Business membership organisations in East Africa: perceptions of success

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Abstract

Business associations represent the interests of business to government and seek to influence public policy outcomes. The interest group literature that analyses the role of business in, and its contribution to, the policy-making process has found that business associations can influence policy outcomes. However, existing research has largely focussed on the consolidated democracies of the United States and the European Union, and relatively little is known about business associations in other major regions and continents. The interest group literature extensively explores, *inter alia,* advocacy strategies, whether and how interest groups secure access, resource exchange mechanisms, whether success is venue dependent, whether coalitions make a difference and whether interest groups lobby people who already agree. This body of knowledge implies a need for business associations both to manage themselves effectively and to make cogent arguments if they are to influence policy. Many researchers stress the need to be professional, but there is a paucity of research on the impact of interest group *competence* or what it actually means to be professional. Accordingly, this thesis addresses two major research gaps which together comprise the research question. Firstly, it investigates and explains the competences necessary for business associations to influence public policy. Secondly, it focuses on business associations in the consolidating democracies of Kenya and Tanzania. It analytically explores many of the possible competences and empirically considers which are the most important. It adopts a case study approach by reviewing the work of four business associations over more than six years, covered through 150 face to face interviews with business associations, government officials and other stakeholders. This study makes contributions to the literature in terms of the nature of relationships developed by African business associations, through gaining insights on the process of public private dialogue, through understanding what it means for a business association to be professional and identifying stages of development through which business associations progress. Further, it provides additional evidence that business associations can indeed influence policy.

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Abbreviations

BAF   Business Advocacy Fund
BEST-AC   Business Environment Strengthening in Tanzania – Advocacy Component
BMO   Business membership organisation
DP   Development partner (formerly known as donors)
EAC   East African Community
ENR   Parliamentary Committee on Environment & Natural Resources (Kenya)
GoK   Government of Kenya
GoT   Government of Tanzania
ILO   International Labour Organisation
KCM   Kenya Chamber of Mines
MDA   Ministry, Department, Agency
MoM   Ministry of Mining (Kenya)
NA   National Assembly (Kenya)
PPD   Public-private dialogue
RoK   Republic of Kenya
TAHA   Tanzanian Horticultural Association
TCT   Tourist Confederation of Tanzania
TNBC   Tanzania National Business Council
TPSF   Tanzania Private Sector Foundation
URT   United Republic of Tanzania
VAT   Value added tax

Chapter 1.   Introduction

Interest groups provide access to the political system (Grant 1995) yet we know little about the competences that lead to success, by which we mean securing policy outcomes closer to their preferences than might otherwise have been the case (Bernhagen *et al.* 2014). Jordan & Maloney (2007) argue that interest groups fill a gap that would otherwise exist in allowing for the possibility of direct influence over public policy and allowing more people than just politicians to become involved in the process. They further argue that "opening up of decision-making processes to a wider, diverse and larger number of groups is seen as contributing to democratic representativeness" (2007: 8). Pluralists argue that interest groups making their case strengthens democracy because it ensures that more evidence and countervailing arguments enter the public domain and more debate takes place (Jordan & Greenan 2012). There is much debate over the extent to which interest groups influence public policy (Heilman & Lucas 1997, Lowery 2013, Pederson 2013). Some scholars, however, argue that the study of interest groups is important not just because they add to democratic debate but precisely because they influence public policy (Baumgartner and Leech 1998, Dür 2008, Braun 2012, Binderkrantz 2014). Grant claims that "much of the pluralist case rests on the assumption that access to the political system is relatively easy, that forming a group which will be listened to is not particularly difficult" (1995: 30). Whilst these assumptions may not hold everywhere, it does appear that they have a strong resonance in many countries of sub-Saharan Africa where politics and policy formulation tend to be more consensual and more collaborative (Wiredu 2015, Vigtel 2015, Galperin *et al.* 2017).

If we accept the argument that interest groups should be allowed to argue their case, and that they are influential, and thus successful, at least some of the time, then we should also consider the determinants of that success. Researchers examine closely the many possible factors, such as strategy, access and choice of venue. Researchers agree on the need for competence (Wilts & Quittkat 2004, Klüver & Saurugger 2013, Gallai *et al.* 2015, Bernhagen *et al.* 2015). Moreover, the ability of interest groups to access policy makers and influence public policy appropriately requires that they are competent and credible, but there seems to be an implicit assumption that interest groups are competent. As a result, competence is largely ignored as a factor contributing to success in policy reform.

Both the narrow literature exploring interest group competence and the wider interest group literature focuses on the United States (US) and the European Union (EU). Indeed, Mahoney (2008) asserts that few researchers examine interest groups in other national contexts and there is limited research about such groups in sub-Saharan Africa, supporting similar claims by Thomas and Hrebenar (2008). Little is known, for example, about whether interest groups in sub-Saharan Africa adopt similar strategies to interest groups in consolidated democracies or whether they have similar levels of success.

This aspect is important because the development partners (DP) – the aid agencies of developed countries, previously called donors – are active in many developing countries. Moreover, they fund support programmes to assist a type of interest group, business membership organisations (BMO), to build their capacity so that they can engage more effectively in dialogue and advocacy.

This thesis aims to address these two gaps of limited understanding of BMO competence and limited understanding of the effectiveness of developing country BMOs. First, it examines interest groups in East Africa by reviewing the work of four business associations in Tanzania and Kenya during the period from 2011 to 2016. Second, it examines the characteristics, attributes and competences that they perceive have led to their success. This is important for four reasons. (1) There is a notable lack of empirical evidence to address these gaps, despite the considerable amounts of donor aid provided to support BMOs in developing countries. (2) The governments of many developing countries claim publicly that they want to work collaboratively with the private sector to improve their investment climate (URT 2011c) but need credible organisations with which to work. (3) Wider participation by BMOs in the policy process, at least in developing countries, can improve public policies and legitimacy (Bettcher 2015). (4) Political scientists need to gain a greater understanding of whether interest groups become more influential as they build their knowledge and expertise.

Unlike much of the contemporary interest group research, this thesis takes a qualitative approach. This method and research design allows greater consideration of the effect of culture (which, in East Africa, tends to be consensual) and political context (which, in East Africa tends to be more neopatrimonial or clientelist (Kuada 2015) or authoritarian (Kimenyi & Datta 2011)). Culture and political context may be different but the objectives

of the four BMOs considered here, like their counterparts in developed countries, includes an intent to represent their members and to seek to influence public policy.

This thesis makes two broad contributions: it explores analytically the nature of competences required to influence public policy outcomes and it examines empirically business associations in East Africa. It draws conclusions about the nature of relationships developed by African BMOs, what it means for a BMO to be competent and professional and which competences are most important. It further concludes that BMOs progress through distinct stages and thus makes a contribution in assessing how BMOs develop over time. Furthermore, it provides evidence that BMOs can indeed influence policy.

This introductory chapter defines the term interest group and explains their importance and relevance in relation to advocacy. It explains the role of business associations, and why it is important to examine business groups in East Africa. It offers a conceptualisation of business associations as advocates making a positive contribution to developing economies. Following Vogel (1996), who argues that academics, practitioners and policymakers need to understand better how public and private sectors interact, it explores government/ BMO interaction, whether business groups are successful and, if so, whether that is due to their approach to their dialogue and advocacy activities. This chapter describes the research question, explains why a case study approach has been adopted, and then explains why the chosen business associations were selected and how the interviewees were chosen.

1.1 Defining business membership organisations

Interest groups are not defined consistently in the literature (Baroni *et al.* 2014). Truman asserted that, when individuals care enough about public policy, "a significant interest group will emerge and greater influence will ensue" (1951: 36). Walker (1983) suggested that interest groups arise 'spontaneously' in response to a common frustration. The evidence from Africa reflects that belief: associations of businesses are catalysed by a handful of businesses who have a particular grievance.

Some academics use a behavioural definition. Truman, for example, defined an interest group as "any group that, on the basis of one or more shared attitudes, makes certain claims upon other groups in the society for the establishment, maintenance, or enhancement of forms of behaviour that are implied by the shared attitudes" (1951: 33).

Walker (1991) focused more narrowly on associations which are open to membership and are concerned with aspects of public policy. Berry (1997) defined interest groups as associations that are not part of government but are trying to influence it. Jordan & Maloney (2007) added the rider that they should be lobbying on a restricted range of issues. Baumgartner & Leech (1998) used the term to cover membership organisations, advocacy organisations without members and, indeed, any organisation that seeks to influence public policy. Broadly, there are two types of interest group: cause groups, in which the cause is the driver, and which seek 'collective goods' for the improvement of society; and, sectional groups, that is groups representing a specified section such as business and which aim to defend their members' interests (Stewart 1958).

My focus is on business interest groups, described in many developing countries as business membership organisations (BMOs). BMOs unite businesses, rather than individuals. Whilst larger businesses may have a degree of power and may also have the resources and inclination to lobby government directly, many businesses (especially smaller businesses) see the need to come together to press their case.

In this thesis, I define a business membership organisation as one that unites businesses with something in common, such as sector or geography, through voluntary membership. They are independent of government and not party political. They may offer selective benefits, such as a market intelligence service or training, to members, but they will have representation, dialogue and advocacy among their primary objectives.

1.2   Studying interest groups is important and relevant

The study of business groups is important and relevant at three levels. Firstly, there is the question of whether BMOs contribute to the policy making process? Secondly, do they succeed in influencing public policy? Thirdly, if they make a difference, what are the determinants of that success?

For interest groups to be able to influence public policy, they need to demonstrate to government that they genuinely represent their defined constituency. Generally, this means that they need members but there is a challenge for business associations in that businesses will reap the benefits of policy reforms irrespective of whether they join an association. Olson (1971) argued that groups that seek to generate public goods will only survive if they can additionally offer selective benefits because rational individuals will not

join as they will receive the benefit without paying the costs of membership. The consequence is that "membership and power of large pressure group organisations does not derive from their lobbying achievements but rather is a by-product of their other activities" (Olson 1971: 3). Olson recognised, however, that his logic may not apply to smaller organisations which he accepted were more viable. In East Africa, BMOs tend to be quite small with, at most, a few hundred members.

Walker (1991) not only claimed that shared interests about public policies, as noted above, lead businesses to create associations but also observed that formation was often prompted by the public sector (1991: 11), because they need an appropriate organisation with which to consult (Walker 1983). The Tourism Confederation of Tanzania, which represents 12 tourism associations, is an example where the Government of Tanzania wanted one body to which they could talk (and also some co-ordination of positions). The Kenya Chamber of Mines was created with encouragement from the Government of Kenya. Government encouragement to form associations perhaps poses a question about whether BMOs exercise "disproportionate influence" (Vogel 1996: 158) though Vogel (1996) noted that business interests are not homogenous, which dilutes business interest group effectiveness.

Wilson (2003) suggested that a key question in the study of politics and business is whether the power of business is compatible with democracy, though the question now perhaps is how much influence is exercised by business interest groups. Binderkrantz observed that some researchers think interest groups "distort the political process" (2014: 526). However, Lowery & Gray asserted that "the formation and operation of organised interests supports rather than undermines the effective operation of democratic government" (2004: 165). Dür and de Brière (2007) agree, arguing that interest group participation in policy making improves public sector decision making. Jordan & Maloney argued that interest groups fill a void vacated by political parties (2007: 2) and, in particular, maintain that interest groups representation achieves public policy that is better than would otherwise be the case. This view is supported by Saurugger (2008) who argues that participation in policy formulation is good for democracy with interest groups providing knowledge and expertise to policy makers and Dür & Mateo (2012) who assert, in relation to the EU, that interest group participation brings a range of voices and expertise that enhances the legitimacy and quality of policy making.

Bettcher *et al.* claimed that developing country "governments that listen to the private sector are more likely to design credible reforms and win support for their policies." (2015: 1). Anderson *et al.* agreed, arguing that "institutional and regulatory frameworks that are designed through public private dialogue are better conceived and more effectively implemented because they result from mutual understanding between government and the business community" (2017: 63).

These assertions reflect a pluralist view in which power is distributed and politics is less about domination by privileged elites and more about small, politically autonomous, groups, with particular interests aiming to influence policy. They also reflect a view that BMOs do, indeed, contribute to the policy process. In consolidated democracies, with many interest groups, there is often contestation and competition to be heard by policy makers; in sub-Saharan African, where there is "no tradition of political pluralism" (Thomson 2010: 276), pluralism nevertheless fits quite well with the ethnic nature of society. Thomson (2010) calls this type of pluralism 'social pluralism'. Goldsmith asserts that the evidence supports the perception that business associations in Africa conform to the pluralist model (2002: 39). Allied with the importance of groups to African society (Chazan *et al.* 1999) and a desire to seek compromise, one might indeed expect better policy to emerge from the arguments of groups with different positions.

The second question relates to whether interest groups are ever influential. Most researchers concur that interest groups can secure access, though access is not the same as influence (Bouwen 2002, Eising 2007). Heilman & Lucas (1997) claimed that finding clear cases where business associations have been able to influence policy is difficult. Specifically referring to Tanzania, Temu & Due asserted that associations have had "little impact in influencing policy formulation or civil service behaviour" (2000: 705). More generally, Pedersen wonders about "which groups are influential and to what extent" (2013: 28), while Lowery asserts that "we look for [influence], but rarely find evidence of it" (2013: 1).

Taking a contrary position, and based on empirical evidence in consolidated democracies, some researchers claim that groups can be influential (Baumgartner and Leech 1998, Dür 2008, Braun 2012). Moreover, Braun (2012) asserts that business interests have a higher degree of success in influencing regulations than other interest

groups. Extant empirical evidence suggests that interest groups can make a difference and the case studies explore that assertion.

The third question relates to the factors that might make a difference to whether BMOs are successful in influencing policy. Being in the right place at the right time, talking to the right people and good evidence and arguments are important factors contributing to influencing success. However, they are not sufficient. The ability of a BMO to succeed is crucially dependent on individual and organisational capability. Capability is a combination of resource and competence (Johnson *et al.* 2014). Broadly speaking, competence is the application of knowledge and skill to achieve intended results. This applies not only to individuals but also to organisations. Competences might include, for example, the ability to gather intelligence about proposals for policy reform, the ability to undertake research, the ability to use the evidence to formulate a compelling proposition and the ability to engage with policy makers and express that position persuasively.

Most interest group researchers do not specifically link degree of competence to degree of success. Brinckmann (2007), however, makes an explicit link, in his writing about the competence of management teams and the success of new technology-based firms. He argues that it is the competences of the founders (of such firms) that determine the activities that they undertake, how they perform and whether they are ultimately successful. He notes that "founders lack the necessary experience and knowledge to handle all the different tasks necessary for establishing and growing their business" (2007: 3). Importantly, he observes that competence is not only acquired academically but also reflects skills and knowledge acquired practically (ibid: 21). Those views could equally be applied to BMOs, especially in Africa.

It might be argued that examining competence focuses on the management of a BMO rather than the political science but actually both are important: BMOs need, for example, to have some idea not only of when and where but also of how to intervene in the policy process.

Vogel noted that "the study of business-government relations has suffered from a lack of communication between political scientists interested in business and students of management interested in politics" (1996: 159). This study has been undertaken by a researcher coming from a background of small business and who considers business

associations to be enterprises with a social purpose and whose work includes supporting business associations to become better advocates. Competence is defined in detail – and the need for specific competences is explored – in Chapter Two.

1.3   Conceptualisation of business association advocacy

In essence, businesses come together to form associations either within a narrow sector (such as mango farming), or a broad sector (such as horticulture or agriculture), or geographically (as in a Chamber of Commerce). Associations engage in dialogue and advocacy in an attempt to influence policy. Businesses and associations in East Africa rarely have power beyond their ability to provide research evidence and reasoned argument, though there may be degrees of patronage (Chazan *et al.* 1999). Thus, donors support BMOs in developing countries to develop their competence in the hope that they will aim to improve the business enabling environment, reduce the cost of doing business and ensure a business environment that is stable and predictable.

Beyers & Hanegraaff (2016) ask what characterises and explains the interactions of non-state advocates with policy makers – and then answer it by looking specifically at their advocacy strategies, which they label as cooperative or confrontational. Whilst this typology covers all strategies, it only partly answers the question.

Beyers *et al.* (2008) observe that interest group scholars have tended to focus on the process of group formation and have rather neglected interest group interaction with government and the influence of interest groups on policy (2008: 1105). As a result, interest groups have been "largely treated as black boxes without any attention to their internal configuration" (Klüver 2012a: 505). Klüver *et al.* (2015) later argued that interest group activities are shaped by policy related factors, namely complexity, policy type, status quo, salience and degree of conflict characterising policy issues all of which are outside the control of the interest group.

My assertion, based on practical experience of working with business associations across nine countries in sub-Saharan Africa over several years, is that there are four major factors that affect the likelihood of success – one external and three internal (Figure 1). First, there has to be a willingness within the public sector to engage and, ultimately, to act. This is affected by political leadership, by the salience and contentiousness of the issue, by the effectiveness of existing partnerships between private and public sectors and by

the credibility of the business association or coalition seeking the policy change. Secondly, the business association must be sufficiently competent that it can engage effectively in dialogue and advocacy. If it cannot frame an issue appropriately or gather objective and comprehensive evidence or develop and communicate a compelling proposition, it will not secure access to policy makers, and is unlikely to succeed. Thirdly, the association needs a more general ability to organise, manage and develop itself. Lastly, it needs at least some resource. This is summarised in Figure 1.

Figure 1: Factors impacting on a BMO's advocacy success
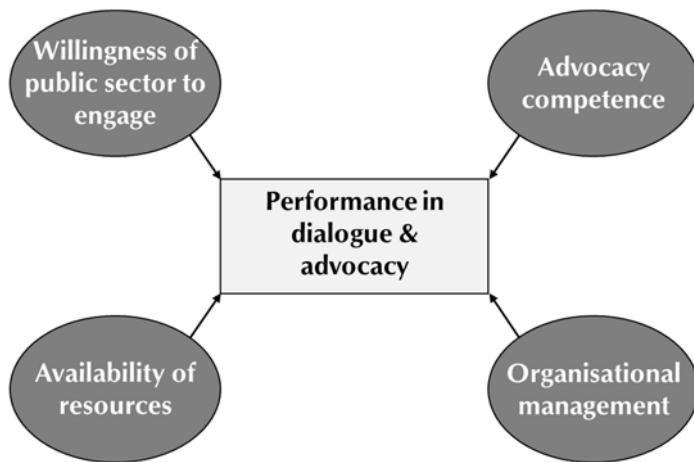
Whilst it is easy to talk about the need for a BMO to be competent, it does not exist independently of the people who work for it, whether staff or volunteer. So, they need to be competent, professional and well-managed if the BMO is to be successful. However, skills can be held by different members of the team, provided they work together.

1.4   Research question

The starting point for this research is the assumption that processes exist in which policy makers are willing to listen to the views of parties outside government, in particular business associations, both to put issues on the agenda and to respond to those issues (Jones and Villar 2008). This requires that associations are competent, collaborative and credible and thus able to secure access in order to adopt an insider approach (Maloney *et al.* 1994). It is these assumptions that pose the question that this research addresses – what are the competences required for a business association to be successful in influencing public policy?

These assumptions lead to two further assumptions. Firstly, that state and business are independent (Sen 2015) with many, sometimes competing, voices vying to be heard (Schneider 1985) rather than some associations having an institutionalised role irrespective of their competence. Secondly, business associations have a key objective in seeking to represent their members and influence public policy (Brautigam *et al.* 2002).

The research question then is which competences set apart the associations that secure reform of public policy? Practitioners and academics argue that necessary skills include research skills, analytical skills, the ability to frame an issue clearly, the ability to make a compelling argument, negotiating skills, and public relations and communications skills. However, there may be other mechanisms at work – such as trust, social capital, resource exchange, persistence and the possibility of more investment and more jobs – and those mechanisms may be affected by the socio-political context. Understanding context is important and is considered in Chapter Three.

Much of the current interest group research examines issues in which a policy outcome matched the objectives of one or more interest groups rather than exploring individual attempts to influence and then looking for evidence of influence. For BMOs with a history of apparent success, the question is what are the specific characteristics and attributes they perceive as leading to their success? Can these be identified? Can they be verified? Moreover, can they be developed and generalised? What are the lessons for practitioners? And for policy makers? Improving understanding of the factors that lead to success might enable development partners to target their support more precisely and, importantly, would assist the practitioners who are working to improve associations' competence by identifying the attributes and behaviours that have the biggest impact. Interest groups in consolidating democracies are largely overlooked in the literature and it is not known whether they operate in similar ways to those in consolidated democracies or whether they behave quite differently. This study seeks to address that gap also and thus focuses on the work of BMOs in Tanzania and Kenya.

1.5   Why business interest groups in East Africa

There are a number of reasons to examine business interest groups in East Africa. Interest groups in developing countries have been under-researched in the academic literature. Mahoney (2008: 218) confirms this view, claiming that an area where more research is required is interest group advocacy in consolidating democracies. She poses several

questions including whether advocacy processes in more communal societies behave in a similar way to individualist consolidated democracies. The case studies will suggest that business associations in Tanzania and Kenya adopt a collaborative approach as do many business associations in developed economies.

The populations of interest groups in East Africa are much smaller and fewer issues are contested by opposing groups, so it should be easier to isolate the factors that contribute to success in influencing policy. In some countries, there are literally thousands of lobby groups – Dunleavy (2017) estimates that there are almost 8,000 groups in the UK; Schlozman (2010) identifies almost 14,000 in the US – not to mention countless professional lobbyists (Mahoney 2008). It is not unusual to find them taking contrary positions. Many of the business associations in countries such as Tanzania and Kenya have good access and so this provides an excellent opportunity to examine the more fundamental requirements for success. Kenya and Tanzania both have a relatively small but sufficient number of independent business associations, so that effective (and ineffective) cases are easier to observe and potentially to see causal mechanisms at work.

Chapter 3 outlines the political context of Kenya and Tanzania. Along with the rest of sub-Saharan Africa, they came into existence with borders drawn by the colonial powers, which largely ignored tribal boundaries. They avoided military takeovers. They have, over the last couple of decades at least, had elections deemed to be reasonably fair and have allowed transfers of power to succeeding administrations. Both inherited systems and laws from the British and have only changed them slowly. In both countries, whilst English may not be the first language, it is widely spoken. This political context is quite different to that in many developed countries. Moreover, the development partners give large amounts of grant aid to countries like Tanzania and Kenya. This includes investing millions of dollars in the work of BMOs.

The DPs' logic is: (a) DPs support economic growth and job creation which not only alleviates poverty but also reduces conflict (Collier 2009). (b) DPs promote the private sector as the engine of growth (ILO 2007), now largely accepted by many developing countries and specifically accepted (GoK undated, URT 2005) on the basis that economic growth brings societal benefits. (c) One approach is to improve the business enabling environment which, the World Bank (2005b) asserts, makes a difference to all businesses, encourages the private sector to invest and leads to economic growth. Indeed, the DPs

see this as so important that the Donor Committee for Enterprise Development stresses that "reforming the business environment is a priority for development agencies and governments because of the significant influence the business environment has on the development of the private sector and therefore on economic growth and the generation of livelihoods and jobs" (White 2008: 3). (d) The DPs share the view that business involvement leads to better policy outcomes and thus promote public-private dialogue (PPD) as an effective means for the private sector to contribute policy ideas and proposals for regulatory reform. (e) Involving the private sector requires that they are organised and the DPs see BMOs providing that organisation. (f) The DPs see a need to build the capacity of the stakeholders which they believe will lead to making reforms sustainable (White 2008).

Development partners (including the Danish International Development Agency (DANIDA), the UK's Department for International Development (DFID) and the United States Agency for International Development (USAID)) have, therefore, chosen to support BMOs directly. As a result, there is now considerable activity by business associations across sub-Saharan Africa.

1.6   Case studies

1.6.1 Case study approach

The purpose of this thesis is to explore the approach and competence of selected business membership organisations, which are the unit of analysis, and whether these attributes make a difference to their ability to influence policy. A case study approach was adopted since it gives a chance to examine broadly and in detail the factors that might impinge on success. Qualitative research is more likely to tease out the generative mechanisms that lead to success in influencing public policy. This will give a more comprehensive overview and ultimately lead to more insight. Harris and Booth (2013) make the point that applied political economy analysis is almost entirely qualitative, not least because the raw data that feeds the analysis is derived from interviews that gives both information and perspectives.

It is recognised that a small number of case studies does not provide a representative sample, though George & Bennett (2005) claim that only small numbers are required to test even probabilistic claims. They provide a more complete approach through

triangulation and offer the potential for generalisability (Christie *et al.* 2000). The objective is to maximise the learning and, as Stake asserts, "a case study is expected to catch the complexity of a single case" (1995: xi). A combination of within-case analysis and cross-case comparison offers the best route to drawing inferences (George & Bennett 2005: 18). They have the potential for high conceptual validity, allow examination of causal mechanisms, and have the capacity to address causal complexity (George & Bennett 2005: 19). A case study offers the chance "to tease out and disentangle a complex set of relationships" (Easton 2010: 119). They are especially useful when examining the relationships between the actor and the context (Christie *et al.* 2000) which is difficult to accommodate in statistical studies (George & Bennett 2005). Case studies provide opportunities for inductively identifying complex interactions and results (George & Bennett 2005: 212).

1.6.2 Case study selection

The case study BMOs were selected to cover the range of BMO types. Broadly speaking, there are three types of BMO, all of which are represented in the case studies. However, professional associations, which represent individuals engaged in business, and civil society organisations, which include businesses or business associations amongst their members, often also class themselves as BMOs (see Table 1).

Table 1: Types of business membership organisation

Type of BMO	Membership
Business association	Businesses (only) and represent a sector such as Tanzania Horticultural Association or Kenya Chamber of Mines or a geography such as Tanzania Chamber of Commerce, Industry & Agriculture.
Apex association	BMOs (only) such as Tourism Confederation of Tanzania (and described in Africa as 'apex' rather than 'peak' organisations).
Mixed membership association	BMOs but also individual business membership, such as Tanzania Private Sector Foundation.
Professional institution	Individuals such as the Tanganyika Law Society.
Organisation membership bodies	BMOs, businesses or other organisations but not regarded as apex bodies and often represent a constituency wider than business such as Agricultural Non-State Actors' Forum.

Whilst this categorisation may seem familiar to observers of BMOs in developed countries, there are differences too. For example, in Africa, BMOs are generally weak, with a small number of members and low revenue. In Tanzania, the median membership is just 123. For comparison, the Confederation of British Industry has 190,000 members and the US Chamber of Commerce some three million. A small number of members,

unless it covers most of a sector, not only results in resource challenges but also fails to confer credibility when seeking to influence government. In sub-Saharan Africa, as explained in Chapter 3, there is greater acceptance of hierarchy, less respect for the rule of law, elections that are less obviously fair and greater levels of corruption. At the same time, there is a tendency towards collaboration and consensus.

The nature of the membership of the associations may determine the ease and extent of access. Nevertheless, irrespective of structure, attempting to influence policy requires that BMOs think about where, when and how to intervene in the policy process. This may require that they consider the following, which will affect the way in which they frame their issue and plan their approach to dialogue and advocacy:

- Objective of the policy proposal;
- Stage in the policy process;
- Target audience(s); and
- Degree of contestation.

The first step for a BMO is to think clearly about their ultimate objective and about the steps necessary to achieve it. Many BMOs in Tanzania and Kenya follow the five steps of identifying an issue, researching the issue, preparing a policy response, dialogue advocacy and follow-up. BMO advocacy usually aims to achieve one of:

- Creating new policy or legislation or regulation;
- Amending or simplifying existing policy or legislation or regulation;
- Abolishing existing policy or regulations;
- Averting proposed policy or regulations;
- Delaying proposed policy or regulations;
- Amending proposals for new policy or legislation; or
- Enforcing existing legislation or regulations.

The case studies cover most of these objectives.

Advocacy success could be dependent on the stage of policy formulation when the BMO starts to lobby. Jones (1970) defined the steps as perception, definition, aggregation, representation, formulation, legitimation, application, reaction, evaluation and resolution. Dunn (2004) puts it more simply with agenda setting, policy formulation, policy adoption, policy implementation and policy review. BMOs target all these steps.

Figure 2: Stages in policy process
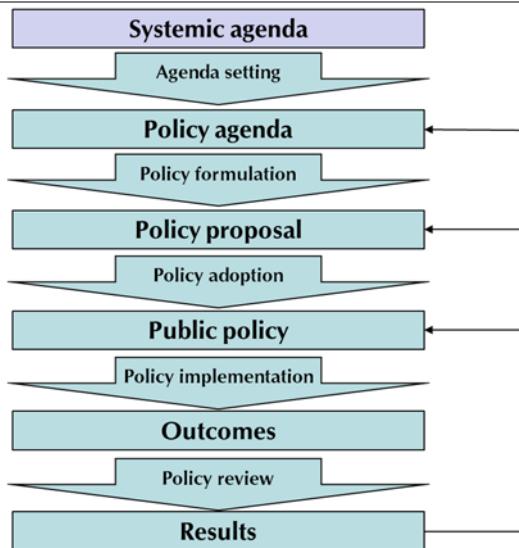
Source: adapted from Dunn (2004)

There are as many target audiences, or venues as they are typically called, as there are BMOs including Ministries, Agencies, Parliament and intermediary bodies such as Presidential Investors' Advisory Councils. The case studies examine approaches at different stages and different venues.

The degree of contestation affects the likelihood of success: some issues are political, affecting the principles on which a policy is predicated; in some cases, proposals for change recognise the policy imperative and seek only technical reform. BMOs can choose to take an insider approach or an outsider approach and then have a range of tools and techniques at their disposal.

The three Tanzanian case studies chosen for this research were selected because they covered the different types of BMO (as described in Table 1). Between them, they covered (a) the different lobbying objectives, (b) the policy stages (except for the creation of new legislation), and (c) all the venues. They were consulted by the government, or succeeded in securing reform of public policy, or formalised their relationship with government. Furthermore, they provided a mix of size, of leadership experience, and of resources devoted to dialogue and advocacy.

Two of the case studies are a subset of seven case study BMOs selected as part of a five-year longitudinal impact assessment of BEST-AC. For that assessment, cases were selected on the basis of four 'entry' criteria (that is, features exhibited by all the case studies) and six 'portfolio' criteria (features exhibited by at least one of the selected cases). The entry criteria were: (i) the scale of the potential impact of advocacy projects underway at the

time of selection; (ii) prior effort to build their own capacity; (iii) evidence that they had already influenced public policy; and (iv) the likelihood of engagement with the case study process. The portfolio criteria were: (i) evidence of working in partnership with other BMOs or government; (ii) a concentration on a small number of sectors; (iii) different time periods; (iv) geographic diversification; (v) had been reviewed in an earlier evaluation (to give a historical perspective); and (vi) a mix of type of BMO.

The research for the longitudinal impact assessment included interviews with the BMOs and others, the undertaking annually of an advocacy competence diagnostic assessment and a survey of around 50 of their members. The Agricultural Council of Tanzania (ACT) was chosen for the group of seven but, because they are primarily an apex for the agricultural centre, ACT suggested that members of Tanzania Horticulture Association (TAHA) be surveyed for the purpose of the LIA. As a result, TAHA was interviewed each year for the LIA as well. TAHA was also regarded as a better choice than ACT for this research since, as the case study explains, there is perceived to be a high level of corruption in agriculture generally (Cooksey 2011a) but horticulture has largely avoided this (correspondence Cooksey 2015, Sen 2015). By its nature, corruption is hard to spot. Whilst there is no evidence that ACT itself is implicated, and Lucas (1997) claims that corruption is unlikely to persist in a formal organisation such as a BMO, I was keen to review the approaches and progress of BMOs that relied on competence and to minimise the possibility that any actions by the case study BMOs involved corrupt practices.

Tanzania Private Sector Foundation is an apex with many other BMOs in membership. It might be expected to take the lead on 'cross-cutting' issues (cutting across the whole of the private sector), as opposed to issues which are clearly sectoral, and to support other BMOs through opening doors. It might be expected to lobby government with the intention of reforming policy and legislation. If it was in a developed country, it would be well resourced and have a professional policy and advocacy team. It is likely that the Government, assuming it wanted to consult at all, would see TPSF as a conduit to the private sector. The Tourism Confederation of Tanzania is an apex BMO representing a single – albeit important – sector of the economy. It might be expected to have a good relationship with the government departments and agencies responsible for supporting and promoting tourism and to make proposals to develop the sector. The Tanzania Horticultural Association is an association of businesses clustered in the north of the country. Horticulture is a major exporter and thus earner of foreign exchange. Therefore,

TAHA may seek to influence policy and legislation that affects its sector specifically and to work closely with other agricultural associations on wider agricultural policy. The case studies explore these expectations.

One association was chosen from Kenya, partly to offer a comparison with Tanzania, and partly because their key venue during the period of the case study was Parliament with an objective to amend proposed legislation. However, they were also chosen because of a degree of serendipity, in that I was asked to do a policy position workshop with them in advance of the publication of an expected Mining Bill. In fact, the Mining Bill was published five days before the workshop and I was then able to follow their progress over the next two years as they lobbied to amend the bill. However, there are other reasons to include the Kenya Chamber of Mines (KCM). It is an association of businesses, but the mining business members are mainly inward investors and so are quite large. The sector is currently a small contributor to GDP but is anticipated to become much more important. So KCM might be expected to be well-resourced and able to lobby at all levels of government. On the face of it there appears to be a difference in the way that KCM was assessed but it was also assessed through regular meetings and through review of documentation, though over a shorter period. However, KCM was focused on only one issue during the period of the research.

The study did not include associations of professionals and excluded organisations who work with private businesses and lobby on their behalf but do not have members and professional lobbyists of which, in fact, there are very few in Tanzania and Kenya.

The case study BMOs were followed – through interviews with key personnel in each BMO, document reviews and interviews with informed observers such as public officials – over a number of years providing the opportunity to explore how each progressed and developed over time. The cases thus all offer the scope for longitudinal comparison. (Whilst it could not have been a factor in selection, in all four cases, the key people remained in post throughout the period of my research, meaning that any improvement was not simply due to a change of personnel.)

Table 2: Summary of case study BMOs

	Tanzania Private Sector Foundation	Tourism Confederation of Tanzania	Tanzania Horticultural Association	Kenya Chamber of Mines
Type of BMO	Mixed (covering most BMOs), but also with corporate members (largely inward investors)	Apex, with only associations as members	Businesses as members (and a mix of indigenous and ex-patriate)	Businesses as members (including inward investors)
Commenced operations	1998	2002	2005	2000
CEO appointed	1998; 2007; 2012	2003	2009	2010; 2014; 2016
Number of staff (policy)	15 (3)	5 (0)	46 (3)	3 (1)
Initiated by	Development partners with tacit support of GoT	Government of Tanzania	Members	Government of Kenya
Reasons for selection	Lobbied for all objectives Lobbied across all policy stages Lobbied across all venues Lobbied in contested areas	Lobbied for all objectives Lobbied across all policy stages Lobbied Ministry and Agencies Lobbied in contested areas	Lobbied for all objectives Lobbied across all policy stages Mainly lobbied Minister, Ministry and Agencies Regarded as free of corruption	Focussed on lobbying to amend proposed legislation Lobbied at stage of policy formulation Lobbied across all venues but focus on lobbying Parliament

1.6.3 Interviewee selection and interview approach

I was fortunate in that I already knew many of the people working for BMOs in Kenya and Tanzania, largely because I had undertaken earlier evaluations of the work of BEST-AC in 2006 and 2008 and because, as a result, I had become an adviser to BEST-AC on their overall approach and service offer. However, I had no role either in deciding whether individual BMOs should receive financial support or in advising individual BMOs on their approach to their advocacy and so our relationship was built on neither power nor dependence but rather on trust and respect. Moreover, as they saw that I was not abusing what they shared with me, appeared to trust me more and to share more. In the case of the Kenya Chamber of Mines, I did facilitate a policy workshop immediately after the draft bill was published, but the workshop design was such that options were explored together and then decisions were taken by participants, largely after the workshop had ended. I may have posed questions, and they may have stimulated thought amongst participants, but I did not offer solutions. Subsequent mentoring was provided

by a member of BAF staff and not me. I do not believe, therefore, that knowing the organisations and people resulted in them giving unreliable responses or giving the answers that they thought I wanted to hear; indeed, on the contrary, it meant that interviewees were more likely to give me honest answers. Moreover, wherever possible, answers were evidenced with written materials, including reports and minutes, many of which would not have been given to me if the interviewees did not know and trust me. This leaves open the possibility that I was myself biased towards people who appeared to listen to me. I do not believe that this was the case, but in any event, wherever possible triangulated what was said, not only through seeking documentary evidence, but also by interviewing informed observers as noted above. Since I knew the key people, it is perhaps arguable that I might pull my punches in the analysis but, given a desire to offer honest feedback to help the BMOs improve, there would have been little point in being less than honest.

Interviewees in BMOs were generally either the Chief Executive Officer (CEO) or the Policy Director, though occasionally I also interviewed board members. The aim was to interview the people with the best overview of the BMO's approach to advocacy. The BMOs were interviewed on at least an annual basis for a period of six years as part of a DFID funded longitudinal impact assessment (LIA) of BEST-AC. Those interviews were supplemented by interviewing other stakeholders, including other BMOs, Ministries and government agencies, development partners, non-governmental organisations, etc.

Interviews were undertaken using a semi-structured approach. Interview protocols were prepared in advance. Detailed notes were taken during interviews and a meeting report written within a day of the interview to provide a record. In most cases, meeting notes were shared with the interviewees to allow them to comment and correct and thus ensure accuracy. Interviews were not recorded because it was felt that recording would make participants (in countries where levels of personal trust are low) warier about the information that they were willing to share and less open about their activities and their relationships. This aspect is also important as many people imply that they are already doing something when, in fact, they only have plans to do something. An experienced interviewer, however, can quickly spot when this is happening and encourage the interviewee to explain the plans and, importantly, separate the future from the completed.

This approach is supported by Stake (1995) who asserts that the exact words of an interviewee are not usually important, so there is no need to record. He recognises that audio recording can capture exactly what was said, but is not convinced that the "annoyance for both respondent and researcher" or the effort in transcription is worthwhile (1995: 56). Indeed, he recommends that, "rather than tape record or write furiously, it is better to listen, to take a few notes, to ask for clarification" (1995: 66) and then promptly to write a detailed meeting note.

The advantage of visiting business associations annually (and, in some cases, more frequently) is that it is possible to review previous responses. This was important as there is a tendency in countries such as Kenya and Tanzania for interviewees to tell you what they think you want to hear. Being able to go back and re-question events, timings and outcomes made it much easier to pin down what actually happened as well as allowing an exploration of how organisations were enduring and developing.

As far as possible, questions were asked in a non-leading, non-threatening way because that is the best way to achieve open, non-defensive responses. There is a danger in both evaluation and research of asking questions in such a way that the interviewees proffer answers that they think are wanted or expected by the interviewer, which is very common in sub-Saharan Africa. Care was taken, as far as possible, to eliminate such bias. In relation to factual responses, interviewees were asked for copies of minutes or research or policy papers to support their answers. The interviews with other stakeholders allowed for a degree of triangulation.

I aimed to be non-judgemental, but subjects were aware of my experience, so often asked for feedback – indeed, that was part of the 'contract': they were happy to talk about their activities and their progress but they were looking for advice and guidance as well. It is likely that subjects would give broadly consistent answers to any researcher asking the same questions (but a priori knowledge made it much easier to ask probing and follow-up questions).

The interviewees are listed in the appendices. There were 92 interviews with BMOs, of which 26 were with the three Tanzanian case study BMOs. In addition, there were 37 interviews with public officials and 8 with other stakeholders. In Kenya, there were six interviews with KCM (as well as the initial workshop) and three interviews undertaken on my behalf by a colleague (using questions that I had prepared).

The only limitation in access was diary clashes; no one refused to talk or express a view. With those people who were being interviewed regularly, it became clear that they became more open as they became more confident in me and that I was not going to abuse their trust.

The case study BMOs each reviewed their respective thesis chapters and, in all cases, additional questions have been asked to clarify dates and facts. I additionally revisited three of the BMOs after preparing the drafts (and after the end of the LIA).

1.7   Ethics and confidentiality

Easterby-Smith *et al.* (2012: 95) outlined clear principles for research ethics largely intended to protect the interests of participants but also to ensure accuracy. These may be more important in some fields, such as medical research, than in others. The principles are reproduced in Table 3 with a note of how each has been addressed.

Table 3: Research ethics

Principle	Met by
Ensure no harm comes to participants	The interviewees are used to dealing with interviewers. They are not vulnerable or young. Information sought is about the association or its relationships and not generally about individuals. The LIA associations signed a memorandum of understanding with the LIA research team and BEST-AC setting out roles and responsibilities of each party, including an undertaking by the researchers that certain information would be kept confidential or reported on a non-attributable basis. Participants quoted in this thesis were subsequently asked to consent to their inclusion and no one refused.
Respect the dignity of participants	
Ensure fully informed consent of participants	
Protect the privacy of participants	
Ensure the confidentiality of research data	Attributable data will only be published with the consent of the organisation. Draft chapters have been shared for comment and correction.
Protect the anonymity of individuals and organisations	The nature of the individuals and organisations is such that they do not wish to be anonymous.
Be honest about the nature or aims of the research	The business associations understood that research was being undertaken to explore their effectiveness and were always willing to co-operate. All the BMOs are aware that I am doing additional research for this thesis.
Declare affiliations, funding sources and conflicts of interest	The author has undertaken evaluations of BEST-AC and BMOs funded by DANIDA and DFID. There is no conflict of interest, however, since the research described here complements a much larger research project and DPs will be delighted if the research leads to more insights.
Be honest and transparent in communications about the research	I have been clear with the BMOs that I am writing up what I have learnt for my thesis and secured their co-operation. I have tried to give a complete picture of the BMOs and not glossed over the areas where they could perform more effectively. They appreciate this as it is another means of helping them to improve their effectiveness.
Be honest and transparent in the reporting of research findings	

1.8   Structure of thesis

The rest of this thesis is structured as follows. Chapter 2 reviews the literature and concludes by summarising a wide range of potential success factors. Chapter 3 describes the political context of Kenya and Tanzania and concludes that, whilst there are more constraints than in developed country democracies, interest groups are able to form freely and to secure access to policy makers. Chapters 4-7 cover the four case studies. In Chapter 8, I discuss the finding from the case studies, compare them to what might be expected from the literature. In Chapter 9, I draw conclusions, highlight my contributions and make suggestions for further research.

Chapter 2. The Black Box of the BMO

A range of factors might contribute to the likelihood of a business membership organisation (BMO) successfully influencing public policy. Factors include, *inter alia*, (i) whether a BMO can access key policy makers, (ii) whether a BMO can provide evidence and persuasive argument, (iii) whether a BMO allies with others including government departments and agencies, (iv) the salience of the issue, (v) the level of contestation, and (vi) the strategies and tactics that the BMO adopts. Many of these are questions of competence and approach, so the first objective of this chapter is to review what is known about the competence and professionalism of BMOs. The second objective is to explore and set out the competences that might make a difference when BMOs seek to engage public policy makers to discuss – and potentially to influence – public policy.

This chapter draws primarily on the academic literature, though occasionally supplements from the practitioner literature, to set out a theoretical framework which is used to examine the work of four BMOs described in the case studies. As explained in the introduction, academics have discussed extensively whether BMOs are ever successful in influencing public policy, though there are also researchers who have argued that interest groups – many authors do not differentiate between interest groups in general and business associations in particular – "wield significant influence" (Walker 1991: 7). Moran was more emphatic, claiming that business has "the potential to exercise overwhelming power" (2009: 4). Vogel (1996) and Wilson (2003), however, both argue that business is just another interest group without any power over government. As will be seen in Chapter Three, at least in Africa, close links often exist between the political elite and the business elite. However, it is because businesses generally lack serious power that they come together in business associations to "aggregate the collective power and interests of the private sector" (Heilman & Lucas 1997: 142). The political context in Kenya and Tanzania means that the private sector has no significant control over policy outcomes (see Chapter Three).

