consistent with what Mr. Godber Tumushabe[21] calls the fear of public gatherings by the Museveni regime. Tumushabe (2018) argues that since the time of the walk to work protests in Uganda (referred to earlier in the preliminary chapters), and the Arab Spring wave that rocked most of North Africa, the NRM government has been suspicious and scared of public gatherings and meetings. This is augmented by my earlier observation that civil society organizations' support had been critical to Museveni's rebellion effort and entry into Government (1980-1986), and that it is his empirical knowledge and understanding of its potency that grounds his fear of civic organization.

The police disruptions of the public rallies were a very critical juncture in the FFE Campaign. The actors learned lessons which were applied in the design of regional consultations. It is imperative to note that, following a series of disruptions, the campaign leaders sought an audience with the leadership of the Uganda Police Force for a dialogue. The Leader of Opposition in Parliament raised the issue on the floor of

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[21] Mr. Godber Tumushabe is the Associate Director of the Great Lakes Institute for Strategic Studies (GLISS) and was head of the joint secretariat for the Free and Fair Elections Campaign.

parliament, causing the Speaker to intervene. These meetings discussed a number of things including the provisions of the Act that the Inspector General of the Police Force claimed to have been implementing. It is following these meetings that the Police refrained itself from interrupting the meetings. One of the emerging lessons from the meetings and rallies was the importance of collaboration. As I will note later, the regional consultations which formed the second phase of the campaign, invited police leadership in the regions to even participate in the consultations, an action that is believed mitigated potential disruptions (Okello, 2018).

Lastly, beyond generating public interest and momentum towards the need for electoral reforms in the country, the public rallies were largely ineffectual in ensuring that the Parliament of Uganda enacted reforms that would ensure credible elections. The reason for this is twofold, (i) the nature of the rallies alienated and isolated NRM government actors, who looked at the process as a largely opposition campaign; secondly, and relatedly, (ii) the messages and packaging of the ideas advanced at the rallies fundamentally challenged the power of the NRM government, specifically the leadership of President Museveni. It appeared that the campaign was focused on regime change rather than creating a levelled election playing field for all the actors. Given the composition of the Ugandan parliament, with the dominance of the NRM, and coupled with the fact that the President of Uganda enjoys significant control over most arms of government, it was highly unlikely that the reforms would be enacted.

7.2.2. August – November 2014: Regional Consultations – a Bi-Partisan National Consensus Emerges: Collaborative Strategies and Less Threatening Packaging of Ideas

The lessons from the first phase of the campaign were instructive in the design of the second phase of the campaign. In this phase of the campaign, NGO Leaders pushed for a more inclusive and collaborative process of consultations. It is also at this stage that the scepticism of political leaders involved in the organisation of the campaign and divergences in strategy began to be revealed. According to Ritah Aciro[22], in an interview conducted for Nassali (2017), the politicians were uncomfortable with the NGOs' approach of removing confrontation, yet, according to them, it is a model of political engagement. As such, unlike public rallies, the regional consultations were organized in a more structured and collaborative way.

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[22] Ritah Aciro is the Executive Director of the Uganda Women's Network and was involved in the Campaign for Free and Fair Elections.

Before expounding on how the meetings were organized, it is highly imperative to look at a brief analysis of stakeholders at regional level, the power and leverage that these stakeholders had over this process. Firstly, the key stakeholders in regional and local governments are the citizens, the political leaders/policy makers, local bureaucrats, and service providers such as the health centers, schools etc. These form the formal centers of responsibility and power in a democratic dispensation. There are however, other informal centers of power in the regions, these include; the religious and cultural leaders and institutions, business elite and the civil society organizations. These key individuals and institutions exist outside the local government structure and leadership but yield controlling power and influence over the formal governance structures. This is a characteristic of neo-patrimonial states in which some real power and decision making resides outside the formal institutions (Cammack, 2007). They are linked to the formal structures and political leaders by the logic of personal and particularistic interests and do yield political power and control.