If the private sector had enough power always to persuade policy makers, academics would not need to explore whether more competent associations were more successful. If, however, business associations lack the power of "control over political outcomes"

(Dür & de Br   ève 2007: 3), then the question about whether business membership organisations are ever successful is pertinent. Even for developed countries, Woll argues that one should not assume that business power dominates and instead should examine interdependence – especially the idea that both government and business are pulling in the same direction (2007: 157). The question about what determines that success is also critical. Sometimes, businesses create associations with prompting from the government, because the government needs a representative organisation with whom they can consult (Walker 1983) often for reasons of legitimacy but also because they genuinely want to hear a private sector view. Furthermore, politicians and officials sometimes lack information and seek support from interest groups (Beyers *et al.* 2008) to bolster their position and to produce better public policy.

One possible reason is that the state collaborates closely with a small number of business associations with privileged access, perhaps in a corporatist arrangement. Binderkrantz explains, however, that much of the interest group theory has relied on a pluralist assumption in which the best political outcomes arise from group conflict (2014: 528) and thus that policy makers would be well-served by listening to different views. It is then possible that government selects the option that satisfies its own objectives and uses selected interest group views to justify its decision; alternatively, it accepts the views of those it considers persuasive and acts accordingly. This dichotomy then poses questions about the groups to which government should listen and whether it should limit the number of groups to which it listens.

Smith (1990) explains that pluralists do not necessarily consider that all interest groups, including BMOs, can access the policy process and, indeed, recognises that some interest groups will not only form close relationships with government agencies but also will then tend to exclude other groups. To some extent, the relationships may become institutionalised with government consulting specific groups and business representatives obtaining privileged access to government (Walker 1991). Smith (1990) describes this approach as reformed pluralism. Others, such as Wilson (2003) and Moran (2009), proffer similar arguments. In consolidated democracies, the large number of interest groups makes it almost inevitable that not all groups can secure access; in the countries of East Africa, there are relatively few groups, though amongst business associations there is a wide diversity which allows for more plurality.

Smith argues that "whether a policy area is pluralistic is an empirical rather than an ontological matter and can only be considered by examining the context in which pressure groups operate" (1990: 322). Whilst some people in government in Kenya and Tanzania would like to restrict their relationships to one or two apex organisations, in fact, both are willing to talk to a large number of organisations and so appear predominantly pluralist, a view supported by Goldsmith (2002). There is scope for new organisations to emerge at any time and start to lobby. Lobbying, in consolidated democracies, implies a relationship in which the target audience is not yet convinced of the need for an alternative approach (Woll 2012), though in Africa it tends to imply face to face interaction (int. Mkindi 2011b, int. Simbeye 2015). Since there are good reasons for the public sector to involve the private sector in policy discussions, both public and private sectors seek to engage in what is known as public-private dialogue, which implies a consensual, collaborative approach. Moreover, it seems that interest groups who pursue an insider strategy are likely to have better access, are more likely to be consulted and so are more likely to be able to influence policy than outsider groups (Page 1999: 206).

Hall & Deardoff (2006) expect that associations will be asked by policy makers to offer evidence and argument, and that occurs in East Africa, implying that associations need to be competent to do so successfully. The case studies will explore BMO competences and demonstrate that, at least occasionally, BMOs can influence public policy.

In Chapter One, it was postulated that there are four major factors that affect the likelihood of a BMO being successful in its advocacy – one external: the willingness of the public sector to act in response to third party lobbying, and three internal: the capability of the BMO to engage in dialogue and advocacy, the operational competence of the BMO and the availability of resources. Understanding the venues and mechanisms for dialogue and the strategies and tactics adopted by BMOs to influence policy makers is important, but the strategies and tactics depend on the BMO's competences. The three internal determinants, all aspects of competence, have not been studied in detail and only briefly considered by practitioners.

It is necessary to define competence, since the concept is not used consistently by all researchers. The next section explores the competences, and the mechanisms employed by BMOs as they seek to engage with policy makers. I commence the section with a brief

review of possible characteristics, identified by practitioners and academics and then explore the role of BMOs in communicating information and opinion to policy makers.

I then examine in more depth the competences necessary to choose the strategies that can be employed by BMOs, to build relationships, to prepare evidence and argumentation, to form alliances, to mobilise resources and to engage in public-private dialogue. The chapter concludes with a conceptual framework outlining three prime areas of competence – evidence, engagement and expression – to be considered further in the case studies that follow.

2.1.1 Defining competence

Before I discuss competence and professionalism, and other terms such as capacity and capability that occur in both the competence and interest group literature, we need to be clear what those terms mean.

Walters (2007) defines capacity as the ability to perform and quotes the OECD Development Assistance Committee which states "capacity development involves much more than enhancing the knowledge and skills of individuals. It depends crucially on the quality of the organisations in which they work." (OECD 2006: 3). The original continues: "capacity is not only about skills and procedures; it is also about incentives and governance". Together, this implies that not only is there a need for knowledgeable and able people but also that there is an organisational structure that supports them, implying that the organisation itself needs to be professional. Lester (2014) uses the word competence, instead of capacity, and defines it as the ability to do, which is almost identical to Walters' ability to perform. However, Lester explains that competent people will undertake tasks, delivering to an expected standard and will apply their knowledge and skills to achieve intended results. This implies that failing to achieve could imply that the person is not competent, without consideration of whether the failure is due to something outside the person's control. Lester (2014) also describes capability which he sees combining judgement, ethical practice and self-efficacy. Capability, in Lester's definition, thus suggests that a person knows what to do as well as how to do it, which encompasses more than competence as defined above.

Mulder (2014) explains that competence is the ability to apply knowledge and skills at a specified level of independence and autonomy, which echoes Lester's description of

capability. Mulder explains that professionals are competent when they act responsibly and effectively and are able to deliver an effective performance. He suggests that competence combines capability, behaviour and accomplishment. This definition seems consistent with Lester's definition of capability, except that Lester would have said that capability combines competence, behaviour and achievement.

Professionalism is rather harder to pin down. It is often used to describe the behaviour of professionals, that is, members of a specified profession. The Association for Project Management defines professionalism as "the application of expert and specialised knowledge within a specific field and the acceptance of standards relating to that profession" (http://iga.fyi/professionalism). This relates professionalism back to competence, confirmed by Brown & Ferrill (2009) who describe professionalism as comprising three domains of individual performance related to competence, connection and character.

I intend to use the word competence to describe an individual's ability to know what to do and their ability to do it. A professional organisation is then an organisation that provides appropriate organisational structure and support for specialists. Professionalisation is thus defined as the process of becoming professional. Capacity is only used when citing other authors and generally implies a combination of ability (that is, competence) and resource. Grønhaug and Nordhaug (1992) call this capability and describe how organisations must make strategic choices to match their capabilities to a constantly changing external environment. They argue that strategy is how organisations deploy their resources most effectively and that this is inextricably linked to their competences, which they observe is required to choose, implement and coordinate all their activities. Strategy and competence are therefore closely linked and, moreover, the ability to think strategically is itself an important competence.

Despite the references in the literature to professionalism and competence, our understanding of BMO competence is currently limited. In claiming this, however, I urge a note of caution. Competence is not a holy grail and there is no assumption that meeting a single set of characteristics (Hollenbeck *et al.* 2006) will confer success. Furthermore, there is recognition that more of one competence may make up for lack of another. Nevertheless, the intention of this chapter is to explore elements of BMO competence that have been identified as possibly important, to tease out what is meant by

professionalism or competence, to note possible elements of competence that apparently have not been addressed by previous research and to consider how they might fit together to create a professional organisation.

2.2   Competences of business associations

Whilst there is apparently little discussion in the interest group literature on what it means to be competent, researchers do draw attention to the importance of competence. For example, Gallai *et al.* (2015) say some scholars have focused on capacity and competence as key determinants affecting influence, though without detailing the specific competences that might make a difference. Bernhagen *et al.* say much the same, suggesting that the political success of interest groups depends on "their capacity to provide helpful information" (2015: 570). Beyers & Hanegraaff (2016) argue that it is important to understand the characteristics and features that explain the interactions of non-state advocates and policy makers – and then attempt to explain the interactions by looking at the advocacy strategies that they adopt, which they divide into cooperative and confrontational, rather than looking more rigorously at all aspects of how they work. Doner and Schneider (2000) claim that business associations can make significant economic contributions. However, the necessary institutional strength needed to perform positive economic functions is rare. They further argue that there is little information about their basic organisational attributes but that three factors – high membership density, extensive selective benefits and effective internal interest mediation – are what builds real capacity.

None of these researchers begin to specify the competences that they think are necessary. Bräutigam *et al.* (2002) make some effort to be specific and say that, *inter alia*, the capacity of interest groups to "engage the state in technical policy discussions" is one of their most important characteristics (2002: 522). This implies, though they do not specify, several competences: building relationships, securing access and preparing evidence to have a sensible dialogue on the issues. They also use the word 'technical', though it appears to be in the sense of being able to have detailed discussions rather than suggesting discussions are limited to more technical as opposed to political issues.

Wilts & Quittkat state that "representing business interests in an increasingly complex system of public decision making requires the development of professional skills" (2004: 397), that is, competence, though they give few clues about the nature of the necessary

skills. However, a complex system of public decision making suggests a need to understand both the process and the topic in some detail; being able to represent business implies an ability to communicate effectively and persuasively.

Before exploring competence in detail, it may be helpful to examine generally the efforts of interest groups to influence policy and the broader factors impacting on their success. The second half of the 20th century saw seminal work on interest groups, their role in the political landscape, and their attempts to influence public policy (see, for example, Truman 1951, Dahl 1961, Olson 1971, Berry 1977, Lindblom 1977, Walker 1983). That did not stop Schmitter and Streeck (1999) from suggesting that the efforts of business interest groups had attracted little attention from academics. They claimed that reliable information about business interest groups was rare and that explanations of whether and, if so, how they affect policy was even rarer (1999: 9).

The early 2000s saw a growth in interest group research but, still, Beyers *et al.* (2008) observed that interest group scholars tended to focus on the process of group formation and neglected interest group interaction with government and the influence of interest groups on policy (2008: 1105). Klüver asserted that "interest groups have so far been largely treated as black boxes without any attention to their internal configuration" (2012: 505). Having set up the challenge, Klüver & Saurugger (2013) then aimed to open the black box and explore the professionalisation of interest groups in the European Union. They recognised that not all groups are the same and, quoting Stewart (1958: 25), differentiated 'cause' groups and 'sectional' groups, such as business associations. They argued that to create more efficient groups, it was necessary to professionalise and that that interest groups must act professionally to secure access and to represent their interests effectively. (Klüver & Saurugger 2013). They went on to explain that their definition of professionalism referred to the hiring of professionals (or specialists) whose competences have been certified by a specific profession (such as lawyers or economists), a high level of qualification in terms of educational training and relevant working experience.

Whilst employing lawyers and economists allows organisations to apply certain expertise, employing them does not alone make an organisation professional. To be professional, they need to be competent in their profession and they need to know how to apply what they know in preparing evidence and argument. Klüver & Saurugger recognised that their

definition was partial and did not include the social process by which an occupation is transformed into a profession, but they justified their partiality by their desire to analyse the degree of professionalisation and not the process of professionalisation.

It is not clear, however, how counting qualifications and staff numbers indicates whether an organisation is professional or, indeed, whether the staff are competent. Qualifications do not equal competence. A professionalised interest group is characterised by the way that it behaves rather than by the education level of its staff. Klüver & Saurugger (2013) explained that professional groups lobby institutions (instead of engaging in more contentious behaviour), organise conferences, undertake expert studies and build up formal and informal networks. These are activities rather than competences, though they require competence and, indeed, the case studies that follow will highlight the importance of gathering evidence and building relationships. There appears then to be a considerable gap in our knowledge of what makes an interest group competent. I am particularly interested in the competence of business associations, a subset of interest groups, and it is this gap that this thesis addresses.

BMOs who wish to influence policy, intuitively, need to choose an engagement strategy, to frame clearly one or more issues, to prepare evidence and argumentation, to access policy makers, and to persuade policy makers to introduce or reform policy or maintain the status quo or monitor implementation. This implies that they need to be politically astute, to understand how the policy process operates, to have good inter-personal and communication skills, to be able to gather and use research and technical information, and to be good negotiators. They also need at least some level of resource. Studies of interest groups in the US and EU implicitly take these competences for granted, often using large-N surveys to seek more intangible mechanisms like access to explain interest group activity.

There is no blueprint for the range of competences required of BMOs for them to be considered professional. However, *Maloney et al.* (1994: 23) quote Rose (1985) who identified three factors he thought important: (i) the ability to organise members such that the organisations could legitimately represent their demands (for example, in relation to policy reform); (ii) the commitment of members to the group (for example, exemplified by member retention) allowing the leaders to speak confidently on behalf of their members; and (iii) the control of resources needed by society (for example, the potential

for investment and job creation), which confers a degree of leverage. The first of these sounds like a competence; the second confers legitimacy, but is not a competence. The third implies the need for a competence, that is, the ability to secure the necessary resources. This is an interesting list, however, because it says nothing about the ability to undertake research and prepare a compelling argument, I would argue both necessary to influence policy makers.

Maloney *et al.* (1994) quote May & Nugent (1982: 7) to suggest four characteristics of interest groups that have achieved a degree of success: (i) the perception of whether the goals of the interest group were moderate or radical and the extent to which they fitted with the goals pursued by policy makers (suggesting that the closer the group is to supporting the government's underlying policy imperative, the more likely that their demands will be met); (ii) the strategic power of the group (effectively, its ability to hold a government to ransom); (iii) the nature of the membership (how much of the sector they represent and how unified the members are); and (iv) the way in which the group is organised. Although they are not explicit, these observations imply a need for competence in recruiting, retaining and involving members and in being able to develop a sufficient relationship with policy makers to be able to assess how to match interest group goals with public policy goals. Policy makers are often under pressure to 'do something', so BMOs that understand and accept the policy imperative, and then propose reforms to minimise the burden on business rather than fighting the proposal completely, can find that they are more successful.

Different researchers focus on different characteristics including the need for members (Gray & Lowery 1996), the need to offer selective benefits, that is, benefits that are only obtainable by virtue of being a member, (Olson 1971, Moe 1980), the need for resources (Walker 1983) and the need for access to the policy making process (Binderkrantz & Pedersen 2016). Lutabingwa & Gray (1997) specifically note the importance both of developing relationships with policy makers and of technical competence.

It is not clear, however, how important these are in African countries. There is a need for members. Not only does membership confer credibility – being able to say that an association represents 80 or 90 per cent of a sector makes a big difference to the legitimacy of an association – but also the wider the association's representation, the

more likely it is to support policies that will be good for the economy rather than narrower, rent-seeking[1] goals (Bräutigam *et al.* 2002).

Olson (1971) argued that businesses will only join associations to secure selective benefits, that associations need members for credibility and, therefore, associations have to offer selective benefits though, as noted in Chapter 1, he understood that this might not apply to smaller organisations. In Africa, many associations see the offer of selective benefits not as a way to attract members *per se* but as a way to generate resources, often without sufficient thought about whether services will generate any surplus. There is a need for resources, but these rarely come through offering selective benefits. There are examples of associations in African countries offering services such as workspace, training, accreditation and joint marketing, but this tends not to be the norm, and even fewer of them generate enough of a surplus to cover the costs of advocacy. The Tanzania Horticultural Association (Chapter 6) is one of the few business associations that has been able to set up a profitable service. For many associations, businesses join simply to support the association's efforts to advocate policy reform. Furthermore, many associations operate with minimal resources.

Klüver (2012a) suggests a number of characteristics that help interest groups to be more effective: a decentralised decision-making structure which enables them to respond quickly to new policy initiatives; functional differentiation allowing staff to focus on specific policy fields in which they become specialists and members of policy communities, enabling them to find out early about new policy developments and to develop expert knowledge; and a high degree of professionalisation making it "much easier to provide information to decision makers than interest groups that largely rely on untrained volunteers" (2012a: 505). This characterisation seems to suggest polar opposites – either you provide information in a professional way or you rely on volunteers who have no expertise. Few associations, at least in African countries, rely solely on volunteers. Many associations have policy committees comprised of member representatives and aim to give them some training. They also learn through experience. Moreover, the volunteers are usually people running their own business. They may be on

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[1] Rent-seeking occurs when an individual or organisation uses a resource to secure economic gain without reciprocating benefits to society through wealth creation. More specifically in relation to this thesis, Henderson (iga.fyi/rents, accessed 1 May 2018) explains that people are said to seek rents when they seek to obtain benefits through the political arena, typically by securing a subsidy for a good they produce or for being in a particular class of people, or by getting a tariff on a good they produce, or by securing a regulation that hampers their competitors.

the board of the BMO, and usually they will go with a member of staff to meet policy makers, but crucially they provide an authentic voice (int. Mkindi 2013). It is not clear why a decentralised decision-making structure allows faster response: this implies that staff can take decisions without reference, say, to the CEO or a policy committee. However, mechanisms also need to be in place to ensure that the association does genuinely reflect the consensus view of the members, which requires more than decentralised decision making. Functional differentiation may stimulate the development of sectoral expertise but may also mean that some issues pass by unnoticed, if they are not anyone's responsibility. The consequence, then, is that these three characteristics, at least in the African context, do not offer an adequate definition of professionalisation.

In their later effort to open the black box, Klüver & Saurugger (2013) suggest that different definitions of professionalisation float through the literature. They quote, *inter alia*, Zald and McCarthy (1987[1994]: 375) who defined professionalised associations as

> entities characterised by (a) a leadership that devotes full time to the association with a large proportion of resources originating outside the constituency the group claims to represent, (b) a very small or non-existent membership base or chapter membership where membership implies little more than allowing the use of one's name upon membership rolls, (c) an attempt to represent or to speak in the name of a potential constituency and (d) attempts to influence policy toward that same constituency.

Zald and McCarthy, however, were examining social movement organisations and, whilst this definition may be reasonable for interest groups in general, it is not a good description of business associations. Business associations would certainly expect to have members and the more they represent a defined sector, the more legitimate they appear. More to the point, however, it does not actually explain the competences or capabilities perceived to be required for associations to be successful. Interestingly, McCarthy and Zald later observed that "the need for skills in lobbying, accounting and fund-raising leads to professionalism" (1997: 1234). I would argue that this description still does not go far enough, but it is a step towards defining professionalism.

Klüver & Saurugger (2013) also quote Jordan & Maloney's (1997) and Maloney's (2008) claims that professionalised groups are those that are bureaucratically organised and

staffed by lobbyists, scientists, lawyers and communication experts. However, Maloney's original writing refers to "protest business-type organisations, i.e., professionalised, bureaucratic, interest groups staffed by lobbyists, scientists and public relations..." (2008: 71). In other words, the professionalisation is in addition to the other characteristics rather than the other characteristics defining professionalisation.

To expand further their description of professionalism, Klüver & Saurugger (2013) quote McGrath (2005) who they say suggests four criteria that characterise professionalisation: membership of professional organisations, adherence to professional norms, a body of knowledge and technical skills acquired through training. However, McGrath (2005) is referring to the characteristics of any professional person in a recognised profession, rather than to the organisation itself and so, once again, Klüver & Saurugger fail to give a convincing description of professionalisation.

Jordan & Maloney suggest two thoughts not identified by Klüver & Saurugger: that the group should be seeking to influence policy relating to a restricted range of issues and that members should be individuals (2007: 28) though they recognise the difficulty of distinguishing between individual and business in very small businesses. The first of these points is important. Empirically, those associations who prioritise a small number of issues are more likely to make headway than those with too many competing demands. This implies that effective associations are able to weigh up priorities and focus on those with the greatest chance of success. Jordan & Maloney (2007) see type and number of members as important because it demonstrates support and provides resources.

Mahoney (2008) says that the characteristics of an advocate, in general, affect their chances of lobbying success – and then suggests that the key characteristics are financial resources (for which level of staff is a proxy), membership size and organisational structure (that is whether direct membership or federation etc.). Firstly, these are institutional characteristics rather than individual characteristics; secondly, having resources, recruiting members and defining organisational structure are not competences, though they imply the need for competences, such as the ability to attract resources (if not from subscriptions, then from services and sponsorship); the ability to recruit members (implying skills in marketing); and the ability to create an effective and supportive organisational structure. Consequently, Mahoney's characterisation, as it

stands, is unlikely to help a business association develop specific skills or give clues to those organisations set up to support business associations develop advocacy skills.

Baumgartner led a major research project in the US, which looked generally at interest groups, and which culminated in the publication in 2009 of *Lobbying & policy change*. Baumgartner *et al.* (2009) identified four factors which they think explain what they perceive to be their most important and most surprising findings, though their focus is on consolidated democracies and consolidating democracies may be different:

- Lobbying is about changing existing public policies: at first glance, this does not look especially insightful, since the point of lobbying is to reform public policy or, as they observe, seeking to maintain the status quo; the key word here is 'existing' – their point is that interest groups on the whole do not lobby for policies in areas where none exist and, by implication, do not lobby to influence proposals for new policies, though in countries such as Tanzania and Kenya, often BMOs do lobby for new policies and do so successfully (Irwin & Githinji 2016).

- Policies are complex, with multiple and contradictory effects on diverse constituencies: this would appear to be true, not least because the public sector is rarely good at looking for 'unforeseen consequences'.

- The "sides" that mobilise to protect or to change the status quo tend to be quite heterogeneous: at least amongst business associations, that would also appear to be true, because different sectors are represented separately so that even an apex body such as the Tourism Confederation of Tanzania is representing associations ranging from hotels through tour operators to hunters.

- Attention in Washington is scarce: it is not clear how well this translates to African countries. Rather, it seems that policy makers are keen for input from associations and, indeed, many constitutions now require consultation with the private sector).

Despite a by-line of "who wins, who loses and why", the study does not look in any real detail at the part of the "why" to do with characteristics, knowledge, experience and competence. However, these findings do begin to hint at several strategic choices facing BMOs. Should they focus their attention on existing policy or rather focus on areas without any policy? Baumgartner *et al.* (2009) tell us that changing the status quo is hard; Varone *et al.* (2017) go further saying that advocates of substantial policy change face the problem of attracting attention from policy makers. If one regards the absence of

legislation as the status quo, then BMOs might not bother. However, often BMOs in developing countries perceive that they will benefit from formulating policies in areas where none exist. Policies are, indeed, complex, but effective BMOs focus on narrow areas that will make a difference to business and frame the issues as simply as they can. "Sides" are not always obvious, and when they are, they may pit private sector against private sector – for example, importers versus manufacturers – so securing agreement across BMOs can lead to more constructive dialogue with the public sector. These are all aspects of strategy and so, in the next sections which look at other aspects of competence touched on by academics, I start with strategy.

It seems, then, that many researchers recognise the need for competence without being clear about the nature of the competences required. Given this apparent lacuna in the academic literature, it is appropriate to broaden the search to organisations that have attempted to conceptualise this beyond academia. One organisation that has considered this aspect is the World Bank. They argue that, to be effective, business associations must have sufficient capacity to advocate on behalf of their members (2005a: 25), which I take to mean both the availability of people and the technical skill of those people, they must have proper governance arrangements (2005a: 23) and must deliver appropriate services and information to their members (2005a: 25). One might immediately question what is meant by effective. However, the World Bank is one of few organisations that has attempted systematically to describe the characteristics of business associations – and has then gone further to describe stages of development (see **Error! Reference source not found.**).

Table 4: World Bank view of phases of development of business associations

Phase	Club		Small secretariat		Professional secretariat		Knowledge supplier
Characteristics	▪ Forum for networking ▪ No or limited staff ▪ No organisational structure ▪ Managed by board members		▪ Networking and advocacy ▪ Few trained staff members ▪ Efforts in membership recruitment, but not retention ▪ Lack of resources and experience		▪ Several services & advocacy ▪ Capable and larger secretariat ▪ Diversified membership base ▪ Recognised partner for government		▪ Active in all important areas ▪ Professional experts ▪ Can set the agenda for discussions ▪ High reputation and influence

Source: World Bank (2005a: 55)

They suggest that associations progress through four phases: starting as a 'club', before progressing to employing a 'small secretariat', and then to a 'professional secretariat' and then becoming a 'knowledge provider'. They characterise an organisation at each of these stages, combining competences such as ability to network and advocate, or to set the agenda with other determinants such resources, recognition and number of staff.

This characterisation was based on empirical evidence gathered by the Confederation of Danish Industries (Danish Industries, undated: 4), with no reference to the interest group literature or the competence literature and no real justification beyond an assessment of a small sample of business associations. It is thus easy to be critical of its conclusions. For example, a small secretariat can be very professional with considerable experience in dialogue and advocacy and can be effective. A large secretariat allows for more specialisation but, unless it is competent and well-managed, it does not make an association more effective. Recognition by government (fourth point under professional secretariat) or high reputation are recognition of status rather than competences. The relevance of diversified membership (third bullet point under professional secretariat) is not clear – and is not a competence. Being 'active in all important areas' (first point under knowledge supplier) means little if it does not achieve anything. In any event, being 'active' describes behaviour as opposed to being 'professional' which describes skill and approach. Being able to 'set the agenda' (third point under knowledge supplier) is not solely in the hands of the association, though it is an important capability.

Despite its lack of rigour, this approach is quite thought-provoking, implying that there are stages of development and that associations that are strategic can progress through them. Moreover, understanding the features of each stage and thus being able to assess the stage reached by an association would help in preparing an organisational development plan to raise the effectiveness of the organisation as a policy influencer.

One author in particular, Bettcher (2011), who works for the US based *Centre for International Private Enterprise* and crosses the academic/practitioner divide, has attempted to set out the skills needed by business groups to advocate effectively – such as analysis, communications, planning and resource allocation – and thoughts on what associations need to do to be effective, including promoting market solutions, deriving recommendations from member input, utilising good research and framing messages carefully to demonstrate public benefit. Bettcher does not attempt, however, to describe

stages of development and omits some of the competences that might be regarded as key to advocacy success, such as argumentation and relationship-building.

2.2.1 Strategies of BMOs

The purpose of private sector advocacy is to ensure that government understands how its actions impact on the private sector and to encourage government to act in a way that improves the enabling environment. The starting point for a BMO wanting to influence public policy is to think about its strategy to access and influence policy makers. It is not always clear how much time BMOs in Africa devote to planning their advocacy; often it appears *ad hoc*. However, being able to make an informed choice, to think strategically and to deploy the BMO's competences is a core competence.

Associations engaging in policy advocacy tend to choose between two broad advocacy strategies: working "inside" government – seeking directly to influence officials and politicians – or "outside" government – essentially through mobilising public opinion (Walker 1991: 103). Walker poses a pertinent question: "what are the principal factors in the organisational structure and environment of interest groups that determine their operational priorities?" (1991: 104). Walker says that the first priority is to develop a strategy to ensure that the group continues to exist. He suggests that the character of a group's membership is a factor in determining the strategy "because the members determine the goals of the association" (1991: 105). Whilst technically this is true, in reality, key individuals, be they staff or board members, drive the organisation forward and aim to take the members with them. Dür & Mateo (2013) suggest that the choice of strategy depends on group type, with BMOs being more likely to pursue an insider strategy and citizen groups and professional associations being more likely to pursue an outsider strategy. Empirical evidence, at least in African countries, suggests that BMOs and professional associations tend towards insider strategies but do not wholly rule out outsider tactics from time to time. Furthermore, Ansell *et al.* (2017) claim that collaborative policy making leads to better policy and effective policy implementation. The alternative to collaboration is confrontation but this is more likely to be an outsider strategy.

Jones and Villar (2008) note that some authors claim that politics trumps research but, nevertheless, argue that interest groups need research evidence to support their advocacy. Keck and Sikkink (1998), in their work researching transnational advocacy

networks, concluded that interest groups can be good sources of information which can raise awareness and help to reframe debate. Jones and Villar build on this to argue the importance of "evidence-based policy influence" (2008: 31). The need for evidence, and its use in preparing effective arguments, is reviewed further below.

There is a tendency, at least in African countries, to use the word advocacy to describe all attempts to influence policy and to use the word lobbying to describe face to face communication (Smith 2010, int. Mkindi 2011b, int. Simbeye 2015). In consolidated democracies, the words advocacy and lobbying are often used interchangeably though, taking a normative stance, Mahoney (2007) says that she prefers the word 'advocacy' because of the negative connotations of the word 'lobbying' in the US and EU. Indeed, the press tends to refer to lobbying in a negative way (Murse 2018) and, even in African countries, there is a tendency for the press to use the word lobbying when they disagree with the activity. Leech uses the terms interchangeably though confesses that the "most narrow definition of lobbying focuses on direct contacts of legislators by interest group representatives" (2010: 535). So, the argument is that advocacy is broad and lobbying is narrow, but neither is specifically insider or outsider.

The options of collaboration and confrontation are not dichotomous but a continuum – and the insider approach implies a predominantly collaborative approach. Efforts to lobby policy makers using outsider strategies are not necessarily confrontational and not all insider strategies are necessarily collaborative – and policy makers sometimes want pressure.

Thinking about evidence versus interests is also problematic. It implies that groups choose one or the other though effective arguments are likely to embrace both evidence and narrative. Interest groups do sometimes fall back on arguments like fairness, without providing evidence to shore up their position. It is the case that some corporates – particularly those well connected to the political elite – will engage in special pleading because they are rent-seeking or looking for protection from foreign competition or subsidies for inputs. But it is not always the case. However, there are occasions when interest groups feel that they have to indulge in direct action, just to grab the attention of politicians. They might resort to this approach for several reasons. They may find that they are getting nowhere with their evidence-based arguments. There may be no common understanding of the evidence. They may not trust the evidence that is available. They

may not have evidence. They may not like the evidence or prefer not to use it because it does not support their argument.

In some instances, the choice of strategy will be determined by the political environment, that is, the arrangements and precedents which allow for the structured interaction of interest groups and government (Kitschelt 1986). For technical issues, it may be enough to influence a government agency or a department within a Ministry; for more political issues, it may be necessary to influence the Minister or a government committee (as will become apparent in the case studies). Lutabingwa & Gray note that, to be effective, interest groups have to understand the broad policy environment and the policy making process, including a need to understand the power relationships (1997: 44).

These are examples of insider strategies and groups that have access tend to adopt such a strategy. Maloney *et al.* (1994) suggest that interest groups with non-controversial proposals are more likely to advance them through insider strategies though also claim that the state only accepts as insiders groups with which it is predisposed to agree (ibid: 22). This view is supported by Baumgartner *et al.* (2009) who suggest that an important factor in securing access is the degree of support an organisation already enjoys among policy makers, implying that organisations whose views correlate will gain greater access. Perhaps confusing cause and effect, Page (1999) suggests that interest groups that pursue an insider strategy are likely to have better access, are more likely to be consulted and so are more likely to be able to influence policy than outsider groups. So, one way of assessing the competence and experience of business associations might be through examining their strategic approach, as Beyers & Hanegraaff (2016) suggest, but that is likely only to offer a partial picture. The case studies develop this point.

Berry (1977, quoted in Baumgartner & Leech 1998: 162) suggests that interest groups use four different strategic approaches:

- law, including litigation and administrative interventions;
- confrontation, including protests, whistle-blowing, releasing research results and public relations;
- information, including such tactics as releasing research results, engaging in public relations campaigns, presenting to government decision makers; and

- constituency influence, including such tactics as letter-writing campaigns, publicising voting records, and making campaign contributions

These is, however, a critical approach that is completely missing. Resorting to the courts, protesting and constituency influence all imply a degree of confrontation; the provision of information sounds collaborative. But policy makers need more than information: they need specific and precise proposals for policy reform and, importantly, they need sound arguments for adopting those proposals. So, an important strategic approach is one predicated on collaboration to reform policy or the way in which policy is implemented. Indeed, Ansell *et al.* (2017) argue not only that collaboration will lead to better understanding of the problem but also more innovative policy solutions and thus more successful implementation. A strategic approach, closely related to collaboration, but missing from Berry's list is dialogue: the concept of a conversation in which both parties seek to understand the needs of the other and look for suitable compromise. Dialogue is considered in more detail later in this chapter.

Having decided on a strategy, BMOs need to think about the specific activities and tactics that they will employ. These will, to some extent, be determined by the overall approach. Baumgartner *et al.* observe that groups "use a wide variety of lobbying tactics" (1998: 147) and that the choice depends on the context, but that this "has seldom been the focus of systematic study" (1998: 147). Dür (2008), too, suggests that there has been little research into which interest group strategies maximise influence.

Lowery & Gray (2004) criticise Baumgartner *et al.* (1998: 166) for saying that the choice "depends [on the environment]" yet clearly it makes sense for a business association to choose its tactics carefully. Indeed, Baumgartner *et al.* make the same point, asserting that "all survey researchers agree that the external political context is an important determinant of interest group decision making, and yet surveys it seems do not systematically collect information about that context" (ibid).

Irrespective of whether an interest group has access, it may be a stakeholder in an issue. This can be used to advantage. Some academics turn to stakeholder theory to explain the relationships between organisations and "those individuals, groups and other organisations who have an interest in the activities of [the] organisation and who have an ability to influence it" (Savage *et al.* 1961: 61). In this case, it is the BMOs that are stakeholders of government.

Mitchell *et al.* (1997) consider the extent to which stakeholders exhibit attributes of power, legitimacy and urgency. They consider how legitimacy (in this case, the ability genuinely to represent a sector) and power (the ability to get one's own way irrespective of resistance) combine to create authority (1997: 866). This leads one to wonder whether authority is an attribute of effective business associations. In fact, associations have little power over governments (Vogel 1983, Vogel 1996). It is true that multi-national businesses can up sticks and move but for most businesses that is not easy or even possible, though they can choose not to invest further, with consequences for job creation and tax revenue. Consequently, businesses have to make up for it through legitimacy: ensuring that they formally represent a large proportion of the sector and achieve a high level of credibility through undertaking thorough and unbiased research and preparing compelling policy positions. BMOs can improve their legitimacy by networking closely, communicating similar messages and forming coalitions. I come back to this aspect in the case studies. Mitchell *et al.* define urgency to combine time-sensitivity and criticality. This reflects TAHA's approach as will be seen in their case study.

Page observes that insider groups with privileged access are routinely consulted – on a wide range of topics and at an early stage – and suggests that their views have a much better chance of affecting policy making than those of outsiders (1999: 206). Page expects insiders to have frequent contacts with at least one Ministry. Such contacts give access to thinking and early notice of new proposals as well as allowing them to give feedback at an early stage. Indeed, they may even be able to influence policy before the debate becomes public. Page certainly expects insider groups to exert at least some influence. Early contact is not a competence, but the ability to build the relationships and provide the information that secures privileged access is. Before turning to look at relationships and access, it is worth exploring concepts of dialogue, not least since it is the approach favoured and promoted by many of the development partners (Herzberg & Wright 2006, Herzberg & Sisombat 2016).

2.2.2 Dialogue

Arguably, the most effective approach to influencing public policy is dialogue. Dialogue is different to deliberation, in which people come together to devise solutions to specified problems (Sanders 1997). Elstub, too, explains that deliberation is more specific than just a dialogue or conversation (2015: 102). The World Bank utilises a similar definition:

Public-private dialogue refers to the structured interaction between the public and private sectors in promoting the right conditions for private sector development, improvements to the business climate, and poverty reduction. It is about stakeholders coming together to define and analyse problems, discuss and agree specific reforms, and then working together to ensure that these ideas become a reality (2009: 5).

This begins to sound like a process of "deliberate, negotiate and bargain" between policy makers and selected groups, described by Christiansen *et al.* (2018) and which they argue characterises a corporatist system.

On the basis that dialogue is not about deliberation, let alone bargaining, the implication is that the political systems in African countries are rather more pluralist than corporatist. This conclusion reflects Schmitter's description of a pluralist system as one in which

constituent units are organised into an unspecified number of multiple, voluntary, competitive, non-hierarchically ordered and self-determined categories which are not specially licensed, recognised, subsidised, created or otherwise controlled in leadership selection or interest articulation by the state and which do not exercise a monopoly of representational activity within their respective categories (1974: 96).

and that in a corporatist system of interest representation,

constituent units are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports (1974: 93-94).

On the whole, however, African countries typically have a multiplicity of independent and voluntary organised actors, with some overlap of groups, and are thus more pluralist in nature (Schneider 1985, Goldsmith 2002).

Participating in dialogue, sharing relevant information succinctly, eliciting intelligence, making persuasive arguments and sharing opinion requires considerable competence.

Partners in a genuine dialogue will work hard to understand the position from which the other is coming and will tend to look for solutions that satisfy all parties. Anderson *et al.* (2017) claim that the culture of dialogue is underdeveloped in Tanzania. They blame this on the "dominance of the top-down approach in families, education and society" (2017: 61). However, as the case studies will show, some BMOs have been able to dialogue effectively.

The challenge in a more pluralist system, for both interest groups and the public sector, is developing relationships which make it easier for both parties to communicate effectively. Lobbying implies that a BMO already knows the solution and is appealing to the public sector to adopt that solution. Dialogue is different in that it is more like a conversation. It assumes that each party wants to learn and understand the views of the other, rather than one party trying to persuade the other round to its point of view. It is about sharing facts and opinion. It is about exploring the likely implications of a course of action. Public policy, or proposed policy, may well be revised as a result. Assessing the party that takes the initiative to start a dialogue can tell us something about credibility and legitimacy and we will return to this in the case studies.

Many countries have put in place formal arrangements to promote dialogue. Herzberg and Wright (2005) call these mechanisms "competitiveness partnerships". They stress that communication is vital for private sector development and claim that Governments that listen to the private sector are more likely to design credible reforms, while businesses who understand what their government is trying to achieve with a programme of reforms are more likely to accept and support them.

Doner (2011) stresses the importance of dialogue and consultation in helping organisations to gather information and intelligence about other organisations preferences in relation to particular issues. Majone, too, stresses the importance of debate and argument over influence and bargaining in arriving at moral judgements and policy choices (1989: 2) – implying the need both to prepare persuasive argument and then to engage in debate and discussion.

2.2.3 Relationships & access

Having concluded that researching influence is difficult (Dür & de Bièvre 2007), researchers have tended towards examining access (Binderkrantz & Pederson 2016).

Indeed, BMOs can only engage in dialogue if they have access to policy makers. Once a BMO has decided to follow an insider strategy and, in effect, committed to dialogue, it needs policy makers to whom to talk and who are willing to listen. Those people need to be interested, or can be persuaded to be interested, in the issue. Identifying appropriate people and engaging with them in a meaningful way requires considerable competence if the engagement is to lead to a long-term relationship. Page (1999) has questioned whether interest groups ever gain attention; Beyers and Braun (2014) have noted the challenge for interest groups even to get a foot in the door with government. In both cases, they are looking at the challenges facing BMOs in developed countries. BMOs in Kenya and Tanzania do not generally perceive access to be a problem, at least if the BMO is credible, and, as explained in the next chapter, dialogue is encouraged by government. Baumgartner *et al.* (2009), say that lobbying requires long-term commitment or, in other words, persistence. Persistence is certainly needed in Kenya and Tanzania, but more around moving policy makers to a particular point of view than around access.

Walker suggested that business leaders may get privileged access to government and so prefer to operate inside government and out of the public view (1991: 124), though this poses the question of whether they secure access by virtue of being business leaders or by earning it through demonstrating credibility and competence. Vogel (1996) quotes Lindblom's argument that policy makers are pro-business because of BMOs' access to resources but also because corporate leaders have privileged access. It may be that they are granted access because of recognition that the private sector creates jobs and wealth and that governments want, indeed need, businesses to be successful. Many business associations choose a low visibility strategy perhaps because they do not need to seek publicity for their actions but, at least sometimes, because they do not wish to alert others to their activities.

Intuitively, it seems likely that BMOs will only secure access to policy makers if it is perceived by both parties to be advantageous. Indeed, many researchers argue that there is a resource exchange mechanism – and thus a theory to explain public agency/ interest group interaction – in that public agencies need policy goods – technical expertise, research information, political support, legitimacy, support in implementing policy – and interest groups need access to policy makers (Poppelaars 2007, Braun 2012, Beyers & Braun 2014). Dür & Mateo (2012) argue that business associations' ability to provide

information and expertise should confer access to political institutions that need these resources. Furthermore, Braun (2012) argues that the main predictor of access is the level of policy goods offered to policy makers.

Maloney *et al.* (1994) suggest that policy makers are likely to look for groups who can help in policy formulation. The consequence is that legislators and policy makers turn to interest groups for opinions, data and analysis. Truman believed that the ability of an interest group to supply policy makers with information is 'one important factor among the informal determinants for access' (1951: 334). However, policy makers have limited time to gather the information that they require and to meet with interest groups. Consequently, Braun (2013) argues that public officials will work with selected interest groups based on the quality of their policy information. BMOs, therefore, need to understand what information could be of use to the policy makers and then ensure that they are able to provide it. The ability to provide information, expertise and opinion hints at several competences required of BMOs, including the ability to collate evidence and prepare persuasive argument.

Fraussen (2013) suggests that policy makers benefit from interacting with interest groups through securing support for particular causes or constituencies (implying that it is the politicians who primarily benefit from the exchange) or that it is to secure backing from a respected or credible group for a particular policy proposal and thus gain some legitimacy (again implying that it is the politicians who benefit). However, whilst interest groups do target Ministers and Parliamentarians, often their targets are public officials who are drafting policies and advising Ministers.

If BMOs are particularly helpful, it is easy to see that public servants will develop a positive relationship with them and then be proactive in consulting them. However, consultation has as much to do with exclusion and bias as it has with inclusion and balance (Maloney *et al.* 1994: 19). Fraussen (2013) suggests that recognising certain interest groups is a form of patronage which legitimises the interest group and may help it attract members and additional resources. He also notes, however, that interest groups need enough members, resources and well-educated staff to fulfil their role effectively. So, BMOs need to be able to attract members, to secure resources and to think about the skills required of the people whom they recruit.

It is argued that policy makers do not have time to form relationships with all the interest groups who might have a view on a particular topic so many groups will never get direct access (Beyers & Braun 2014). In the US and EU, with their thousands of interest groups, this is clearly true. However, in countries like Kenya and Tanzania where there are far fewer interest groups than in the US or Europe, this is less likely to be the case. Nevertheless, policy makers in Kenya and Tanzania do not want to waste their time either, so will be reluctant to form relationships with interest groups that do not offer them something worthwhile.

This raises a question about what will happen when an interest group does not provide information of sufficient quality and, indeed, Braun (2013) observes that this scenario ought to lead to interest groups being dropped. However, she argues that this reaction is often over-ridden by two logics: of "habitual" behaviour (that is, because they have always had a relationship) and of "anticipatory" behaviour (that is, in case they are useful in the future). If these logics are always evident, it might suggest that becoming one of the select few is difficult but that once a group has broken through it is relatively easy to maintain a relationship. There is some support for this in the observation that policy making is "biased towards some powerful interest groups whereas others are largely ignored" (Klüver 2012b: 1130). However, power does not just derive from size or the ability to threaten the economy. Writing about developed countries, Berry & Wilcox (2015) suggest that concerns about the role of interest groups have come about because of their increased involvement in elections. In sub-Saharan Africa, interest groups not only lack the resources to influence elections but also do not try. Arguably, therefore, they have no real power, except that derived from their ability to provide independent and comprehensive research evidence and persuasive argument, to be perceived as credible and professional, and to represent a specific interest, which probably reflects the position of most interest groups in developed countries as well. But it also suggests that BMOs need always to be thinking about the next big issues. Indeed, Klüver (2012a) argues that interest groups need to organise themselves in such a way that they are abreast, even ahead, of public sector thinking and are able to respond quickly to a need for information.

Policy makers in Kenya and Tanzania will meet with groups that can make a case. There is, however, a strong case for BMOs to engage with policy makers regularly, irrespective of whether there is a specific issue to discuss (Kohler-Koch *et al.* 2017).

Dialogue in an institutional context may have a positive outcome but developing a relationship with key individuals – champions (people from both public and private sectors who invest in the process and drive it forward) – can make a real difference (PublicPrivateDialogue 2006). As Baumgartner *et al.* (2009) observe, this may need to be nurtured over a long period and through a variety of interactions to build mutual respect, trustworthiness and credibility.

2.2.4 Evidence and argumentation

For Lucas, the most important factor for a BMO is "its command over information" (1997: 75). Thomas and Klimovich (2014), in their research of interest groups in Latin America, note the importance of gathering and providing information, perhaps in the form of reports, and raising awareness through media relations – which they ally closely with the importance of close contacts and networks. Having collated good evidence, the BMO then needs to analyse it and prepare effective arguments. Careful framing is the start of effective argument for a different approach to solve or address a particular issue. Being able to frame a problem and a solution are core competences for BMOs. Baumgartner *et al.* (2009), only partly in jest, say that 'framing' is the political science word for spin. However, they admit that careful framing can have huge impacts on policy outcomes. This view is widely shared. Framing an issue clearly and simply can indeed make a difference to the way in which it is perceived by government (Mahoney 2008, Baumgartner & Mahoney 2008, Klüver *et al.* 2015).

Entman (1993) explains that framing involves selection and salience, that is, the selection of some aspects of an issue and then making them more salient through appropriate communication which promotes a problem definition, a causal interpretation, a moral evaluation and a recommendation to solve the issue (1993: 52). De Bruckyer reminds us that this definition aligns with the idea of advocacy as a communication process (2016: 3), which is probably true in the US and the EU, but Heilman & Lucas (1997) remind us that, too often, influence in Africa is based on personal contact and bribery.

Jones & Villar (2008) suggest that there are two requirements to influence policy: the quality of the evidence and the political context. Specifically, they suggest that careful framing provides a shared definition of an issue and quote Keck & Sikkink (1998) who suggest that framing problems carefully can make their solution come to appear inevitable. Whilst business associations in Africa and their governments may argue about legislation and regulation, they have a common objective in that both want the private sector to create more wealth, to create more jobs and to generate more tax revenue which is consistent with a perception by the state of the private sector as the engine of growth (ITUC 2014).

Even where an issue is not particularly contentious, it can be examined in different ways. For example, the Tanzania Association of Tour Operators (TATO) was keen to persuade the Government of Tanzania to establish a tourism division within the Police. Their consultant reviewed the legislation and proposed that TATO seek to persuade the Government (and Parliament) to make dozens of amendments to the legislation; however, they reframed the issue as one of reinterpretation. This strategy and a visit to the Inspector General of Police was enough to encourage him to go ahead (int. Remen 2013, *Citizen* 2018) without any legislative amendments.

Having framed the issue, it is necessary to set out the evidence and formulate an argument, but this will in turn depend on the approach to be adopted. Deciding whether to accept a policy imperative, or whether to seek reform based on minimising the potential imposition on business, can make a difference. Opposing 'political' or contentious issues can be difficult; focusing on 'technical' aspects or turning problems into technical issues can make them easier to address (Truman 1951, Michalowitz 2007) and gives an increased chance of success (Dür 2008).

There is considerable emphasis in the literature on the quality of information (Braun 2012, Klüver 2012a) and the difficulty often faced by policy makers in accessing good information (Baumgartner *et al.* 2009). Indeed, Hall & Deardoff (2006) argue that lobbying is a form of 'legislative subsidy' in which interest groups effectively subsidise policy makers who might be considered allies but need more evidence and perhaps more persuasive arguments. Whilst policy makers in Africa generally need good evidence, for many issues they do not have a position; even when they do, the legislative subsidy

argument assumes that interest groups are able to identify 'friendly' policy makers before proposals have become law.

Baumgartner *et al*. (2009) take a different approach and argue that there is rarely a scarcity of information, but rather that there is too much, such that policy makers feel overwhelmed. Interest groups can help them to separate the essential from the general morass (Berry 1997). Although plausible in the US, it is arguably much less likely to be the case in developing countries, where information can be hard to obtain at all (Beguy 2016). Arguably, therefore, research by BMOs is more important in developing countries. Policy makers are often as short of resources to commission research as the interest groups, so the ability to provide appropriate, objective and comprehensive evidence will likely open doors.

There seems to be less consideration of the quality of argument, that is, how the evidence is marshalled to make a compelling case though Beyers stresses that "argumentation is at the heart of interest group politics" (2008: 1194). Jenkins-Smith and Sabatier (1993) claim that those who are most effective at marshalling their evidence into a clear argument are more likely in the long term to be successful than those who do not.

Whilst they agree that the way in which evidence is presented is of great importance – saying it must be accessible, relevant, timely and independent – they claim that legislators are looking for more: they want researchers to "narrate a compelling story with practical policy recommendations" (2011: vi). This may require a degree of compromise. Woll (2012) observes that being constructive is likely to achieve more than arguments based on threats or pressure. Policy makers in Africa may have one eye on what they think the President would do, but they also appreciate a collaborative style of dialogue (int. Rugimbana 2010, MNRT/TCT 2010, Mussa 2011, int. Remen 2015).

On the basis that much advocacy involves reaching out to potential allies, Beyers & Hanegraaf (2016) argue that advocacy efforts are more collaborative than confrontational. This could be interpreted as meaning that there is less need to rely on evidence and argument and that it is only necessary to express support. Many researchers, however, endorse the view of Klüver (2012a) that providing policy makers with well-researched evidence is a *sine qua non* for effective lobbying. In the US and Europe, policy makers often work closely with interest groups specifically to acquire evidence that supports their policy proposals (Klüver 2012a). Baumgartner *et al*. (2009)

implicitly accept the legislative subsidy argument of Hall & Deardoff when they argue that interest groups can make a big difference by ensuring that they are able to provide good information that policy makers might otherwise find difficult or costly to access.

Policy proposals need evidence, good analysis and compelling arguments to influence policy makers (see, for example, Lutabingwa & Gray 1997). In Africa, often interest groups find that they are fighting rearguard actions following a decision to adopt a new law or a new policy. However, as the case studies demonstrate, efforts focused on technical issues (Michalowitz 2007) are more likely to be successful. Braun (2012) suggests that business interests have more success than other interest groups in influencing rules and regulations, though it is unclear whether the reason is that business interests focus on these issues more or whether they are better at making the arguments.

2.2.5 Other tactics

Other tactics adopted by interest groups in developed countries include the creation of coalitions and, indeed, some researchers have examined whether alliances contribute to the success. Forming coalitions and alliances requires engagement competences. Baumgartner *et al.* (2009) note that, at least in the USA, alliances of business associations and policy makers often share policy goals. Such allies are a valuable resource. Policy makers and organised interests frequently work in tandem to advocate policy goals that they both share. Each can do things that the other cannot: officials within government can set agendas, meet with colleagues, and so on. Baumgartner *et al.* (2009) suggest that organised interests outside government may have more staff time, the ability to do research, and the luxury of working on just one or two issues at a time. They also observe that interest groups that would not normally be allies may collaborate because each holds a resource lacked by the other.

Allying with others offers a low-cost mechanism to bring together diverse interests (Whitford 2003). It seems that coalitions secure greater access (Beyers & Braun 2014). Sorurbaksh (2016) suggests that coalitions are more influential than interest groups acting on their own. However, he then complicates the picture by suggesting that interest groups have to be competitive, cut-throat and shrewd to survive. This suggests a western view in which there are many interest groups and only the best survive, perhaps by working in a specific niche; in African countries, there tend to be far fewer and they tend

not to be competing for members, though they may on occasion be competing for the policy outcome. Not all are convinced, however, that coalitions are worthwhile (Mahoney & Baumgartner 2004, Grossman & Dominguez 2009), though this could be because their research does not isolate the impact of salience (which perhaps brings the alliance together) and the impact of alliances in less controversial issues. Alliances not only unite BMOs, but also unite a BMO with a government agency which shares the same goal: indeed, Baumgartner *et al.* (2009) found government officials who, far from being neutral, were collaborating with others sharing similar views, and actively advocating their shared position.

2.2.6 Mobilising resources

One feature examined by academics, to some extent, is that of resources (see for example Salisbury 1969, Baumgartner *et al.* 2009) and how they find enough. Olson (1971) argued that associations had to offer selective benefits to attract and retain members – who then pay subscriptions. This may be true in the US and EU but seems to be less true in African countries, where businesses often want to collaborate to share problems, to feel reassured because they are not alone and to have an organisation to represent them both individually and collectively.

In the US, there is considerable money in the system: it is estimated that interest groups spend about $2 billion every year lobbying the federal government (Leech *et al.* 2007) and about $500 million every two-year election cycle in campaign contributions. This raises the question whether it is the groups with the most money who have the most influence. The answer seems, on the whole, to be no (Leech *et al.* 2007: 25). This is just as well because, in African countries, the resources available to business associations are very limited. Based on my interviews and discussions with BEST-AC, I estimate that the amount of money spent on advocacy annually in Tanzania is miniscule, even in relation to their GDP, probably no more than $3-4m. Heilman & Lucas (1997) noted that associations are dependent on donors for their funding and that is still largely true.

Even in the US, Baumgartner *et al.* (2009) observe that there is a low correlation between monetary resources and policy outcomes. Mahoney, too, admits that empirical evidence does not demonstrate a clear relationship between resources and lobbying success (2007: 54). However, Baumgartner *et al.* (2009) suggest that resources help policy

advocates gain a better understanding of the political environment and the knowledge community in which they operate.

In Africa, BMOs find it hard to attract members willing to pay a decent level of subscription – and subscription income rarely covers their budget. It is interesting, then, that Baumgartner and Leech note that subscriptions paid by members, at least in the US, are usually only a small part of a membership organisation's total income (1998: 32) as well. Schmitter and Streeck (1999) claim that public authorities sometimes provide funds to business associations. Saurugger (2008: 1276) goes further arguing that the state should support interest groups which lack the resources to participate and to provide knowledge and expertise to policy makers.

The challenge for BMOs is sustaining themselves beyond an initial desire for action – businesses get the benefit of regulatory improvement, irrespective of whether they are a member – so BMOs offer selective benefits. This can be beneficial, provided businesses join and pay subscriptions. Some associations, in particular associations of professionals, have been able to persuade businesses or individuals that membership is a pre-requisite to trade which forces them to join and to pay subscriptions. Many BMOs additionally seek to raise funding through sponsorship, for example from BEST-AC or from the Business Advocacy Fund, and thus need sufficient competence to be able to make a case for funding as well as to be able to prepare budgets.

2.2.7 Leadership

It is noteworthy that leadership is rarely mentioned as a core competence and, to be fair, is not specifically an advocacy competence. But for a BMO whose primary purpose is to represent its members, it might be regarded as essential. Kuada (2010) claims that there seems to be little research on leadership in Africa. More recently Galperin *et al.* (2017: 241) have argued that effective leadership is critical for the growth of Africa, implying that it is not yet there. Both Kenya (Senaji & Galperin 2017) and Tanzania (Melyoki & Galperin 2017) are described as being collectivist, that is, collaborative. However, Kuada (2010) argues that leadership is generally weak with a tendency to "supervise" employees (tell them what to do), rather than to "motivate" employees (empower them to take decisions for themselves). A consequence is that many employees limit the risk by not taking the initiative. James (2008) asserts that leaders in Africa, irrespective of whether they work in

business, government or civil society, fail to rise to the challenges: in particular, that they have too many demands on their time (presumably as a result of taking decisions for everybody else) and the corollary that the culture generally reflects the 'big man' model.

Leadership styles tend to be consistent with communal traits rather than with the more individualistic traits found in developed countries (Galperin *et al.* 2017) and conflicts are generally resolved through compromise and negotiation (Melyoki & Galperin 2017). Senaji and Galperin, discussing Kenya (but equally applicable to Tanzania), suggest that visionary leadership can be effective because people are free to innovate, experiment and take calculated risks (2017: 121) but observe that it does not occur in what they have observed. This implies that a BMO led by someone who can empower the staff is likely to achieve much more than one where the decisions are centralised.

2.3   Summary

The review of the literature suggests that researchers – beyond a general recognition of the need for competence and professionalism – have limited ideas of the specific competences (and mechanisms) that are more likely to lead BMOs to successful conclusions when they aim to influence public policy. This research gap is important since it is difficult to draw conclusions about whether interest groups are successful if the research is based solely on access and results. Researchers stress that results depend on context – that is true – but they also depend on the approach and competence of the BMO. Bernhagen *et al.* (2014) concur with my identification of this gap when they say that effectiveness is probably the least adequately researched aspect of interest groups.

My original assertion, as set out in chapter 1, was advocacy competence, organisational management competence and ability to attract resources are the three crucial competences required by BMOs. Later work (Irwin 2015) split the advocacy competence into two, separating the ideas that building and maintaining relationships was just as important as the advocacy related skills of research, policy preparation and influencing.

The literature suggests that these could be split further and that a number of determinants are important. Moreover, many of these are reflected in what the BMOs themselves see as important. BMOs need to be able to identify issues and they need to gather enough evidence and prepare persuasive enough arguments to be able to offer something new to policy makers. They need access to policy makers – outsider strategies may pressurise

policy makers but do little to change what they think – but changing the way that policy makers view an issue, and encouraging them to act, requires research evidence and cogent argument and the opportunity to discuss with the most appropriate policy makers. So they also need an understanding of the venues and mechanisms through which to engage in dialogue. In reality, there is a need not only for suitable mechanisms but also for BMOs to engage with MDAs over an extended period, forming relationships, getting to know each other and understanding each other's imperatives, and being able to separate the business relationship from the personal relationship. Moreover, BMOs need to be able to communicate effectively – to express their arguments persuasively – and, where there are potentially competing interests, to compromise and speak with a single voice if they do not wish the public sector to prise them apart.

The individual competences identified by researchers and practitioners are summarised in detail in Table 5. Some argue that advocacy is all about communication. Communication, like competence, covers a broad range. In an initial attempt to focus on what I surmise are the crucial competences, I have grouped these competences into four broad areas of evidence (what you say), expression (how you say it), engagement (to whom you say it) and leadership and governance (of the organisation). Whilst one element of engagement – access – has been researched extensively, other aspects of engagement, such as dialogue, developing relationships and sharing knowledge have had less attention.

Table 5: Summary of possible determinants & supporting evidence

Determinant	Literature reference
Evidence	
Compile evidence (that is, collate, analyse and synthesise appropriate evidence)	
Good at gathering 'intelligence'...	Maloney *et al.* 1994, Dür & Mateo 2012, Walker 1983, Streeck & Schmitter 1985, Baumgartner *et al.* 2009, Bouwen 2002, Poppelaars 2007, Braun 2012, Beyers & Braun 2014
Able to identify, commission or undertake relevant research	"Only the facts count" (Berry 1997)
	Detailed knowledge, including history of the issue and the arguments of opponents (Baumgartner *et al.* 2009)
	Resource exchange relationship (Bouwen 2002, Poppelaars 2007, Eising 2007, Beyers & Braun 2007)
	Ahead of public sector thinking (Klüver 2012)
	Quality of information (Braun 2012, Klüver 2012)
Analysis	Jenkins-Smith & Sabatier 1993
Frame issues (that is, effectively explain a problem, ideally in such a way as to imply a solution)	

Able to frame issue appropriately and succinctly (Links to evidence)	Turn problems into issues (Berry 1997)
	Detailed knowledge, including history of the issue and the arguments of opponents (Baumgartner *et al.* 2009)
	Framing (Beyers 2008, Klüver 2012, Klüver *et al.* 2015)

Engagement	
Connect (that is, identify key people and persuade that have something to offer)	
Access	Access to policy makers (Walker 1996)
	Insider strategy (Page 1999)
	Access goods (Bouwen 2002)
	Policy goods (Beyers & Braun 2014)
	Can be a challenge (Beyers & Braun 2014)
Coalitions & alliances	Bring together diverse interests (Whitford 2003)
	Secure greater access (Beyers & Braun 2014)
	More influential (Sorurbaksh 2016)
Collaboration (linked to dialogue)	Leads to better understanding of issue, improved policy solution and more effective implementation (Ansell *et al.* 2017)
Champions	Make a difference (Herzberg & Wright 2006)
	Need to be nurtured (Baumgartner *et al.* 2009)
	Engage in regular contact (Kohler-Koch *et al.* 2017)
Develop relationships (that is, build and maintain relationships with key people from public and private sectors)	
Members	Determine the goals (Walker 1991)
	Recruit, retain, involve (Maloney *et al.* 1994, Bettcher 2011, Fraussen 2013)
	Organise the members (Lutabingwa & Gray 1997)
Networking	Develop and nurture personal relationships and organisational alliances (Baumgartner *et al.* 2009, Beyers & Braun 2014)
Share knowledge (that is recognise that everyone is stronger when they have access to more information)	
Pro-active sharer of information, knowledge & policy ideas	Maloney *et al.* 1994, Dür & Mateo 2012, Walker 1983, Baumgartner *et al.* 2009, Bouwen 2002, Poppelaars 2007, Braun 2012, Beyers & Braun 2014
	Timely, relevant and independent information to policy makers (Baumgartner *et al.* 2009, Datta & Jones 2011)

Expression & communication	
Advocate (that is, choose the most appropriate means to influence and then pursue it)	
Understand the political environment & policy process	Lutabingwa & Gray 1997, Mahoney 2008
Political expertise	Beyers *et al.* 2008
Professional staff	Klüver & Saurugger 2013
Capable staff with specialist functions	Klüver 2012, Fraussen 2013
Regular user of wide range of advocacy tools/ tactics/ strategies	Advocacy strategies adopted (Dür 2008) and range of advocacy tools used (Baumgartner & Leech 1998)

	Technical expertise (Beyers *et al.* 2008) including research skills, analysis skills, issue framing, communication skills, involving members in policy formulation (Bettcher 2011)
Effective communicator	Raise awareness (Berry 1997)
	Bettcher 2011
Persistence	Commitment (Berry 2000)
	Baumgartner *et al.* 2009
Argument (that is, construct effective arguments based on the evidence, the problem and the desired solution)	
Able to prepare compelling policy positions; persuasive	Argumentation & strategy (Beyers 2008, Woll 2012)
	Take different approaches for different audiences (Datta & Jones 2011)
Dialogue (that is, engage in discussion in such a way that all parties can share views and improve understanding)	
Able to set the agenda with government	Jones & Villar 2008, World Bank 2005a
Important to mutual understanding	Herzberg & Wright 2006
Governance & management	
Leadership & management (that is, leading and managing the organisation effectively)	
Think strategically	Grønhaug and Nordhaug (1992)
Accountable to members	Governance (World Bank 2005a)
Project management skills	Technical expertise (Beyers *et al.* 2008)
Resource mobilisation (that is, attracting the resources necessary to undertake the desire activities)	
Can secure resources	Properly resourced (Walker 1983, Dür & de Brière 2007, Dür 2008, Mahoney 2008, Beyers & Braun 2014)
Provide services to members	Exchange of benefits: leadership and members (Salisbury 1969)
	Selective benefits (Olson 1971)
Credibility	
Recognised by government as credible partner	The priority (Berry 1997)
	Credibility (Baumgartner *et al.* 2009, Fraussen 2013)
Good reputation & effective influencer	Profile (Beyers *et al.* 2008)
Diversified membership base, representing most of sector, with good retention	Not a political party and not part of the state (Halpin & Jordan 2012)
	Membership organisation (Gray & Lowery 1996, Jordan & Maloney 2007, Mahoney 2008)

BMOs need to be able to marshal the evidence to frame the issue, taking the evidence and expressing it in a way that implies an obvious solution, and to develop a persuasive argument rooted in the evidence. Framing and argument both require competence in research (or in the analysis and synthesis of research undertaken by others) and expression.

BMOs need to engage – which requires the co-operation of their target audiences – which requires the ability and confidence to forge and maintain contacts, to build networks, to develop alliances, etc. One way of maintaining networks within the public sector is to share information and knowledge when the opportunity arises. Sharing knowledge combines the gathering of evidence with engaging people who might like to receive that evidence.

Effective access is not solely about the opportunity to put one's arguments directly to policy makers: it embraces working with and through others, including, for example, making use of champions, creating alliances and engaging with actors which are not part of the public sector.

One area of engagement, though it also falls into expression, is especially important: dialogue. Indeed, it is not so much the internal configuration of BMOs but rather the mechanisms of public-private dialogue that is the black box though dialogue is promoted and praised by the practitioner literature. Engaging in dialogue is perhaps the ultimate insider approach and, as Fisker (2015) observes, being an insider confers legitimacy and credibility with members and BMOs: it signals to members that the group is important in the policy process.

If a BMO can pull together good evidence, engage with appropriate people and express its arguments well, it will be seen by government as credible – even if it is not always successful. Being credible will increase its access and will increase the likelihood of it being consulted by government. Credibility is not a competence but derives from being competent and is central to securing access and being consulted on a regular basis. It is important that associations are seen to be credible or, at least, that they do not lack credibility. BMOs need to be credible to deliver their objective of influencing public policy (Baumgartner et al 2009, Fraussen 2013), though Chapman and Fisher (1999) note that this may come from the transfer of practical experience to the policy arena, grassroots support, or being involved in alliances and networks. Credibility is closely linked to legitimacy. Legitimacy is increased by, for example, being able to represent a significant number of businesses in a sector or a significant proportion of the sales value in a sector (Mahoney 2007, Fisker 2015); credibility may come from having been effective previously or having built a reputation for thorough research.

It might be expected that good leadership would make a difference to effectiveness ensuring that, like an orchestra, the BMO is working in harmony. Yet, like governance and management, it is largely over-looked in the literature. It might be surmised, for example, and the case studies will bear this out, that the role of some individuals, such as CEO or chair, is crucial in aspects such as building relationships, prioritising issues, and setting the overall strategy. The literature on interest groups in developed countries does not, on the whole, look at the role of individuals but rather at the impact of the interest group as a whole. The case studies, however, touch on the role of key individuals.

There seem to be some other areas that are also over-looked. One is whether, and if so how, staff engaging in policy issues and advocacy are trained and developed. Orsini *et al.* (1996) stress the need to build capacity. So a further competence required by BMO leaders is the ability to recognise weaknesses in themselves and their teams and to engage in personal development. Leaders need also to be able to motivate their staff. Another gap is succession planning, though the case studies do not suggest that BMOs are any better at this in developing countries. My wider research amongst BMOs in Tanzania and Kenya suggests that there may be some additional competences, including the ability to balance competing arguments, to compromise and to use the media effectively. It may be, however, that these competences are all less important. Many of these depend on the competence of individuals.

Setting out initial thoughts about likely competences raises a question about whether the competences are equally important. Given that most researchers only touch on one or two competences, or fall back on the assertion that interest groups must be professional, the literature does not give any clues. My prior research suggests that, whilst a minimum level of competence is required before a BMO can make any difference, it is the building of effective relationships that has the most impact (Irwin 2015). Specifically, it seems that BMOs need to achieve a minimum level of advocacy competence to be seen as a credible partner. But once that has been achieved, developing relationships with key people makes a greater contribution to achieving results (Irwin 2015: 203). Intuitively, it seems likely that some competences will be less important. Associations can be influential without, for example, forming alliances or without finding champions. Nevertheless, framing an issue, developing persuasive argumentation, building relationships and engaging in dialogue are all essential requirements. Leadership, including the ability to

make strategic choices and to prioritise are likely to be important determinants as is the need to keep members on side.

Advocacy is intended to raise awareness, to change attitudes and ultimately to cause someone to act. BMOs hope that the result of that action is a reformed policy but that is not always achieved. Regarding success as the achievement of a policy reform may not capture the progress made by a BMO. BMOs, when being asked about success, were asked whether, as a result of their advocacy, they perceived public bodies:

- had changed the way they saw the issues;
- had given a higher priority to the issues;
- had made a commitment to address one or more of the issues;
- had programmed a solution to one or more of the issues;
- had changed policy to address the issues, for example, publishing a white paper or secured executive reform in regulation; or
- had implemented (Parliamentary) legislation to take account of the issues.

The case studies that follow explore all aspects of competence and professionalisation, together with an assessment of the degree of success enjoyed by each of the BMOs. The case studies, therefore, draw out which of these competences appear to be the most important.

Chapter 3.   The political context

This chapter describes key aspects of the political context in which BMOs are active in both Tanzania and Kenya. It is not intended to be a comprehensive political analysis; its purpose is to demonstrate some of the contextual differences both between Kenya and Tanzania and compared to developed countries. An understanding of context is important because the political framework in which business membership organisations work may affect their ability to influence public policy. Baumgartner & Leech (1998) and Hojnacki *et al.* (2012) criticise interest group researchers for spending too much time looking at whether groups have been successful and their lack of attention to context. Rather than just trying to measure interest group influence in the policymaking process or focusing on tactics and lobbying behaviour, Hojnacki *et al.* (2012) suggest that greater effort should be made to link the study of interest groups to the study of the policymaking process and politics in general. As noted in the previous chapter, many researchers focus on the ability of interest groups to secure access. Whether a group can secure access depends on the political opportunities and structures it faces, so this chapter starts with a brief review of the political history of each country. This is followed by a brief description of the policy process. The next section reviews the structures for political opportunity and the state-business relationships and summarises the opportunities open to business associations aiming to influence public policy.

3.1   History

Writing in 1991, Fowler asserted that

> Most post-colonial African states have evolved as either single-party, patrimonial, autocratic, centralised political systems founded on ethnic clientelism or as dictatorial (semi-permanent) military regimes. [...] African bureaucracies are overdeveloped and unaccountable because of the underdevelopment of the formal civil institutions that should control them. Urbanised elites monopolise both political and economic power, leading to a decreasing equity and transparency in the allocation of natural resources [...] the state dominates many aspects of associational life (1991: 53)

The depictions of Tanzania and Kenya that follow suggest that much of this remains largely relevant. However, it fails to capture more recent developments towards more open and consultative governments.

Chazan *et al.* (1999) explain that countries in sub-Saharan Africa typically have been through three phases of development – pre-colonial, colonial, authoritarian independence – and many are now into a fourth: participatory independence. They note, however, that the main basis of political and socioeconomic activity is the group (ibid: 76) with ties, for example, of blood or identity but also potentially with ties of affinity, which would cover for example professional associations and religious communities.

Before the colonialists, there were none of the trappings of modern nation states, but there was a deference to elders and to the 'chief'. Groups were effectively aggregated into larger communities by the colonialists drawing arbitrary boundaries to create states (Thomson 2010). Colonial rule – through Governors – was "fundamentally authoritarian" (Chazan *et al.* 1999:29), that is, governance was imposed and instructive rather than participatory and consultative. Perhaps it is not surprising that newly independent states followed that model even though the western powers pressured newly independent African states to adopt multi-party systems. The colonial authorities constrained formal political activities and, as a consequence, many anti-colonial ideas were nurtured in voluntary organisations and social groups. Indeed, that is where many nationalist leaders started their political career (ibid. 77). Following independence, leaders, perhaps not too sure of their own position, sought to increase power around the state and to reduce intra-elite competition (ibid. 47). They had to build public institutions to take on the running of newly independent states but, because loyalties were not always clear, they used their political party as a means of supervising the bureaucracy, the police, the army and local government (ibid. 52) thus blurring boundaries between state and party. At the same time, public sector jobs offered an opportunity for political patrons to reward individuals whom they thought could be useful, for example, in delivering grass roots support (Simson 2016: 6) and build in more loyalty. The parties aimed to limit the opportunities for opposition including clamping down on the voluntary organisations that had allowed them to oppose the colonial powers and they failed to differentiate between state ownership of resources and personal ownership:

> Authoritarian policies dominated [...]. Competition over access to and
> control of state resources nurtured an instrumental view of politics in which
> the public domain was seen as a channel for individual or partisan
> enrichment. [...] Zero sum patterns led to the muzzling of loyal oppositions
> and to intolerance of dissenting opinion. (ibid. 12-13).

The result is that "political life in Africa is conducted through a complex web of social forces, institutional settings and inter-personal relationships" (ibid. 75).

Some countries, at least on the surface, have moved on and sought to involve civil society on a more participatory basis. In some cases, including Kenya and Tanzania, political participation was initially permitted within a single party set up. From the 1990s on, however, many countries in sub-Saharan Africa reinstated multi-party government and have opened opportunities for participation (ibid. 63) not least by business associations as they pursue market economy policies rather than some version of African socialism. One outcome is that interest groups are involved in public affairs (ibid. 86) and indeed Kenya and Tanzania both have a growing number of civil society organisations and business membership organisations that are willing to engage in dialogue and to seek to influence public policy.

3.1.1 Tanzania

The mainland of Tanzania, formerly Tanganyika, was part of German East Africa. It came under a British mandate following the end of the First World War and gained independence from Britain in 1961. The island of Zanzibar overthrew its Arab rulers in 1963 and merged with Tanganyika in 1964 to form the United Republic of Tanzania.

The Party of the Revolution, Chama cha Mapinduzi (CCM), took power under the Prime Ministership, and later Presidency, of Julius Nyerere, who started his political career in the Tanganyika Teachers' Association (Chazan *et al.* 1999). CCM has been in power ever since, though there are now opposition parties in Parliament. This has given the country a high level of stability (Therkildsen & Bourgouin 2012), despite some 120 different ethnic groups (Temu 2013). However, it has not delivered a strong economy. Reflecting a strong collectivist culture (Melyoki & Galperin 2017), it has resulted in a society which tends not to criticise publicly. There was little indigenous entrepreneurship at the time of independence. The few businesses that did exist were largely owned by foreigners or

Asians with Tanzanian citizenship (Therkildsen & Bourgouin 2012). The colonial regime, and then the post-independence government, discriminated against African entrepreneurs (Therkildsen & Bourgouin 2012). That separation continues, with political power dominated by black Africans and business dominated by Asians, Arabs and Europeans (Booth *et al.* 2014).

Following the 1967 Arusha Declaration, Tanzania launched a socialist economic and development agenda, guided by an 'African Socialist' philosophy (based on the culture of a traditional African village) characterised by state control of the economy (Temu & Due 2000: 684) known as *ujamaa*, meaning unity from the Swahili word for the extended family. Heilman & Lucas (1997) assert that the Government aimed to eliminate the private sector, nationalising many businesses and increasing regulation and suppressing those that remained in private ownership: the "government and specifically civil servants considered private entrepreneurs to be *mabepari* (capitalist exploiters). Any element of business acumen or profit-seeking effort was dubbed *ulanguzi* (conmanship)" (Temu & Due 2000: 684).

Socialism led to low economic growth, bankrupt parastatals and severe deprivation (Temu 2013). In 1983, Nyerere concluded that his experiment with socialism had failed (ibid.). The government allowed more private enterprise, cut government subsidies and started to cut state-run organisations. Nyerere resigned in 1985 and the new government started to remove government controls over the economy.

The lack of business resulted in a lack of organisations representing business, though civil society organisations have always had a place in Tanzanian society, with several playing important roles in the fight for independence (Elliott-Teague 2008). The British colonial regime had prohibited voluntary organisations from promoting political goals and the new independent government did not repeal this legislation. By 1970 "most organisations outside the central party had ceased to exist" (Elliott-Teague 2008: 104). Indeed, CCM brought most associations under its control and crushed those that sought to remain independent (Mercer 1999: 248). This changed during the economic and political upheaval of the 1980s and early 1990s when CCM "recognised it no longer had the strength to control all aspects of Tanzanian society" (Elliott-Teague 2008: 104). The government no longer prohibits the formation of associations and there has been a

growth in NGOs and interest groups (Elliott-Teague 2008) and a de-linking of interest organisations from party control (Therkildsen & Bourgouin 2012).

Political change resulted in 1995 in the country's first multiparty presidential and parliamentary elections. However, CCM does not plan to lose power: since 1995, they have won all competitive elections at the national and local levels (Therkildsen & Bourgouin 2012). Therkildsen & Bourgouin observe that "groups that could potentially threaten the power of the ruling coalition are almost non-existent" (2012: 9); they assert that CCM maintains a grip on the bureaucracy, which employs more than 300,000 people, and suggest that access to powerful positions is controlled by the president who also chairs the party. Temu (2013) confirms that the ruling party and the government system have become interwoven. One consequence is that public officials generally do not understand the impact on business of delaying a decision. This is exacerbated by over-staffing, under-qualification and pay levels too low to support a family (Temu & Due 2000) and results in a civil service that is prone to corruption and which fails to "to articulate and implement private-sector-friendly policies" (Temu & Due 2000: 704).

This is a challenge for those countries, including Kenya and Tanzania, which see the private sector as the engine of growth (URT 2010; GoK undated). So, we have a polity which, historically, did not favour or even support the private sector, but now sees business as the driving force for wealth creation. Representatives of business are regarded as suspect, though the business elite are closely intertwined with the political elite, in a way that is largely opaque. Freedom House ranks Tanzania at 124 (out of 209) on its freedom index (Freedom House 2018).

3.1.2 Kenya

In some ways Kenya seems completely different, though there is much similarity. The World Bank described Kenya in 2010 as "politically risky, marked by corruption, policy uncertainty and the importance of patronage and political connections in the business arena" (Pepper 2010: x). It has made progress, though Wesangula (2017) asserts that patronage is the "secret ingredient to the success of any politician" and that though there has been considerable change since independence "the politics of tribe and patronage persist". Politically, Kenya is relatively stable. It achieved independence in 1963, with multi-party elections, a bicameral legislature and a federal government. There were two

major political parties which reflected five large ethnic minorities, though with none dominant (Booth *et al.* 2014: 13): KANO (the larger party, representing the Kikuyu and Luo) and KADU. The first President was Jomo Kenyatta. The federal system and the upper chamber were abolished in 1966 and opposition parties were banned in 1969 (*ibid*). From independence, there has been involvement of politicians in business and business people in politics with the Kikuyu at the centre of both (Booth *et al.* 2014). Whilst a number of individual business people were able to influence politicians, there was little scope for independent business associations directly to influence policy and little public sector advocacy though the number of groups grew rapidly in the 1990s (Chazan *et al.* 1991: 78). In 1978, Daniel Arap Moi succeeded Kenyatta as President. Opposition parties were allowed once again in 1991 and the first multi-party election held in 1992.

Unlike Tanzania, political parties are formed as vehicles for aspiring Presidential candidates (Booth *et al.* 2014: 26) and so there have been regular changes of name of parties, though ultimately, they tend to fall back on tribal divisions and coalitions. The fact that political leadership thrives on tribalism rather than statehood presents a challenge (Senaji *et al.* 2017) as there is less continuity.

Kenyatta and Moi had taken care to involve other ethnic groups (Chazan *et al.* 1999: 143). In 2002, Mwai Kibaki of the National Rainbow Coalition (NARC) was elected as the third President of Kenya in an election deemed to be reasonably fair. However, the next election, in 2007, led to greater tribal division and ultimately bloodshed: Booth *et al.* asserted that Kibaki's "failure to develop an inclusive political agenda [...] widened divisions and laid the foundations for the violent conflict" (2014: 18) that followed a disputed election contest. This resulted in the deaths of more than 1,500 people. In 2008, a government of national unity was formed with Kibaki (leader of the Party of National Unity) as President and, for the first time, a Prime Minister, Raila Odinga (leader of the Orange Democratic Movement and the opposition's Presidential candidate) – and a commitment to introduce a new constitution.

A new constitution was approved by referendum in 2010. This introduced a system much more closely modelled on the US bicameral system than on the UK system: a National Assembly (NA) and a Senate to represent the Counties, collectively known as Parliament. Unlike the US, however, the National Assembly has precedence and members of the NA are still described by everyone as MPs. The new constitution removed the office of Prime

Minister, saw Ministries headed by people known as Cabinet Secretaries who no longer sit in Parliament and created 47 autonomous counties, each with a directly elected Governor (RoK 2010).

The new counties came into effect at the same time as the 2013 election which saw the election of a new president, Uhuru Kenyatta, leader of the Jubilee Alliance. He reduced the number of Ministries to 18 in line with the new constitution (which specified a maximum of 22) and largely appointed technocrats with no political experience as Cabinet Secretaries (see http://iga.fyi/kenCab). The media gained more freedom and willingness to criticise government, especially in relation to corruption, during the Kibaki years. It was further liberated by the new constitution, although this subsequently became more constrained by the passing of the Kenya Information and Communications Amendment Act 2013. Kenya ranks at 95 (out of 180) on the *World Press Freedom Index* (Reporters without Borders 2017). The *Economist Intelligence Unit* assesses the media in Kenya as 'largely unfree', scoring it at 6/10 (EIU 2018).

Whilst occasionally professing to support African socialism, Kenya actively promoted a mixed economy and private sector (Chazan *et al.* 1999: 263). Indeed, the Jubilee Government of Uhuru Kenyatta is trying to be business friendly: not only is it more open to business than previous administrations, it has promised to consult business and to improve the business environment (Booth *et al.* 2014).

Consequently, in Kenya we have a polity which is much more supportive of the private sector, which tends to be dominated by the Kikuyu, who are determined to dominate the country's politics also. Here too the business elite and political elite are close to one another. Kenya is ranked at 129 on the freedom index (Freedom House 2018).

3.2   The policy process

As well as looking at the politics, Hojnacki *et al.* (2012) recommends looking at the policy making process, reflecting Lutabingwa & Gray's (1997) similar belief cited in chapter two. Some argue that governance in Africa is based on consensus and compromise (Wiredu 2015, Vigtel 2015). Supporting the idea that dialogue is important, Wiredu quotes the Ashanti as saying "there is no problem of human relations that cannot be resolved by dialogue" (2015). Both Kenya and Tanzania offer opportunities for dialogue between public and private sectors.

As noted above, Kenya has a President, a Cabinet, a bicameral Parliament and a degree of devolution to the Counties, all of which make decisions relating to public policy. The Kenya Law Reform Commission has published a detailed guide to Kenya's legislative process (KLRC 2015). This not only offers guidance on the process of legislating in the National Assembly but also offers wider guidance on the whole policy process. It takes as its starting point the definition of policy offered by Black's Law Dictionary as "the general principles by which a government is guided in its management of public affairs." (2015: 30).

KLRC sets out nine stages for a new policy to be adopted, though as readers of Kingdon (1995) will appreciate, this is somewhat idealised. The first is policy initiation. It notes that policy ideas may originate from the Executive but also from political parties, business associations, organised groups or individual citizens. It notes that the Constitution gives every citizen the right to petition Parliament or County Assembly to consider any matter within its authority. They can then choose whether to turn the idea into a policy. They advise that it is appropriate for anyone who originates a policy idea to prepare a brief, combining a synthesis of the research evidence and strategy recommendations (2015: 31). If the broad proposal is accepted – by Parliament, an MDA or a County – the next stage is research (including an expectation that the relevant MDA will undertake comprehensive research noting that "expert opinion should be at hand"). This offers an opportunity for business associations to provide good research evidence. The third stage is negotiation and public participation. The guidance notes that the constitution requires that all legislation is subject to a regulatory impact assessment and that there should be adequate public consultation, based on principles of openness, transparency, integrity and mutual respect. Thus, even business associations who do not have access to policy staff within the Ministry or are simply reacting to government proposals can still have their say, though the guidance assumes that, in addition to Parliamentary committee hearings, interested parties may be able to set up meetings with the Cabinet Secretary or departmental heads, organise workshops, seminars or retreats, use the media and submit written opinions.

The fourth stage is the finalisation of the policy by the relevant MDA, when it crystallises the issues and draws up a final policy proposal. The fifth stage is cabinet or county

executive committee approval. The sixth stage is the tabling of the policy proposal in the National Assembly or the Senate for debate and approval. House committees may subject policy proposals to detailed scrutiny and may decide to hold further hearings. They may then approve, with or without amendment. The seventh stage is assent, when the policy is approved by the President or County Governor. In the eighth stage, the policy is published as a white paper and, in the ninth stage, may become the basis of legislation.

Bills go through a process similar to that in the UK, with first, second and third readings and committee stages. Parliamentary Committees can choose to have more public hearings, and to consult widely, as they consider the wording of the proposed legislation. Bills also go through a process of assent and then publication in the Kenya Gazette before they become law. In practice, then, as a minimum BMOs can expect to be able to engage in dialogue with MDAs and to be able to communicate to Parliamentarians via Parliamentary Committees.

Counties can also generate policy and legislation. In some cases, they have to follow guidance from the centre but in others they are free to do as they want.

3.2.2 The policy process in Tanzania

Tanzania has a unicameral National Assembly. Most members are elected on a first past the post basis to represent constituencies, with additional women MPs elected proportionally from Party lists, five members appointed by the Zanzibar House of Representatives and eleven members appointed by the President, who is directly elected and who is Head of Government as well as Head of State. The President thus has considerable opportunity for patronage. Cooksey argues that patronage exists not only in the power to appoint people to positions of authority but also that "policies as implemented are overwhelmingly patronage driven" (Booth *et al.* 2014: 43). The President appoints the Prime Minister and all the members of the Cabinet. There was an attempt in 2011/12 to rewrite the constitution and a further attempt in 2014/5 but this was never put to a referendum (Branson 2017).

Local government in Tanzania was originally set up by the British in 1926 only to be abolished after independence, reintroduced by CCM in 1984 (Venugopal & Yilmaz 2010) and then reformed several times in the 1990s. There are a variety of district councils,

town councils, municipal councils and others. The centre, however, keeps a degree of control through the appointment of the Chief Executive of the District Councils, the appointment of District Commissioners and the appointment of Regional Commissioners (ibid.) Whilst local authorities are nominally able to pass byelaws, the District Commissioner and District Executive Director are able to skew the process. Until 2015, this was all overseen by the Prime Minister's Office through the Regional Administration and Local Government division, but it has now moved to the President's Office.

In Tanzania, there is no official guidance to explain the policy process. However, Shemdoe (2013) explains that policies are enacted to address problems with ideas originating from individuals, communities, organisations, public and private organisations and other interest groups. For major policies, such as the Tanzania National Vision or the National Strategy for Growth and Reduction of Poverty, the President's Office or Prime Minister's Office would take the lead; sector policies are the responsibility of the relevant Ministry (Shemdoe 2013). In practice, most policy emanates from a sponsoring Ministry (Majamba 2018). Having decided that there is a need for a policy, there is supposed to be a broad-based participative process including all relevant stakeholders. Elliott-Teague suggests that the term 'policy' refers to recommendations adopted by the Cabinet to guide policymakers as they prepare legislation and is more a statement of intent than a mandate (2008: 105). Shemdoe claims that the government drafts policy proposals and then decides which stakeholders to consult (2013: 4). Babeiya (2011) observes the tendency to rush policy formulation without the careful gathering of relevant information or the clear articulation of the problem to be addressed.

Occasionally, Ministries form task forces or committees and invite stakeholders to participate (Shemdoe 2013) as well as seeking views from a wider cross section of stakeholders. A policy proposal emerges and is then sent to the Cabinet Secretariat. It is first considered by the Inter-Ministerial Technical Committee comprising all the Permanent Secretaries and then goes to Cabinet. If approved, it is sent to Parliament which can comment and offer advice on areas for improvement. Some policies need to be referred to Parliament so that they can enact or amend the requisite law. In this case, it will be considered by the relevant Parliamentary Committee and they may invite views from interested stakeholders. This requires however that the stakeholders know that it is to be discussed and are able to prepare a position.

Legislation goes through a process of first, second and third readings along with committee stages in a process similar to that in the UK (URT undated). Draft bills must be published twice in the Gazette, the first time in full and at least 21 days before it is to be debated by Parliament. This is intended to give the opportunity for interested parties to know that new legislation is planned and to be able to provide comment. Bills are subject to public scrutiny, except when they are introduced under a 'certificate of urgency' (Majamba 2018), and this is usually achieved through the Parliamentary Committee that scrutinises the bill after the first reading inviting interested parties to appear before it. In addition, hearings are usually in public. Bills, once approved by Parliament, go to the President for assent and are then published in the Official Gazette before they become law.