The citizens 'elect' local councilors, district chairpersons and members of parliament in the general elections. They also pay taxes to provide resources for services delivery. These are likely to be the two direct ways through which the citizens engage in the governance of local governments. The politicians on the other hand make policies and appropriate resources for the local bureaucrats and service providers to implement and provide services to the citizens. During election time, political candidates often deploy the services of religious and cultural leaders, and some members of the business elite to muster political support for their electoral bids. In turn, these leaders expect favors in terms of local contracts when their preferred candidates go through. They also act as links between the political leaders and the citizens and provide information to the politicians on citizens' perceptions and interests. Sometimes these informal actors have an influence over the decisions of their political patrons.

Realizing these power dynamics at the regional level, the organizers of the campaign made sure to organise the regional consultative meetings as inclusively and collaboratively as possible. The goal was to create regional consensus on the nature of reforms that would feed into the national consensus. The extent of inclusivity of the regional meetings was one of the major contentions between some of the leaders of the campaign, and another revelation of the divergences in strategy referred to earlier.

The decision to include the NRM representatives and actors in the consultations, for example was one of the controversial issues. Some individuals, majorly opposition political party leaders who were part of the national coordination committee which

provided strategic leadership to the campaign believed that the NRM was the "problem" and that their members especially the Resident District Commissioners would disrupt the meetings (Okello, 2018) and or challenge some of the ideas that were advanced. On the other hand, however, those who believed in the inclusion of the NRM representatives believed that such a collaboration would send a message about the willingness to collectively engage on issues beyond the change of government (Ssewakiryanga, 2018), and give the campaign a national outlook. Ultimately, a decision was made to involve and include the NRM district representatives and RDCs in the meetings.

One other important point to note is that and organizing mobilizing for the regional consultations was the responsibility of the 'regional organizing committee,' which was chaired by a local civil society organisation. The regional organizing team comprised of a representative from each of the political parties with offices in the region, the Resident District Commissioner from the host district, the Regional Police Commander, and a key opinion leader in the region. This further insulated the meetings from any form of government disruptions and displayed the collaborative intentions of the organizers. Lastly, the participation at the regional consultations included about 200 participants from across all the districts represented in the region. The categories included the religious leaders, representatives of each of the political parties, including the ruling National Resistance Movement, Youth and Women Representatives, among others. This inclusivity across the political, social, religious and cultural spectrum brought to bear the inclusive nature of the process.

I argue that this was one of the major success factors of the regional consultations. The inclusion of the NRM in the meetings gave them a broader sense of inclusivity which was lacking in the first phase of the campaign. Secondly, with the NRM government actors involved, the regional police leadership, and the district political leaders across the political party divide present at the meetings, the Uganda Police Force could not disrupt the meetings. As variously argued in different spaces (Acen, 2011; Khisa, 2017; Oketch, 2016), the Uganda Police Force, under the leadership of Gen. Kale Kayihura, functioned as a partisan organ; it was therefore almost guaranteed that without NRM involvement in a political activity that threatens the power of the NRM, Gen. Kayihura would order his force to stop the meeting. There are some actors like Tumushabe (2018) who believe that the meetings were not interrupted due to the fact that they were organized as town hall meetings held in closed halls. But this is not entirely true, as Nassali (2017) observes; even in isolated instances where overzealous officers attempted to disrupt the meetings, they were constrained by the RDCs and police officers who were part of the planning

process. This further augments my argument that the second phase of the campaign (regional consultations) was successful due to the collaborative nature of the process.

The Design of Ideas Advanced at the Meetings, the Unifying Message!

"The framing was very critical in organising the regional consultations. The way you frame an issue determines whether they will reject you or not," Patricia Munabi[23].

Beyond the collaborative nature of the process, the form of ideas advanced during the consultations was one of the major success factors of the campaign. Because of the way the issues discussed were presented during the regional consultations, it was easy to generate consensus across the different political persuasions on a common position. The content of the meetings was one of rejecting political corruption, reforming the electoral commission and electoral laws, and making constitutional amendments that if enacted would fundamentally reduce President Museveni's political control, which fundamentally challenges the power of Museveni's government. In spite of this, the message was designed in such a manner that it was less threatening. The issues were introduced in an objective way, presented as concerns about the future of the country and for posterity (Okello, 2018), mitigated any form of objections and rejections that might have ordinarily come from NRM supporters and RDCs. This observation is augmented by Munabi (2018) who believes that the inclusive and futuristic design of ideas is one of the fundamental reasons the organisers were able to muster buy-in from all the critical stakeholders involved (Munabi, 2018). Mr. Leonard Okello further argues that the regional forums were successful because the message purveyed at the meetings was about reconciliation and a unity amidst diversity (Okello, 2018).