So, nominally, in both Kenya and Tanzania, the public – including interest groups – have the opportunity in the formal legislative process to comment on policy and legislation; interest groups also generally have the opportunity to engage with MDAs.

3.3   State business relations

In both Tanzania and Kenya, it is relatively easy for BMOs to meet with Ministries and Agencies. If they find their way blocked, they might instead attempt to access the government via one of the organisations intended to support or promote regulatory or legislative reform such as the Business Regulatory Reform Unit, the Kenya Law Reform Commission in Kenya, the Tanzania National Business Council or the Prime Minister's Office in Tanzania.

Business associations will seek opportunities by which to talk to government and indeed, if there are no mechanisms for dialogue, will seek to create them (as we will see with the Tourism Confederation of Tanzania). However, governments can also be proactive, seeking to consult and even to collaborate. In other words, both parties want to develop a relationship and so many researchers look at state-business relations (Sen 2015) which can be regular and formal or *ad hoc* and informal. Sen suggests that effective state-business relations in low income countries are a determinant of inclusive growth but notes that collusive relations, characterised by rentseeking, result in state agencies and BMOs benefiting the elites alone (2015: 1). He also suggests that mechanisms to improve

effectiveness of state-business relations include, *inter alia*, public private dialogue, reforms to improve the investment climate and support for business associations.

3.3.1 State-business relations in Tanzania

There is evidence that the International Finance Institutions, amongst others, have sought to encourage effective state business relationships. For example, starting in 2001, the World Bank and International Monetary Fund set out to encourage African countries to establish Presidential Investors' Advisory Councils (Page 2017). Tanzania was one of the first, setting up the Tanzania National Business Council, though this complemented other activities already underway such as the creation of the Tanzania Private Sector Foundation. These councils were intended to improve the mechanisms to engage in public private dialogue, though have had varying degrees of success (Page 2017). Whilst TNBC's impact has been limited, it has provided opportunities for business and their associations to meet with the President and to provide a regular communication channel. It legitimises BMOs in the eyes of the MDAs and promotes policy proposals directly to the President. It allows the President to get a sense of private sector concerns and opinions. Herzberg & Wright (2005) call these mechanisms "competitiveness partnerships".

It is interesting to note also that the creation of some associations was specifically encouraged by government to provide private sector representatives with whom to engage in dialogue. This suggests that Kenya and Tanzania genuinely want to hear a business point of view and are willing to work with BMOs to improve public policy.

In Tanzania, however, it is only in the last 15 years or so that entrepreneurs have sought openly to influence policy making and implementation, which Therkildsen & Bourgouin (2012) suggest is mostly achieved through developing and maintaining informal relations with the ruling elite. They highlight that there are few black Tanzanian entrepreneurs and that most productive sector companies are either foreign-owned or have Tanzanian owners of south Asian or Arab descent. One characteristic of those few entrepreneurs, however, seems to be the ease with which they move from private to public and back to private. This has implications since these people are clearly well connected across both public and private sectors, and probably within CCM as well, and so one can never be sure about the extent to which they use their networks to make things happen. Indeed,

Useem, who looked at the US and the UK, argues that it is people such as this who actually make things happen:

> The inner circle [...] possesses the intercorporate connections and organisational capacity to transcend the parochial interests of single companies and sectors and to offer a more integrated vision of the broader, longer-term needs of business. (1984: 59)

In short, Useem argues that there is an inner circle of elite business leaders that has access to political leaders and influences public policy in a way that lacks legitimacy, transparency and accountability. This may have been true once but writing some 30 years later, it is to some extent countered by Bernhagen, whose research in the UK suggests that lobbyists find it difficult to influence policy makers to act in the interests of the lobbyist "at the expense of wider constituencies" (2013: 20).

Temu and Due (2000), like Bernhagen, assert that a few prominent entrepreneurs cannot easily make a difference for most business which explains why so many have formed associations and why the number of associations, and the evidence of widespread consultation, continues to grow. Writing in 2000, Temu & Due said that there were more than 100 registered associations in Tanzania, and there are many more now. However, Temu (2013) notes the considerable rivalry between businesses owned by Africans and by Asians which, he says, ultimately weakens the associations and limits their representation.

Therkildsen & Bourgouin (2012) suggest that there can be a degree of corruption in the relationship by arguing that it is in the mutual interest of some of those in government and some entrepreneurs to talk to each other though that may be limited to enriching one another. Specifically, they suggest that "ruling elites support the development of productive sectors when they perceive that this will help them to remain in power" (2012: 10) and that "good economic outcomes depend on (a) close relations between the ruling elite and the relevant productive entrepreneurs [...] and (b) the ability of the ruling elite to create pockets of bureaucratic capabilities to implement specific policies" (ibid). In other words, the political elites recognise the need to allow the business elites to make money so that the business elites can fund their election campaigns. This has an implication for this study in that it implies that the political elites only act when it is their

party political or personal interests. As will be seen in the case studies, whilst it is possible that close mutual interests open doors, there is little evidence that policies are only reformed in return for personal or party political benefits for politicians.

Developing countries are sometimes seen to have policy formulation processes that are remote and inaccessible (Court *et al.* 2005). In Tanzania, it is relatively easy to meet with policy makers, though there is a tendency for government to formulate a policy proposal and then to consult, not always effectively (Mercer 2003). Heilman & Lucas (1997) make a similar point suggesting that the private sector indeed view the policy making process as one of the government formulating proposals and then seeking reaction from the business community – rather than being proactive – though the case study of the Tourism Confederation of Tanzania will show that this is not always the case.

Irrespective of the relationships of a few well-connected individuals, business associations are working hard to engage with government. In 1997, Heilman & Lucas (1997) suggested that a primary goal of the Confederation of Tanzanian Industry, the Tanzania Chamber of Commerce, Industry & Agriculture and the Association of Tanzanian Employers was to formalise, and ideally institutionalise, the relationship between the private sector and the government. At the time they were writing, these associations thought "government was moving in this direction" through engaging in dialogue and consultation but complained of "government's attitude towards business as trying to create the impression that business is actively involved in the policy making process when in fact it is not" (Heilman & Lucas 1997:163). In other words, they argued that consultation and dialogue were merely window dressing and government was not really taking on board and addressing the concerns of business.

As the case studies will show, however, there is now much more consultation and dialogue and it appears to be more effective. It is interesting to look at the Tanzania Private Sector Foundation (TPSF), established in 1998 with support from the World Bank and other donors, intended to be the apex body for business associations. TPSF comes closest of any BMO to having an "institutionalised" relationship with government. Government is keen that they should only have to negotiate with one body (int. Laseko 2011), perhaps not realising that they could receive better intelligence and better policy advice by talking with more specialist associations. Furthermore, it leads to accusations that TPSF has been captured by the government, though there is little evidence to

support this, and this situation does not stop other associations from approaching government directly.

In Tanzania, Jakaya Kikwete, President from 2005 to 2015, demonstrated a desire to improve the enabling environment. A programme known as Business Environment Strengthening in Tanzania (BEST) was launched in December 2003 (URT 2010). The programme started with five components of which one, to support the private sector to engage in dialogue and advocacy, is notable since it encouraged four of the bilateral development partners to provide funding specifically to build the capacity of private sector organisations to engage more effectively with government. The GoT made several strides forward, including the creation of a Better Regulation Unit. In its economic strategy – set out in *Tanzania Development Vision 2025* (URT 2004) and the *National Strategy for Growth and Reduction of Poverty* (URT 2005) – it articulated a specific objective to create a legal and institutional framework conducive to business, on the basis that "the private sector is the engine of growth" (ibid: 71). With pressure and support from development partners (DP), the government launched *Business Environment Strengthening for Tanzania* (BEST) to pursue reforms. However, there was recognition that the most appropriate organisations to advise the Government are businesses themselves, through their trade associations. It would be easy for the Government simply to listen to a few, well-connected businesses or business associations and ignore the rest, many of which are weak and under-resourced, so one element of the DPs' approach, the *Advocacy Component* (AC), was established with an objective to support any BMO with a credible proposal to reform public policy. This was quickly followed, in 2006, by Tanzania being recognised as a top-ten reformer in the World Bank's Doing Business league table (World Bank 2007).

In 2009, the President, concerned that Tanzania's Doing Business ranking had, in fact, slipped – from 124 in 2007 (World Bank 2007) to 131 in 2009 (World Bank 2009) – challenged the Government, through the Prime Minister's Office (PMO), to improve the ranking to 99 or better by 2011. The Prime Minister established a Regulatory Reform Task Force comprising selected Permanent Secretaries and the Governor of the Bank of Tanzania supported by eight thematic Task Teams. The Task Force was charged with improving Tanzania's performance in the ten indicators that comprise the Doing Business

aggregate indicator. The task teams were supposed to, and in some cases did, include private sector representatives.

Whilst many people, even amongst business associations, appear unaware of the efforts being made through the road map, the Government was very clear publicly about its commitment to reform. For example, its website at the time stated:

> ...the Government of the United Republic of Tanzania has redefined the role of the state to that of policy maker, maintenance of law and order, provider of basic social and economic infrastructure and facilitator of economic growth. The government recognises that it has the role to facilitate the private sector and other economic agents to actively and effectively invest in productive and commercial activities in order to accelerate economic growth and development. The Government can do this mainly through putting favourable policies in place, provision of a conducive environment for local and foreign investment, promotion of institutional changes conducive to the development of the private sector, stimulating investors' confidence through transparent, effective and efficient administrative processes in government institutions and to put in place an appropriate legal and regulatory framework (URT 2011a)

It went on to stress the importance of working with the private sector:

> ...the Government has developed modalities for institutionalising the ad hoc consultative process with the private sector in evolving appropriate and effective macro and sectoral policies. (e.g. through participation in the Government Tax Task Force and the Public Expenditure Review working groups). Similarly, the private sector itself has evolved institutional mechanisms of interactions and consultations with the Government through umbrella organisation such as the Tanzania Chamber of Commerce Industry and Agriculture (TCCIA), Confederation of Tanzania Industries (CTI), the Tanzania Private Sector Foundation (TPSF) and the National Business Council (TNBC)... (URT 2011a)

In practice, the implementation of the roadmap action plan was largely driven by Barney Laseko in the Prime Minister's Office. He argued that it was beginning to make a

difference. He stressed that the process was more important than the specific early public policy changes and suggested that it was crucial to get people talking about improving the enabling environment (int. Laseko 2011).

In 2012, following a visit by the President to Malaysia in 2011, the GoT adopted a new approach called "Big Results Now" or BRN (Irwin & White 2014). This was an adaptation of an approach used by the Malaysian Government's Performance Management and Delivery Unit known as Big Fast Results. BRN was launched in the first half of 2013 and implemented through the Transformation and Delivery Council (TDC), the President's Delivery Bureau (PDB) and Ministerial Delivery Units (MDUs). The PDB had a primary objective to facilitate, monitor and evaluate the delivery of BRN initiatives in six national key priority areas: agriculture, water, energy, education, transport and resources mobilisation. The approach of BRN was to hold a workshop (lasting several weeks) with participants from the public and private sectors and jointly develop proposals. The PDB would then hold Ministers to account for the implementation of the recommendations. Intriguingly, and despite the rhetoric of the private sector being the engine of growth and the need to improve the environment for business, the enabling environment was not originally included within the BRN framework. However, as the case study on Tanzania Private Sector Foundation will show (see Chapter 4), this provides an example of the private sector influencing government policy.

3.3.2 State business relations in Kenya

State business relations in Kenya have been broadly positive. Initially, the move from colonialism to independence brought a change of approach – businesses avoided open political action in favour of quiet contact with parliamentary and bureaucrats (Chazan *et al*. 1999: 118) – the insider approach – but much of this occurred through informal channels rather than transparently. For example, three Cabinet Ministers, from Kibaki's region of Mt Kenya, were perceived as influential and came to be known as the Mt Kenya mafia. A group of business leaders, who played golf with Kibaki at the Muthaiga Golf Club and who supported Kibaki with election funds, also sought to influence the political process. The two groups had different objectives and aimed to limit the influence of the other. However, both groups' interests quickly came to focus on business – and how much money they could make – leading to a number of corruption scandals (Booth *et al*. 2014).

The relationships became more formalised. In 2003, Kibaki invited the private sector to participate in formulating economic policy, based on a recognition that it was the private sector that created jobs and established a Presidential Private Sector Working Forum. One of its outputs, the Economic Recovery Strategy for Wealth & Employment Creation (ERS), was published later in 2003. Economic growth followed. (The World Bank, see iga.fyi/kengdp, gives GDP of $7bn in 1980, $9 bn in 1990, $13bn in 2000, $15bn in 2003 and $40bn in 2010). Vision 2030, Kenya's development plan for 2008-2030, emerged from ERS. The private sector thus claimed to have conceived Vision 2030 and Fourie (2014) reports this has been confirmed by public officials. During this period, there was *de facto* encouragement for Ministers and Ministries to consult with the private sector. Nevertheless the position was undoubtedly complicated by the relationships between politicians and business elites.

There is a close link between political and economic interests with many politicians, not least the President, involved in business. Booth *et al.* suggest that those with economic power seek political cover from those with political influence (2014: 14). The Jubilee government, led by Uruhu Kenyatta, attempted to be more open to business than previous governments, was keen to do more to improve the investment climate and, in particular, promised to consult the private sector on proposals relating to business and the economy (ibid: 21). There was talk of pro-market reform, including privatisation, better regulation and trade liberalisation, to improve the business environment and to boost economic growth and employment. Booth *et al.* (ibid) suggest that the government is relatively independent of business – and the reverse is probably also true. There are, however, still a large number of companies in Kenya with a large state shareholding, which gives an incentive to improve the investment climate, but also an incentive to create competitive advantage for their own businesses. Booth *et al.* observed that, whilst there was a lack of institutionalised political parties, the National Assembly and Senate exert pressure on other parts of government (2014: 27) and indeed others have also commented how Parliament is seen as just another interest group. There is some evidence that business associations were becoming more active and indeed were achieving some success in influencing public policy during this period (Irwin & Githinji, 2015).

At the time of writing, the country was showing signs of settling down into the new arrangements and it was becoming easier for business associations at least to lobby,

though not necessarily easier to influence policy. Indeed, Kenya and Tanzania are both in the third quartile for the ease of doing business. Their rankings are quite a long way apart at 92 and 132 respectively in 2017, but their scores for the 'distance to the frontier' are very close at 61 and 55 (World Bank 2017).

3.3.3 The regional context

Kenya and Tanzania are both members of the East African Community (EAC), a customs union and common market for East Africa, which aspires to monetary union and political federation. Collectively, they exert pressure on themselves both in relation to improving the enabling environment and to consultation. The Treaty establishing the EAC sets out a vision for the "creation of an enabling environment for the private sector and the civil society" (EAC, 2002: 102) (presumably meaning that they want to improve the environment for business) and notes that

> the Partner States undertake [...] to: (a) promote a continuous dialogue with the private sector and civil society at the national level and at that of the Community to help create an improved business environment

The third EAC development strategy (EAC undated) called for regular dialogue and consensus building and the active participation of key stakeholders (including the private sector, civil society and women). The fourth EAC development strategy (EAC 2011) is peppered with references to the importance of the private sector in building resilient economies and specifically calls for the "consolidation of political commitment and stability by promoting participation of the citizenry and the private sector in the integration process" (2011: 53).

3.3.4 Corruption

Whilst the EAC may be regarded as a positive driver of state business collaboration, there are negative forces as well. One of these is corruption. Transparency International ranks Kenya and Tanzania quite low in its corruption perceptions index (TI 2017). Inevitably, there are accusations of corrupt practices in state business relations and there is little doubt that, in general, corruption is a major problem, despite it being punishable in most of sub-Saharan Africa, with most of it being intended to enrich public officials (Warf 2017). Warf states that corruption occurs at two levels: petty corruption, undertaken on a

small scale by individuals (2017: 20), usually seeking to enhance their take home pay, and more institutionalised, grand corruption (2017: 21). Whilst there is a significant literature generally on corruption and its impact, there is little about the impact of corruption on state-business relations.

It is certainly the case that the business elites find money to support political campaigns, though it is questionable whether this counts as corruption, and perhaps is no different to developed countries. Furthermore, fighting elections is expensive so politicians are likely to seek rents once elected and, even when they do not, they are usually suspected of doing so (Temu 2013). Temu asserts that "political patronage and rent-seeking is also suspected to get in the way in economic management reforms, regulation and when dispensing public goods and services including judiciary services" (2013: 58). It is believed, though not proven, that those who fund the ruling party seek favours in public procurement and in influencing policy (Temu 2013: 59).

There is no pressure to stop or ameliorate political donations, and possible return favours because there is no campaign finance law (Temu 2013, Ohman 2016). There is also no transparency in the financial support, so observers can never be sure whether there is a payback in terms of favourable regulation – or favourable procurement practices. Gray also draws attention to the complex links between the ruling party in Tanzania, CCM, and the private sector, and argues that there is a "continuous process of struggle across groups over resource flows and property rights" (2015: 387).

Temu – writing about Tanzania but probably also true of Kenya – argues that the practical consequence of these political and social forces is that fighting corruption directly will be ineffective and that as long as corruption persists, the work of the BMOs will be more difficult (2013: 59). There is some evidence that, in Tanzania, on occasions BMOs, or more likely individual businesses, have paid for a problem to go away (int. Lyimo 2014, int. Sykes 2014). The problem quickly re-emerges, usually with a higher price.

Gray argues that, whilst there is often a desire at the top to clamp down on corruption, at least in Tanzania, the central leadership is unable so to do (2015: 401) because none of the centres of power are dominant. There have, however, been some efforts to fight corruption. In 2015, for the first time, former cabinet ministers were jailed for corruption, though some saw this as selective justice rather than a victory for accountability (Policy Forum 2016). Later in 2015, the then President, Kikwete and private sector

representatives signed a declaration to combat corruption and promote ethics in the public and private sectors as part of a wider effort to improve governance. The current President, John Magufuli, is making much more effort to fight corruption, along with wasteful public expenditure and patronage (Allison 2015). Sen suggests that competitive sectors, without excess profits, are more likely to have "an open and transparent relationship with the state" (2015: 17).

Warf observes that corruption is most severe in countries without an independent and effective media (2017: 22). That is a problem in Kenya and Tanzania though in both countries, the media has attempted regularly to draw attention to corrupt practices. Gray notes that the media in Tanzania is increasingly active in exposing and discussing corruption (2015: 388), though it is ranked at 83 (with a score almost equal to that of Kenya) on the *World Press Freedom Index* (Reporters without Borders 2017). The *Economist Intelligence Unit*, however, sees the media in Tanzania as 'unfree' scoring it at 4/10 (EIU 2018).

As will be noted in the case study chapters, the case study BMOs have all stated their desire not to engage in corrupt practices. It seems that most BMOs avoid doing so.

3.3.5 Institutionalising dialogue

There are some formal routes to dialogue. In both Kenya and Tanzania, the employers' association has a formal relationship – and nominally a chance to engage in dialogue – as a result of ILO mandated social dialogue. In Tanzania, the Tourism Confederation of Tanzania has signed a Memorandum of Understanding with the Ministry of Natural Resources and Tourism committing them both to regular dialogue. Otherwise, all routes into government are informal. Nevertheless, a large number of formal and informal routes exist and it would be difficult for governments to close them all without causing consternation amongst the private sector.

In Kenya, for example, the Kenya Private Sector Association (KEPSA) has been successful in setting up regular Minister's Round Tables, in which they bring together a Minister and relevant sectoral associations, and also a Speaker's Round Table. Additionally, the government regularly asks KEPSA for a view (Booth *et al.* 2017: 22). The Kenya Association of Manufacturers (KAM) has been working with County Governors, many of whom have instituted a Governor's Round Table with local business associations.

Parliament exerts its authority through 30 committees in the National Assembly and 11 in the Senate, scrutinising government activities, policies and programmes (Booth *et al.* 2014). However, these often hold public hearings and they certainly provide more opportunities for interest groups to engage with government.

There are therefore many opportunities for groups to engage in the formal policy process. But there are also many opportunities to engage more informally. Many interest groups are able to meet with officials in Ministries and other agencies. In some cases, groups can meet with the Cabinet Secretary and even with the President. Organisations wishing to amend existing policy or existing law can go to the relevant Ministry, or they can approach the Kenya Law Reform Commission which may then review existing policy and make recommendations for reform. They can also lobby the Commission for the Implementation of the Constitution which can also make proposals to review legislation.

In Tanzania, too, it is relatively easy for groups to meet with officials in their 'line' Ministry and indeed many of the Ministries and Agencies consult regularly with relevant business membership organisations and other interest groups. Tanzania is part of the Open Government Partnership, which it joined in 2011 (as did Kenya), and is committed to "transparency, accountability and public participation in the governance of Tanzania" (URT 2016: 1).[2] In some cases, this has become institutionalised as with the Doing Business thematic task groups and the Tanzania Revenue Authority's stakeholder forum. There is encouragement from the private sector to appoint private sector representatives to the boards of agencies and parastatals, which helps BMOs to network more widely. There is a tendency for government departments to consult via the Tanzania Private Sector Foundation, which put the onus on them to disseminate requests more widely. If BMOs fail to gain traction with a Ministry or Agency, meetings of the Tanzania National Business Council provide an opportunity to raise issues, often directly with the President. Many BMOs seek to cultivate relationships with junior officials and to maintain those relationships as staff are promoted. Parliamentary committees give some opportunity to make a case for reform. On the whole, it is relatively easy to secure access, though the CEO of one business association, concluding that he was not getting a good enough hearing, decided to stand for Parliament and was elected as an opposition MP.

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[2] Though has since resigned

3.4   Conclusion

Tanzania has a dominant and enduring party organisation at the centre of its politics (Booth *et al.* 2014:10) and a weak indigenous private sector; Kenya has no dominant party and a rather stronger black-African private sector (ibid: 11). A summary of the comparisons is provided in Table 1 and it will be seen that Kenya and Tanzania are actually very similar.

In Tanzania, the party wields the influence, picks the candidate for President, and maintains centres of power behind the scenes; in Kenya, parties exist as mechanisms for Presidential candidates to pursue their ambitions and so reform regularly. In Tanzania, the CCM has never lost; in Kenya, government has been in the hands of different parties, though generally it is the Kikuyu who come out on top. In Tanzania, the political elite believes that it needs to secure money from the business elite; in Kenya, there is much less need, not least because Uruhu Kenyatta is one of Kenya's richest men. In both countries, there is a wide variety of civil society organisations and faith-based organisations and bilateral and multilateral donors are also active and aiming to influence public policy, not always in harmony with business interest groups.

Kenya and Tanzania both give the impression of being relatively open to interest groups. Civil servants in particular, but MPs as well, are willing to meet with interest groups and to listen to what they have to say. Cabinet Secretaries in Kenya and Ministers in Tanzania, whilst less accessible, are not inaccessible. In both countries, there has been a desire to engage more effectively with the private sector. Indeed, some associations were brought into being with the encouragement of the government so that they had an association of businesses with which they could consult. In some cases, relationships have been institutionalised at least to the extent that it would be inconceivable for there not to be some contact between state and business interest.

There is, however, a considerable number of differences with more developed economies. There is a greater degree of patronage. There is almost certainly a greater degree of corruption, though the impact of the corruption on state business relations and interest group advocacy is not always clear. There are many fewer BMOs compared to developed countries, so it is much easier for any individual BMO to secure access at all levels, though access only continues for those BMOs who can provide good research evidence and build good relationships. This may be linked to the fact that those people

who are educated, and thus more likely to emerge at the top of government or business, are not large in number and are well-networked, perhaps through having been at school together or attending the same church (though there are similar examples in developed countries as well). In Tanzania, many people, across politicians, officials, business and military are linked through CCM. There is pressure from international finance institutions and bilateral donors to consult with the private sector and to engage in dialogue, leading for example to the creation of Presidential Investors' Advisory Councils. There is weaker understanding amongst officials of the role and importance of the private sector in creating wealth, jobs and tax revenue, though there is a recognition at the top that the private sector is indeed the engine of growth, and therefore needs to be nurtured. In general, there is less desire for conflict and a rather more consensual style, which fits well with the idea of public private dialogue but makes it more challenging for business associations to be clear about their objectives. The private sector is perceived to be the driver of growth but there is a lack of understanding of how government policy can support that objective. The public sector is open to interest group proposals, though they need evidence and persuasive argument, and it is clear that it is politicians who ultimately decide on policy.

Table 6: Summary of similarities & differences

	Kenya	Tanzania
	Bicameral legislature; degree of devolution to counties Multi-party	Unicameral legislature; local government authorities within system of centralised control (though devolved power in Zanzibar) Multi-party
Strength & legitimacy		
Ease of doing business: Rank (score)	92 (61.2)	132 (54.5)
Corruption Perceptions Index: Rank (score)	145 (26)	116 (32)
Freedom Index: Rank (score)	129 (48)	124 (52)
Press freedom index: Rank (score)	95 (68.8)	83 (69.4)
Key points of access	President's Office	President's Office
	Speaker	Prime Minister's Office
	Parliamentarians & Parliamentary Committees	Parliamentarians & Parliamentary Committees
	Cabinet Secretaries	Ministers

	Ministry officials	Ministry officials
	Agency officials (Business Regulatory Reform Unit, Kenya Law Reform Commission & Commission for Implementation of the Constitution)	Agency officials (previously Better Regulation Unit and then Big Results Now secretariat and now *ad hoc* groups including Doing Business roadmap task forces)
	County Governors	Local Government Authorities
	Ministerial Round Tables (managed by Kenya Private Sector Association)	Tanzania National Business Council
	Governors Round Tables (managed by Kenya Association of Manufacturers)	
Nature of relationships	Reasonably open	Reasonably open
	Member of Open Government Partnership	Member of Open Government Partnership
	Some formal relationships eg social partners	Some formal relationships eg social partners
	Most informal but regular	Most informal but regular
	Apparent desire to involve private sector, at least to some extent, in policy formulation	Apparent desire to involve private sector, at least to some extent, in policy formulation

Sources:

World Bank (2017) Doing Business 2017. Rank out of 189 countries; score is distance to frontier out of 100, higher is easier to do business.

Transparency International (2017) Corruption Perceptions Index 2016. Rank out of 176 countries; score out of 100, with higher less corrupt.

Freedom House (2018) Freedom in the World 2018. Rank out of 209 countries; score out of 100, with higher meaning freer.

Reporters without Borders, 2017 World Press Freedom Index. Rank out of 180 countries; score out of 100 and rebased from original so that higher is freer.

Chapter 4. From Policy Novice to Policy Entrepreneur: Tanzania Private Sector Foundation

4.1 Introduction

Tanzania Private Sector Foundation (TPSF) is an apex association, that is, an interest group whose membership is mainly other interest groups) though it additionally has corporate members. Rather than being created by businesses, or even by associations of business, it was initiated by (international) development partners, specifically to create a body that might promote collaboration and enable the private sector to communicate as one. TPSF has been chosen as a case study because, as the apex, it should have the trust of the private sector (Goldsmith 2002) and be seen by government as a key conduit to consult with the private sector – and the chapter will show that this is true, though it was not always so.

This case study traces the development of TPSF from its launch in 1998 to 2015, though the focus is on the period of 2011-2015.[3] It is interesting because it has made progress through several stages (characterised in this chapter as policy novice, policy networker and policy entrepreneur) in its approach to advocacy, which broadly mirror changes to its organisational structure and leadership. Whilst it has no formal arrangement with government, it is now routinely invited to offer views on a range of policy and legislation. The case study offers evidence that TPSF has been able to influence policy both of a technical nature and of a more political nature. It shows that TPSF exhibits many of the characteristics that might be expected of a business association in a developed country, such as taking an insider approach, seeking access in multiple venues and providing information and opinion to government. It highlights several competences exhibited by TPSF. In particular, it shows the importance of leaders having a clear direction and a clear understanding of what is necessary to succeed and an advocacy team that is both competent and closely engaged with government.

The chapter provides a brief background, followed by sections that in turn look at each of TPSF's development stages. The conclusion summarises the competences exhibited by TPSF and draws out the key determinants of TPSF's success.

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[3] The case studies generally take a chronological perspective but occasionally it is easier for the reader to follow the narrative if there is a digression from the chronology.

The origins of TPSF follow a decision by the Government in 1995 to move to multiparty elections and efforts of the United Nations Industrial Development Organisation (UNIDO) to convene a group of public and private stakeholders. A primary goal of the three leading business membership organisations (BMO), (the Confederation of Tanzanian Industry (CTI), the Tanzania Chamber of Commerce, Industry & Agriculture (TCCIA) and the Association of Tanzanian Employers (ATE)) was, and is, to formalise the relationship between the private sector and the government. These associations thought "government was moving in this direction" but complained of "government's attitude towards business as trying to create the impression that business is actively involved in the policy making process when in fact it is not" (Heilman & Lucas 1997:163). Subsequent interviews suggest a lack of clarity and unanimity about what is meant by 'formalisation' and 'institutionalisation'.

Despite a long and occasionally difficult process, UNIDO's committee launched the Tanzania Private Sector Foundation in 1998 with 33 founding members signing the articles with support from the World Bank and other donors. TPSF (2000) argued that it marked the beginning of a new era for the private sector in Tanzania. The stakeholders also laid the groundwork for the launch in 2001 of the Tanzania National Business Council (TNBC) as a public private dialogue mechanism, to which we will return.

The expectation of the founders, of the facilitators who brought TPSF into being and of the government was that TPSF would act as an apex bringing together all the business associations to speak with one voice and thus to be more effective in communicating a private sector view to government (TPSF 2009). Initially it tended to be reactive. It then became obsessed with securing project management contracts to generate income to maintain its existence and appeared to forget its *raison d'être*. Following the loss of those contracts and the appointment of a new Chief Executive in 2012, it rediscovered its primary objective of advocacy, appointed competent people to its policy and advocacy team and became much more of a policy entrepreneur.

TPSF has a secondary objective to promote competitiveness, but improving competitiveness is bound up with streamlining government regulation. Heilman & Lucas observe that deterrents to business growth include corruption by public officials, intellectual hostility and cumbersome regulation (1997: 146); on the whole, business

membership organisations (BMO) only focus on the last of these. However, most of Tanzania's civil servants have "no experience of the needs of the private sector, and do not identify with the benefits generated by better services to entrepreneurs" (Temu & Due 2000: 704).

4.3 Policy Novice: 1995 to 2008

Initially TPSF employed five staff, under the leadership of Executive Director, Louis Accaro. An early paper (TPSF 2000) set out an expectation that dialogue and consultation would be promoted through TPSF and TNBC, but tempered this noting that consultation was dependent on securing resources. However, perhaps worried by its lack of resources, TPSF also set out roles to "encourage business associations to deliver services and infrastructure through expanded private investment in health services, transport and telecommunication, housing, water and sanitation, power and electricity" (2000: 3) and to provide association members with services such as their own member recruitment and retention, human resources development, strategic planning and fund raising. TPSF was not well known at this time and struggled to attract sufficient funding. Its main activity was the organisation of a quarterly breakfast meeting, with each sponsored on an individual basis (int. Simbeye 2015).

Whilst the focus was more or less entirely advocacy, it was largely reactive: it wanted to engage but did not have the resource or competence to identify the critical issues let alone undertake good research to prepare persuasive policy positions. Nevertheless, it organised the private sector continuing the work started by UNIDO and, with others, secured government agreement to launch TNBC. At the launch of TNBC in 2001, Elvis Musiba, then TPSF Vice Chair, said that, prior to 1998, "the Government dialogued with the private sector on an *ad hoc* basis", but that the launch of TNBC "symbolises the commitment which you Mr President and your Government has to building a strong private sector through dialogue" (speech at launch of TNBC, 2001 quoted in Irwin & Jackson 2015). Though TPSF lacked the funds to employ dedicated policy officers, and to be proactive in identifying issues, it did recognise the importance of engaging with government. TPSF aimed to build relationships with government and participate in dialogues, though it was not always prepared. Often it simply reacted to government requests rather than seeking to broaden dialogue to include the private sector's priorities. It gave the impression that it knew what it ought to be doing (communicating the views

of the private sector to government and gathering intelligence from government and sharing it with business associations), but its lack of resources and competent people meant that it struggled. It is also not clear whether the government was open to lobbying.

TPSF was, however, presented with an opportunity in late 2003 when the government launched Business Environment Strengthening in Tanzania (BEST) with the signing of a Memorandum of Understanding between the Government of Tanzania, the Tanzania Private Sector Foundation and four bilateral donors. This showed that the government was becoming serious about listening to private sector concerns, though it had been nudged into it by the bilateral donors. Arguably, BEST would not have been needed had TPSF been more competent, more persuasive and more effective in its first few years. Government did, however, see TPSF as a way of encouraging BMOs to work through a single organisation (int. Laseko 2011).

In 2005, in common with other BMOs in Tanzania, TPSF was still weak institutionally (Hansen 2005). It was engaging in dialogue but mostly on an *ad hoc* basis. The only regular dialogue mechanism in which it was engaged appeared to be the Tanzania Revenue Authority's Stakeholder Forum (Hansen 2005, int. Maganga 2011). It had not set up processes to support advocacy and was not employing dedicated policy officers (Hansen 2005). TPSF did grab the opportunity presented by BEST and attracted significant funding from BEST-AC – both to develop institutionally and to engage more effectively in dialogue and advocacy. TPSF was able to benefit from BEST-AC training.

The downside of attracting donor funds is that donors worry about what happens when their money is no longer available. Up to this point, TPSF had been an association exclusively of other associations. Despite prioritising advocacy and representation, it failed to persuade a sufficient number of business associations to pay a sufficiently high level of subscription. To address the funding gap, it recruited corporate members, that is large companies who became individual members of TPSF rather than through joining one of TPSF's association members. This annoyed the business association members who perceived TPSF as competing for members and simultaneously led to accusations that TPSF had been captured by a small number of corporates who were able to drive the agenda. Aggrey Mlimuka, CEO of the Association of Tanzania Employers (ATE) observed that "if the donors stopped [funding] today, it would collapse" but complained "it is competing with organisations for members. It should be an umbrella organisation, not

competing" (int. 2008). Nevertheless, by the end of 2008, some 70 per cent of subscription income came from corporate members (int. Accaro 2008).

In a further effort to generate income, TPSF sought large contracts from the World Bank and in 2007 succeeded in winning contracts for three projects intended to boost business competitiveness fulfilling Wilson's observation that "whatever else organisations seek, they seek to survive" ([1974], 1995: 10).

It seemed that there was insufficient thinking about TPSF's role and strategy. Esther Mwikuza, whose only experience of business was running an NGO which had the previous president's wife as patron, was elected Chair in 2007. Soon after, the board decided that staff leadership needed to be strengthened. A CEO, Evans Rewikiza, was appointed, overseeing the ED, Louis Accaro; this move had the dual objective of implementing the World Bank projects and building TPSF's advocacy capacity. The staff complement grew to more than 30 with the World Bank contract paying for everybody including the CEO. Inevitably, this resulted in advocacy taking a back seat. For a time, TPSF was not seen by BMOs as the legitimate voice of the private sector. Indeed, for a time, it was not even a voice: as Simbeye put it, "TPSF had to sing the World Bank song. Everyone was focused on ensuring the project was being delivered, so advocacy was a bit derailed." (int. 2015).

During this time, TPSF received support from BEST-AC – to support the organisation and employ advocacy staff rather than to support specific advocacy projects – and it did undertake some policy work. It made efforts to work in alliance with other BMOs, for example, working with the Confederation of Tanzanian Industry (CTI) on electricity, with the Association of Tanzanian Employers on skills gaps, with CTI and Tanzania National Chamber of Commerce and Industry on issues related to the Common Market for East & Southern Africa (COMESA) and with the Vibindo Society on the Business Activities Registration Act. In all these cases, however, it appeared that the impetus came from the other BMOs, who felt that having TPSF on side could help their case (Irwin & Jackson 2008). Whilst TPSF claimed credit for having influenced government, the other BMOs felt that any success was primarily down to their own efforts. Mlimuka of the Association of Tanzanian Employers commented that "I wish we were able to unite and speak with one voice. There is a danger of the government playing one against the other" (int. 2008) and indeed working together did deliver a more consistent message to government.

TPSF aimed also to work closely with government, especially with Better Regulation Unit that had been set up in 2004. Nevertheless, instead of uniting, BMOs complained that "TPSF does not consult enough" and that "they are more donor driven than member driven" (int. Kamote *et al.* 2008). Accaro recognised some of these shortcomings, saying that the issues that they took up were dependent on whether "the members come and shout". He explained that TPSF had no process by which it consulted formally with members. As he put it, TPSF "did not ask them for their issues". Nevertheless, some members raised issues that they wanted TPSF to take up. However, "most issues come from corporates, not the associations" (int. Accaro 2008). Accaro blamed this shortcoming on competence constraints explaining that this meant TPSF was unable "to plan or be strategic" (int. 2008). Consultants commissioned by BEST-AC to support BMOs complained that "TPSF tends to focus more on government raised issues" (int. Shimwela *et al.* 2008). Whilst the appointment of Rweziki as CEO might have been expected to address these problems, he did not create the mechanisms – such as better intelligence sharing with BMOs, gathering feedback from BMOs, creation of policy working groups – for TPSF to collaborate effectively with other BMOs (int. Simbeye 2015).

TPSF finally appointed a policy officer in 2007, entrusted to build TPSF's advocacy capacity and to develop a reform agenda, but the person started employing additional staff without authority and the appointment did not work out. In 2009, the board of TPSF, feeling that Rweziki was focusing too much on the World Bank contracts, commissioned an institutional review (int. Simbeye 2015).

TPSF continued to give the impression of being reactive rather than proactive. During this first period of TPSF's existence, it seems that there was little recognition of the need to engage, especially with government. The effort to build competence, particularly in areas like advocacy and argument, was insufficient with too much focus on mobilising resources – to keep the organisation in being – but not for advocacy. There was little focus on the importance of good evidence, as observed by the Better Regulation Unit, who suggested that BMOs do not have the competence "to do even rudimentary analysis, so look at the situation in a superficial way" (int. Lyimo 2008).

During this period, TPSF was institutionally weak. It allowed the need for resources to drive its activity rather than being clear about its objectives and then seeking the resources. It wanted to influence policy but was unable to pull together the evidence,

formulate credible proposals or make persuasive arguments. It failed to build relationships with government. However, it recognised these shortcomings and started to address them.

4.4 Policy Networker: 2009 to 2012

Change came in 2009 when TPSF began to make more effort to deliver on its objective of representing the private sector, though it also created problems by changing its governance arrangements. Prodded by BEST-AC, TPSF tried again to appoint a Director of Policy, Advocacy and Lobbying and, in late 2009, appointed Edward Furaha (int. Furaha 2011). Furaha saw challenges, not least of which was a poorly organised private sector (which TPSF was expected to address) but also the lack of a common voice and the lack of mechanisms to engage with both the executive and the Parliament (int. 2011). Recognising that engagement with government was important but not sufficient, Furaha aimed to improve its research capability, to gather evidence, to formulate persuasive arguments and to prepare positions to influence policy. I assessed the papers written at this time and, on the whole, they were weak, reciting previous activity rather than making succinct and compelling policy arguments.

TPSF did apparently achieve a major success however. TPSF nominated the private sector members of TNBC. Working through TNBC, in 2009, TPSF persuaded the Government to adopt a new strategy for agricultural development, known as *Kilimo Kwanza* (Agriculture First) (Ngaiza 2012). Agriculture is a major employer and this proposal was embraced with enthusiasm by the Government. It is not clear, however, how much this success was down to TPSF (and the Agricultural Council of Tanzania who also claim credit), and how much this reflected what the government wanted to do anyway. However, it was helpful for all partners to credit the private sector with this success, thus raising visibility and building credibility.

The institutional review was completed and proposed a strategy defining TPSF's role as 'advocacy and lobbying' (int. Simbeye 2015). It recommended, *inter alia*, reducing the board from 17 members to 11. This was implemented at the 2010 AGM. However, a large proportion of corporates and an arrangement in which every individual branch of TCCIA was regarded as a separate member skewed the membership and resulted in CTI, the Chamber of Mines and the Tourism Confederation of Tanzania (TCT) losing their

seats on the board. The chair, Esther Mwikuza, was re-elected, leading to more complaints from BMOs that she was not even a business woman (int. Rugimbana 2012, int. Simbeye 2015). Together, these elections brought to a head in-fighting that had been underway and CTI, TCT and the Chamber of Mines, together with Tanzania Bankers' Association, withdrew arguing that TPSF was not sufficiently representative (*Guardian* 2010), that TCCIA had too many seats on the board, that corporates had too much influence and that TPSF was not effective as an advocate on behalf of the private sector.

A further consequence was that the executive committee of TNBC – which comprised six members from government and six from BMOs, including CTI, TCT and the Chamber of Mines – stopped meeting (int. Simbeye 2015) as did the TNBC itself. CTI attempted to launch an alternative apex body, at which point the government intervened. Specifically, Permanent Secretary Lyimo, Chief Secretary of the Government and Chairman of TNBC's executive committee said that TPSF had to sort itself out and the TNBC asked the Prime Minister's Office (PMO) to reconcile the differences, not least because, as already noted, the Government was very keen for there to be 'one voice' (int. Laseko 2011, int. Simbeye 2013). As a result, a second institutional review was started.

The report from this review was published in 2011 – and promptly opposed by CTI because it proposed a Council of 20 and an executive of seven and, presumably, a concern that the real decisions would be taken by the executive committee. So TPSF formed a third review committee, this time chaired by Salum Shamti, chairman of the Agricultural Council of Tanzania, which submitted a revised proposal at the end of 2012. This time the recommendations were acceptable and were endorsed by the board – and largely resolved TPSF's governance issues: the key proposal was that TPSF members should be formed into 11 clusters with each cluster electing one director, together with the previous chairman, to give a board of 12. A new constitution was approved in June 2013. The Chamber of Mines, Tanzanian Bankers' Association and CTI all rejoined.

This constant review and change of its governance arrangements coincided with the government taking action to improve Tanzania's ranking in the Doing Business league table. It was important for TPSF to sort its governance arrangements – indeed, that is an requirement for an effective BMO – and it appears that it has subsequently made a huge difference. Simbeye, when interviewed in 2015, talked about the improvement: "TPSF is becoming more influential. Before the new board, we were receiving 4-5 letters a day

from the government and universities. Now it is 10-15 a day" (int. Simbeye 2015). However, during the period 2009-2010, the discussions on governance resulted in TPSF taking its eye off the policy process ball. For example, in 2009 the President decreed that the government should make more effort for Tanzania to improve its ranking in the Doing Business league table. A committee of Permanent Secretaries prepared a 'roadmap' and set up eight thematic task teams. The roadmap specified that the private sector should be involved in most of the task teams, but only two BMOs were actually named: the Association of Tanzanian Employers as a member of the employing workers' task team and the Tanganyika Law Society as a member of the registering property task team (URT 2011b: 149). However, the road map provided a hook for BMOs and TPSF to argue for more extensive engagement.

In practice, it took Furaha until early 2011 to start creating mechanisms to promote more effective engagement and dialogue between the public and private sectors. He became much more proactive in relation to TPSF's dealings with government. Furaha worked to improve TPSF representation on government working groups and task forces, especially those concerned with the Doing Business road map. He tried to address the perception of other BMOs that TPSF was a competitor rather than a collaborator (int. 2011) and made a conscious effort to network more effectively with other private sector stakeholders and to promote alliances, coalitions and collaboration. He had mixed success with this: whilst some BMOs such as TAHA and Vibindo worked with TPSF, usually on specific issues (int. Mkindi 2012, int. Kikuwi 2013, int. Bitegeko 2013), others were still frustrated. Hossein Kamote complained that CTI was "not close to what is happening; it is very confidential" (int. 2012) while Richard Rugimbana of TCT suggested that "TPSF has not been effectively initiating dialogue with government – it is filled with people who are not business people" (int. 2012).

One area where BMOs have worked closely together has been on proposals intended to influence the budget. Furaha explained that the government each year in advance of the budget invited BMOs for their ideas for fiscal reform. Furaha felt that they collaborated quite well on this (int. 2011) but that there was much less co-ordination on other private sector proposals and, indeed, little consultation by the government (int. 2011). He suggested that sector specific associations generally had a good relationship with their sector Ministry, but that BMOs with a wider focus found it harder. He observed that they

would previously have taken up these issues through the executive committee of the TNBC, which as noted earlier had stopped meeting. However, TPSF did succeed in establishing a regular dialogue with the Office of the Speaker (int. Furaha 2011). Furaha stressed that it was important to address three critical audiences: principal officers in MDAs, Ministers and Parliamentarians, thus setting some clear targets. He had been doing more with Parliament and the improved liaison opened doors for further engagement. One of these was with the Parliamentary Committee on Energy and Minerals during the power blackouts crisis in 2011. Another was the creation of a budget committee (int. Furaha 2015).

Furaha's reasoning for developing better links with Parliament was that Ministries did not always take the private sector's proposals sufficiently seriously and he felt that Parliamentary committees could exert more pressure especially in relation to fiscal issues (int. 2011, int. 2012). At the same time, Furaha continued to make efforts to involve and co-ordinate association members. Furaha perceived he was beginning to succeed when Parliament established a working group to review the tax base, invited TPSF to chair the group and to provide the secretariat and also invited 9 BMOs to participate (int. 2012).

One of the successes perceived by TPSF to have come about through lobbying the relevant Parliamentary committee was to persuade the Government to reduce the skills development levy from 6 per cent of gross wages to 5 per cent (though there is an objective to reduce it further). TPSF was not the sole advocate for this and Parliament was not the sole target. They worked closely with other BMOs, especially the Association of Tanzania Employers. Simbeye was appointed to the government's Fiscal Reform Task Force (int. Simbeye 2013) where he could put the case. TPSF employed a former Commissioner General of the Tanzania Revenue Authority who argued that a reduction in the levy would lead to less avoidance by the largest employers and better collection rates and thus more revenue for government. Indeed, the task force argued for a two per cent reduction, but the Minister was not sufficiently convinced and agreed to an initial one per cent reduction (int. Simbeye 2013). Following this experience, TPSF has continued to seek people with particular competence and links to government to make arguments on its behalf.

Whilst Furaha was making a difference in TPSF's external engagement, the board was worrying about the CEO: Rwezika was perceived by the board to be popular neither with

members nor with government. Indeed, a report commissioned by the Government implied that TPSF was not popular and that it did not represent the private sector (int. Simbeye 2015). As a result, Rwezika's contract was not renewed. Instead, in March 2012, TPSF appointed a new CEO, Godfrey Simbeye. Simbeye had previously been Financial Controller so he already had an understanding of TPSF, its objectives and its relationships with both public and private sectors. He exhibited some much-needed leadership. On his appointment, he was told "to be different" – to rebuild relationships with members and government, to strive for the board to become influential and to raise TPSF's visibility (int. Simbeye 2015). Simbeye explains: "I started to create the conditions for TPSF to be visible [...] I wrote a letter to all government officers. The reaction was marvellous. They responded and said that they would work with us. From there we saw changes: TPSF is being invited to attend meetings and give comments" (int. 2015). Almost immediately, Simbeye was invited to join the Doing Business road map Permanent Secretaries committee (int. Simbeye 2013).

Unlike his predecessor, Simbeye gave Furaha more of the support that he needed. TPSF engaged with the Parliamentary Committee on Finance and Economic Affairs (int. Furaha 2012). Simbeye took up TPSF's earlier proposal to the Speaker that Parliament establish a Forum with the Chairmen of all the Parliamentary Standing Committees. This started in 2012, giving BMOs better access to Parliamentary Committees. TPSF sought to develop a more formal relationship with key Ministries and Agencies including the Ministry of Industry, Trade & Marketing, the Ministry of Finance, the Tanzania Revenue Authority and the Ports Authority. Furaha recognised the importance of influencing policy officers and principal officers in Ministries, Departments & Agencies (MDA) – not simply going straight to the top every time, which is the typical approach in many sub-Saharan Africa countries. These officers are likely to draft the government's policy positions and who later will implement them (int. Furaha 2011). The government preferred this approach as well (int. Janabi 2011). Helping the ministry policy officers look good with their managers may also help to ease policy proposals through the MDAs. Consequently, TPSF identified 'contact' persons – people who might in due course become their champions – in key MDAs. It aimed to facilitate meetings between those key people and relevant BMOs. It anticipated that BMOs would have issues that they wished to explore but also hoped that this approach might be effective in setting an agenda. It became better at sharing with

other BMOs knowledge and intelligence gleaned from government. It anticipated that one result would be that they would then gather more intelligence from the other BMOs.

Furaha appeared to make progress in developing TPSF's relationship with Parliament and with public officials. Nonetheless, one area in which TPSF continued to struggle was the Doing Business roadmap thematic task teams. Up to this point, private sector participation had been low or non-existent. Furaha believed that the only two task teams that had actually involved the private sector were the two where the BMO was specified. Not only did this mean that the government was failing to live up to its promise to involve the private sector, it was also failing to tell them about the task team deliberations. Teams prepared reports at the end of each quarter, but these were not available publicly.

Furaha concluded that TPSF had to take action to address this problem. He established private sector development working groups (PSDWG) comprising the BMOs most affected by the issues in each thematic area. The objective was to marshal the collective energy and expertise of the private sector in the roadmap process and stimulate government to take them seriously (IMED 2012). TPSF started with two pilot working groups: *Trading Across Borders* and *Starting and Closing a Business*. In March 2012, the *Trading Across Borders* PSDWG convened before the main thematic task team meeting at the Ministry of Home Affairs. The result was a strong and effective voice of the private sector at the task team meeting. It was anticipated that this approach would lead to more results and more action. One result of this new pressure was that the road map task teams which had not met started to meet. A further result was that BMOs started to push government harder. TPSF worried, however, that setting up nine working groups would be a challenge with their limited resources and that BMOs in general lacked resource and competence (int. Furaha 2011). Indeed, there was already a feeling that too many private sector proposals were not taken seriously by government (int. Furaha 2012). However, it made more effort to build and sustain a collaborative approach with other BMOs and to seek more institutional support for BMOs (from BEST-AC and elsewhere). This would allow BMOs to employ their own researchers, and thus to build the capacity of the BMOs rather than building the capacity of independent consultants.

There was a perception within TPSF that their efforts brought the roadmap back to life at least in some areas. However, this reflected the need for private sector groups to be proactive in lobbying government since otherwise it was all too easy for government

simply to ignore them. The Prime Minister's Office perceived that BMOs were getting better at understanding the issues, an important component of competence. However, not only were the BMOs not good at working together, they were too often at odds with one another (int. Lyimo 2011). Consequently, Furaha started to make more effort to involve the members, especially the association (rather than the corporate) members and aimed to coordinate them more effectively (int. Furaha 2012). He met quarterly with the CEOs of key BMOs. Papers produced by the working groups were sent to TPSF's entire membership to seek feedback and which, in turn, improved TPSF's member relationships. Furaha perceived that members supported his approach, saw TPSF becoming more credible with government and Parliament and so became more supportive generally (int. 2012).

However, they have not always been as effective in engaging with MDAs. Bede Lyimo, formerly head of the Better Regulation Unit and then an official in the Prime Minister's Office, explained that some MDAs saw private sector advocacy as "helpful and informative" but that many "deny problems" and saw advocacy as "bothersome" (int. 2013). His solution was for BMOs representing specific sectors such as tourism or horticulture or manufacturing to become more active, to engage more effectively and to build better relationships with their relevant Ministries. He confirmed Furaha's assessment of the importance of influencing Directors and Assistant Directors in Ministries, saying that it is too easy for Ministers and Permanent Secretaries to agree to anything. However, if BMOs can build positive relationships with Directors and Assistant Directors, they probably only need to meet the Permanent Secretaries occasionally (int. 2013).

During this second period, TPSF focused more on advocacy and representation, largely driven by Furaha with financial support from BEST-AC. Whilst it was important to resolve the governance issues, that necessitated time and emotion that was then not available to engage more extensively in advocacy. However, it made solid progress in engaging more effectively with Parliament and with MDAs as well as with other BMOs though it was still weak at framing issues, compiling evidence and preparing compelling arguments.

4.5 Policy Entrepreneur: 2013 to date

Two significant changes occurred in 2013: a new chair was elected and the World Bank contracts ended. The last piece in the governance jigsaw was put into place with the TPSF

elections held in August 2013: Reginald Mengi, one of Tanzania's wealthiest entrepreneurs, was elected chair and Salum Shamti became vice chair. Unlike his predecessor, Mengi was vocal about the pernicious effective of corruption, had the confidence of the business sector and was influential in his own right (int. Simbeye 2015). This election meant that Simbeye had a chair who shared his vision of TPSF's role and had the ear of government. This changed TPSF's visibility immediately and arguably conferred more legitimacy as the voice of the private sector. With the ending of the World Bank contracts, TPSF lost a large part of its income. It reduced the staff to 15 and the remaining staff took a pay cut. It rented out surplus office space. Simbeye refocused TPSF to prioritise dialogue and advocacy. Whilst he regretted the loss of income, Simbeye worried that TPSF had been working for the World Bank, on projects unrelated to reform of public policy, instead of working for the BMOs and the refocusing mirrored his priorities. TPSF set up several standing committees including a Policy and Advocacy Committee. A proposal for mandatory membership of BMOs was floated and abandoned (Irwin & Jackson 2015: 26).

Simbeye (int. 2015) was keen that TPSF should be clear that its objective was to promote private sector-led social and economic development by (i) providing members with services they value; (ii) understanding and representing their common interest; and (iii) engaging in effective advocacy with the Government.

Providing member services meant that TPSF did not have the sole focus on advocacy that Simbeye expounded on taking office – and meant that dialogue secured less of his attention. The Prime Minister's Office, too, lamented the lack of focus, saying that BMOs need to develop "concrete arguments, scientific arguments, balanced arguments" and that their focus should be on "study and advocacy" and giving more information to government rather than getting involved in service delivery (int. Laseko 2014). The interest group literature suggests that the ability to provide appropriate data, knowledge, expertise and opinions is critical in securing access to policy makers and potentially having some influence (Maloney *et al.* 1994, Bouwen 2002, Dür & Mateo 2012, Beyers & Braun 2014). The Presidential Delivery Bureau had a similar view, saying that BMOs "have problems providing data" and that "there is too much emotion [...] and not enough data" (int. Ling 2015). BMOs that represent businesses may have to offer selective benefits to their members (Olson 1971, Wilson 1974, Schmitter & Streeck 1999), but an apex body, whose objective is to bring together other BMOs, should arguably be focused

on representation and advocacy. If they offer business services, they compete with their (BMO) members. Recognising this conflict, from his appointment in 2012, Simbeye set about refocusing TPSF's work to concentrate on advocacy and dialogue.

In its mission statement, TPSF explains that it is "the leading voice for the promotion of vibrant, innovative and a competitive private sector in Tanzania" (Irwin & Jackson 2015). TPSF aims to deliver its mission through six strategic objectives, though in fact three are about improving the way that TPSF works (Irwin & Jackson 2015). The other three are:

- To facilitate communication, networking and flow of business information among members (thus improving relationships, knowledge sharing, alliance building);
- To maximise the impact and voice of the private sector to lobby and advocate for issues pertinent to the sector's growth (that is, engaging with government); and
- To facilitate the growth of private sector business through enhancing enterprise competitiveness.

As with Simbeye's objectives above, the first two are about representation and advocacy. The third could be about making recommendations to both government and the private sector to improve competitiveness, which would complement the first two, or could be an excuse to undertake projects intended to improve competitiveness. In practice, TPSF seemed to do nothing in relation to this objective.

The first objective, facilitating communication, implied that TPSF should have a role seeking information from government about proposals for regulatory reform and new legislation and sharing it with members, as well as sharing information about members with other members. However, TPSF says that, too often, fiscal reforms come as a surprise. For example, following a recommendation from the first Big Results Now workshops to increase the duty on beer and soft drinks by 45 per cent, the Minister for Finance proposed in the budget to increase duty by 40 per cent (int. Simbeye 2013). Given that the recommendation emerged from one of the workshops, perhaps it should not have been such a surprise. Following the budget statement, TPSF framed its argument in terms of potential job losses. It took breweries and soft drink manufacturers to Parliament in Dodoma to say that they would be forced to lower production (including the closure of at least one brewery and the loss of at least 850 jobs). As a result, the budget committee recommended that the increase be limited to 10% – and that was the final outcome (int. Simbeye 2013). Framing a problem in a clear and simple way can

make a difference to the way in which it is then perceived by government (Mahoney 2008, Baumgartner & Mahoney 2008, Klüver *et al*. 2015) and is an important competence for a BMO.

The Parliamentary working group on the tax base became the Parliamentary Committee on Fiscal Reform, with TPSF again appointed as the secretariat (int. Furaha & Gahhu 2013). This goes beyond mere access and suggested that TPSF was becoming a member of a policy community, that is, a group within the government designing policy proposals. The work was concluded in January 2013: one outcome was the creation of a (permanent) Parliamentary Budget Committee. TPSF explained that it was now easier to go to this committee to raise issues – and this route was then used by TPSF and a consortium of other BMOs to avert the imposition of VAT on tourism services. TPSF does not always take the lead – indeed other BMOs would resist such dominance – but they do work in parallel, engaging with different audiences but seeking a common objective. For example, whilst the Tourism Confederation of Tanzania approached the Ministry for Natural Resources and Tourism and secured the support of the Minister for Tourism, TPSF engaged the Parliamentary budget committee (int. Furaha & Gahhu 2013).

At the same time as it was trying to improve its relationship with government, TPSF continued to make efforts to improve its relationships with other BMOs. The director of policy at the Confederation of Tanzanian Industry, Hossein Kamote, for example, expressed the view that "TPSF has improved over the last year; it has become much better at representing the private sector [...] have good people – especially the policy and advocacy team" (int. 2014). But not all the difficulties were addressed. As noted earlier, Confederation of Tanzania Industries rejoined TPSF after the adoption of the new constitution, but continued to say that they "wanted TPSF to strengthen the private sector [but they are competing]" (int. Kamote 2015). In other words, Kamote argued that TPSF's role was to advocate on behalf of the private sector but they did not want them competing for members. The Tourism Confederation of Tanzania explained that their "relationship [had] improved and TCT was asking TPSF to take up issues on their behalf" (int. Rugimbana 2014). The Tanzania Horticultural Association worked with TPSF in an effort to get specific policy proposals into the party manifestoes in advance of the 2015 election (int. Mkindi 2015).

It appeared that Simbeye began to think more strategically about how TPSF should engage with government. He began to see the importance of building links in a chain, that might eventually lead to policy reform, rather than arguing for the ultimate objective from the outset. For example, following a couple of opportunistic meetings with the President when Simbeye participated in trade missions, a meeting of the Tanzania National Business Council, which had not met since 2009, was convened in December 2013 and chaired by the President (int. Simbeye 2013). At the meeting, Simbeye proposed – and it was agreed – that the Presidential Delivery Bureau (PDB) should, in addition to its existing mandate, review the constraints and overlapping regulations imposed by government on business. They agreed to add the business enabling environment to the Big Results Now (BRN) process and to recommend proposals to address those constraints. This is a good example of a BMO placing an issue of concern to business much higher on the government's agenda. This was a major breakthrough: from 2004 till 2009, the focus on regulatory reform had come BEST; from 2009 till 2014, the main focus was the Doing Business roadmap task teams. In both of the these, the lead had come from the public sector. BRN gave the private sector the chance to participate on equal terms. As a result of Simbeye's lobbying, a workshop on business environment reform was held over a four-week period in Feb-Mar 2014. (At DFID's request, I participated for the first two weeks, nominally as an observer but was frequently asked for a view (Irwin & White 2014).)

The President made a speech to participants during the first week, in which he stressed his commitment to the process and said that he was calling on all Ministries to move from "self-denial" to recognising that there are business environment problems that need to be addressed. He stressed the need for change from a state sector, socialist economy to a private sector, market economy, and explained that he recognised that a conducive enabling environment was critical to economic success. The President said that the government recognised that it had to create the conditions that would allow the private sector to thrive. He explained that they had to do it "for the sake of the country". He recognised that there was a need to change the mindset of public officials: that they needed to be facilitative instead of obstructive (Irwin & White 2014). This reinvigorated a desire to improve the enabling environment: for example, the theme for TNBC's meeting in 2015 was enhancing the business environment for sustainable growth. The President stressed the need for there to be a conducive business environment, for there to be

"better governance", for there to be more "structured dialogue" and for improved "relations between government and private sector" (Kikwete 2015). Kikwete pleaded that "we should continue to work as partners rather than as foes or adversaries" (*op. cit*: 6).

It seemed, then, that TPSF could put issues on the agenda and it could engage with government. As early as 2013, this was confirmed by Haji Janabi (int. 2013), at the Ministry of Home Affairs, saying that "TPSF are good partners". Not only were they able to access policy makers but increasingly government wanted a private sector view on policy proposals and other activities. TPSF has built on this to become much more of a partner with the government. Table 7 summarises the one-off dialogues and consultations in which TPSF was actively engaged in just one quarter in 2015 (TPSF 2015). Whilst the list included participation in preparatory meetings for international trade negotiations, they also included more substantive policy advice, such as commenting on the oil and gas extraction policy proposals, on proposed revisions to the policy on small and medium enterprises and on the proposed public private partnership regulations.

Table 7: Invitations to TPSF to engage in dialogue or consultation (2015 Q2)

- Dialogue and consultation as part of preparations for the 25th Southern Africa Development Community (SADC) Trade in Services Forum (Ministry of Industry and Trade (MIT), June 2015).
- Consultation and dialogue on 'Re-aligning Regulations and Institutions' Work Stream of the BRN Business Environment initiative (MIT, May & June 2015).
- Dialogue for launch of Tanzania Investment Report 2015 (Tanzania Investment Council, June 2015).
- Consultation for EAC experts meeting on the implementation of the EAC-US Cooperation Agreement on Trade Facilitation, SPS, and Technical Barriers to Trade (Ministry East African Community (MEAC), June 2015).
- Consultation on outstanding issues under the 'Taxation' Work Stream of the BRN Business Environment initiative (PDB, June 2015).
- Consultation prior to Presidential State Visit to India (Ministry of Foreign Affairs (MFA), June 2015).
- Dialogue on the SADC Investment Framework (Prime Minister's Office (PMO), June 2015).
- Dialogue in advance of the EAC-EU meeting to discuss Economic Partnership Agreement text (MEAC, June 2015).
- Consulted on development of EAC Special Economic Zones Regulations (MEAC, May 2015).
- Consulted on Ease of Doing Business Initiative in Eastern and Southern Africa (PMO, May 2015).
- Consultation as part of the Steering Committee on 'Contract Enforcement' under the BRN Business Environment program (Ministry of Justice, May 2015).
- Dialogue on the EAC Common Market Implementation Protocol (MEAC, May 2015).
- Consultation on Non-Tariff Barriers for National Monitoring Committee meeting (MIT, May 2015).
- Consultation on process of generating quarterly employment statistics from the Public and Private Sectors (Ministry of Labour, April 2015).
- Consultation on the Oil and Gas related draft policies (Ministry of Energy & Mining, April 2015).

- Dialogue to review and update national SME Policy (MIT, April 2015).
- Consultation on formation of Regulatory Licensing Reform Committee (MIT, April 2015).
- Consultation on the process of collecting information for costing of the draft SADC Revised Regional Indicative Strategic Development Plan (MFA, April 2015).
- Consultation on the African Growth Opportunity Act (MIT, April 2015).
- Dialogue and consultation on the Private Sector Development Policy (PMO, April 2015).
- Dialogue and consultation on the draft Private Public Partnership Regulations (PMO, April 2015).

Source: TPSF quarterly report to BEST-Dialogue (covering 2015Q2)

In 2011, the Government created a new Ministry of Private Sector Development & Investment. TPSF hoped that this would provide a further avenue to persuade Ministries not to behave in ways perceived as detrimental to business (int. Furaha 2011). By 2015, they had drafted proposed Private Sector Development legislation and invited TPSF to comment (TPSF 2015). TPSF was aiming to have quarterly meetings with the Prime Minister specifically to discuss business issues. They were working to create additional dialogue structures, for example, with the Ministry for East African Co-operation (MEAC).

This, and other quarterly reports to BEST-AC, provide evidence that TPSF was regularly consulted by the government. Indeed, the government was asking for comments on more and more, which was positive, but they often gave just a few days in which to respond. The level of government consultation with TPSF indicated that it was seen by the public sector as a key voice of the private sector. They were consulted much more now than a couple of years ago (int. Simbeye 2015). A cynic might question whether the government genuinely wanted a private sector view, or was playing a game of consultation overload, asking TPSF for comments on everything on the basis that they could not cope. The challenge for TPSF was their lack of resources to respond effectively on all the topics on which they were consulted (int. Simbeye 2015). So TPSF set up a task team to respond more quickly (int. Simbeye 2015) involving more BMOs and thus potentially gaining faster access to more knowledge and expertise. TPSF appeared over-stretched by the scale of the challenge. It attempted to work closely with other BMOs and even have them represent TPSF, to promote collaboration and minimise resource requirements, but that was not working as well as it might. Rather than trying to respond to every request, it may be that they needed to become better at prioritisation, focusing on the issues that they thought would deliver the most progress towards their mission statement's desire to improve competitiveness.

In some developing countries access is seen as a problem, with policy processes that are remote and inaccessible (Court *et al.* 2005). In Tanzania, it is relatively easy to meet with policy makers. Gaining the trust of policy makers, and the opportunity to offer a view at an early stage in policy formulation, are usually more difficult. There has been a tendency for government to formulate policy proposals and then consult, not always effectively (Heilman & Lucas 1997, Mercer 2003). Elliott-Teague observes that, in Tanzania, the term 'policy' refers to recommendations adopted by the Cabinet to guide policymakers as they prepare legislation and is more a statement of intent than a mandate (2008: 105). This appears to be changing. The evidence in Table 7 suggests that TPSF is now being asked to comment on drafts of proposed legislation before they ever get to Cabinet – and in some cases has been offered the opportunity to comment on successive drafts – and is thus seen as a policy making partner. This may also reflect Tanzania's consensual culture (Wiredu 2015, Melyoki & Galperin 2017).

Temu (2013) suggests that pressure for change is largely political, even in a country that seems to be overwhelmed by advisors from multilateral and bilateral aid agencies: politics trumps technical considerations. The desire to be seen to make ambitious announcements often leads politicians to ignore technical advice (Temu 2013: 60). This may be true but TPSF has been getting better at making arguments based on evidence. Indeed, it seems that civil servants are now more likely to involve them at an early stage, a big sign of success. This is confirmed by a number of MDAs. The Ministry of Industry and Trade, for example, says that TPSF offers advice and opinion, identifies the "right people" to meet and co-ordinates the private sector (int. Mjengo 2015). This is an example of member co-ordination but also relies on good networks and good intelligence.

Whilst there was a growing commitment to consult – Lyimo perceived that the government had a partner in TPSF with whom they could work (int. 2014) – it was still not apparent whether the government listened to the responses. An approach to policy formulation in which the Cabinet can suddenly change the anticipated policy proposals has implications for lobbyists: they cannot relax until legislation is passed and there may still be opportunities to amend policy even after the Cabinet has agreed. The way in which TPSF worked suggested that they were increasingly vigilant, but timescales are often too short to respond in as much depth as they would like. This would require better intelligence, gathered through closer relationships, and more resources to ensure that they have the necessary evidence easily and quickly available.

In addition to government inviting TPSF to consult, it also invited TPSF to engage in dialogue. This provides better opportunities for each side to understand each other and, often, a chance to influence policy before it has been formulated. Table 8 summarises the key dialogues in which TPSF was engaged in the second quarter of 2015 (TPSF 2015). In one-off consultations, TPSF was generally expected to respond in writing. However, there were some topics that were regarded as requiring more discussion or needing representation on committees that met on a regular basis, to improve collaboration. Some topics, such as private sector development policy and public private partnerships offered opportunities for both consultation and dialogue.

Table 8: TPSF selected dialogues (2015 Q2)

- Fiscal reform agenda: engaged Parliamentary Committee on Budget; worked with the Presidential Delivery Bureau on taxation reform; co-ordinated private sector response to the budget speech.

- Public private partnership: co-ordinated response to the draft public private partnership regulations and submitted to government.

- Private Sector Development Policy: co-ordinated response to the proposed national Private Sector Development Policy.

- Big Results Now: participated in steering group meetings (for 're-aligning regulations and institutions' and 'contract enforcement'); continued work on Initiative 10 (an initiative to realign regulations in which TPSF is seeking to address the problems of dealing with multiple regulatory agencies, a multiplicity of levies and fees, overlapping requirements for licences and permits, etc) and an overly complex regulatory framework).

- Regional Integration Agenda: input into the Non-Tariff Barriers agenda and co-ordinates private sector involvement in the SADC Trade in Services agenda.

- Simbeye [...] networks with all the Permanent Secretaries and is a member of the National Permanent Secretary Roadmap Co-ordinating Committee.

Source: TPSF quarterly report to BEST-Dialogue (covering 2015Q2)

As with the one-off consultations, TPSF struggled to keep on top of all these. However, they demonstrate that TPSF was active with government. It is easy for MDAs to blame others for problems, so TPSF networking with the Permanent Secretaries and sitting on the National Permanent Secretary Roadmap Co-ordinating Committee means that MDAs cannot blame others for the problems. Rather, they can all agree who should be responsible for taking an issue forward. Simbeye also chaired a forum of BMOs which should deliver better sharing of intelligence and improved collaboration.

TPSF's revised governance structure resulted in more pressure (not least from their stakeholder clusters) to get involved in more issues and in more requests from government to collaborate. All stakeholders' expectations have been raised.

Table 9: TPSF claims of success (12 months to July 2015)

- Advocacy on Fiscal Policy Reforms
  - Persuaded Government to extend period from 3 years to 5 after which Alternative Minimum Tax is imposed on companies reporting a loss and thus not paying corporation tax.
  - Lobbied for the postponement of enactment of VAT Bill and Tax Administration Bill planned for June 2014 to allow for extensive consultations with the private sector.
  - Exemption for the agricultural sector from the Skills Development Levy.
- Influence on formulation and review of policies, laws and regulations.
  - SME Policy 2003.
  - Draft public private partnership (PPP) Regulations.
  - Draft 3 of the Petroleum Policy.
  - Amended PPP Act 2014.
  - The Oil and Gas Revenue Management Bill 2015.
  - 2nd Draft of the Private Sector Development Policy.
  - The Tanzania Extractive Industries, Transparency and Accountability Bill 2015.
  - Petroleum Bill 2015.
  - Local Content Policy 2015.
- Development of Private Sector Compact.
  - Constituted a technical task force comprising of CEOs and leaders from the business community to provide strategic leadership and engagement to develop and roll out the compact.
  - Developed a Private Sector Compact.
  - Disseminated the Compact to the General Public.
- Engagement in strategic dialogue platforms.
  - Convened meeting between the leaders of the business community (40 CEOs and Chairs of BMOs) and the Minister for Finance to discuss how to strengthen dialogue with the Ministry.
  - Mobilised private sector to participate in TNBC Executive Committee Quarterly Meetings on the assessment of implementation of reforms agreed in the BRN Business Environment workshop.
  - Engaged with the Parliamentary Standing Committees on Budget, Economy Industry and Trade, Energy and Minerals to discuss and present Budget Analysis, Finance Bill Analysis etc.
- Influence on Regional and Economic Integration Policies and Practices.
  - Input on One Stop Border Post Bill 2015.
  - Organise and coordinate the EAC Secretary General Forum 2015.
  - TPSF Policy Scoping Study to remedy the exportation of Tanzanian rice to the EAC market.
  - Provision of input in the SADC Trade in Service negotiations.
  - Involvement in the monitoring of the implementation of the Common Market Protocol.
  - Involvement in the monitoring of Non-Tariff Barriers.
  - Input for negotiations for the establishment of Tripartite Free Trade Area (Common Market for Eastern & Southern Africa (COMESA)-EAC- Southern Africa Development Community (SADC).
  - Provided input in the development of harmonised EAC standards i.e. Iron and Steel Standards, Food and Beverages as well as Detergents.

Source: Correspondence from Edward Furaha to BEST-Dialogue 23 Jul 2015

TPSF is asked by BEST-AC to record its successes, focusing on public policies or legislation that has been amended as a result of TPSF's efforts. Table 9 summarises some of TPSF's claimed successes over a one-year period. To some extent, the list has been

expanded to include other 'successes' presumably because TPSF wants to look good in the eyes of BEST-AC. It is also not always clear what success constitutes. However, there do appear to be some successes, such as amending the Alternative Minimum Tax and postponing the enactment of the VAT Bill. It does still appear to be the case, however, that TPSF is largely reacting to government rather than proactively seeking policy reform.

A major 'success' during 2015 was persuading the government not to eliminate all the exemptions from VAT, as proposed in 2014, not least because removing exemptions would be a good way of spreading the tax net more widely (World Bank 2015). As noted in Table 9 , the Government agreed to a review of the proposal. TPSF marshalled effectively several BMOs, again recruited the former Commissioner of the TRA to act on their behalf and lobbied the Parliament hard. The consequence was that most of the exemptions were retained, irrespective of the economic arguments, when the revised VAT bill was finally enacted in July 2015. It was clear however that their approach did not win over all the government. The view of TRA was that "TPSF is not our good friend" and that "the private sector is more powerful than the government" (int. Maganga 2015). Given TRA's approach to consultation and their perception of a desire amongst policy makers, encouraged by the World Bank (World Bank 2015), to widen the tax base, TRA was surprised when Parliament expressed the view that there had been insufficient consultation and then sided with TPSF (int. Maganga 2015). This left TPSF with at least one relationship that needed to be repaired – and suggested that TPSF was not always taking a sufficiently balanced view (ibid.) – and was occasionally willing to be antagonistic rather than always working on the basis of consensus. This example does, however, illustrate TPSF's growing ability to prepare research evidence, to co-ordinate members (many of whom went to the Parliament) and to raise their profile.

Another success appeared to come in the discussions related to the wording of the new constitution in 2014. The Government created a Constitutional Assembly to write a new constitution and TPSF's CEO was appointed to that Assembly to allow private sector interests to be represented. This resulted, as reported by TPSF, in the inclusion of a provision which appears under Chapter 2 article 13 (2) (e) stating as follows: "To put in place conducive business environment and to expand investment opportunities".[4] This

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[4] In fact, the draft constitution includes in (d) "...creating favourable environment for motivating the private sector in the economy..." and in (e) "to provide favourable trading environment and to enhance investment opportunities".

phrase was important as all legislation should then reflect this provision. Moreover, it reflected the language of the President at BRN described earlier, so it is likely that the impetus for this wording came as much from government as from the private sector. However, perceptions are important and this allowed TPSF to claim a "win" (though the revised constitution has still not been adopted).

In the third period, TPSF has focused much more on advocacy and dialogue. It engaged with government more widely. It was much more likely to be asked for a view and to be asked to participate in dialogue. It sustained its relationships and aimed to broaden them. It built a competent advocacy team and was more focused on evidence and argument.

4.6 Conclusion

When one compares TPSF in 2016 to 2011 and earlier, it is evident that it has made considerable progress, albeit over a long timescale. It came into being as a result of the joint effort of public and private sector. It slowly recognised its shortcomings and built its competence, both individually and organisationally. It became more strategic. It started by building relationships and engaging in dialogue, generally at the invitation of government. It resolved its governance issues, so that its board and members now support its efforts rather than fighting them. It appointed a CEO focused on making a difference in policy reform, who is publicly opposed to corrupt practices and who has the confidence of the board. He has been able to be entrepreneurial and opportunistic in his approach to influencing government. He recognised the need to employ a professional, competent and dedicated policy team, and sought the resources required to do so.

It is possible in addition to discern a number of competences which were not obvious at the outset of the research. These are summarised in Table 10, with a brief resume of the evidence. In most cases, the evidence could support more than one competence. There are some competences that did not feature in the summary of determinants in chapter 2. Specifically, TPSF has become better at taking advocacy one step at a time, through striving to seek consensus with other BMOs and with government, and in having the confidence to be opportunistic and proactive. Whilst governance, leadership and management are included in chapter 2, they are not given any degree of prominence. This case study, however, suggests that people, especially leaders, are very important. TPSF only began to make a significant difference when it appointed Godfrey Simbeye as CEO. He was able to support and encourage Edward Furaha as policy director, who until

Simbeye's appointment had had insufficient support. The election of a chair with extensive private sector experience and networks raised TPSF's credibility still further. Yet the importance of leadership largely does not feature in the interest group literature.

Table 10: Summary of TPSF's competences

Competence	Evidence
Agenda setting	At outset, struggled to put issues on the agenda. Now much more able to do so. For example, persuading President to convene meeting of TNBC and then persuading TNBC to add constraints on the enabling environment to the Big Results Now programme.
Champion recruitment	Did not originally have champions. Now, has been cultivating contacts in key MDAs with view to them acting as champions for TPSF.
Collaborative (and coalition building)	TPSF is the apex body, so one might expect it to collaborate widely and largely it does though that was not originally the case; however, it laments the lack of co-ordination on many proposals and limited consultation by government; TPSF claims to consult with other associations and to feed information and intelligence back to them (though there is limited evidence of this); there is some evidence of TPSF co-ordinating views, for example, in relation to the Government's proposed Private Sector Development policy; aims to build coalitions. It was very effective in coordinating BMOs to lobby on VAT. It observes that good collaboration within the private sector makes it easier to work with government and holds up the tourism sector as an example.
Communication	Has become much more effective over the research period in communicating the views of the private sector to government.
Consensus seeking	Though there is the occasional exception, TPSF tends to work on the basis of consensus and agreement rather than opposition and confrontation. This is closer to the European style of lobbying than the US style.
Dialogue	Initially TPSF struggled to engage in dialogue but now has regular dialogue with Ministries and the Office of the Speaker; participates in government task forces including Prime Minister's Office Regulatory Reform Task Force; continually looks for new opportunities to engage; engages through informal as well as formal mechanisms; utilised revised organisational structure, based on sectors, to create 'platforms for dialogue'. Works with other BMOs.
Framing	Becoming better at framing (for example, reframing issue of duty on alcoholic and soft drinks as one of job loss rather than reduced profitability).
Governance	Revised governance structure in effort to secure more commitment from members and potential members and more collaboration on a day to day basis.
Intelligence gathering	Worked more closely with other BMOs; talk to MDAs and remain vigilant.
Leadership	Current CEO has clear objectives; thinking strategically; rebuilt relationships that were fraying; created conditions for visibility; ended prioritisation of work for World Bank and instead prioritised dialogue and advocacy.
Member coordination	Originally made little effort to coordinate members. Now makes effort to involve and coordinate members, who are both associations and individual corporate members. Draft policy papers are shared to seek feedback. Members beginning to realise that TPSF can add value to efforts to lobby government and so are beginning to raise more issues. It has stopped competing with member BMOs to deliver services to business.
Network development	CEO networks widely, for example, with Permanent Secretaries of all the key Ministries, and is a member of the National Permanent Secretary Roadmap Co-ordinating committee, but also on occasion with the President (vide TNBC

	revitalisation and Big Results Now lab on the enabling environment); CEO chairs the business association forum.
Proactive	CEO insists that TPSF is proactive in developing relationships and engaging in dialogue. Furaha worked to improve representation. It persuaded the President to reconvene TNBC and to add the business enabling environment to Big Results Now.
Relationship development	Recognises the importance of relationships and that about more than just dialogue; recognises the importance of influencing policy officers and principal officers in MDAs and not always going straight 'to the top'; have a good relationship with the Attorney General's Office and thus get advance warning of bills (though effective dialogue with MDAs would tip them off much earlier); TPSF was appointed as secretary to the (ad hoc) Parliamentary Committee on Fiscal Reform, looking at tax reform, and this led to the creation of a (permanent) Parliamentary Budget Committee.
Research capability	Originally struggled to undertake research; now has improved capability to undertake research and prepare policy positions; utilises people with specific expertise, such as former TRA commissioner general.
Resource acquisition	TPSF is one of the better funded business associations, but that does not stop it complaining that it lacks the resources necessary to do everything it would like to do.
Trust building	Sees trust as important and perceives that there is not enough trust amongst BMOs.
Visibility raising	Worked through TNBC to secure government commitment to Kilimo Kwanza; appointment of Reginald Mengi as Chair. The CEO was appointed to the Constitutional Assembly.

TPSF has become much better at gathering evidence, at writing research papers, at framing issues and at preparing policy positions. As a consequence, TPSF has made strides in improving the breadth and depth of TPSF's engagement with government. TPSF and the government have forged a closer relationship. It is now more effective in placing issues on the policy agenda. It speaks for the private sector but has not stopped other BMOs from lobbying as and when they see fit. Indeed, TPSF often open doors to help them. TPSF comes closest of any BMO in Tanzania to having its relationship with government "institutionalised" (the 'holy grail' of BMOs to formalise, in some way, their relationship with government) as evidenced by the large number of committees on which it now sits and the frequency with which it is now consulted by government. This appears to have been achieved through the commitment and professionalism of the key staff rather than through changes of attitude in government though the President has been aiming to change attitudes. It has improved its relationship with other business associations and indeed has become more proactive in all its relationships. Its influence, however, is still largely through responding to government requests for views and opinions rather than being proactive in seeking reform of policy or legislation.

Being consulted does not mean that the government is interested in their views. Indeed, Court *et al.* (2005: 5) argue that political leaders may perceive proposals from civil society as illegitimate, increasing the power of the policy makers and simultaneously isolating

them from society with the inherent danger that policy responds to the needs of the elites rather than the majority. This implies that BMOs need to become more proactive, gathering intelligence and feeding information to policy makers and, perhaps, to recognise the iterative nature of policy formulation. TPSF appears to be doing exactly this – and the clauses in the new constitution evidence a belief that BMOs have a legitimate role to speak on behalf of the private sector, even if it has not yet been adopted.

Some researchers argue that choice of venue is important (Baumgartner & Jones 1993, Beyers & Kerremans 2011) often linked to efforts to raise public salience (Baumgartner 2010). Whilst TPSF has utilised several venues – Ministers, public officials and Parliament – this seems mainly to have been a response to where the debate was taking place. They have, however, opportunistically lobbied the President and regularly lobbied the Prime Minister's Office in efforts to make progress on issues that were being blocked elsewhere. They have also, on occasion, aimed to lobby multiple venues simultaneously, usually through co-operating with other BMOs.

One area that has not yet been solved is that of resources. There is a view that donor dependence makes interest groups timid and another that it made it more difficult to influence government. Heilman & Lucas (1997) say that associations are dependent on donors for their funding and too timid in their relations with the state. It is true that BMOs are still overly dependent on donors, and TPSF is no exception, but then so is the Government of Tanzania. What has changed is that TPSF is no longer timid – its approach to the annual budget in general and to VAT in 2015 is evidence of that – but also that it is increasingly able to influence policy.

Furaha sees challenges, not least because the private sector is not well organised, though that of course is part of the reason that TPSF was created. TPSF is good at networking and able to build coalitions, as evidenced by their approach to the VAT proposals, though it could do this more often. They have limited capacity and need to become better at co-ordinating the private sector. They have created some 10 working groups but these are a challenge because so many BMOs are weak. There is still not enough trust amongst BMOs. It is difficult to access information from BMOs. TPSF says that it shares information with BMOs, though many BMOs would say that it could do better. TPSF has done well in organising the private sector in advance of the budget presented to Parliament each year. One role of an apex body, however, should be to secure consensus amongst the

community of BMOs when major differences appear and TPSF has generally been unable to facilitate compromise.

TPSF demonstrates that an entrepreneurial CEO, and a competent, committed and determined policy team, can make a big difference. TPSF struggled for a long time to be clear about its role and to have the confidence to focus on that role. Organisations like TPSF do not have the time for the luxury of in-fighting. TPSF now seems to have put all that behind it and is focused much more clearly on dialogue. It has developed better relationships, has become more proactive and better able to take the initiative. When TPSF began to focus more on advocacy, it also began to have more success.

There is limited evidence that TPSF is, even now, taking a strategic approach – which might see it become rather more proactive and more focused on a few specific areas that might ultimately have more impact. Rather it seems to be driven by government requests for a view and by opportunism. However, TPSF is beginning to think about this. For example, it would like to do more research and in particular to demonstrate a link between an improved enabling environment (achieved through policy advocacy) and economic growth. Importantly, TPSF sees the government improving: "The Government has changed for the better. They are more open. They involve the private sector in so many issues. They are more receptive. They listen." (int. Simbeye 2015). TPSF is committed to work closely with the government for the good of Tanzania.

Temu & Due assert that associations have had "little impact in influencing policy formulation" (2000: 705). Indeed, Heilman and Lucas (1997) say that it is difficult to find clear cases where business associations have been able to influence government. Based on the empirical evidence of TPSF and its interaction with government, this is no longer the case. TPSF has undoubtedly been able to influence reform of public policy. Moreover, it now exhibits many of the competences that appear to be important: compiling research evidence (evidence), preparing argumentation (expression), networking widely (engagement), communicating its position (expression), engaging in dialogue (expression & engagement). It is seen by government as a credible partner and credible representative of the private sector. There is still much to do, not least in becoming more proactive, but TPSF now has a strong foundation on which to build.

Chapter 5. Tourism Confederation of Tanzania: mixed fortunes

The Tourism Confederation of Tanzania (TCT) is an apex association, with other business membership organisations as the only members. It was established in 2000 with encouragement from the Government to allow the government to speak more easily to the tourism sector. TCT has been chosen as a case study for three reasons. Firstly, tourism is important to the economy as a major contributor to GDP and the greatest earner of foreign exchange, so the government may be expected to want to collaborate with the sector and, indeed, Sen (2015) sees an open relationship between the tourism sector and the state. Secondly, TCT is the only BMO in Tanzania to have signed a memorandum of understanding with the government committing both to regular dialogue. TCT has, however, gone further and made particular effort to build a *de facto* alliance with the Tanzania Tourist Board (TTB). This is significant because examples of enduring public private coalitions are not often mentioned in the literature. Thirdly, whilst TCT has advocated on urgent issues as they have arisen, it has generally aimed to take a strategic approach – with an eye to the long term – encouraging the government to raise Tanzania's profile as a tourism destination.

TCT has made progress through a number of stages (it started as something of a novice, before this case study begins, and then became a reactor to government proposals, before becoming more proactive in its relationship with government). The case study offers evidence that TCT improved over time in its ability to influence policy of a technical nature, though it has struggled with more contentious issues.

Like TPSF, the case study shows that TCT exhibits some of the characteristics that might be expected of a business association in a developed country, such as taking an insider approach. TCT has made efforts to collaborate and to understand the government's position, to help officials do their job by providing information and opinion and to look for win-win solutions. It values dialogue. One of its members, the Hotel Association of Tanzania, is not shy about taking an outsider approach when necessary. The case study, therefore, also reviews the efforts that TCT has made to keep the sector united. More obviously than other BMOs, it has conferred legitimacy on government policies, though arguably government recognition of TCT also confers legitimacy on TCT.

The case study shows that the competence, inter-personal skills and longevity of the Executive Director, Ricard Rugimbana, are important. Moreover; lack of resource means that the ED manages the dialogue and advocacy – in partnership with members. He has a clear direction and a clear understanding of what is necessary to succeed.

The chapter provides a brief background. It describes TCT's advocacy activities, divided into two sections: issues where TCT has been reacting to government actions; and issues which might be regarded as more strategic and where TCT has been proactive. Rather than trying to describe everything in a chronological order, each issue has been treated separately, though they are introduced in the order of the issue first arising. The conclusion summarises the competences exhibited by TCT and draws out the key determinants of TCT's success.