"The narrative that we are all immigrants in Uganda except for the Batwa, the Karimajong, the Ik and the Tepeth, and that it is imperative for us to unite and together confront the challenges the country faces disarmed those who would otherwise disrupt the meeting." Leonard Okello[24]

This is very important because it was also an important development in the relationship between political parties and the NGOs. The shift of the focus of the campaign from regime change to pushing for reforms to create a level playing ground for political actors during electoral process (Ssewakiryanga, 2018) was indubitably one of the major success factors of the FFE campaign.

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[23] Ms. Patricia Munabi is the Executive Director of the Forum for Women in Democracy (FOWODE) and was a member of the National Coordinating Team for the Campaign.
[24] Mr. Leonard Okello is the Chief Executive Officer of the Uhuru Institute and was one of the lead facilitators for the regional consultations

7.2.3. November – December 2018: National Consultation, NRM Snubs the Meeting– emergence of confrontational narratives

Representatives from each of the categories of participants represented at the regional consultations were selected to represent the region at the national consultations in a Delegates Conference between 24 and 26 November 2014. The idea of the national consultation was to validate and endorse the list of reforms proposed from the regional consultations and make commitments to take the reforms forward. While this conference was a culmination of regional consultations, organized to give effect to the consensus that had been reached from the meetings across the country about the nature of constitutional and electoral reforms, the design of the national consultations was rather different.

Firstly, by the time of the national consultations, there was an emergence of tension across the political party leadership about how to generate political capital from the successful phase of the regional consultations. It is thus unsurprising that mutual suspicion had already started developing between actors (Awori in (Nassali, 2017). As such, some of the leaders made public and media appearances and re-created an anti NRM government narrative. The re-creation of such a narrative was simply an unintended consequence of attempts at building political capital (Okello, 2018). It also emerged that there was no consensus on how to take forward the Citizens' Compact. For political party leaders, sentiments about a mass procession to Parliament's premises to present the compact was one of the options seen to have the potential to exert pressure on the system to enact the reforms. It is this combination of a confrontational approach and the emergence of an anti-Museveni narrative that I believe led to the 'rejection' of the outcomes of the process by the state, and the failure of this phase of the campaign.

It is imperative to note that, just like the regional consultations, official invitation letters were sent to the national leadership of the NRM and informal contact was made to persuade the President, who is also the National Chairperson of the party to participate. In spite of this, however, none of the top leadership of the NRM Party showed up for the meeting (Kafeero, 2014; Nassali, 2017; Waswa, 2014). Some actors (Munabi, 2018; Okello, 2018) attribute this to the tone of the messages that were sent through different media platforms by political leaders referred to earlier. Secondly, political leaders had started a conversation about what actions they would likely undertake at the national consultations to demonstrate the pressure to enact reforms. Given that the meeting would be a gathering of more than 1000 citizens from across the country, there were

suggestions that after endorsing and adopting the reforms, they would move in a procession to parliament to deliver the compact. In Uganda's context, this would be considered a protest and would lead to confrontation with the security forces. As such, some of the respondents (Munabi, 2018) believe that this attitude could have contributed to the NRM staying away from the meeting; in their reasoning, their participation would be considered an endorsement of such a demonstration.

This view is consistent with the argument that the NRM never participated in the national consultations because there was a fear that they would be endorsing a certain approach and ideas that would make major shifts in Uganda's polity; shifts that would threaten their position. More so, Okello (2018) believes that the NRM declined to attend the consultations in spite of the invitation due to the intelligence they had gathered that the national consultations were no longer a non-partisan and collaborative space, but rather had become a space that advances an opposition agenda. To some extent the behaviour of political actors towards the national consultation, highlighted earlier, precipitated this sentiment. Opposition leaders had started suggesting that President Museveni was a stumbling block to free and fair elections in Uganda. The fact that the momentum generated after the national consultation was channeled towards the formation of The Democratic Alliance (TDA)[25], which brought together opposition political actors to select one candidate to challenge the NRM's Yoweri Kaguta Museveni in the 2016 General elections lends credibility to these sentiments.

7.2.4. December – June 2015: Post Consultation Engagements: From the National Consensus to Actual Reforms – Confrontational Strategies

"We have moved around the country and collected views from all citizens and this is their wish, 'you have to' enact the reforms." Bishop Zac Niringiye

This statement encapsulates the attitudes of the actors in the Free and Fair Elections Campaign, especially during the post consultation phase. This phase of the campaign was undergirded by the narrative that a national consensus on the nature and substance of constitutional and electoral reforms had been generated and, as such, Parliament needed to enact the proposed reforms.

During this time, the Government of Uganda introduced the Constitutional Amendment Bill, No. 1, which proposed a list of electoral and constitutional reforms. The Bill did not, however, contain any of the proposals in the Citizens' Compact, and was considered devoid of substance by most actors. As in the case of the 2006 NGO Bill engagement, the engagement on this Constitutional Amendment Bill was designed in such a way that the promoters of the Citizens' Compact chose not to engage with the Government Bill but rather present the Citizens' Compact as the alternative that should be considered

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[25] The Democratic Alliance was a Coalition of Opposition Political Actors seeking to unseat President Museveni

instead. Their argument, which would be legitimate in any functional democratic society, was that the Citizens' Compact was a result of nationwide consultations and represented a national consensus. Since members of parliament are representatives of the people, they should follow the citizens' desires. Like I have noted, this did not happen. It is imperative to note that even when the team of civil society leaders met with the Legal and Parliamentary Affairs Committee of Parliament during the parliamentary stakeholder consultations on the Constitutional Amendment Bill, CSO actors only presented the compact as an alternative to consider.

Ultimately, the Constitutional Amendment Bill was passed by Parliament without the consideration and incorporation of any of the ideas and proposals in the Citizens' Compact on Free and Fair Elections. The Parliament of Uganda argued that there wasn't sufficient time for the reforms to be enacted (Nassali, 2017), which many actors considered as simply an excuse. The Speaker had been asking for reforms for a long time and Government only chose to present the reforms at the last minute. More so, it is believed that the Compact was not discussed in Parliament due to the fact that the issues advanced were not in the interest of Museveni's government (Munabi, 2018). The promoters of the Citizens' Compact continued the engagement with the media with a hope to generate public debate and demand for electoral reforms, a strategy that was equally unsuccessful.

7.3. Conclusion

One of the major assumptions of the promoters of the FFE Campaign was a demand and supply function of good governance. Believers in this assumption argue that when sufficient demand for certain ideas is built amongst the rights holders (citizens), the duty bearers (policy makers/political leaders and technocrats) would be obliged and or compelled to supply.

From the onset, however, the organisers were quite aware that because of the context within which this campaign was organised, citizens' pressure alone would not be sufficient to lead to substantial reforms in the election management system. The NRM government has a firm grip on power and has majority control of parliament. The organisers were thus aware that the supply side of good governance and in this particular case, the NRM government might not enact the proposed reforms. In spite of this awareness, Munabi (2018) argues that the actors were convinced that if there was national consensus on the form and substance of the reforms and sufficient pressure and demand for reforms was built, Government would in a way bend to the will of the citizens.

This assumption was flawed on two basic grounds, (i) the fact that, as revealed in the preliminary sections of this paper, in Uganda's political context there is strong military leadership organised around the National Resistance Movement and dominated by President Museveni; formal institutions remain weak, rule is highly personalised, and political control remains monopolised by Museveni. Despite the fact that the country has a semblance of competitive politics through regular elections, the rules governing both the elections and the country's polity remain personalised; and (ii) the NRM government is not disciplined enough to act prudently whenever called upon. As highlighted earlier therefore, reforms were not enacted, the Government ignored the proposals and calls for fundamental and comprehensive constitutional and electoral reforms, with Parliament arguing that there was no time to enact the reforms, which analysts believe was simply deceitful.

For Munabi (2018), the failure to sustain the momentum and pressure for these reforms could have contributed to the failure of the last phase of the campaign. This is consistent with what Tumushabe (2018) calls a lack of sufficient and sustained citizens' pressure to induce effective demand for electoral reform. However, a closer analysis across all the three phases of the campaign reveals a different narrative. Where the organisers worked with and collaborated with the state through the office of the Resident District Commissioner, the NRM regional and district offices, and the Uganda Police Force, and where they worked with key religious and cultural leaders in the regions, that phase of the campaign was successful. Firstly, the town hall meetings were not disrupted by the Uganda Police Force, unlike the public rallies in the first phase of the campaign, and there was unanimous regional agreement on the form and substance of reforms that were adopted at regional level, in spite of the diversity in political persuasion. It should be noted that the reforms proposed at most of the regional level consultations were the same as those adopted at the national level.