5.2 Background

Tourism is important to the economy of Tanzania. In 2015, it contributed about 12 per cent of GDP and about 10 per cent of jobs (WTTC 2016). It has overtaken all other sectors to become the biggest earner of foreign exchange.

Originally established with six members, all associations, it had grown to 12 by the end of the period covered in the case study. It employs just five staff. TCT describes its objective as being to facilitate and assist members in the development of legal and responsible tourism (www.tct.co.tz, undated). As an apex body, it has always seen policy advocacy as a key role. TCT further explains that it aims to ensure that the voice of the tourism sector is heard by the public sector and that it aims to influence public policy that might impact on tourism. In addition to representation, it offers services to members including a travel guide and tourism directory and participates in travel fairs to promote Tanzania.

Rugimbana has been at TCT since 2003, having previously worked in the Tanzania Tourist Corporation and then as a tourism consultant, so there has been a high degree of stability and an effective institutional memory. In the early days, much of the focus was on promoting tourism. Rugimbana explained that until the mid-1990s, tourism was dominated by the public sector (Tanzania Invest 2006). However, since then, the private sector has become increasingly important (ibid.). The government set out an 'integrated tourism master plan' in 1991 (Beye *et al.* 2006) updated in 1996 (Chambua 2007). A national tourism policy (URT 1999) was adopted in 1999. The master plan was revised

again in 2002 (Beye *et al.* 2006). Despite a formal role to represent the sector, it seems that TCT did not engage effectively with government at this time. The turning point came with the creation of the donor funded project to support business association advocacy, BEST-AC, which provided TCT with training and occasional funding – important because TCT felt that business associations were immature yet being expected to participate as equals at a high policy level (int. Rugimbana 2006). In other words, TCT recognised a need to develop its competences.

By 2006, TCT was working with the government – to develop a strategy to promote tourism in the south of Tanzania – and the government was more regularly consulting TCT (int. Rugimbana 2006). Indeed, Rugimbana characterised TCT's relationship with the Ministry for Natural Resources and Tourism (MNRT) as good, saying that "they listen and there is constant improvement in the various policies, regulations and procedures" (Tanzania Invest 2006), though it was not always clear that this was the case. At this time, Rugimbana criticised the large number of licences required by tourism businesses and the high level of taxation (Tanzania Invest 2006) and it seems that little has changed.

5.3 Reacting to government

5.3.1 A row over park fees

In July 2007, without prior warning, the Ministry of Natural Resources and Tourism announced large and immediate increases in the fees for hunting and photographic safaris. Photographic fees would increase from $20-30 to $100 per tourist, and hunting fees from $2,000 to $25,000. Then, in August 2007, again without warning, the Tanzania National Parks Authority announced an immediate increase in concession fees (a tax levied on people staying in lodges or hotel situated within a game park) (Hansen 2008). TCT had two concerns. Firstly, tour operators would be unable to pass on the increase in fees for bookings already taken, given that bookings are made 6-12 months in advance and European Union law prohibits increases of more than two per cent after signing a contract (Hansen 2008). Secondly, the suddenness of the change would signal to international investors that the investment climate in Tanzania was becoming unpredictable.

TCT members agreed that the issue needed to be contested but had different views on tactics. Some wanted to go to court, a strategy often used in developed countries (Berry

1997), but Rugimbana advised against this because of the possible damage to their relationship with government. "You still have to deal with government and going to court would mean [...] the relationship would be bruised" (int. Rugimbana 2010). The immediate aim was to stop the government introducing fees within the season but TCT also had a more strategic aim of promoting tourism as a partner of government. It explained to government that the sector appreciated that it needed to pay fees, but that sudden increases in the middle of the season damaged competitiveness and made Tanzania look untrustworthy and unpredictable. TCT explicitly sought a result that could be positioned as a win for government and themselves by solving the immediate problem – not to have fees raised without sufficient notice – but also advocated a consultation and dialogue mechanism to decide when and how fees would be raised in the future, so that the problem would not recur.

TCT sent letters in early August – to different agencies, to the Permanent Secretary at MNRT and to the Minister – and BEST-AC was asked for a small grant (Hansen 2008). TCT met with the Permanent Secretary in mid-August; it prepared an interim impact assessment by 28 August; and on 30 August it presented its report (covering park fees, hunting fees and concession fees) to the Permanent Secretary. The report contained emails from travel agents in Europe showing complaints and legal threats from customers, demonstrating TCT's ability both to network widely and to gather compelling evidence. Rugimbana prepared a document and requested the Permanent Secretary convene an emergency meeting of relevant stakeholders (int. Rugimbana 2010). This the Permanent Secretary did, within the week. TCT's governing council, which had representatives of its then nine members, considered tactics and arguments. Good framing can make a difference (Baumgartner & Mahoney 2008, Klüver *et al.* 2015) and TCT framed the issue as one of accepting the increase in fees but seeking to delay implementation rather than suffer lasting damage from a last-minute approach. Soon after, the Ministry announced a delay in implementation until July 2008. Rugimbana stressed the need for collaboration: "As partners, we need to address this issue in the interests of tourism" (int. 2010).

This shows how TCT aimed both to solve the immediate problem (dealing with unannounced park fees) and the longer-term problem (accepting the need for periodic rises but with consultation and then longer notice periods). Indeed, the government accepted the need to rethink notice periods and agreed that future proposals for increases in fees should be negotiated a year in advance, so that the market could

prepare. Rugimbana claimed that "the evidence produced by TCT no doubt played a role in persuading the government to change its stance" (Hansen 2008: 7) and that the statements from the EU-based travel agents provided "one of the arguments that caused the Ministry to accommodate TCT" (ibid.). Accepting the political decision, but seeking delay fits the theories of Michalowitz (2007) and others that it is easier to exert 'technical influence' than shift political interests. It is clear however that TCT could not have undertaken its advocacy activities without the resource provided by BEST-AC (Hansen 2008) to some extent confirming the view that advocacy is not possible without at least some resource (Mahoney 2008, Braun 2012).

5.3.2   Formalising dialogue

It seems that the relationship between TCT and MNRT improved as a result of the park fee lobbying. One consequence was that MNRT approached TCT to ask if they would work with them to prepare for a joint meeting with the Tanzania Revenue Authority (Hansen 2008). Rugimbana later noted that "this is monumental as we are going there together" (Hansen 2008: 9). Rugimbana perceived that a further consequence was that his members were "taking TCT more and more seriously" (ibid.). Whilst the Government consulted TCT regarding the Tourism Act of 2008, it seems that this improved relationship did not result in TCT being able to influence the Act, which TCT later described as a long list of "do's and don'ts".

Nevertheless, the advocacy on park fees and a degree of proactivity from TCT spurred a re-appraisal of the relationship which resulted, in 2010, in TCT and MNRT signing a memorandum of understanding, for an initial period of five years, in which they undertook to work together on the issues in the industry. TCT would act as the secretariat for two years and then the Ministry would take on the task for two years. The group was to meet at least six-monthly, with a set agenda that always included tourism development. The MoU stated the intention of

> enhancing a collaborative and effective partnership [...] that addresses key
> issues in the tourism sector and which ultimately provides cost effective and
> efficient services [...]; building a foundation of trust and confidence that builds
> and encourages both parties to explore best practice, emerging trends, new
> ideas and a better understanding of the challenges and issues facing the sector

[...], and working together to build and develop a tourism industry that is
sustainable, culturally and environmentally friendly. And through a
consultative process solicit views and ideas aimed at developing appropriate
policies, legislation and strategies that will enable the creation of a conducive
business environment in which international and domestic tourism will
prosper (MNRT 2010).

The memorandum was important because, as Rugimbana explained: "If you don't have a
formal forum to dialogue with government formally, when staff change you start up
afresh" (int. 2010).

The public sector also recognised the importance of developing and maintaining the
relationship. Ibrahim Mussa, Director of Tourism at MNRT, emphasised that, in tourism,
the dialogue between the public and private sector was very strong. The committee gave
a structure and transparency. He observed that: "We don't have to agree, but we do have
to talk." (int. Mussa 2011). MNRT saw TCT as important, not least in ensuring that the
sector was heard by government. But there seemed also to be an expectation that TCT
could 'sell' government decisions to the sector, reflecting a view that interest groups can
confer legitimacy on those decisions (Taylor & Warburton 2003).

5.3.3   A collaborative approach

The interest group literature maintains that coalitions, alliances and collaboration lead to
greater effectiveness (Baumgartner *et al.* 2009). Indeed, TCT has strived to collaborate
with others, both through working together and through attempting to improve linkages.
Perhaps not surprisingly, given their mutual interests, TCT and the Tanzania Tourist Board
(TTB) worked closely together, often meeting in advance of formal dialogues with MNRT,
for example, to share views. Dr Aloyce Nzuki, Managing Director of TTB, was clearly
proud that tourism was the only sector with an MoU with the private sector. He
explained: "We have moved ourselves from competitors to business partners." (int. Nzuki
2011). The benefit for TCT was that participation in the committee was at a senior level
and included decision makers who could address TCT's issues. The Tourism Board, too,
benefited from the arrangement. Nzuki observed that "the private sector will say
something we have been dying to say to our superiors and have a higher chance of being
taken seriously" (int. 2011).

Even with the MoU, there were ups and downs and meetings did not always take place. However, Mussa noted the positive relationship. "We recognise TCT. We have a very good relationship. We meet them when they need us. That sense of closeness is there. They can meet me or the Minister." (int. 2011).

Whilst TCT had a good relationship with MNRT and TTB, it was keen to develop better relationships with other agencies, such as Tanzania National Parks Authority (TANAPA), which tended to act without consultation. As a result, TCT lobbied for private sector representation on the boards of all the agencies and relevant MNRT committees. They thought that they had made considerable progress when a new Minister, in 2013, advertised all the board positions in the press. TCT asked MNRT that all private sector applications go through them, so that they could ensure that people represented sectoral rather than personal interests, and this was accepted. The result was that the Secretary General of the Hunting Association was appointed to the committee that allocated hunting blocks and three people (from Hotel Association of Tanzania (HAT), Tanzania Association of Tour Operators (TATO) and TCT were appointed to the Ministerial Tourism Advisory Committee. TCT was clear to its nominees that they would be expected to collect views from the private sector prior to meetings and share information afterwards – and TCT would aim to co-ordinate this.

TCT was grateful to join the Advisory Committee but argued that this arrangement was still not ideal, as private sector representation was at the behest of the Minister, and they would have liked to see the arrangements institutionalised (by which they meant, written into law, seemingly without recognising that successive Ministers could change the law). TANAPA seemed to present a special case: not everyone was persuaded by the arguments in favour of private sector representation. Mussa (int. 2012) argued that the private sector was represented on boards for areas directly relevant, such as the National Tourism College and the Licensing Authority and that TANAPA was a special case because it was politically sensitive and had broader motives than the private sector's interest in profit such as environmental sustainability. Mussa explained that the legislation already allowed the Minister to appoint the private sector to TANAPA's board, although it did not require it.

This all gave the impression that TCT was tolerated rather than welcomed: they had built a relationship in which government and private sector talked to each other regularly and

which appeared warm. However, it also seemed that they were invited only to participate in fora where the government thought that they would be positive and supportive but were excluded from fora, such as TANAPA, where they were likely to be difficult.

5.3.4 Influencing proposals for a tourism levy

In 2010, the government proposed to introduce a 'land rent' on tourism on the basis of a fixed fee per business, though a development levy had been proposed in 2008 (int. Mussa 2013), on the grounds that other countries did something similar and that it was okay because "it is paid by foreign tourists" (op. cit.).

TCT persuaded MNRT that a tourism development levy was a better option than a land rent, again accepting the political imperative but aiming to influence government to implement in a different way, that is, focusing on the technical aspects (Michalowitz 2007). Discussion then dragged on for years until, in 2013, the CEO of the Hotel Association of Tanzania (HAT) met with Minister Kagasheki and pointed to the experience of South Africa where, she explained, a tourism development levy was self-assessed and voluntarily paid, the funds were managed by a private sector committee and disbursed to the government institution for tourism, after submission of a specific proposal. TCT could see the benefit of a scheme such as this, especially as part of a wider tourism strategy (q.v.).

The Government's initial plan was to impose the levy at two per cent of the bed and breakfast rate (calculated in dollars, with a variable exchange rate, and no thought about what constituted the bed and breakfast rate). TCT and HAT persuaded the government instead to apply a flat rate of $1.50 per bed night (int. Sykes 2014). Collection initially applied only to larger hotels and immediately ran into problems. It was collected by TRA, who did not have a dollar account. HAT suggested that all agree a fixed conversion rate for six-month periods – and this was adopted (int. Sykes 2014). However, the industry was upset when they discovered that TRA was taking five per cent of the proceeds to cover their own costs and suggested that perhaps HAT could do this instead, which would at least have the benefit of contributing funds to HAT.

The government set up an advisory committee to determine how the money raised should be spent and the CEOs of TCT and HAT were both appointed (int. Rugimbana 2014). HAT understood from discussions with MNRT that approximately 60 per cent of

the levy would go to TTB to support implementation of the marketing strategy. It anticipated that this would be matched by a gradual tapering of government support for the Board. The medium-term plan of the government was to transform TTB into a semi-autonomous (and presumably fee-earning) agency, which would take on the practical functions of the Tourism Ministry, such as quality control and licensing, leaving only the policy work in the Ministry. They anticipated that 20 per cent would go to the National College of Tourism and the final 20 per cent to Ministry's general budget. This rather negated the need for a committee (int. Sykes 2014). Two years after initial implementation, the committee had met only once – for its inaugural meeting – and there was growing discomfort in the sector about how the money was being spent (int. Rugimbana 2015). The director of tourism at MNRT, by then Zahoa Kimmage, did not seem to think that this was a big problem (int. Kimmage 2015) but for TCT it was a "hot issue" (int. Rugimbana 2015).

Collaboration over the tourism development levy was important to TCT. It was more than just dialogue: TCT aimed not only to shape the way in which the policy developed but also worked hard to sell it to the sector. Their effort shows the difference that TCT could make when it provided good evidence and solid argument, reflecting the belief that officials welcome good information and opinion (Bernhagen *et al.* 2015). It is clear that TCT worked closely with MNRT in the design of the levy. They provided advice whenever the process ran into difficulties. They sold the idea to the sector, on the basis that this could help everybody, and gave it a legitimacy (Taylor & Warburton 2003). As soon as the government secured its position, however, it gave the impression of ignoring TCT.

5.3.5   Perceptions of success

Despite some of the apparent challenges, in 2010 Rugimbana perceived that TCT had benefited from the support that it received from BEST-AC: "If it wasn't for BEST-AC we wouldn't have achieved what we achieved. TCT had concentrated on providing services but BEST-AC emphasised the importance of advocacy." (int. Rugimbana 2010). TCT aimed to build its competence (participating in training for example and in mobilising resources); to ensure that it had reliable and comprehensive evidence with good arguments; and to engage government effectively, building alliances, sharing knowledge and promoting dialogue. Rugimbana (int. 2010) offered a number of lessons from TCT's advocacy work: Firstly, reflecting the assertion of Hall & Deardoff (2006) that evidence is

essential, he emphasised that "to be able to do successful advocacy you need data readily. It is no good just turning up with a long shopping list complaining." Secondly, close collaboration with other BMOs makes a difference: "associations need to work together as a team and have a single voice [...] the sector is united." Thirdly, you need to understand what government wants: "when you approach the government, you have to try and arrive at a win-win scenario" so adopting the most appropriate strategy for each issue and finding the right arguments is important. Rugimbana recognised that it can take time to persuade government: "the challenge is to convince government. Even if the government is interested, they are very slow. They are still a big player that doesn't see the role of the private sector and the way various acts impinge on their performance. It is a mind-set which takes time to address." As a result, Rugimbana perceived that "the government now sees TCT in a different way, as adding value to government not like a labour union shouting. Whenever the Ministry has an issue, they always consult TCT."

5.3.6 Concession fees - again

The real challenge for TCT was that the government did not see many of its decisions, or those of it agencies, as issues. As a result, the issue of fees blew up again in 2011. This time it was concession fees, that is, fees levied on hotels located within the national parks.

The argument for concession fees was that they provided additional resource to enhance tourism facilities and to enable TANAPA to engage in conservation, which the Minister argued was not a competence of the private sector (int. Rugimbana 2012). When concession fees were introduced, TCT had argued for a percentage, rather than a fixed amount as proposed by the government, on the basis that the government raise more income as the lodges attracted more customers; government did not trust the lodges, so TCT offered to police the system (int. Rugimbana 2011). In early July 2011, with only four weeks' notice, and in contravention of the agreement concluded in 2007, TANAPA announced an increase. TANAPA's arguments were that they had been 'forced' to sign the original agreement, that the formula for concession fees was too complex, that their overall income had gone down, and that the figures submitted by businesses were not accurate. TCT's countered that the agreement was signed, including by two MPs now in the Cabinet; that TCT, perhaps disingenuously, would have been happy to come up with a fixed fee instead of a formula if it had been consulted; that hotels paying the concession fees reported that the agency had collected more money not less so the gap between the

collected and reported fees must be accounted for internally and perhaps individually; that TANAPA did not share the declared business figures with TCT as had been agreed so that TCT could not check whether they were accurate; and that Tanzania Association of Tour Operators (TATO) was committed to helping with enforcement but TANAPA had not reported a single case to them.

In an effort to delay the increase, HAT resorted to the courts with an expectation of a hearing in August 2011. Again, favouring dialogue over court and seeking to avert what they perceived would be a publicity disaster, TCT asked the Minister to step in "to avoid washing our dirty linen in public" (int. Rugimbana 2012). TANAPA and HAT met with the Minister for Tourism in June 2012 resulting in the agreement of a draft MoU which TANAPA refused to ratify, with TANAPA arguing for a fixed fee per bedroom irrespective of whether it was occupied (int. Rugimbana 2012).

The court case was finally settled in 2014, some three years after the issue arose, allowing TANAPA to levy a fixed amount of $30-$100 per person per night. HAT regarded this as a win as they had delayed the imposition for long enough to prepare (int. Sykes 2015).

This issue showed that TCT had a sufficiently good relationship with MNRT that it could secure access and discuss issues, reflecting the assertion of Fraussen (2013) that interest groups and policy makers need to understand each other. It also suggested, however, that at least one agency and one BMO were happy to plough their own furrow and simply ignore both Ministry and TCT policy, reflecting the expectation of Poppelaars (2009) that interest groups will compete for access and influence. That meant that TCT had to be vigilant and ready to go to the Ministry whenever an issue blew up. Going to court is often seen as failure or at the very least the last refuge, but HAT has used it successfully to delay issues so that the sector has time to prepare and to introduce greater transparency into the process.

5.3.7   Taxation

Like most BMOs in Tanzania, TCT had a view on taxation though, as with many of its other issues, TCT tended to react to proposals, or anticipated proposals, from government. It has had mixed success in lobbying on taxation, achieving more success on very narrow issues and little success on broader issues. For example, the Government proposed in its 2013/4 Finance Bill four changes that TCT perceived would adversely

affect the tourism industry, which TCT aimed to avert through lobbying the Parliamentary Budget Committee as well as the executive. The proposed changes covered (a) the removal of VAT exemptions from a range of tourist services (without notice and without consideration for the potential impact on competitiveness); (b) the abolition of 'withholding tax exemption' on payments for aircraft lease rental (which would make safari flights more expensive); (c) the imposition of excise duty on smaller aircraft, as typically used by safari operators (again affecting competitiveness); and (d) a reduction in the import duty exemption on 'deemed capital goods' for items relevant to tourism, such as cutlery, furniture, fridges and beds.

TCT claimed that these changes would end a period of growth in tourism and cited examples of how changes the other way had previously stimulated growth. It argued that safaris would become more expensive in Tanzania than in Kenya, to which it would lose trade: "through this budget, the Tanzanian government is proposing to make it almost impossible for Tanzanian operators to operate locally let alone survive against regional and international competition." (int. Rugimbana 2013). Rugimbana reminded the government of all the other taxes and levies imposed on tourism, including park fees and the Tourism Development Levy and that "taxes cannot be collected from closed businesses" (int. 2013). They further argued that tourism should be treated as exports (as it had been previously, hence the VAT exemptions (int. Akko 2014)) and suggested that the reputation of Tanzania as a tourism destination would be tarnished if costs were seen to rise unpredictably. Importantly, and once again, TCT rustled up supporting letters from European travel agents. Indeed, tour operators had already started cancelling bookings. TCT argued that growth in tourism would, in due course, provide the government with the extra revenue it was seeking, whereas raising costs too far would almost certainly result in a reduction in tourism, and thus a reduction in revenue.

As a result, the Government agreed to continue to exempt tourism services from additional VAT (int. Rugimbana 2013) and not to impose excise duty or withholding tax on aircraft (int. Rugimbana 2013). It did not win the argument over deemed capital goods.

In this instance, TCT was successful in averting proposals to change the way in which tourism businesses were taxed. But by reacting to proposals, rather than working with government on long term solutions, it was likely that proposals such as these would

reappear regularly. Indeed, the World Bank (2015), amongst others, had been pressing the government to broaden the tax base and saw removing VAT exemptions as one way of achieving this aim. The Tanzania Revenue Authority said that it had heard too often the argument about economic growth leading to increased tax revenue and that changes rarely resulted in the promised growth (int. Maganga 2014) so it was becoming harder for associations to use that argument. In a rare admission of corruption, it also transpired that a handful of tourism companies may have offered inducements to the Parliamentary Committee to avert the proposed VAT changes (int. Akko 2014, int. Sykes 2014). Perhaps not surprisingly, the issue returned in 2016, but no-one was ready for it. As the *Daily Telegraph* reported, "Tanzania's safari industry has been thrown into absolute pandemonium in every conceivable way, after the African country's government introduced an 18 per cent VAT tax on tourist services with just a week's notice" (Morris 2016).

TCT's approach to taxation suggests that its predominant approach was reactive and short term. It seems that it was unable to apply the principles that it had adopted in fights over park fees and concession fees in which it aimed for a short-term fix and then to lobby for a longer-term solution as well. This may simply reflect TCT's small team and lack of resources.

5.4 Proactive with government

5.4.1   Tourism marketing strategy

Until 2009 or so, TCT's advocacy was based on single issues and, as with the park fees and hunting licences, was largely reactive. However, this did not address the fundamental problems facing the industry. TCT wanted to take an holistic view of the industry and, with financial support from BEST-AC, commissioned a value chain study (looking at all the links in the tourism supply chain) aimed at providing a long-term view. Rugimbana emphasised that "this approach was only possible through BEST-AC; before that we were always reactive, so our successes were inconsistent" (int. 2011). He went on to explain that this way of working demonstrated the value to the government of TCT as a source of research evidence and opinion: "We can add value to the industry, we are not just complaining" (int. Rugimbana 2011).

The value chain study (Kashangaki *et al.* 2009) analysed the total cost of regulation and considered the scope for simplification. It identified the main weaknesses of the tourism industry. TCT proposed to work with the government to agree target markets for tourism "so all efforts of the two are geared towards the same direction" (int. Rugimbana 2011). This included the introduction of the tourism development levy described earlier.

The value chain study was followed in 2010 by a review of the business environment, also commissioned by TCT, for the tourism sector (Raheem & Mkindi 2010). This looked at the myriad of taxes, licences, levies and regulations imposed on tourism businesses.

In July 2011, TCT recruited consultants to prepare a marketing strategy. Rugimbana expected the strategy to identify specific foreign markets to be targeted in a coordinated way and to develop domestic and regional tourism. As he later explained "Now we will all agree on which markets to concentrate. We will continually review progress and see what needs to change." (int. 2011). Having a joint marketing strategy, attracting more tourists to Tanzania, encouraging the government to put more money into the budget of the Tourist Board, and TCT working more closely with MNRT, were all arguments used to justify the introduction of the tourism development levy (int. Rugimbana 2011).

TTB agreed to work with TCT to produce the marketing strategy. Rugimbana explained: "A tourism development strategy doesn't belong to TCT or the Tourism Board, it is a joint strategy. Government has a role in promoting tourism, but it is the private sector that offers the services and makes business out of the opportunities. We are dependent on each other." (int. 2011). Nzuki added that "the public sector has come from a background where they see themselves as regulators, they don't listen to what the private sector is saying, but gradually that is changing" (int. 2011).

Nzuki was very positive about TCT, observing that "the office bearers are doing a commendable job. They represent the interests of the sector fairly. Nobody dominates; no-one is an underdog." He noted that Rugimbana was well networked: "He is everywhere". He offered the view that in Tanzania "a fight publicly doesn't work here. The culture is that if you insult someone publicly then your plans will end up in deadlock." (int. 2011). The implication was clear: TCT is politically sensitive; it took its arguments – and its evidence – to the government. But it kept its head below the parapet. However, its members, and the tourism businesses, saw what it was doing and supported it. Nzuki perceived that public servants came from a background of regulation but that they were

gradually changing. He cited as an example the contribution of TCT and other tourism associations to develop the Tourism Act (int. 2011) even though TCT thought that it had failed to influence anything in the Act.

Mussa offered a similar view about the changed relationship: specifically, he suggested that the culture in the Ministry was changing and that it had become more likely to consult with the private sector (int. 2011). Mussa explained that the priority government gave to tourism had increased, partly in an effort to reduce its dependence on donors, and partly because tourism was a major earner of foreign exchange. Furthermore, he argued that tourism (actually Tourism, Trade and Financial Services) was one of the five priorities in the Government's 2011/2-2015/6 five-year Development Plan. The Plan stated that

> further development and diversification of the tourism sector is of course a
> great opportunity for the country, being one of the sectors with the highest
> multiplier effects in the economy, as it draws services and other inputs from
> the transport, agriculture, accommodation, water, electricity, financial services,
> and culture sectors among others. In promoting touristic (sic) services, the
> market dynamism towards further growth will be enhanced, along with
> increased tax revenues to fund the Plan. Hence, the overriding objective will
> be to maximise the economy's capacity to retain revenues generated in the
> sector, by prioritising and integrating it with the requisite support services.
> (URT 2011c: 44).

This appeared to accept the arguments made by the tourism BMOs and by TCT in particular though it is not in itself evidence of influence.

Mussa stressed that the government was committed to tourism and was committed to supporting the tourism associations – indeed, he explained, it was responsible for the formation of TCT (int. 2011). Nzuki, too, perceived that the senior civil servants in the MNRT believed in working with the private sector and that this attitude permeated down through the Ministry. He cited the fact that the Minister had appointed private sector members (mainly nominated by TCT) to the board of TTB (int. Nzuki 2011).

In October 2011, the consultants appointed by TCT and TTB, LA Group, produced *An External & Internal Analysis and SWOT Analysis*. This was followed by part one of the

International Marketing Strategy, with a five-year time horizon, published in March 2012. Leopold Kabendera, then vice-chairman of TCT, explained that the marketing strategy "brings everything we have been working on for the last few years together. It gave the association a position of strength from which to negotiate on advocacy issues." (reported in Irwin & Jackson 2015: 13). Indeed, one of the 15 recommendations was to strengthen public private partnership in tourism by including other BMOs.

Rugimbana emphasised that the process was as important as the plan: "For the first time the public sector allowed us to take the initiative, and then we moved through the process jointly." (int. 2012). In July 2012, TCT had a positive meeting with the Minister for Tourism to ask him to adopt the strategic plan as a government document. TCT needed him to champion the plan at the permanent secretaries' meetings and through the government committees such as those for Environment & Natural Resources and Finance & Economy. Funding for implementation was to be secured through the introduction of the Tourism Development Levy.

In December 2012 LA Group produced a *Strategy of Influence for TCT*, to help TCT plan its advocacy and lobbying which included raising awareness amongst stakeholders of the marketing strategy and securing commitment from both the public and private sectors. TCT was to some extent successful in this: the marketing strategy was launched by the Minister of Natural Resources and Tourism and it was mentioned in the budget speech as being the new strategy for the government.

Mussa described the marketing strategy as "a very good document". He valued the research and the direction it set. He felt that, before the strategy, the government was spreading its resources too widely. He explained that the document was useful because he could then resist pressure political pressures for individual actions, which he could not do before (int. 2012).

Recognising the importance of follow-up, TCT created a stakeholder influencing schedule to disseminate the strategy, with the aim of increasing buy-in but also of raising tourism as a priority among government and other stakeholders. TCT also created a structure to monitor implementation with an intention to hold a six-monthly Tourism Stakeholders' Workshop and ten annual sub-sectoral meetings.

TCT gave the impression that it had been extremely successful in persuading the government to adopt its strategy. It seemed likely however that this was an occasion where, rather than an interest group genuinely influencing a public policy, the interests of the government and the interests of the sector were aligned (Mahoney 2007, Woll 2007).

TCT was funded to commission consultants to produce a strategy. MNRT was consulted. TTB was intimately involved. All parties were happy with the result – though some people in government apparently ignored the key proposal of focusing on a few target countries and continued to jet off to places that took their fancy (int. Mdachi 2015). It did however provide the opportunity for TCT to reinforce its relationship with the government. It encouraged more dialogue and allowed TCT to portray that positively to their members. It enabled TCT to fill a role of becoming a trusted provider of information and research evidence. Unlike many associations in Africa, TCT also recognised the importance of follow up and put in place mechanisms to assist it to do so.

5.4.2   Tourism policy

The push for a new tourism policy came from TCT. The first tourism policy had been adopted in 1991. The policy current at the time, and still current in 2011, was adopted in 1999 (URT 1999). MNRT seemed themselves to recognise that there was a need to revisit the policy (Mussa 2011). Likewise, TCT was keen to reposition tourism in Tanzania – there are problems of poaching, encroachment of agriculture on wildlife areas, dynamite fishing and river diversion. TCT was worried that Tanzania was at a crossroads and losing the battle with other destinations with similar attractions. So they wanted a long term vision and a programme to get there. They also perceived that most tourism activity was in the north of the country and wanted to spread tourism across the country, not least because the country's largest game reserve is in the south. They saw the way to do this was to build more airstrips, a view apparently shared by TTB (int. Mdachi 2015), and they believed that tourist development would then follow.

TCT, of course, was not the only organisation pushing to update the tourism policy. The World Bank and others were making similar noises. However, TCT took a proposal to the seventh Tanzania National Business Council meeting, held in November 2013. The Council agreed that tourism was a major contributor to the economy and indeed that it was sufficiently important that it should be a regular agenda item – but then challenged

TCT and MNRT to see how more could be done to promote conservation and to grow the number of tourists, without apparently considering whether those were compatible.

TNBC set up a task force to consider Tanzania's tourism strategy, with 11 members from the private sector and five from the public sector. TCT was commissioned to prepare a draft, on which they consulted widely including with MNRT, the Presidential Delivery Bureau and the World Bank so that they could go back to TNBC with a single voice. Their draft was completed during 2014, but the Council did not then meet until September 2015. This was then quickly followed by the 9th Council meeting; here the Chief Secretary, Ombeni Sefue, noted that the tourism task force had proposed a new policy and institutional framework with a long-term development strategy, that this laid the foundation for a transformation of the sector and that recommendations of the task force had been unanimously approved. It seemed, however, that this meeting was convened primarily to say goodbye to the retiring President. Furthermore, there has been little progress with the recommendations. The *Citizen* newspaper explained that the report was subsequently presented to the incoming President, John Magufuli, and to his new MNRT Minister, Jumanne Maghembe, who were positive. Since then, however, nothing has happened to adopt the recommendations although, as noted earlier, the government imposed VAT on all tourism related activities, pushing up prices, so the sector is gloomy about its current prospects (Masare 2016, Morris 2016).

Again, it seemed that TCT had been effective in pulling together stakeholders including MNRT to agree, this time on a policy, but subsequently failed to persuade the government to adopt the policy. As a follow up, TCT reports that MNRT, with support from the World Bank, has now started on the development of a 10-year Tourism Development Strategy which follows and will build on the report prepared by TCT with MNRT and approved by TNBC. In early 2017, MNRT commissioned the (Tanzanian) Economic & Social Research Foundation to seek stakeholder views to feed into that strategy. TCT is optimistic that the government will now adopt the tourism policy. This example shows the need for patience and persistence.

5.4.3 Perceptions of critical factors

Following the more strategic efforts to agree a marketing strategy, Rugimbana was asked again about his lessons from interacting with the public sector (int. 2013). He stressed the need to seek a solution that would satisfy the government as well as the sector, implying

a need for compromise: "Whatever you are advocating, you cannot just state the problem. You have to see the government's side and come up with a win-win solution. At the end of the day government has to deliver to the public so we have to help them achieve that without undermining." But that alone is insufficient: "You must know your industry well. You are the authority. You must have the data at your finger-tips." Fraussen (2013) argues that BMOs have to keep their members on-side and indeed Rugimbana adds: "You must have a good rapport with your members; without them on board, you cannot succeed in advocacy."

He added to these thoughts the following year when he, perhaps belatedly, recognised tax revenue as a key public sector driver:

> The government's main agenda is tax, just tax. It is also to do development, but the main preoccupation is raising revenue. If you do not address that issue then you are wasting your time. If you can show them that what you are bringing in will increase revenue generation then they will listen. They will look at the merits of the argument. (int. Rugimbana 2014).

That is why TCT was willing to work with the Government in relation to the tourism development levy for example, but they also fought off three potentially damaging taxes, which has increased its confidence in advocacy and its ability to work with the public sector. By 2015, Rugimbana recognised that "the first part of the advocacy programme didn't bring much success. We now have success, but it has taken much longer to see an impact. It wasn't clear if the slow start was because we were lacking in skills, or because the dialogue was not real. Things are coming together now. The bits are fitting" (int. 2015).

In 2016, the Ministry of Industry, Trade & Investment (MITI) announced a regulatory licensing reform programme (URT 2017) with the objective of improving the business climate, with an initial focus on the tourism sector, so it looked as though TCT was finally beginning to influence Ministries other than MNRT. MITI established a team to undertake a review and invited TCT to nominate a team member (correspondence, Rugimbana 2016), which is better than the Ministry simply inviting a person of their own choosing. Once again, TCT is part of the dialogue, though it is not clear yet what difference they will make.

TCT's competences have developed considerably during the period of the research. Moreover, we can infer a number of competences from TCT's activities and approaches to issues. These are summarised in Table 11, with supporting evidence. There are some competences, such as cultural sensitivity and learning, that did not feature in the summary of determinants in chapter 2. Like TPSF, this case study suggests that leaders are important. Initially, Rugimbana was not very confident in his ability to engage in dialogue with the public sector, but his confidence has grown considerably as he has developed TCT into an organisation with which the government at least has to talk.

Table 11: Summary of TCT's competences

Competence	Evidence
Argumentation	Originally found it difficult to construct argument. Have now learnt to accept policy imperative, and then argue about interpretation or implementation; often focus on technical and detailed arguments to show better approach; interviews included comments such as "it is not enough to say that there is a problem: you must say how it can be solved and do so in a way that all parties win"; recognised that government's objective to raise revenue, "so need to address in any proposal, otherwise you're wasting your time".
Collaboration	Has always collaborated with other tourism BMOs and with TTB. Now collaborates more closely with Ministry of Tourism and also other BMOs. Interviews included responses such as "we moved through the process jointly"; "the leadership was very open to working with the private sector"; "as partners...". Successfully collaborated with European travel agents.
Communications	At outset, did not really communicate. Now aims for appropriate coverage in the media "to get our voice heard, more consistently"; need to communicate with members.
Cultural sensitivity	A typical interview comment was that "If you insult someone publicly then your plans will end up in deadlock". Recognises need to create benefits for all parties.
Dialogue	Originally did not see role to engage in dialogue but now sees it as primary activity on behalf of the sector. Persuaded MNRT to sign MoU committing to formal process of dialogue; persuaded Minister for Tourism to open up board positions on agencies and Ministry committees to include private sector representation.
Engagement	As with dialogue, did not engage beyond narrow target audience but now engages more widely. A typical response was "what was important was that we as the private sector participated from day one"; aimed to engage Minister of Trade and Minister of Finance as well as Minister for Tourism; MNRT sees TCT as engaging effectively; signing MoU with MNRT.
Framing	For example, accept policy proposal but seek to delay implementation because otherwise will damage Tanzania's reputation as reliable tourist destination. Aim for win-win positions.
Research capability	Originally did not gather research. Now recognises need for strong evidence; must have it "at your finger-tips"; good evidence allows an opportunity "to argue with government based on the merits of the argument".
Learning	Staff participate in many courses and CEO participated in advanced advocacy course gained insights from advocacy projects, for example, the importance of revenue.
Member co-ordination	TCT is unusual because it only has other associations as members and has no individual members – nevertheless the CEO stresses the importance of having good rapport and good communications with members. It aims to ensure that they work collaboratively (not always successfully). It has increased membership to 12.
Network development	Networks widely, and where necessary aims to work through others, including eg with TPSF, TNBC, European travel agents, agencies involved in tourism.
Persistence	Recognises need to be persistent; length of time to progress with revised tourism policy.
Strategy & tactics	Looks long term; tries not to bruise the relationship; utilised a range of tactics, including lobbying and written materials, but also for example securing large number of letters from

	European travel agents; worked through wide range of committees and agencies; kept changing tactics until they "find what works"; always looking for win-win solutions.
Understanding	The CEO said in interviews "you must know your field, understand the sector, appear authoritative and have all the evidence at your finger tips"; he explained he was looking for "win-win" with government – for example, delaying increases in levies rather than opposing them completely – "what is good for the sector is good for the government"; and he recognised the need to help officials to do their job.

There appears to be a degree of ambiguity in TCT's relationship with the public sector: sometimes, it seems that the Ministry or the TTB is trying to influence TCT rather than the other way around. Tanzania is not entirely comfortable with interest groups or what is perceived to be external criticism (Melyoki & Galperin 2017) and the views of BMOs are often seen as criticism rather than as a genuine attempt to improve the ability of business to do business. This leads to challenges in dealing with officials who do not understand, or do not care, about improving the environment for business. This is exacerbated by the dominant approach in sub-Saharan Africa being patronage (Heilman & Lucas 1997) so there is a tendency to work closely with, support and seek favours from people who you know or with whom you have a particular affiliation. Thus, individuals and associations seek to develop and maintain relations with the ruling elite with the inherent danger that policy responds to the needs of the elites rather than the majority (Court *et al*. 2005: 5). TCT has not taken this approach. Rather, it has developed relationships, at all levels, in MNRT and at least some of its agencies. They, in turn, appear to have welcomed the information and opinion that TCT provided even if they, as Beyers & Hanegraaff (2016) surmise in relation to interest groups generally, they were ultimately unsuccessful in reforming public policy.

Nevertheless, even providing information and engaging in dialogue requires a level of competence. In TCT's case, there seem to be three critical steps: access, framing and influence.

Beyers and Braun (2014) note the challenge for interest groups even to get a foot in the door with government. For TCT, access should not have been an issue, not least because of the original impetus from government. However, it seemed that TCT's confidence in its evidence, its competence and the strength of its arguments may have been. The consequence seems to be that TCT initially struggled with access. BEST-AC provided an external stimulus which helped it over the confidence hurdle and, as they continued to interact with government, continued to build in confidence. Since about 2007, TCT has been effective at building and indeed institutionalising its relationship. Reflecting resource

exchange (Jones & Baumgartner 2005) and access goods (Bouwen 2004) theories, government values TCT because it is able to bring information about the sector and reasoned positions backed up with evidence. Certainly its relationship with, and its access to, government has improved.

TCT has been able to move some government policies in their direction and they have conferred legitimacy on government decisions (Taylor & Warburton 2003) as for example with the Tourism Development Levy. Its access does not appear to depend on its resource availability, as suggested by Beyers and Braun (2014) but its ability to offer evidence and persuasive policy positions certainly does.

As an apex body, crucially TCT is at the centre of a coalition, representing all aspects of tourism. This makes it the natural counterparty for MNRT when it wants or needs to seek a private sector view, reflecting the idea that coalition representatives secure greater access (Beyers & Braun 2014). Sorurbaksh (2016) suggests that coalitions are also more influential. Certainly, TCT has continued to build alliances, not only through attracting more association members, but also through building relationships with TPSF, TNBC and TTB. Of these, TCT works most closely with TTB, for example on the tourism marketing strategy.

TCT has made considerable effort to frame issues carefully. This might be to argue, for example, that rises in fees are acceptable but only with enough notice or to claim that a tourism strategy would enable everyone to work together to market Tanzania more effectively. This fits with the theory that good framing makes a difference (Baumgartner 2007, Klüver *et al.* 2015, De Bruycker 2016) but also, to a large extent, demonstrates the strategic approach adopted by TCT: look for technical changes which, Michalowitz (2007) argues, is more effective than seeking changes in the policy itself.

Whilst there is much to commend about TCT's approach and its desire to work with government to grow the sector, it does not appear to have been particularly successful in its strategic aims. Indeed, it seems to have been much more successful in its one-off, reactive, campaigns. TCT thinks that it is becoming more successful, though interestingly it only appears to highlight one achievement – the joint marketing strategy – on its website (www.tct.co.tz). Whilst the Government did accept and approve the strategy, the extent of its implementation is still unclear, though it does appear to be moving forwards with nudging from the World Bank. TCT has had minor successes with issues like park

fees. It has, however, been very successful in institutionalising dialogue (through its MoU) and has extended this to all its members. It appears to have made a breakthrough in gaining private sector representation on government committees, which should further increase understanding of the sector and will probably lead to greater, though less obvious, influence. However, it has still not secured representation of the one board that would make a real difference: TANAPA. TCT's favoured approach is dialogue and it is willing to compromise if that will move the sector forwards.

In common with all business associations in Tanzania, TCT still struggles for resources, which it recognises as a weakness. It is currently receiving institutional funding from BEST-AC in an effort to help it become more sustainable.

My findings are echoed by Anderson *et al.* (2017) who confirm that TCT has had some success and suggest that the key factors contributing to that success include good relationships built on trust, respect and transparency, cooperation with other stakeholders, open dialogue and productivity in implementation.

In summary, TCT has had a reasonably short life, yet has achieved a great deal. It has formalised its relationship with government. It now has excellent access, both directly and indirectly. It is good at framing issues in a way that makes it easy for the government to agree. Finally, it appears to be beginning to have some success in influencing policy as well, though on the big issues of policy and strategy there is still some way to go.

Chapter 6.Tanzania Horticulture Association: continuous improvement

6.1 Introduction

Tanzania Horticultural Association (TAHA) represents horticultural farmers most of whom are located in the north of Tanzania. TAHA has been chosen as a case study for five reasons. Firstly, horticulture is important to the economy of Tanzania and is a big earner of foreign exchange, so the success of the sector is important to the government. Secondly, it is held up by donors and BEST-Dialogue as an exemplar of a successful business membership organisation (BMO). Thirdly, it is located in Arusha, in northern Tanzania, rather than in the commercial capital, Dar es Salaam, or the political capital, Dodoma, yet still seems able to influence policy. Fourthly, it has taken an approach to advocacy that is probably the most strategic of all the BMOs reviewed in that it has recruited a team to staff its advocacy activities, has thought carefully about the skills and experience required, has thought clearly about how it, and its members, engage with policy makers and journalists to educate as well as influence. Fifthly, it has the most resources, yet argues that resources are not essential for effective advocacy.

TAHA is one of several agricultural business associations; others prominent in the sector are the Agricultural Council of Tanzania (ACT), which is the apex body, and the Agricultural Non-State Actors' Forum (ANSAF), but there are also many commodity associations. It has no formal relationship with government but has developed a close relationship with the Ministry of Agriculture, not least by cultivating junior members of staff and working with them as they progress through the hierarchy.

This case study highlights the work of TAHA during the period 2011 to 2015 as it learned how best to influence public policy. It takes an insider approach, though is not afraid to seek media coverage. It primarily seeks to refine and reform policy rather than to avert or abolish policy, described by Beyers (2008) as a particularistic strategy. Increasingly it does this by splitting issues into two – an immediate problem, framed in such a way that it makes it difficult for policy makers to object, and a more contentious problem, to be solved in the longer term – so that it can secure some short-term relief whilst it makes the case for more substantive reform. The case study also shows how TAHA focuses its attention on officials rather than politicians and thus gears its evidence and narrative to meet their requirements (Knaggård 2015).

This chapter provides a brief background, followed by a description of TAHA and its activities in the period up to 2012 and then a description of the more strategic approach taken from 2012 onwards. It concludes with an assessment of TAHA's competences.

6.2 Background

In Tanzania, agriculture accounts for around 25 per cent of GDP (with main crops including coffee, sisal, tea, cotton, pyrethrum, cashew and cloves) and 75 per cent of employment (World Bank 2015). Agriculture accounts for 50 per cent of exports, including two of Tanzania's top three exports of gold, coffee and cashew. Kelsall (2013) sees the horticulture sub-sector as small but with big potential. In 2004, total horticultural exports were just $64m; by 2015 they had risen to $500m (*Citizen* 2016), contributing 38 per cent of agricultural exports (Ihucha 2015b), and growing at around 11 per cent per year. Tanzania's main agricultural sectors have, to a large extent, been captured by "patronage, cronyism and rent-seeking" (Cooksey 2011a: s59), but horticulture has largely escaped state institutions seeking control (correspondence Cooksey 2015). Given its contribution to the economy, its ability to earn foreign exchange and its tax contribution, one might expect the government to listen to its representatives and, indeed, Sen (2015) sees the sector as having an open relationship with the state.

TAHA was launched in 2004, largely by Dutch expatriate horticulturalists who dominated the flower sector and with funding from the Government of the Netherlands (Cooksey 2011b). Its focus initially was on helping companies locally, with issues like land ownership, registration of inputs (such as seed, fertiliser and pesticide) and fiscal regimes – it secured representation on the Arumeru District Development Council in 2009 (Cooksey 2011b) – and providing services to help its members – it created TAHA Fresh Handling in 2007 (Cooksey & Kelsall 2011). The sector suffered following the global credit crisis in 2008 with many small flower and seed companies becoming bankrupt and a 15 per cent decline in flower sales. TAHA responded by trying to help firms overcome difficult economic conditions including, for example, persuading the Tanzania Investment Board to reschedule loan repayments (Cooksey 2011b). Its advocacy at this time focused on activities such as attempting to reduce the costs of freight and eliminating multiple testing of chemicals.

The current CEO, Jacqueline Mkindi, was appointed in 2005 and found an association with six staff and just 26 members. Mkindi aimed to expand and diversify the membership

and by 2016, it had grown to 727 members (including groups of small-scale farmers), representing about 25 per cent of the horticultural sector by value. It has three categories of members – commercial large-scale horticulturalists (producers, exporters, processors), associates (mainly small farmers and farmer co-operatives) and allied members (service providers such as suppliers of fertiliser). Mkindi recognised, however, that having foreign investors and expatriate farmers had conferred some advantages, in that they were more focused on advocating policy reform and better able to support TAHA to develop coherent and persuasive positions.

TAHA has good relations with the Ministry of Agriculture. It is represented on several government committees. It appears also to be successful in its advocacy, though this could simply reflect a convergence of interests (Woll 2007). Mkindi (int. 2011b) explains that 'advocacy and lobbying' is the number one reason for TAHA's existence. Mkindi sees 'advocacy' as everything that TAHA does to influence policy and 'lobbying' as face to face interaction. TAHA advocates both on its own and in partnership with the Agricultural Council of Tanzania and others depending on the issue. Most of TAHA's advocacy efforts have focussed on relatively technical issues and it does appear to have been successful in securing reforms on those issues. It has not, on the whole, secured reform where the issue has been rather more contentious, such as biological control agents. On taxation, it has had mixed success.

TAHA Fresh Handling is a logistics and transport business which now turns over $3m *per annum* and, in 2014, made a profit of $100,000. Many BMOs attempt to offer services as a way of supplementing their income and encouraging businesses to become members. However, no other BMO in Tanzania has succeeded with a service offer in the way that TAHA has. The impression from visiting TAHA, however, is that they still see advocacy as a key reason for their existence.

In 2017, TAHA had 70 directly employed staff – including an advocacy manager (originally funded by BEST-AC) and a policy officer and had the funding to recruit a policy analyst as well – and utilises a further 90 indirectly employed staff. Either through its advocacy or its services, it supported more than 40,000 farmers in the four years to 2016. With the encouragement of the Government of Tanzania, through the Small Industries Development Organisation, which gives $1m a year, and development partners,

especially USAID, currently also giving $1m per annum, it has grown from one office in Arusha to having offices also in Dar, Mbeya, Morogoro, Iringa and Zanzibar.

One consequence of their success is that they have become a 'donor darling' (an organisation receiving a disproportionate level of interest from donors: see http://iga.fyi/ddarling), making it easier to raise more money from donors. However, they are held up by other BMOs, by donors and by BEST-AC as an exemplar (Kelsall 2013, TPSF 2016). However, it has not always been like this and TAHA had to work hard for its success.

6.3 The foundation: a focus on the detail 2010-2012

Mkindi claims that when she joined TAHA, the relationship with government was at rock bottom, as a consequence of the organisation being weak and lacking credibility, and that she had to work hard to build what she described as an excellent relationship with government (int. 2011a). It may be that there simply was not a relationship, because TAHA's focus was elsewhere. However, in 2009, the Board clearly decided that TAHA needed to do more to lobby government; it successfully argued that there was no need for the Tropical Pesticides Research Institute to test chemicals that had already been registered for agricultural use by the UN Food and Agriculture Organisation (Cooksey 2011). Mkindi recognised that TAHA could do much more to influence the government and that this needed to start by engaging more regularly.

By 2011, Mkindi perceived that TAHA had built a positive relationship with the Ministry of Agriculture and had created a feeling of mutual trust (int. 2011b). She explained that she developed relationships with people in all the appropriate Ministries, but especially focussed on the Ministry of Agriculture from the Minister down to desk officers. This reflects the assertion of Baumgartner *et al.* (2009) that developing a relationship with named individuals makes a difference. She knew the Permanent Secretary well enough to secure a meeting whenever she needed one – but recognised the importance of working with desk officers as well, rather than always going straight to the top. Indeed, Mkindi and her team worked to develop and maintain relationships with people whom they could regard as champions within the Ministries and in the Prime Minister's office. TAHA kept these champions informed – through sending them monthly newsletters, letting them know when they were seeking to achieve particular objectives, through occasional face

to face meetings and inviting them to events. They also asked for their advice when doing research or formulating policy.

Unlike the Tourism Confederation, TAHA does not have a formal dialogue mechanism with the Ministry of Agriculture, though the champions meant that it was largely unnecessary. The Ministry of Agriculture did set up the Horticultural Development Council of Tanzania (HODECT) in 2008 to provide a forum for a more formal dialogue. Mkindi suggested that it had not been effective because it did not receive the revenue promised by the Ministry of Agriculture and the Ministry of Industry & Trade (int. Mkindi 2012). It was instrumental in pulling together the sector to agree a horticultural development strategy (HODECT 2010) though it no longer exists.

The Ministry of Agriculture reported that it worked closely with TAHA, especially on tax issues (int. Mibavu 2011) and that frequently the Ministry agreed with TAHA's (and ACT's) positions and then together lobbied other parts of government (int. Mibavu 2011). In addition to these direct relationships with key staff in the Ministry of Agriculture, Mkindi explained that she had been appointed to several government committees, though these appeared to be concerned with mainly technical issues, including dealing with the way in which regulation is implemented. However, committee membership gave Mkindi an opportunity to expand her networks and to make the case for further reforms.

The starting point for policy reform is to frame issues simply and in such a way that the solution appears obvious. TAHA has been good at framing issues as public problems and could be regarded as one of Knaggård's (2015) problem brokers, in that they have put issues on the agenda, despite the perception of Kimball *et al.* (2012) this can be hard. Often, they have been able to influence government to address the issue as well. In 2010, for example, the government unexpectedly imposed value added tax (VAT) on air freight, making goods sent by air less competitive. Most exporters are supposedly able to recover the VAT, but Kelsall (2013) described it as a long and futile task and suggested that bureaucracy such as this added 20 per cent to the cost of doing business. The Tanzania Revenue Authority confirmed that VAT rebates to most businesses were delayed because of their own cash flow problems (int. Maganga 2014). The argument, then, is not really about competitiveness, but about bureaucracy and the need to charge VAT and then secure a rebate at a later date, meaning that the government actually gains no revenue. TAHA, working with ACT, within three months, persuaded the government to waive it

again (int. Mkindi 2011a). It was too late however to save the air freight service from Kilimanjaro International Airport which had been withdrawn when the farmers switched to road transport to Nairobi's international airport.

Many BMOs seem to forget that some issues extend across more than one sector and so lobby by themselves. TAHA recognises the strength of working with others on those broader issues. It continued to work with ACT, therefore, when the government also imposed VAT on 'deemed capital goods'. The government position was that if a capital good (such as a greenhouse) or a deemed capital good (such as the plastic sheeting to make a greenhouse) was imported there was an exemption from VAT. The government changed this arrangement to impose VAT on deemed capital goods. Again, for VAT registered businesses, this would not be a problem, except that securing rebates took too long. The Government agreed once again to exempt deemed capital goods from VAT as a result of the action by TAHA and ACT (int. Mkindi 2011a). A report commissioned by the Kingdom of the Netherlands, say that TAHA "played a crucial role" in securing this reform (Match Maker Associates 2017: 23).

TAHA recognises that much of the regulation imposed on the sector is intended to reassure that the produce is safe to eat. It is as keen, therefore, as the government to ensure that the sector is regulated and that agreed standards are upheld, but it is equally keen to ensure that the regulation is effective. An issue related to zoosanitary and phytosanitary standards arose when members started complaining about the government inspectors. Their role was to uphold the standards at the farm level but the farmers described the inspectors' approach as one of looking at fields, giving the impression of not knowing what they were doing and wasting the farmers' time. TAHA discovered that the inspectors did not have an operations' manual, discussed this with the Ministry of Agriculture, drafted a manual, then persuaded the Ministry that farm produce should be inspected only once, rather than several times, and then persuaded them to endorse and implement the manual (int. Mkindi 2011a). This shows how TAHA was able to influence the Ministry to ensure that it performed its inspection role professionally but also reduced the burden on farmers by reducing the number of inspections.

Another issue of standards arose in 2011, this time in relation to phytosanitary certification. It demonstrates the importance of a business association working to understand the issue as well as being another good example of TAHA lobbying

successfully on a technical issue. Farmers complained that the UK had suddenly stopped the import of flowers but seemingly did not know why. Mkindi eventually telephoned the UK Department for Environment, Food & Rural Affairs and discovered that Tanzania's phytosanitary certification did not comply with international requirements. TAHA was able to frame the issue as a need for rigour and improvement. TAHA worked with the Ministry of Agriculture, reviewed the requirements, identified some areas where the certification was inadequate and proposed revised certification in line with international standards. This was adopted by the government and exports to the UK resumed (int. Mkindi 2011b).

Both these cases are examples of TAHA influencing on narrow technical issues (Michalowitz 2007). The issues are unlikely to be contentious and, as Woll (2007) would argue, the government would be as keen as the BMO to resolve it since they would also have been losing revenue. Nevertheless, they are examples of TAHA both working closely with the Ministry and being able to influence their approach to regulation.

As TAHA gained confidence, it started to lobby on issues that some may see as more contentious. Starting in 2010, TAHA tried to influence government policy in relation to the use of biological control agents. Essentially these provide a substitute for pesticides, using insects to control insects, resulting in less harmful residues. This could be regarded as contentious since there might be objections to the idea of introducing new insects into the environment. The government had clearly been working on this having set up the National Biological Control Programme (NBCP) in 1990 (NBCP 2016). NBCP (2016) explains that the import of biological control agents is guided by the Plant Protection Act 1997 and Regulations, 1998 and that importers need to present a dossier to the Secretary of the Biological Control Agents' Subcommittee. It is however rather more complicated than that, with the need then to go to another committee and then to the Registrar of Pesticides and Biological Control Agents. NBCP claims to have approved 20 agents since 1988, though they only listed eight in their brief, and TAHA claimed that they were not approved for commercial distribution (int. Chamanga 2016). Minutes of meetings in 2012 (MAFC 2012) and 2013 (MAFC 2013) suggested that TAHA was making progress, albeit slowly. It is worth noting that the NBCP brief was only published in 2016, possibly in response to TAHA's lobbying.

Again, TAHA tried to simplify the issue through careful framing. They suggested that the debate was not about accepting the principle of use, which they argued had been settled, but as a simple one of putting in place a system to register these agents. Mkindi (int. 2013) explained, however, it took more than five years of discussions before the Government admitted that a registration system was required. TAHA and the Ministry of Agriculture then worked together, and involved academic and other experts, to design a registration system. The Government then did not convene a meeting of the committee until 2016, although has now done so, and it has approved the first three agents for commercial use.

Mkindi (int. 2011a) described the secret of her success at this time as "leadership and management and being a go-getter". She meant that TAHA was proactive. Being proactive, and being seen to be proactive, is almost certainly helpful when it comes to persuading donors to support TAHA's activities. However, TAHA also put a lot of effort into gathering data and, as Mkindi put it, "doing hard core research", in line with Berry's dictum that "only the facts count" (1997: 99) and that of Newmark & Nownes (2016) that lobbying is about information. She stressed the importance of having a clear understanding of the issue and a mastery of the details but also noted the importance of seeing the bigger picture (int. Mkindi 2011b). She explained that if she went to government without having done her homework, she would not have the facts and figures to back up her position, and thus weaker argumentation. Generally, it appears that TAHA has been able to do this well as evidenced by reforms in phytosanitary certification for example.

TAHA has learned, however, that it is not enough for staff alone to do the lobbying. Policy makers want some reassurance that issues really are issues. In 2011, the Ministry of Agriculture said that it would like to see more business people and more farmers involved in dialogue (int. Mibavu 2011). The implication seemed to be that associations in general, and TAHA in particular, did not consult enough with their own members, so did not know what was happening on the ground and sometimes that their members did not even understand the issues. As will be seen later, TAHA learned from this feedback.

Mkindi also explained how TAHA engages with government and others. She networks widely, aiming to create strategic alliances and partnerships (int. 2011b). As well as ACT, with whom TAHA works closely, they collaborate with the Agricultural Non-State Actors'

Forum, Tanzania Seed Trades' Association, Tanzania Association of Tour Operators and Tanzania Private Sector Foundation. Often TAHA will take the lead on lobbying, but sometimes they follow others such as ACT or TPSF, particularly where the issue is wider than simply horticulture.

Chamanga (correspondence, 2017) explains that TAHA's main area of collaboration is in relation to taxation issues, which cuts across all sectors. They have worked with ACT, TPSF and ANSAF to engage Parliamentary Committees and as well as the President's and Prime Minister's Offices. They aim to use allies' networks to reach out to organisations with whom they have weaker contacts.

When it comes to lobbying, Mkindi stressed that it is necessary "to engage with the whole system and not just with one or two people; to pressurise the government at all levels" (int. 2011b). The point here is that, whilst they may have developed champions who can take up their cause, they also recognise that they need themselves to influence people across Agencies and Ministries. Mkindi is personable and articulate, so well able to do this.

A good tactic in dialogue and advocacy is to raise awareness and understanding amongst stakeholders. Berry (1997) makes the point that interest groups have a role to educate and TAHA does this well. For example, each year they do a programme with the Parliamentary Committee on Agriculture, including taking the MPs on a field trip. TAHA works closely with the media and has worked hard to build good relationships with key journalists. TAHA organises field visits to farms for journalists and offers them awareness raising courses. They never pay 'facilitation' fees – but still get good coverage (int. Mkindi 2011b).

This combination of providing good research evidence, success in policy reform, even on technical issues, being seen to be active not least through the media, and raising awareness raised TAHA's credibility – which Berry (1997) notes as a priority for interest groups – and which then makes it easier to continue to secure access (reflecting Braun's (2012) logic of habitual behaviour).

Until December 2011, Mkindi was responsible for all TAHA's advocacy. However, with financial support from BEST-AC, TAHA was able to appoint Anthony Chamanga as its first policy officer. Consequently, TAHA had someone focused full time on policy and

advocacy, freeing up Mkindi to manage all TAHA's other activities and to seek sponsorship. Chamanga has a background in agricultural economics and then international trade. He worked at the Ministry of Agriculture and is still well networked, to the extent that he could request meetings with the Minister. This also ensured that he received good intelligence, including draft legislation, often before it went to other stakeholders. Mkindi says that recruiting a former official made an enormous difference to TAHA's effectiveness, though she also says that she had to work hard to keep reminding Chamanga that he now worked for the private sector. She wonders why other BMOs do not also recruit people with inside knowledge (int. Mkindi 2012).

Early in 2012, Mkindi broke out of being only on committees concerned with technical issues when she was invited to join the National Permanent Secretaries Committee (driving the so-called Doing Business road map) alongside TPSF and Confederation of Tanzania Industries and thus giving a greater chance to influence policy and the implementation of policy (int. Mkindi 2012).

6.4 Thinking & planning more strategically 2013 - 2015

Several changes occurred around mid-2012. Several mundane but important issues that had been pending for a long time were resolved. TAHA sought reform on more contentious issues, such as reducing the level of produce cess (local tax on agricultural produce) and persuading the government to set up bonded warehouses (int. Mkindi 2012). This appears to be about the time that TAHA reflected on its approach to advocacy, recognising that it was delivering reform on narrow technical issues, but aiming to address broader issues as well, often by carefully reframing issues into two stages. Perhaps not surprisingly, these changes coincided with Chamanga having worked out his role and starting to have an impact. When TAHA appointed him, they gave him a 'to do' list of outstanding issues and anticipated issues (int. Chamanga 2016). Chamanga notes that, whilst government was 'attentive' at this time, it was often also inactive. Chamanga had the luxury of being able to analyse the issues and then to develop ways to resolve them. His experience in the Ministry helped him to understand the issues and to identify the key people to lobby and often the arguments to be used to secure a change in view. Two issues, on cut flowers and on packaging, for example, were each resolved in just one meeting.

In all its lobbying, TAHA has focused on providing evidence. Mkindi claimed that the Ministry staff appreciated the evidence that TAHA provided. She says that, initially, the Ministry thought that TAHA was "making a lot of noise for big guys" which, given Tanzania's history, is not always effective. However, they came to realise that TAHA was working on behalf of whole sector (int. 2014) – and most of the sector is small indigenous farmers. This is confirmed by the Ministry of Agriculture (int. Mibavu 2011, int. Msambachi *et al.* 2013). Mibavu (int. 2011) explained that the Ministry often agreed with TAHA and that they then lobbied together. He cited occasions when, for example, they had lobbied together on road tax for tractors not used on public roads and on crop cess. As TAHA grows, and delivers more services and support to farmers, the government can see TAHA bringing in resources from elsewhere that are intended to develop the sector in line with government policy. The Ministry of Agriculture had, for example, signed a memorandum of understanding with TAHA to work together on post-harvest losses (int. Msambachi *et al.* 2013). Mkindi claimed that the Director of Policy & Planning (appointed in mid-2014) was later asking TAHA for more ideas on what could be done (int. 2014).

TAHA not only works closely with government but also aims to ensure that they are recognised for what they do. Kelvin Remen, TAHA's assistant advocacy officer, notes that other BMOs "wonder why we say our first partner is the government" (int. 2015). He explained that TAHA has not only established a very close relationship with government but also gave them credit. He explained: "the government respects us; we don't work like an activist group, criticising the government; we try to address issues diplomatically and credit them for the forums they have given us and the progress." TAHA claims to be "very good at using the network" (int. Mkindi & Chamanga 2013). Chamanga goes on to say that often TAHA has government departments "on our side" (ibid.). For example, if TAHA is going to lobby the Tanzania Bureau of Standards, it ensures that it has first informed its champions at the Ministry of Trade and Ministry of Agriculture.

TAHA also became more proactive in areas where once they might have taken their time, such as finding new champions in the Ministry of Agriculture after staff changes. Away from advocacy, TAHA also aimed to expand its services to members, with funding from USAID, the EU and the Aga Khan Foundation.

TAHA responded to the question of whether it was involving members effectively by being demonstrably more business oriented and by ensuring that all the issues that they

took to government reflected the needs of the business community: they improved their consultation with members and ensured that they were all briefed on TAHA's policy positions (int. Mkindi 2014). By 2016, TAHA was collecting detail, drafting policy positions, and sending them to their members to check that everything was accurate and reflected their concerns. They build a good story, seek approval from members and then finalise their policy positions before going to government. They send a copy of the final position to members for reference, so that, if they are quizzed by the Ministry, they will all communicate the same message – and the Ministry does send staff out to talk to farmers.

In common with other BMOs, TAHA is not very good at spotting the consequences of changes or proposed changes to legislation. For example, a requirement of the Fertilisers Act, 2009 eventually made it more difficult for farmers to use specialist fertiliser, often specified by European buyers, with the threat of the loss of their contract if they did not comply. Nothing happened with passing of the Act (int. Chamanga 2016) but the Government then approved the Fertiliser Regulations in 2011 (URT 2011d) and created the Tanzania Fertiliser Regulatory Authority in 2012. Before the law changed, many of these fertilisers were easily available, but the Act required all fertilisers to be registered (or re-registered) and the process was slow. Whilst the fee was a modest $50, there was a requirement for three seasons of trials at a rough cost of $10,000 per season. It was simply not economic for the input suppliers to register many of these fertilisers as the demand was low. TAHA tested a two-step approach: to provide relief to the problem in the short term and to agree a longer-term solution. It started lobbying the Government early in 2013. Mkindi wrote to the Ministry of Agriculture and thought that the best outcome might be that the Permanent Secretary would invite them to Dar to discuss the issue – but instead the he visited TAHA in Arusha with a team of four officials (int. Mkindi 2013). In October 2013, the government acceded to TAHA's first step and agreed a fast track registration process whereby some 75 fertilisers that had been tested and proven elsewhere could be registered in Tanzania without further trials. This was expected to have considerable impact – not just the 75 x $30,000 but the increase in yield or quality and thus in incomes from using the different fertiliser. In the second step, the Government agreed to review the legislation – and, in 2016, finally agreed to amend the Regulations, which reduced although did not eliminate the cost of registration (int. Chamanga 2016). The amendments were finally published in 2017 as the Fertiliser

(Amendments) Regulations 2017 (URT 2017a). TAHA's lobbying over six years demonstrated both their patience and persistence in seeking policy reform.

TAHA has now adopted this two-step approach for much of its advocacy. In the first step, it looks for an immediate though temporary solution through a waiver or derogation, designed to reduce conflict and solve a narrow but immediate problem. This is generally a technical solution. Mkindi says that she tries to convey a sense of urgency and the likely loss to members (and by implication) to government if it delays, which possibly explains why the government is willing, at least on occasion, to agree to the short-term solution. In other words, the issue is framed as urgent and one which causes problems for both private sector and government alike (int. Mkindi 2014). In the second step, intended to provide a longer lasting solution, recognising that the issue might be more contentious, they take a more directional approach, including proposing that legislation is reviewed, though still do not argue against the fundamental principle of the legislation. The issue is framed as a problem for both private sector and government and on which the two need to work in partnership to develop a solution.

In 2013, TAHA determined to use this approach for an issue with pesticides. As with fertilisers, many international markets specify the pesticides to be used but pesticides also require government approval – and many pesticides in common use elsewhere (with approval from their governments and WHO) had not been approved in Tanzania. Testing and registration cost up to $10,000, but there was a further issue: the approvals committee rarely met because the government had no money to convene meetings. One farmer conducted three years of trials and had the necessary data, but the committee would not sit, so he could not secure approval. Consequently, TAHA sought a streamlining of the pesticide regulation processes and protocol as well.

Growing success gave TAHA the confidence and willingness to work across borders. For example, in 2012, the Government of Kenya introduced a levy of KES4 per kilo on all fruit and vegetables imported into Kenya, irrespective of whether Kenya was the final destination. An agreement between traders and farmers resulted in this being split equally – though in reality the farmers bore the cost because the price goes down. TAHA worked with GoT and GoK which resulted in GoK agreeing to abolish this levy in 2013. More than 80 per cent of fruit and vegetable exports went via Jomo Kenyatta International Airport (in Nairobi) so this was important. TAHA estimated this at about 25 tonnes per

day. Assuming a six day week and KES2/kg, this saved about $200,000 which went back into farmers' incomes (int. Mkindi & Chamanga 2013).

When asked in 2013 to pinpoint reasons for TAHA's success, Mkindi simply reiterated what she had said previously: they "do their homework" and "ensure that we have sound evidence" saying that if they "have a weak case or poor evidence, it will backfire" (int. 2013). They improved their lobbying, however, saying that when they went to government, they always took members as well as staff so that the members could describe their experiences at first hand.

Mkindi argued that they had built a good brand as evidenced by the fact that they were trusted and consulted by government. The Ministry of Agriculture confirmed this view and reported that they perceived TAHA to be a "strong organisation" and that they worked together (int. Msambachi *et al.* 2013).

TAHA aims to understand the viewpoint of other stakeholders. Chamanga (correspondence 2017) says that TAHA has not experienced objections from other interest groups but have had cases where a government institution objected to their position. He cites the case of fertiliser registration, where the Tanzania Fertiliser Regulatory Authority (TFRA) objected to their position, while the Prime Minister's Office supported their position.

TAHA is well resourced, as a result of raising funds from donors and building its commercial activity. There is a mixed view in the literature on the importance of resources (Mahoney 2008), though BMOs do need some resource. Mkindi explained that, whilst financial resources were not the whole picture, clearly they made a difference, for example, to bring together a group of experts to talk about biological control mechanisms or a group of MPs.

Mkindi repeated her point that TAHA does not just engage with one body but "across the system". That is, they aimed to bring on board the civil servants in any Ministry that might have a view and the Parliamentary Committees as well as the Ministers (int. 2013). Evidence of TAHA's ability to build relationships, but also of their luck, came in early 2014. Staff changes at the Ministry of Agriculture including the retirement of Mohamed Muya, the Permanent Secretary, and of Geoffrey Kirenga, a director who had been helpful to several BMOs, as well as of two other key directors, interrupted the

relationship. Chamanga explained that the new people did not understand so well what TAHA was trying to do (int. Chamanga 2014). TAHA had to work hard to rebuild the relationship and encouraged two new directors to visit. This resulted, in 2014, in the new director for Crop Development, Twahir Nzalawahe, and the new director for Policy & Planning, Nkurulilwa Simkanga, coming to TAHA. The luck came about in that Simkanga had been Chamanga's first supervisor when he joined the Ministry of Agriculture. Chamanga reported that both seemed impressed by TAHA. To some extent, however, TAHA creates its own luck. It was not simply coincidence that TAHA appointed as its first advocacy manager someone who had worked in the Ministry. TAHA deliberately seeks out junior members of staff to become champions so that, as they rise through the ranks, they can become more influential on TAHA's behalf. A consequence of impressing the two directors, according to Chamanga, was that the new Permanent Secretary seemed also to be increasingly on side. He suggested that "the relationship has resumed" (int 2014).

In addition to their success with the Fertiliser Regulations, TAHA secured an amendment to the Seeds Regulations 2007, meaning that new vegetable seeds will no longer need to undergo trials for two seasons and can instead by authorised on the basis of distinctness, uniformity and stability (DUS) testing either by the Tanzania Official Seed Certification Institute or a recognised authority outside Tanzania, confirmed in the Seeds (Amendments) Regulations 2017 (URT 2017b). TAHA also brought to a successful conclusion its efforts to secure a reduction in crop cess. In this case it worked with ACT, ANSAF and TPSF and secured an amendment to the Local Government Finance Act 1982, reducing cess from five per cent to two per cent for food crops and from five per cent to three per cent for cash crops (see Finance Act 2017 (URT 2017c)).

6.5 Conclusion

The overall impression of TAHA is of an organisation that is highly competent – see Table 12, though it was not always so. Mkindi had completed an MBA (int. Mkindi 2011) but developed her skill set and gained experience in dialogue and advocacy during the period of the research. She worked, too, to develop TAHA. It has become much more competent. It has learnt the importance of offering selective benefits. Of the four cases, TAHA is the one that comes closest to resembling the ideal described by Doner and Schneider (2000) with high membership density and effective selective benefits. It has

also become effective at advocacy and securing policy reforms. Whilst there may be a degree of 'trumpet blowing' by the CEO, there is evidence too that Mkindi has been a driving force in developing all aspects of TAHA's work. She has, in particular, developed TAHA's ability as an advocate and has put in place a team to ensure that continues to happen.

Table 12: Summary of TAHA's competences

Competence	Evidence
Analysis	Good analytical skills (though this is possibly part of understanding).
Alliances	Able to create strategic alliances and partnerships (which is more than simply collaboration).
Argumentation	Has developed its ability to prepare well-argued positions, which are often quite technical (for example, relating to VAT on deemed capital goods or on streamlining the protocols for regulation of pesticides).
Business oriented	Keeps close to business community; ensure that issues that they take to government reflect needs of business community.
Champions	(See relationships).
Collaboration	Initially largely worked on own but recognised need to work closely with other associations, including ACT, but also with MDAs; seeks to co-operate in range of ways, including public private partnership.
Communications	Originally did not seek media exposure. Now, keeps contacts in government well informed with monthly bulletin; runs field trips for journalists; gets to know key journalists; seeks regular media coverage to keep in eye of members and policy makers
Detail	Masters the detail, does its homework, gathers the facts and figures to evidence its position; prepares policy position; shares drafts with members to ensure that everything is accurate and reflects their concerns.
Dialogue	Has increasingly recognised the importance of dialogue and is now involved in many committees including several technical committees, such as the National Technical Committee of the Sanitary and Phytosanitary Committee.
Engagement	Has learnt the necessity to engage the whole system; pressurises the government at all levels.
Evidence	Puts effort into gathering data and "doing hard core research" and then building a good story which is approved by the members.
Framing	Is able to frame issues (and is able to reframe issues to offer two steps) in a way that makes it easy for government to respond positively, as with fertiliser and then with pesticide.
Governance	Sees this as making a difference and that strong governance guides the policy direction.
Leadership	Seen by the CEO to be one of the secrets of success; TAHA argues that it is up to private sector to "take the lead".
Media	Work closely with the media; offers field visits for the media.
Learning & development	Learns from experiments eg field visits for journalists and then Parliamentarians; eg recognising need to ensure all members are aware of all policy positions; eg developing its two step process for lobbying
Members	Originally did not involve members enough but now involves members in preparation of policy positions and in lobbying government.
Narrative	The natural follow on from good evidence is a good story with a compelling argument; ensure that members all know the story as well.
Networking	Widely, with other BMOs, with MDAs and others.
Persistence	Keeps pressing, until agreement to change is actually implemented.
Realism	Recognise cannot always overturn policy imperative so aim to minimise burden on business.
Relationships	Has made considerable effort to develop and maintain relationships with both senior civil servants and Ministers; have cultivated champions within the Ministry of Agriculture and the Prime Minister's Office so that they have people fighting their corner within the Ministries; stay close to people in the Ministry and aim to support as much as possible.
Resources	Well-resourced; notes the importance of being able to go to meetings at short notice; aiming to set up branch offices in order to cover the country.

Tactics	Employ a wide range of tactics; in particular, now take two track approach in which aim for quick solution to immediate problem and then longer-term policy review.
Trust	Explains that has worked hard to build trust with the government.
Understanding	Says that important to understand the issue (vide their work to understand the problem with phytosanitary certification).
Urgency	Aims to "convey a sense of urgency and the likely loss to members and by implication to government if government delays".

Heilman and Lucas (1997) say that it is difficult to find cases where business associations have clearly influenced government. TAHA has clearly put issues on the agenda – often through careful framing – reflecting the dictum of turning problems into issues (Berry 1997). It appears also that TAHA has influenced the way that policy has been implemented but has been less successful in changing formal government policies. The interest group literature suggests that the ability to provide appropriate and valued data, knowledge, expertise and opinions is critical in securing access to policy makers (Walker 1983, Streeck & Schmitter 1985, Maloney *et al.* 1994, Bouwen 2004, Dür & Mateo 2012, Beyers & Braun 2014). Policy makers need the policy goods; interest groups need the access and thus a resource exchange exists. It seems that TAHA has recognised that access depends on evidence and sound arguments.

Neither access (Eising 2007) nor success (Mahoney 2007) provides evidence that a business association has influence. A trade association may see a change in public policy that accords with their wishes but which they did not bring about. However, the change to the phytosanitary certification and the reform of the fertiliser legislation provide examples of TAHA putting issues on the agenda which has been followed by a policy change. In the case of the phyto-sanitary certification, they worked closely with the Ministry of Agriculture to change the requirements; in the case of fertilisers, it seems that they contributed significantly even if they were not the only group lobbying for change.

TAHA tends to focus on quite narrow and often rather technical issues, perhaps unlikely to be highly salient to anyone outside the sector, and which do not require a change in the fundamental policy. Beyers (2008) distinguishes between 'particularistic' issues (that are quite technical, usually focused on a narrow sector and which do not conflict with the political objective), 'dividing' issues (that divide business sectors because of different interests) and 'unifying' issues (that are perhaps more political in nature and where the private sector adopts a more cohesive position). Addressing particularistic issues requires what Michalowitz (2007: 136) describes as technical influence; addressing unifying issues requires directional influence, that is, influence that changes the direction of the policy

(Michalowitz 2007). TAHA has been good at influencing the particularistic issues but less good at influencing the unifying issues. Its success on the more contentious issues came about after TAHA learned how to reframe issues into two steps.

Mkindi claims the government is always willing to listen to its ideas in relation to horticulture policy (int. Mkindi & Chamanga 2013). However, it is generally unwilling to act on issues that might be considered more political such as tax and cess, as Mkindi admits (int. Mkindi & Chamanga 2013). This suggests that TAHA is more a problem broker than a policy entrepreneur. Knaggård, (2015) explains that problem brokers frame issues as public problems, that they are more concerned with bringing parties together rather than proposing policy reforms, and thus that they are independent of policy entrepreneurs (though there is no reason why that should be) and that they have access, persistence and credibility. TAHA does both – doing their homework and gathering the evidence, taking members to policy makers to give first hand accounts and taking MPs on field trips.

Knaggård, (2015) further suggests that when interest groups communicate with civil servants they need to be 'knowledge heavy' but that when they talk to politicians, or the public, values and emotions become more important. The implication is that both are important. The knowledge provides the evidence that will persuade the civil servants; the narrative will provide the argument that convinces the politicians. TAHA seems to have recognised this to the extent that they avoid dealing with politicians, "because we know that politicians come and go" (int. Remen 2015). TAHA has generally found it more effective to work through officers, and leave them to persuade the politicians: "we invest a lot in directors in the government and have a list of champions" (int. Remen 2015) reflecting the assertion of Herzberg & Wright (2006) that champions are needed to sustain PPD and that backing the right champions is important. In Tanzania, this is especially important to overcome "hierarchical silos, top-down power houses and lines of command along government ministries, departments and agencies (MDAs) which may impair cross-cutting or inter-ministerial work relations" allied with "weak capacity in the civil service" (Temu 2013: 63). However, TAHA does occasionally organise field trips for MPs to demonstrate the importance of supporting the horticulture sector.

Mkindi perceived that government was changing, was becoming more responsive and was more likely now to listen. However, success, Mkindi explained, requires compelling

policy proposal, partnership (especially with government) and ability to mobilise resources – and "TAHA is good at this" (int. 2014). Whilst a high level of resource may not be necessary, Mkindi explained that it is impossible for BMOs to influence government if they do not have enough capacity in terms of people and resources.

TAHA takes care with building relationships. It is careful about who they engage, how they engage and when they engage (int. Mkindi 2014). When the government does agree to reform, TAHA keeps pressing, until agreement to change is actually implemented (int. 2011), unlike some BMOs who fail to follow up (Lutabingwa & Gray 1997) and then wonder why nothing has changed. This demonstrates the importance of persistence.

TAHA makes a point of learning from its activities. It reflects on its approach to lobbying and changes what it does, as evidenced, for example, by adopting a two-step approach for some issues, by working through champions and alliances and in primarily targeting civil servants rather than politicians. The ability to learn and develop would seem to be an additional and important competence.

To summarise, it seems that TAHA is good at putting issues on the agenda, frames issues both so that they appear to be technical rather than political and so that solutions present themselves, seeks access effectively, raises awareness of issues, builds coalitions for reform and is very persuasive. However, it also seems that it is less influential than it would like to think it is when it comes to addressing political issues. Nevertheless, I concur with Cooksey and Kelsall (2011) that TAHA is one of the most effective BMOs in Tanzania, both in terms of sustaining itself and of delivering much of its policy agenda.

Chapter 7. Kenya Chamber of Mines: Influencing legislation

The Kenya Chamber of Mines (KCM) represents mining companies and companies associated with mining with a high proportion being inward investors. Its creation was encouraged by the Government of Kenya to make it easier for the government to talk to the commercial mining sector. This case study traces their activities as it sought to influence the final shape of a new Mining Act, from its publication as a bill in March 2014 through to Presidential assent and its implementation in May 2016. This is a short period compared to the other cases but was nevertheless long enough for the principal advocate to learn and develop – and then to modify his behaviour. None of the Tanzanian case study BMOs had such an opportunity to influence legislation, which is perhaps the hardest of policy reforms to influence.

The case is interesting for three other reasons. Firstly, it provides an opportunity to compare the work of a BMO in Kenya with those in Tanzania, both countries within the East African Community, but with Kenya having a stronger economy, stronger political processes and a press that seems freer though, according to Freedom House (2017), the press in Kenya and Tanzania have almost exactly the same score. Secondly, it covers a different sector: mining, which currently makes a small contribution to Kenya's GDP. However, the Government is keen that it should contribute much more, so may be expected to collaborate closely with the sector, though Sen (2015) worries about the greater likelihood of corrupt practices and collusion in the extractive industries. Thirdly, issues usually have several, sometimes competing, actors vying for attention. Eising (2016) notes the challenge both of identifying the actors and observing contacts, including informal contacts, between interest groups and policy makers. This case captures at least some of those contacts.

This case demonstrates that KCM did influence the final shape of the legislation and thus makes a key contribution to the literature. It also shows that KCM exhibited many of the characteristics that might be expected of a business association in a developed country, such as taking an insider approach, seeking access in multiple venues and providing information and opinion to government. It highlights several competences exhibited by KCM.

The case first describes the sector and KCM's role in representing it. It then explains the stages through which the Bill progressed and what KCM did as it aimed to influence the legislation. That is followed by perceptions of key stakeholders and then an analysis of KCM's approach. It concludes that, whilst KCM did not achieve all its objectives, it achieved most of the important ones, and argues that this was largely due to one person, who was determined and persistent, working collaboratively with board, members, the Parliamentary Committee on Environment and Natural Resources and Ministry officials.

7.2 Background: Mining & Minerals and KCM

Kenya is not a major mining country though it is believed to have significant and largely unexplored potential. It mines a wide range of products including soda ash, fluorspar, titanium, rare earth minerals, gemstones, manganese, gypsum, and gold.

The government's guiding strategy document, Vision 2030 (GoK 2007), identifies mining as a priority sector. The constitution implemented in 2013 created a stand-alone Ministry of Mining (MoM) in place of a Department of Mines and Geology in the previous Ministry of Environment and Mineral Resources. In early 2014, there were fewer than 20 large scale mining ventures. However, given investment, the sector could grow quickly, potentially contributing three per cent of GDP within four years and 10 per cent by 2030.

Until 2000, miners were represented by the Kenya African Mining Association though its membership comprised solely small-scale miners. Gichuhi (int. 2014) explains that the government was struggling to talk collectively to the mining sector and so encouraged them to create the Kenya Chamber of Mines, to represent the interests of miners, exploration companies and mineral traders. Initially KCM had an office in the Ministry though the organisation quickly moved out (int. Gichuhi 2014).

Formally, KCM sees its purpose to be to "contribute to the creation, maintenance and improvement of a conducive business environment for the successful development and benefit of its members' businesses and of the mineral industry in Kenya as a whole" (www.kenyachambermines.com), so its *raison d'être* is influencing public policy.

In 2014, KCM had some 213 members including 12 exploration companies (of which the best known is probably African Barrick Gold, now known as Acacia) and 31 mining companies (including Base Titanium). Its income was about USD 190,000 of which subscriptions contributed around 25 per cent, with the balance from member donations

and contributions for specific projects, the DANIDA funded Business Advocacy Fund (BAF) and the African Development Bank. In addition to its advocacy activities, KCM provided some services to members. To some extent, BAF assisted KCM to build its sustainability. It funded the post of Policy & Research Manager filled by Stephen Mwakesi whilst KCM built subscription income; he joined a CEO and administrator to form a team of just three. Mwakesi is a lawyer by profession (int. Mwakesi 2014a) and an excellent communicator. He was appointed acting CEO when Gichuhi resigned in November 2014, but throughout he led KCM's advocacy on the Mining Bill.

Whilst not a formal objective, KCM states (www.kenyachambermines.com) that it aims to work with others, perhaps recognising that it is too small to do everything itself and to ensure that its interests do not harm the environment or communities. Indeed, on the Mining Bill, it worked with several BMOs including Kenya Private Sector Association (KEPSA), Kenya Association of Manufacturers, the Petroleum Institute of East Africa, the Geological Society of Kenya and Kenya National Chamber of Commerce & Industry. It works with civil society organisations including Kenya National Resources Alliance, CSO Platform for Oil & Gas, Institute for Human Rights & Business and East Africa Tax Justice Network. KCM has a formal dialogue arrangement with the MoM including a regular Ministerial Round Table and, through KEPSA, participates in Ministerial Round Tables with other Ministries. It has been cultivating civil servants. It regarded the Principal Secretary (known as Permanent Secretary before the new Constitution) as a champion, but he moved to the Ministry of Sports, Culture and Arts in August 2014. However, it also had a good relationship with the Commissioner for Mines and Mwakesi had a personal relationship with the Special Adviser to the Cabinet Secretary (int. 2014a).

Until the end of 2013, Government policy on mining was largely tacit with a Mining Act dating from 1940. In 1992, the government initiated a process of review, with UNDP support, and then started again in 2002, with Commonwealth support. In part, issues were addressed by passing additional legislation. With support from BAF, KCM was able in 2009 to secure amendments to the Mining & Minerals Bill. MoM agreed that the existing legislation was too limited, failing to address emerging issues such as environmental concerns, the importance of communities and equitable sharing of benefits, devolution of decision making in line with the new constitution as well as licensing, accountability, efficiency and predictability. All parties recognised that there

was a need for a complete overhaul of the legislation. After some discussion and a number of internal drafts, the Government of Kenya published a draft Mining Bill in June 2013. KCM was invited by MoM to make presentations, both in writing and orally, which they did. Their view was that the draft did not reflect the needs of the sector and they suggested a complete overhaul (int. Mwakesi 2014a).

KCM felt little progress was being made – no changes were made to the draft and nothing was sent to Parliament. KCM met with the Cabinet Secretary in a Ministerial Round Table in February 2014 but felt that he was not sufficiently receptive. As a result, it made a formal request to meet with the President (int. Gichuhi 2014). Before that meeting could take place, the Government published the Mining Bill on 17 March (RoK. NA 2014a). Despite a representative of the MoM apparently telling KCM that they "had taken care of your interests: you're going to love the Bill", KCM had serious reservations because little had changed from the previous version (int. Mwakesi 2014a). However, reform was considered by both KCM and the government to be important: for the government, the legislation would give effect to articles in the Constitution relating to minerals, prospecting, mining, processing, refining etc; for KCM, it would revise legislation that was no longer fit for purpose.