Secondly, it is imperative to note that the design and packaging of ideas at the different stages of the campaign was an important element of success or failure. The presentation of ideas in a manner that does not fundamentally challenge the power of the NRM government, made it possible for the NRM representatives in the meetings to work with and contribute to the discussions, and later on adopt the regional declarations on reforms. The emergence of a challenging narrative towards the national consultations however arguably contributed to NRM's decision to stay away from the meeting and ultimately their failure to endorse the reform proposals agreed at the national conference.

It is possible to argue that the centrality of political opposition leaders in the campaign might have significantly contributed to the disinterest of the NRM's top leadership. While this argument holds some merit, especially in light of the government – opposition relationship in Uganda[26], it is imperative to underscore the fact that at the beginning of the campaign, the office of the Presidency through the Minister for Presidency had written to the leadership of the NRM across the country to engage with the process (Nassali, 2017), which partly explains their full participation at the regional meetings. What this implies therefore is that the change in attitude might have taken place only towards the national consultations.

Secondly, the success of the regional consultations should demystify this argument. As indicated, the regional consultations, like all the other phases of the campaign, were jointly organized by a team of civil society and opposition political party actors. The distinction was in the fact that the regional consultations involved the NRM representatives and other critical state actors in the design and organization of the meetings while the other phases did not. More so, the ideas advanced during the regional consultations were not fundamentally threatening the power of the NRM Government. The organizers and facilitators fashioned the meeting about the future of the country and a platform to negotiate a new compact that is inclusive.

The Impact of the Form and Substance of Reforms Sought

One of the other issues that came out in the interviews is that the nature of reforms that were sought fundamentally challenge the character and power of the state. The main goal of the campaign was to develop a compact of reforms that would be enacted into law. If enacted, it was expected that they would fundamentally alter the political landscape in Uganda and balance of power between the citizens and the state. As indicated earlier, voting for political leaders and paying taxes are the two direct ways through which citizens directly participate in the governance of their countries in representative democracies. It was believed that enacting the proposed reforms would guarantee that, when citizens cast their votes, they are not only counted by also count. Some of the reforms proposed would significantly reduce the powers of the president especially in appointing members of the electoral commission and judicial officers.

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[26] The NRM government has a very confrontational relationship with opposition political parties and leaders. Dr. Kizza Besigye who is the four-time challenger of president Yoweri Museveni has been variously brutally arrested on trumped up charges for challenging Museveni

Not all was lost…

In the final analysis, though, in spite the fact that the proposed reforms were not enacted, it would be wrong for one to posit that the Free and Fair Elections Campaign was a failure. This is not the argument I make in this paper. Far from what most would like to believe, while the campaign may not have made strides in achieving content gains, there were process gains that are demonstrably significant in a growing democracy like Uganda's. Firstly, the fact that the campaign was able to galvanize citizens around the need for electoral reforms was one of the major successes of the campaign. The citizens' compact on free and fair elections by all measures represents a national consensus on the form and substance of constitutional and electoral reforms. Secondly, some respondents for this paper, such as Munabi (2018), also believe that the citizens' enthusiasm in the 2016 general elections can be directly linked and attributed to the countrywide citizens' organization and mobilization during the campaign. There are visible shifts in Uganda's polity as a result of the campaign, Uganda's citizenry is more aware and engaged in Uganda's governance processes.

Nonetheless, this is not what success looked like in the design of the campaign. The campaign sought to achieve content gains in form of constitutional and electoral reforms. Ultimately, this did not happen. I do argue that the failure to achieve these gains is attributed to both the less collaborative strategies adopted during the first and later phases of the campaign and the design of ideas that fundamentally challenged the power structure of the NRM Government, specifically the top political leadership, especially in light of Uganda's Semi-dominant neo-patrimonial political context.

Chapter 8: Conclusions

In the final analysis, it can be seen from the evidence presented that where civil society organisations and actors used collaborative strategies and techniques in their advocacy, they achieved their results and goals. Firstly, the acceptance of their proposals by Parliament and the Ministry of Internal Affairs in the process of formulating the NGO Act 2016 was a result of direct engagements between the civil society actors and key government agencies. It became necessary to engage with parliament in "created informal" and "invited formal" spaces to negotiate the substance of the NGO Bill 2015.

This also became apparent by civil society's willingness to participate in consultations organized by the consultant in the development of the NGO Policy, 2010. The evidence presented shows that more than 70% of NGO Proposals on the NGO Bill, 2015 were adopted and ultimately passed by Parliament.

Collaborative strategies were deepened with the formulation of a joint expert's team to draft the NGO Regulations of 2017. Working collaboratively with Government, gave an opportunity to NGO actors to advance positions and make proposals that would not be possible operating outside of the system. It is not surprising therefore that the NGO regulations are viewed by wide sections of civil society as the most progressive piece of NGO legislation.

One the other hand, where civil society engaged through less collaborative and confrontational strategies, they did not achieve results. The evidence shows that engagements in the earlier phases; Between 2000 and 2005, NGOs proposed an alternative Bill and were not willing to compromise on some of the principles which blocked any channels of negotiation with government actors. The rhetoric around the ideas and proposals by civil society also fundamentally challenged the Government, which alienated government officials and blocked any channels of negotiation. In 2006/7, NGOs also organized protests and challenged the NGO Act, 2006 in the courts of law – techniques and actions that are consistent with confrontational strategies. Due to the nature of Uganda's polity and politics, with the President having control over courts, the Civil Society Organisations lost their cases and did not achieve any significant results in influencing the character of NGO legislations.

The evidence presented in the case study on the Campaign for Free and Fair Elections also brings to bare the effectiveness of collaborative strategies of advocacy and the inefficiencies of confrontational strategies. The evidence presented shows that the first and third phases of the campaign were unsuccessful, evidenced by the disruptions by the police and failure to generate national consensus in the first phase of the campaign,

and the failure to achieve any meaningful reforms in the later phases of the campaign. As indicated in the narrative, one of the major assumptions underpinning civil society actions in the first and third phases of the campaign was the demand and supply model of governance. In their estimation, it was believed that if national consensus on the nature and substance of reforms emerged, and sufficient citizen demand for reforms is generated, Parliament would enact the reforms. As indicated, this failed. While there was consensus on the reforms, Government ignored the proposed reforms and passed a Constitutional Amendment Bill that contained none of the citizens' proposals.

In contrast, the second phase of the campaign is considered by all the actors to be a successful phase. First, state agencies and the police did not disrupt any of the regional consultations; secondly, there was national, bi-partisan consensus on the nature and substance of reforms that formed the Citizens Compact on Free and Fair Elections. I argue that this success is a result of collaborative approaches that the organizers adopted in this phase of the campaign. Civil society actors worked with and collaborated with the state through the office of the Resident District Commissioner, the NRM regional and district offices, and the Uganda Police Force, in the organisation and negotiation of the nature and substance of proposals.

The empirical work of this study only focuses on actions of civil society in Uganda. Whilst the findings can be generalized to contexts that are similar to Uganda's, they may not be valid for civil society in general. This leaves critical possibilities for taking this study forward. For instance, a study that looks at various contexts and a wide range of case studies for comparison would indubitably add value to the stock of knowledge about civil society and civil society advocacy in semi-dominant neo-patrimonial political contexts.

Furthermore, as indicated earlier, the ingredients of a civil society operating environment in Uganda go beyond the form and substance of NGO Legislations. It would make for good qualitative research to examine the extent to which the civil society legal frameworks have an impact on the broader operating environment and effectiveness of civil society in semi-dominant, neo-patrimonial contexts.

Finally, I do hope that this research will inform civil society actors and practitioners engaged in advocacy in contexts that are semi-authoritarian. It should be emphasized that my preference for collaborative strategies is by no means an endorsement for cooption. This is one of the major risks, especially in patrimonial contexts where patronage is at the center of political settlements. Nonetheless, I believe that civil society actors and organizations can maintain their independence while working collaboratively with state actors. As such, I believe that if well applied, collaborative techniques can go

a long way in expanding space for civil society in contexts that are otherwise be contracted.

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