With further support from BAF, KCM was already developing policy positions in response to the 2013 draft and, by chance, a policy position workshop had been arranged for 24 March (which I facilitated), so the timing was propitious. Mwakesi spent the weekend reading the draft and considering responses. The workshop, in which staff and board participated, provided an opportunity to look in detail and debate the potential implications of the Bill. The participants decided to draft an overall critique of the Bill – including detailed recommendations to amend a substantial number of clauses – and to draft four papers each setting out a policy position to address a specific issue in detail.

Given that the Bill could be submitted to Parliament at any time, KCM initially focused all its efforts on the Bill critique – with drafts going backwards and forwards between staff, board, ordinary members and a mentor provided by BAF. In addition, BAF supported Mwakesi to think through and develop a clear advocacy strategy (KCM 2014p).

Figure 3: Timeline

Actions | Consequences

June. Government publishes draft Mining Bill → 2013 → Responses from KCM & others

2014

25/2. Ministerial Round Table → February → 25/2. KCM requests meeting with President

17/3. Government publishes Mining Bill → March
24/3. KCM policy workshop

22/4. First reading of Bill in National Assembly → April → 22/4. Referred to National Assembly Committee on Environment & Natural Resources (ENR)
29/4. KCM meets President

1-3/5. KCM has retreat with ENR → May → President agrees: KCM should work with MOM on joint response; should meet with Cabinet Secretary
6/5. KCM submission to ENR
29/5. KCM/ MOM submission to ENR → 8/5. Commenced review with Principal Secretary
6/6. KCM submission of other issues to ENR → June → 12/5. Met CS to review proposals
18/6. Meet with forum of MPs → 12/5. MOM/ KCM prepare draft
26/6. KCM completes policy positions → 20/5. Met CS to agree proposals
16/7. Second reading moved in National Assembly → July → 17/7. NA/ENR publishes report on consideration of Mining Bill

5/8. Second reading debate concluded → August
8/8. KCM identifies key MPs to influence

September

17/10. NA publishes order paper for 21 Oct → October → 21/10. ENR withdraws order paper
18-20/10. KCM lobbies hard → 21/10. ENR calls special session & invites KCM
24/10. NA publishes order paper for 28 Oct → 21-24/10. ENR redrafts paper of amendments
28/10. Bill debated by Committee of Whole House and approved → November
29/10. Bill given third reading in NA and approved
5/11. KCM lobbies President before assent → 5/11. Speaker of NA sends bill to Senate
5/11. Senate complains & threatens court → December
26/11. Senate first reading & send to committee for Land & Natural Resources (LNR)

2015

January

26/2. KCM submits proposals to Senate LNR → February

March

Abbreviations
CS: Cabinet Secretary
NA: National Assembly
ENR: NA Committee on Environment & Natural Resources
LNR: Senate Committee on Land & Natural Resources

28/4. Senate LNR finalises rec'd amendments → April

Source: Prepared by the author based on interviews and documentation

Figure 3 summarises the timeline, to show actions on the left-hand side and the

consequence (which may be a further action) on the right-hand side. The action started in

February 2014 and carried on until Presidential assent in May 2016. Most of KCM's lobbying activities took place during 2014, whilst the legislation was being considered by the National Assembly, so this provides the focus for the timeline.

The Bill had its first reading in the National Assembly on 22 April and was immediately referred to the Parliamentary Committee on Environment & Natural Resources (ENR) (RoK. NA 2014b: 17-18). Then, on 29 April, KCM met with the President. He listened carefully to KCM's concerns and instructed that MoM should work with KCM to undertake a joint review and to look for compromises and agreement. Much happened quickly thereafter.

Demonstrating their ability to engage, early in May, KCM organised a three day "retreat" with the ENR in Mombasa aimed at setting out and discussing the areas where KCM felt the Bill needed to be amended. The retreat attracted 52 participants including 21 parliamentary members of the Committee. The chairman, Hon. Amina Abdalla, said that "she was elated" to be able to participate in the retreat and thanked KCM "for working closely with the committee" (Nyando 2014: 7). However, she reminded participants that "their principal duty [is] to provide a good law for both Kenya and the investors" (Nyando 2014: 8). She particularly asked KCM to support the legislators with technical information so that they could make informed decisions, in line with the assertion of Bouwen (2004) that legislators often ask interest groups to provide evidence. The outcome of the meeting was agreement on clauses that needed to be well considered including, *inter alia*, reducing the powers of the Cabinet Secretary, removal of hindrances related to the conduct of small scale mining and setting thresholds for mineral agreements. KCM followed this up with a formal submission (KCM 2014i, KCM 2014j).

Then, on 8 May KCM met with the Principal Secretary, the Commissioner for Mines and a consultant from Adam Smith International commissioned by the MoM to review the Bill and make suggestions for amendment. On 12 May, KCM met with the Cabinet Secretary (CS) to review the proposals for amendment and then the 'technical committee' of MoM and KCM, working collaboratively, prepared a draft of a proposal to go to ENR. On 20 May, KCM met once again with the Cabinet Secretary to agree their final submission. They had agreed that the submission would cover all the areas on which they could agree and that each would separately submit additional proposals on the more contentious issues. The Bill, as originally drafted, had 198 clauses and three schedules. KCM and

MoM agreed and proposed 193 amendments to 95 clauses plus one substantial addition (on artisanal mining) and five amendments to all three schedules. There were four proposals made by MOM with which KCM did not agree and four proposals made by KCM that did not secure MoM agreement – but were included in the joint submission. Some proposals were very technical or were about tightening up loose wording (eg, 60 days instead of two months) but some were very detailed (eg the new section on artisanal mining). The KCM/MoM joint submission (KCM 2014k) was sent to ENR on 29 May. Mwakesi (int. 2014c) estimated that they secured agreement on perhaps 80 per cent of the issues. KCM followed this on 6 June with a submission regarding their other issues (KCM 2014m). KCM continued to work on detailed policy positions, which had grown to seven, and completed these by 26 June:

(1) County taxes: there was a concern that counties might seek to impose additional taxes on mining; KCM wanted agreement that nationally imposed royalties would be shared with the counties instead (KCM 2014b).

(2) Free carried interest: GoK was seeking a free 'carried interest' of 10 per cent of the share capital of mining companies (RoK. NA 2014a: 324); effectively they were asking to be given, free, 10 per cent of the shares but KCM argued that many prospects never deliver and that this would make it harder to raise capital and instead proposed a series of amendments which would allow them to share higher dividends in the event that a mine starts to produce (KCM 2014c).

(3) Local equity participation: the draft called for more local participation and that mining companies "offload" 20 per cent of their shares through a local stock exchange within four years of receiving a licence (without defining offload or local) (RoK. NA 2014a: 324); this could make it harder to raise capital and mines often take longer than four years to start generating revenue let alone a profit and Kenya's own listing rules require firms to be profitable before they list. KCM argued for a watering down of the requirement and that it not be imposed until four years after production starts (KCM 2014d).

(4) Mineral agreements and stability agreements: the mineral agreement is effectively a contract between the mining company and the State; KCM was concerned that the provisions seemed one way and gave too much power to the Cabinet Secretary. They proposed that mineral agreements should only apply where there is an investment of

more than $250m and that this should be balanced by a stability agreement (that is, an acceptance that the financial provisions contained in a mineral agreement will not subsequently be changed, for example, by changing the law). (KCM 2014e).

(5) Mineral Rights: the draft legislation gave the CS the power to grant, deny or revoke mineral rights: KCM argued that there should a degree of independence and proposed the establishment of a Mineral Rights Board instead (KCM 2014f).

(6) Repeal of previous legislation and the need for transitional provisions: there were already a number of agreements with mining companies; KCM was concerned that these would all be torn up rather than honoured in the transition to the new legislation. They argued that existing arrangements should continue in force until they expired and then be replaced with agreements under the new legislation (KCM 2014g).

(7) Royalties: the draft allowed the CS to set royalties, more or less, at whim; KCM was concerned about the lack of predictability that this would introduce and argued that maximum rates should be enshrined in the legislation and that actual agreed rates should be included in Mineral Agreements and thus given contractual force (KCM 2014h).

On 18 June, KCM met with a forum of MPs, which helped them to identify people who they regarded as critical to influence. In particular, it induced KCM to conclude that the really critical partner was the Parliamentary Committee.

The second reading of the Bill was moved in the National Assembly on 16 July (RoK. NA 2014c) with the chairman of the ENR already explaining that the committee intended to propose setting up a Mineral Rights Board (ibid. 15). It has been suggested that it is hard to discern influence (Lowery 2013) so it is interesting to note the chairman's remarks: "I want to acknowledge the contribution made to us [...] by the Kenya African Mining Association who highlighted the problems facing the indigenous miners" (ibid. 16). As a result, ENR proposed to add a new section on artisanal miners (largely drafted by KCM and MoM); ENR additionally proposed to add a new section on mineral agreements (ibid. 16) addressing one of KCM's concerns.

On 17 July, ENR published its report on its consideration of the Bill. In it, ENR noted that it had met with KCM and recorded that "the Committee listened to the concerns and fears of the investors in the sector" (RoK. NA. ENR 2014: 3) and it further explained that it "took into consideration these concerns of the investors in a three-day policy retreat"

(ibid.). ENR invited public participation to support its consideration of the Bill and received written and verbal submission. ENR listed the main stakeholders who submitted comments as the Commission on Revenue Allocation, Base Titanium Limited (a KCM member), the Kenyan African Mining Association, the Commission for the Implementation of the Constitution (CIC), Kenyan Investment Authority, KCM, African Barrick Gold Ltd (a KCM member) and Farasi Strategy Advisors Ltd (not a member). This report did not include any proposals for amendment – they came later – but KCM perceived that the language captured the spirit of the joint submission and their proposed amendments (int. Mwakesi 2014c). Certainly, KCM featured more prominently than any other stakeholder: Figure 4 shows the number of times each stakeholder is cited by ENR as making a recommendation. It is worth noting KCM's claim that many of the comments from the CIC were based on concerns shared bilaterally by KCM with the CIC (int. Mwakesi 2014c). The language of the report does suggest a degree of sympathy for KCM's views.

Figure 4: Citations in Report of Departmental Committee
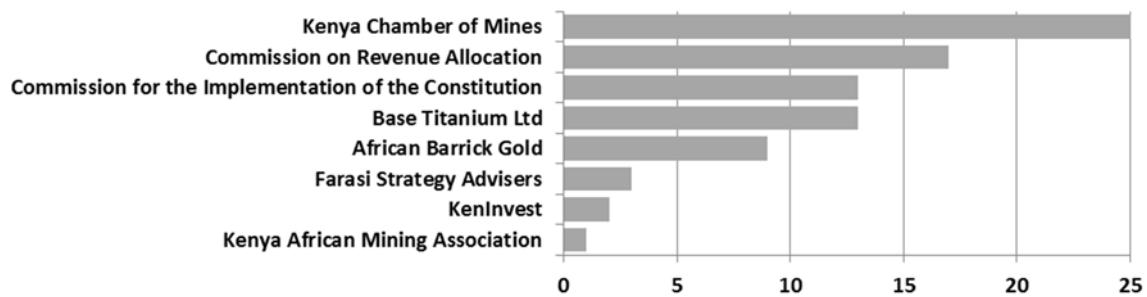
Source: Derived from the Report on the consideration of the mining bill, Departmental Committee on Environment & Natural Resources, Kenya National Assembly

MoM explained that it was lobbied by other stakeholders including communities, county governments and MPs from mining areas as well as the Treasury and Development Partners from countries where some of the mining companies are based though they did not feature in the ENR review.

On 5 August, the second reading debate was concluded with a commitment for amendment (RoK. NA 2014d). KCM was of the view that most MPs had not read the report and that some had not even read the Bill, so the comments in the debate, other than from the ENR, were very general. Some, however, were well briefed and made more pointed contributions. Most of the more informed MPs were part of KCM's target audience and had been well briefed by KCM (int. Mwakesi 2014c). The Chair of ENR

effectively championed the Bill, balancing both KCM and Government interests, and kept it moving through its various Parliamentary stages.

The next step was the Committee Stage, implemented as a 'Committee of the Whole House'. Any MP can propose amendments at the committee stage, though the usual approach is for detailed amendments to be made by the Parliamentary Committee. Generally, however, the agreement of the committee is needed for amendments to be considered. At this stage, ENR had not concluded its proposals, so KCM continued to make proposals for amendments and also sought to lobby individual MPs. During Parliament's summer break, KCM lobbied MPs whom they anticipated would also submit amendments. KCM recognised that it needed to make some effort to bring on-side associations and MPs who saw themselves as representing small scale miners because KCM perceived the small scale miners to think that the Bill would do nothing for them and so would oppose making it easier for large scale miners. About this time, KCM saw a preliminary draft of ENR's proposals and concluded that much had been lifted word for word from their submission to ENR, which they saw as positive (int. Mwakesi 2014d) – and which was helped by the clarity of KCM's proposals.

On 21 October, the National Assembly published a list of the amendments to 76 clauses and one schedule and 29 additional clauses proposed by ENR (RoK. NA 2014e). An MP, not on the committee, proposed amendments to four clauses. This was the first time that KCM had seen the amendments that were actually being proposed, as opposed to drafts. KCM's (2014a) analysis of the original Bill, their proposals and ENR's suggested revisions, showed that ENR had adopted many of their proposals, in some cases word for word (see Table 13).

Table 13: Selected clauses before and after

Clause	Draft	KCM proposal	Revised	Comment
6.	Official maps [...] at a scale of 1:150,000.	To use maps at a scale of 1:50,000.	Adopted.	Small scale, technical change
8. Pre-emption rights	(1) The State has a right of pre-emption of all strategic minerals raised, won or obtained within the territory of Kenya before they are sold. (2) A mineral right holder shall offer for sale to the State any strategic minerals raised, won or obtained within the territory of Kenya. (3) An offer for sale of any strategic minerals under sub-section (2) shall be in writing addressed to the Cabinet Secretary. (4) An offer made under this section shall be valid for sixty days from the date of the offer for sale. (5) The Cabinet Secretary shall table any offer made under sub-section (3) for consideration by Cabinet. (6) The Cabinet Secretary shall communicate the decision by the Cabinet to accept or reject an offer in writing to the mineral right holder.	This clause should be deleted as it goes against the rights bestowed on a holder by virtue of grant of a mineral right. This creates a conflict with Clause 86(2)(c) where the disposal of any mineral recovered stands as a right conferred on a mineral right holder.	(1) The State has a right of pre-emption of all strategic minerals raised, won or obtained within the territory of Kenya before they are sold. (2) The Cabinet Secretary may make Regulations to provide for exploration, mining, processing and export of strategic minerals and strategic mineral deposits.	KCM did not get exactly what they proposed, but the key clauses were deleted with agreement to write regulations after the legislation was enacted.
9. Discovery of minerals	(1) A person who discovers any minerals, for which there is no apparent holder of a Mineral Right or on any area of land which is not held by that person under a Mineral Right that confers rights on the holder to conduct prospecting or mining operations for minerals, shall report the discovery to the Cabinet Secretary.	It is proposed that upon reporting of the discovery, the discoverer is offered the first right of refusal to stake a claim on the mineral by application for a mineral right ADD "(2) Upon reporting of the discovery, the person making the discovery shall be granted the first right of refusal to stake a claim through the acquisition of a mineral right over the area of discovery".	(1) A person who discovers any minerals, for which there is no apparent holder of a Mineral Right or on any area of land which is not held by that person under a Mineral Right that confers rights on the holder to conduct prospecting or mining operations for minerals, shall report the discovery to the Cabinet Secretary. (2) Subject to sub-section (1), a person who reports the discovery of any mineral shall be granted the first right of refusal to apply for a mineral right over the area of discovery.	With minor changes to wording, secured their proposed amendment.
31. Mineral rights	(1) The Cabinet Secretary may grant, deny or revoke a mineral right.	The management of the licensing regime is a vital component in the development of the sector. It is	Inserted: 29A. Mineral Rights Board (1) There is established a Mineral Rights Board. And clause 31 amended:	KCM did not quite move the decision making away from the Cabinet

Clause	Draft	KCM proposal	Revised	Comment
		important to ensure that the process is free, fair and devoid of undue influence which may adversely affect investor confidence in the sector. Clause 31(1) REPLACE clause with the following: (1) There is established a Mineral Rights Committee, hereinafter referred to as The Committee for purposes of overseeing all matters relating to the granting, denial and revocation of a mineral right.	(1) The Cabinet Secretary on the recommendation of the Mineral Rights Board may grant, deny or revoke a mineral right.	Secretary but they did succeed in the creation of a Mineral Rights Board.
47. Local equity participation	(1) The Cabinet Secretary shall prescribe the limits of capital expenditure for the purpose of this section. (2) A mining company whose planned capital expenditure is over the prescribed limit shall, within four years after obtaining a mining licence, offload at least twenty percent of its equity at a local stock exchange. (3) The holder of a Mining Licence may apply, in writing, to the Cabinet Secretary for an extension of the period set out under sub-section (2). (4) The Cabinet Secretary may, after consultation with the National Treasury, extend the period set out in sub-section (2), for reason that the market conditions do not allow for a successful completion of the offering in the local stock exchange.	The Chamber recognises the purpose of the clause as being to encourage local participation in mining activities. However, it goes against the tenets of free enterprise to force a private company to list in a stock exchange. There are more effective mechanisms to encourage companies to list on local stock exchanges [etc]. Clause 47 REPLACE with (1) A mining company shall within four years, offer for acquisition at fair market value, at least twenty percent of the equity in the company to Kenyan citizens through any available and viable mechanism in accordance with the relevant law. (2) The holder of a mining licence may apply, in writing, to the Cabinet Secretary for an extension of the period set out under sub-section (1).	(1) The Cabinet Secretary shall prescribe the limits of capital expenditure for the purpose of this section. (2) A holder of a mining license whose planned capital expenditure exceeds the prescribed amount shall list at least twenty percent of its equity on a local stock exchange within four years after commencement of production. (3) The holder of a mining licence may apply in writing to the Cabinet Secretary to execute an equitable alternative mechanism that will allow the company to meet the requirement set in sub-clause (1) including an extension of time. (4) The Cabinet Secretary, may after consultation with the National Treasury extend the period set out in sub-clause (2) for reasons that the market conditions do not allow for a successful completion of the offering in the local stock exchange.	KCM achieved its objective.

Source: Republic of Kenya. National Assembly (2014a); KCM (2014a); Republic of Kenya (2016)

However, KCM also quickly realised that a number of proposed amendments were likely to be detrimental to the industry (including for example new permit requirements and additional revenue sharing requirements). As a result, KCM spent all weekend lobbying key MPs (int. Mwakesi 2014d) demonstrating their influencing skills. On the morning of 21 October, the chairman of ENR retracted the list of amendments to allow further consultation and called a special session of the committee to which they invited KCM. Following a detailed discussion, ENR agreed that KCM should sit with their legal drafter to redraft some of the amendments.

Out of nine drafting changes presented to ENR, six were adopted and incorporated into the Committee's revised proposals (see Table 13). Despite many of KCM's original amendments being accepted by the Committee, some critical issues (on prospecting rights, mineral agreements, stabilisation and criminal possession) remained. Intensive lobbying over the next days resulted in further amendments with the most significant one being on Mineral Agreements.

Whilst KCM was not entirely happy with all the revised amendments, they felt that it was much improved. The new order for business for 28 Oct for the committee of the whole house was published on 23 Oct (RoK. NA 2014f). Prior to the committee, KCM lobbied some MPs and texted more specifically about Mineral Agreements. Joyce Lay, an opposition MP from a mining area, had been well briefed by KCM and made a number of amendments regarded by KCM as progressive.

In total, 110 amendments were proposed, 84 of which originated from ENR and thus mostly from KCM. Most of the ENR amendments were adopted as proposed while other proposals – perceived by KCM as detrimental – were either defeated on the floor of the house or withdrawn by their proponents. After more than five hours of deliberations, the Mining Bill was agreed by the committee of the whole house and sent to the National Assembly where it passed its third reading on 29 Oct (RoK. NA 2014g). There seems to be some debate about what happened next. It seems that the NA sent the Bill to the President for his assent. Expecting this, KCM (2014h) wrote to the President on 5 November asking for his intervention to amend clauses relating to consents, mineral rights and mineral agreements.

However, the Senate intervened, saying that they should have a chance to debate the Bill. KCM noted that the Executive and the NA often appeared to ignore the Senate, but that this bill was rather emotive and the Senate felt that some elements of this bill were important to the counties. Indeed, the Senate threatened to go to court if they did not get a chance to debate the bill. They were supported in this by the Commission for the Implementation of the Constitution. So, on 19 November, the Speaker of the NA sent the bill to the Senate so that they could review the provisions affecting counties, specifically clauses on revenue sharing and consent from county government (Kenya. Senate 2014).

The Senate Standing Committee on Land and Natural Resources (LNR) started its own hearing – with public submissions – at the end of February 2015. Whilst the Senate is supposed only to look at impacts on the Counties, this provided a further opportunity for KCM to lobby for amendment and they proposed nine further amendments, not solely focused on counties: they included their proposals for amendment that were not adopted by the National Assembly (KCM 2015). The committee received 18 submissions (RoK. Senate. LNR 2015) and recommended several changes, including one of KCM's.

Whilst the stakeholders were engaging in debating the draft legislation, the MOM had, in January 2014, initiated a process to prepare a mining policy, which was expected to some extent to guide the regulatory reform required in the sector. The draft policy was published on the Ministry's website on 23 January and KCM was invited by the Ministry for a consultative forum with the CS on sector issues with the draft policy being central to the discussion. By 30 January, KCM had responded with comments accompanied by a formal letter which requested closer collaboration between them and the Ministry to develop a comprehensive policy framework. The CS responded on 20 February acknowledging KCM's input and expressing the Ministry's willingness to partner with KCM in developing the framework (RoK. MoM 2014a).

BAF supported KCM to engage in dialogue on the policy and legal framework. After several meetings, however, the Ministry seemed more interested in developing the legal framework first and so the policy took a back seat though the draft Bill was largely aligned to the spirit of the draft policy.

The Committee on Land and Natural Resources completed its report by May 2015 (RoK. Senate. LNR. 2015), debated in the Senate on 30 July (RoK. Senate. 2015), voted on 16

September to approve 29 amendments (RoK. Senate 2015b) and then sent it back to the NA on 29 September.

On 22 October, the NA ENR rejected 11 of the Senate's amendments (RoK. NA 2015, RoK. NA. ENR 2015) and so the Bill was sent to be considered by a mediation committee who produced a report (RoK. Parliament 2016), and proposed a final version of the Bill, in March 2016. This then had to be sent back to both Houses for approval.

As the Mining Bill approached finalisation, the Ministry sought to finalise the Mining and Minerals Policy (RoK. MoM 2014b), intended to provide a framework with clear guidance for sustainable mineral resources development. This was approved by the Cabinet on 1 April 2016 (RoK. MoM 2016).

Following approval by the National Assembly and the Senate, the Mining Bill was sent to the President for assent, gazetted on 13 May (RoK 2016) and implemented a few days later. This led to a formal presentation by the President to the CS on 13 June (Nation 2016).

On 28 July 2016, the Ministry published 11 draft Mining Regulations and Guidelines on its official website and on the same day wrote to KCM. The letter invited comments before 2 September. KCM saw this as another opportunity for the mineral industry to secure a business environment consistent with accepted mining practice elsewhere in the world.

KCM still had some issues with the new Act, though it was much better than it might have been if they had not lobbied so hard and so vigilantly. However, the legislation will be followed by more detailed regulations and there is a belief within KCM that those regulations may alleviate some of their concerns. Once the Act has been operational for six months, they will be allowed to start lobbying for amendments should they still consider those necessary.

Positively, however, KCM thinks that they achieved 80 per cent of their proposed changes (int. Mwakesi 2014d). They do not regard what they have done as 'winning', and say that there will be some adverse impact, but they do think that the mining sector can live with what is currently proposed and suggest that it will not decimate the industry (as the bill as originally drafted would have done).

A Ministry view was sought from the Chief Geologist & Acting Commissioner of Mines, Shadrack Kimono, and Director of Mines, Raymond Mutiso (int. 2015). MoM explained that it was expected to engage in a process of public participation to provide all stakeholders a chance to have their say. They organised many workshops. They stated that the Mining Bill had more public participation than any other Bill save the Land Bills. MoM wanted, through the consultation, to understand all stakeholders' viewpoints, to hear proposals for solutions and to seek convergence. MoM was particularly keen to gather evidence to inform the final wording of the legislation and sought to gather it from experience in mining areas and from reference to international best practice. They invited stakeholders to provide evidence though reported that most simply listed issues without offering evidence. MoM observed that mining companies tended to share evidence that supported their arguments, for example from Botswana and Tanzania, rather than from the US, EU and Australia where mining legislation is stricter. However, MoM also commented that KCM members were helpful in sharing evidence on conserving the environment based on best practice in other countries where they mine. MoM said that the process helped them to realise that mining investors are very sensitive to laws and keen to study the legislation closely before they invest.

MoM recognised that there is no perfect law but that it tried to ensure that the Bill responded to the legitimate concerns of key stakeholders: large miners, small scale miners and local communities. They perceived that each party felt that they made major compromises. MoM believed that the resulting Act would encourage investment, because it ensures security of tenure of mineral rights and introduces transparency and predictability (ibid.).

MoM had mixed views on KCM. It described them as "aggressive, confrontational and non-compromising", not always objective and appearing "elitist" and say that the process may have been smoother and "less bumpy" without them (ibid.). However, they did acknowledge that some changes and areas that KCM highlighted may have been overlooked and could not have been changed later. They say that KCM took the lead on behalf of the private sector, ensuring that there was a single message. They describe KCM's chairman as "a good mobiliser and organiser" who "was always a step ahead of the process". For example, he would meet with MoM one day and the next be in

Parliament talking to MPs before MoM could manage to do so and often this would make the difference in what the MPs believed (ibid.). It is noteworthy that MoM described MPs as "activists" reflecting the assessment of Booth *et al.* (2014). They said the KCM chairman "was a strategist". KCM provided intellectual stimulation that forced the Government to think further about some of its proposals: "KCM's involvement brought some balance to the process". MoM perceived that KCM was often suspicious of and objected to their contributions. "However, they would come around and agree" (ibid.). The way in which the wording was changed, however, suggested that in most cases a suitable compromise was agreed.

7.4   The Parliamentary view

A view of KCM was also sought from the Chairman of ENR, Hon. Amina Abdalla (int. 2015). She explained that she avoided interacting with KCM until she had learnt about the mining sector but that they were a good partner with whom to work and she enjoyed working with them. She was broadly complimentary about KCM and its work, noting that the CEO at the start of the lobbying process (Monica Gichuhi) was "broad and fair", though she felt that KCM's chairman had been prone to "spread misinformation". However, she says that generally "KCM was professional, especially when giving general information about the sector; KCM input on the broad issues in the mining sector was very helpful". She notes that working with KCM made "our work easy in terms of public participation" and "reduced the number of stakeholders with which we had to engage".

Abdalla observed a problem in that KCM did not represent many artisan miners, so the committee aimed to engage with them separately. The committee, however, validated issues with other stakeholders and through a mission to learn about how the mining sector is regulated in Australia. It seemed that whenever the committee felt that KCM was basing arguments on 'misinformation', or when they lacked evidential rigour, or when they appeared only to be self-serving, then the arguments were rejected out of hand; but when they had good evidence to support their arguments, they appeared "professional and trustworthy" and their proposals were more acceptable. Overall, the chairman says, "The Committee incorporated over 95 per cent of KCM's amendments on the broad issues. KCM's proposals helped a great deal in developing a good Mining Bill." (ibid.)

Mining was and remains an important and growing sector in Kenya and has the potential to contribute considerable tax revenue and to create many jobs. Indeed, ENR makes the point that "the review of the Mining Sector Policy and legislative reform is driven by the government's recognition of the importance of the mineral sector in national development in line with vision 2030" (RoK. NA. ENR 2014). The challenge, of course, is that too many arms of government – Ministries, Agencies and now Counties – all want to 'dip their hand' in the revenue stream. The mining companies recognise that they are extracting finite resources, so there needs to be an equitable share with the State. They recognise that the local communities also want a stake in the mineral resources. KCM's objective, on behalf of the mining companies, however, was to ensure that they could still make a return on the very large investments required.

Interest groups engaging in public policy advocacy tend to choose between working "inside" government – seeking directly to influence officials and politicians – or "outside" government – essentially through mobilising public opinion (Walker 1991: 103). Walker (1983) suggested that the public sector needs appropriate organisations with which they can consult. As noted in the introduction to this chapter, mining is expected to make a much bigger contribution to GDP and KCM was established at the behest of Government to give it a counterparty with whom to talk, so perhaps it is not surprising that they have good access at all levels from the President down – and almost all their activities were working inside government.

Cirone (2011) argues that it is difficult for groups to lobby across multiple venues unless they have a high level of resources. KCM, with a very small level of resources, was nevertheless able to lobby quite effectively across Parliament and MoM and occasionally the President. In addition, KCM talked to other Ministries and Departments, though in a minimal manner, including the Office of the President, the Treasury, State Law Office, Ministry of Trade and Commerce and Ministry of Industrialisation. However, KCM recognised that it should have spent more time lobbying the Ministries of Energy, Transport and Labour as well.

Despite having large mining companies as members, KCM is under-resourced. This did not affect their access. Indeed, KCM secured excellent access both to the National

Assembly Committee on Environment & Natural Resources and to the Ministry of Mining. However, it did affect their other work. KCM was effectively just Stephen Mwakesi and his board. At one stage, there were so many meetings in a short period of time, and with no additional staff resource, he simply did not have time to complete the policy position papers. The position papers were completed eventually, however, and focused closely on proposals to amend the legislation, and the arguments that supported those proposals. They are commendably short and high on evidence including international comparisons to make the case for change – though could arguably have also covered jurisdictions that did not have regulatory regimes that supported KCM's arguments but which would have painted a broader picture. KCM would have liked the resources to undertake more economic analysis of the key provisions and this would undoubtedly have strengthened the arguments further – and may have ensured that all their proposals were rigorously evidenced. Despite advice from BAF on having their position papers available when speaking to stakeholders, this did not always happen and Mwakesi subsequently stressed the need, when you are called to public hearings by a Parliamentary committee, to go with a written summary (int. 2015).

Mwakesi was clear that he needed to keep track of what Parliament and ENR were doing. As a result, he spent many hours as an observer in Parliament watching debates, listening to arguments and trying to understand how MPs think and how they make proposals. He was surprised that more BMOs do not do this in order to gather intelligence (int. 2015).

Having listened to many of the debates, Mwakesi explained his concern that too many Parliamentarians are expected to take decisions on industries about which they know little or nothing and this perhaps puts the onus on organisations like KCM to ensure that MPs are properly briefed (int. Mwakesi 2015). However, MPs claim to be short of time, so KCM found it difficult to gain enough attention to raise awareness and to brief them. As a result, they used short policy papers and other means such as text messaging. During the lobbying process, KCM members followed the Parliament sessions closely and made contributions to the proposed amendments and devising the advocacy strategy. Their approach was to ensure they undertook sustained engagement where they aimed to educate MPs about the industry and the potential effects of the proposed legislation on the sector.

At every stage in the process, KCM worked hard to understand what precisely was being proposed and aimed to be clear about its objectives. Where it was able to reach agreement on specific clauses, it did so, requiring some compromise. But it did not compromise on the whole bill; instead it reserved its position on the clauses that it did not like and continued to lobby on those separately, recognising that other stakeholders would also continue to lobby on those aspects, probably taking a contrary position to KCM. Mwakesi suggested that the members, through an active board, were very important to their success (int. Mwakesi 2015). He noted that his international members have a much greater eye for detail and a consideration of the possible implications. He said that this was almost certainly due to a difference in culture but said that local members "are beginning to take attention to detail more seriously" though he lamented that many local companies did not participate closely enough. He also noted that international members are much stricter in relation to being ethical.

Mwakesi knew the Government's proposals intimately, as least as well as the Government's own advisers. His view was that associations should not rely on external consultants because they did not have enough focus. He also noted that consultants sometimes have conflicts of interest. He cited for example the same consultant supporting the Ministry, the ENR and the Commission for the Implementation of the Constitution, each of which may have had different objectives. Mirroring the observations of Datta & Jones (2011) that legislators need 'accessible', easy to grasp, evidence that is politically acceptable and tells a compelling story, KCM made use of research and evidence but much of their argument to Parliamentarians was based on "emotion and rationality": Mwakesi says that you "cannot bury Parliament with information" (int. Mwakesi 2015). In keeping with Bouwen's (2004) definition of access goods, it seems that KCM was welcomed by both ENR and MoM because of its expert knowledge and its ability to inform government and legislators about the views of the mining companies.

Empirical evidence suggests that many associations take seriously the building of relationships and seek to cultivate and encourage champions, either officials or MPs who may act on their behalf. Baumgartner *et al.* (2009) commonly found government officials who, far from being neutral, were acting as advocates, often collaborating with others regarded as sharing similar views, and actively lobbying others to adopt a particular position. It does seem that champions – from both the public and private sectors, who

invest in the process and drive it forward – can make a real difference to BMOs' ability to secure change (Herzberg & Wright 2006).

KCM has been clear all along that they have lobbied solely on the strength of their arguments and have not offered any bribes, though they also noted that some organisations are alleged to have offered bribes while trying to influence the government. KCM explained that their lobbying would be subject to external scrutiny and the way in which they achieved influence will be important. So, on this occasion, at least, KCM did not work through champions since they were worried that too much contact with one or two individuals might have raised suspicions amongst their colleagues. Nevertheless, KCM made an effort, and was able, to engage across government: with the President, with the Cabinet Secretary, with the Ministry of Mining, with the Parliamentary Committee and with MPs in general. This was helped by building relationships over many years.

After a shaky start, the engagement with MoM was positive and the Cabinet Secretary engaged KCM in the review process to allow a collaborative view to be presented to the National Assembly. Indeed, it appears that MoM has now also become willing to invite KCM to comment at all stages of development of the regulations – and KCM will be lobbying hard for representation on the Mineral Rights Board and the National Mining Corporation – which will follow the legislation.

It is particularly interesting however to note the game of musical chairs that has taken place since KCM started its lobbying. In Feb 2016, Monica Gichuhi, KCM's former CEO was appointed to be a Policy, Strategy and Institutional Advisor at the MoM. In October 2015, Mwakesi resigned from KCM, leaving it with a board member to act as part time CEO and endangering its relationships. In April 2016, Moses Njiru, a former Commissioner of Mines at MoM was appointed as KCM's new CEO, and he has since worked hard to rebuild relationships and reattract lapsed members. And in May 2016, Mwakesi was appointed as Private Secretary to the Cabinet Secretary, where he sees his role as being to promote a fairness, objectivity and balance in order to achieve a 'win-win' for both public and private sectors. These appointments should make it much easier for KCM to be able to continue influencing MOM and the government in relation of mining policy. However, they also have implications for KCM which has effectively lost all its institutional memory and, indeed, has also lost the expertise and, importantly, the

networks that Mwakesi was able to develop during his tenure at KCM. It is to be hoped that Mwakesi, in his new role at the Ministry, can be something of a resource to KCM, keeping them abreast of future developments and continuing to press their case, now very much from the inside.

7.6   Conclusion

From KCM's work, we can identify a number of competences all of which improved considerably during the period of the research. These are summarised in Table 14. There are two competences worthy of specific mention. Firstly, KCM demonstrated its ability to learn, for example in spotting that observing Parliamentary debates could provide good intelligence and in discovering the importance always of having written summaries. Secondly, KCM improved its ability to match its objectives for any meeting with the stage of the process. Too often, BMOs focus on the ultimate objective of their advocacy rather than on thinking about the specific objectives for a specific meeting. KCM was always focused on its ultimate objectives but recognised that there would be many steps necessary to get there.

Table 14: Summary of KCM's competences

Competence	Evidence
Argumentation	Improved ability to make case, including through preparing detailed critique of Bill but also policy papers on specific issues (to keep issues and arguments separate); argued on the evidence with officials but additionally used 'emotion and rationality' with MPs; ensured proposals are clear and precise.
Champion recruitment	Networks with stakeholders (including a Principal Secretary) though did not use champions in this project.
Collaborative (and coalition building)	Aims to work with complementary BMOs and others; drafted, with MoM, amendment to Bill on behalf of artisanal miners; collaborated with Commission on the Implementation of the Constitution.
Communication	Providing written documents to ENR and others; direct lobbying of MPs; chair was effective communicator.
Engagement & dialogue	Has formal dialogue arrangement with Ministry of Mining; participates in Ministerial Round Tables; invited to comment on 2013 draft of Bill; invited to comment on 2014 draft of Bill; engaged with policy makers across multiple venues.
Intelligence gathering	Originally did little to gather intelligence but found that observing Parliamentary debates to understand how MPs think and identify the key issues was helpful in preparing arguments.
Learning & reflection	For example, learning first hand of the importance of taking written summaries even when making a proposal in person; learning that observing Parliamentary debates can provide good intelligence; learned the importance of keeping short documents for MPs.
Member co-ordination	Several members worked with KCM to provide evidence to ENR; ensured a single message coming from the private sector.
Network development	Reached out to Commission on the Implementation of the Constitution.
Proactive	Was proactive at every stage. Vide lobbying of ENR at every stage
Relationship development	Developed positive relationship with Commissioner for Mines and Personal Adviser to the Cabinet Secretary; three day retreat with ENR

Research capability	Prepared good evidence, including international comparisons, and commended by MoM and ENR for their evidence.
Resource acquisition	KCM recognises that it needs more resources and that it is not funded to a sufficient level by its members but has so far failed to address this challenge.
Strategy & tactics	Being clear about every stage in the process and being clear about the specific objectives to be achieved at that stage; looking several steps ahead.

KCM is somewhat different to the average BMO in Kenya in that it has a relatively small number of members who could afford a higher level of subscription and who understand the need to lobby for public policy reform. Nevertheless, as suggested by the literature, to be effective, business associations need to be competent in their approach, with objective research and evidence that will inform policy makers and with compelling policy positions that will persuade politicians and officials. It is also suggested that legislators need simpler, more accessible evidence and argument. KCM was able to deliver both of these, with arguments for legislators based more on 'emotion and rationality'. Mwakesi grew into the role, recognising what needed to be done in terms of lobbying both Parliamentary Committee and Ministry of Mining. He was able to learn quickly. He was analytical when it came to reviewing government documents. He was very well organised. He kept his members informed and consulted with them regularly.

Mwakesi worked across multiple venues and often allied with MoM to make proposals to ENR (reflecting the belief of Baumgartner *et al.* (2009) that public officials can also be advocates). KCM needed to develop and sustain relationships with ministries, departments and agencies, so that they could adopt an insider approach. It is clear that KCM was very professional in its approach, gathering intelligence, understanding the motives of the MPs, working through MoM and ENR and giving them the ammunition to support amendments once agreed.

Whilst KCM did not achieve all their objectives and compromised in a number of areas, it is clear that they had excellent access and the wording of the final legislation suggests that they were influential. It is not possible to generalise based on one case study, but it is worth noting that whilst KCM recognised the need to compromise on occasion, as anticipated by Chapman and Wameyo 2001) and unlike BMOs in Tanzania, it was not continually seeking consensus. Whilst the complexity of issues often makes it difficult to determine cause and effect (Chapman & Wameyo 2001), there seems little doubt in this case that KCM was the driving force behind many of the amendments – persuading

MoM or ENR or both of the merits of their case and thus ensuring that ENR adopted their proposals so that they then pushed them through the National Assembly.

Ultimately, much of KCM's success is due to Stephen Mwakesi who drove the process from the beginning to the end. The interest group literature rarely looks at the individuals involved but rather focuses on the organisation. He was well supported by his board and members but KCM's success was down to the competence, persistence (a characteristic identified as essential by Baumgartner *et al*. (2009)) and drive of one key individual. His legal training helped him to understand the legal language and parliamentary process. His ability to communicate and articulate a message in a well-spoken manner has been a great plus. The proposals for amendment were very precise, which probably helped. Indeed, the way in which BMOs make their policy proposals is another under-researched area, yet incredibly important. A key lesson for other BMOs is the importance of updating members on progress and regularly seeking their input. Constant updates made KCM members feel part of the process and helped them to understand where and when to contribute.

The legislation will be largely enabling, with technical matters covered in subsequent regulations to be drafted by the Ministry, though they will eventually also need NA approval, so KCM cannot afford to drop its guard. It needs to monitor other developments as well. For example, the National Environmental Management Agency (NEMA) is currently proposing amendments to the Environmental Management Act which might have a detrimental effect on mining.

The biggest challenge for KCM was struggling with gathering enough research and preparing documents. It was somewhat overwhelmed by the process but came through it with Stephen Mwakesi still smiling. He developed enormously throughout this process; he outgrew his mentor and, probably as a result of his experience, now has a job where he can influence public policy even more effectively and where he can now be the champion within the government for the mining sector.

Chapter 8. The Black Box opened

The objective of this thesis has been to assess the competences that business membership organisations require to influence public policy, through asking about their own perceptions of what is important and through reviewing how those competences improved over time. The working assumption is that BMOs can influence policy outcomes. Being seen to be on the 'winning' side does not equal influence; rather the organisation should have played an instrumental role in bringing about a change in public policy. Some scholars argue that interest groups are politically influential to the extent that they succeed in obtaining policies that are more closely aligned with their preference than would have been the case without their participation (Bernhagen *et al*. 2014). Alternatively, Woll (2007) stresses that apparent policy success could simply be the convergence of business and government objectives. However, having similar policy goals does not necessarily mean that actors have the same ideas about how to get there, so advocacy may still be important.

In consolidated democracies, where there are many interest groups active in the policy process, it is not always easy to identify which organisations are influential. In consolidating democracies, with fewer BMOs active, it may be more straightforward to attribute influence. Within this thesis the cases provide considerable evidence that BMOs have witnessed reforms aligned to their preferences. Kenyan and Tanzanian BMOs can put issues on the agenda and influence policy at both the technical and, on occasion, the political levels. The work of the Kenya Chamber of Mines provides the clearest example of influence, and the Tanzania Private Sector Foundation appears to be involved regularly in the policy formulation process and is becoming increasingly proactive.

This chapter draws together the conclusions from the case studies and links them to the core competences (e.g. gathering evidence, preparing positions and arguments, developing relationships, etc.). Its key findings are that BMOs exhibit many of the competences required to influence outcomes. It discusses the importance of dialogue, the key role played by certain individuals, the need to gather intelligence and the need to keep a strategic focus. The chapter starts with a recap of the types of BMO in Tanzania and Kenya and the nature of their approach to policy issues, it then provides a brief

analytical summary of each of the four case studies. The section following discusses Table 5 from Chapter 2, adding examples and evidence from each of the case studies to demonstrate BMO competences. That is followed by a more general discussion which highlights the competences that appear to be most important. The conclusion then draws out the key learning and makes suggestions for further research.

8.2 The cases

The case studies were chosen to provide a cross section of business interest organisations – with one apex organisation, one mixed organisation and two business only bodies.

Tanzania Private Sector Foundation

TPSF is the apex body that brings together all the BMOs in Tanzania, though in fact is more of a mixed membership BMO. It generally operates as an insider and ranges across many Ministries and Agencies. It is well connected both politically and with officials. It is asked frequently to comment on proposals for legislation, often at short notice. It has supported other BMOs (e.g. TCT and TAHA) in gaining access to government officials and has brought together much of the private sector to influence the government's budget. To some extent, it has institutionalised its relationship with government through its participation in the Tanzania National Business Council. It has become a member of policy networks and has worked across all stages of the policy process (described in Chapter 1) with a wide range of public sector target audiences. There is evidence that it has been able to influence public policy, both 'technically' and 'politically'.

Tourism Confederation of Tanzania

TCT is an insider group working closely with the Ministry for Natural Resources and Tourism (with which it has a Memorandum of Understanding) and the Tanzania Tourist Board. It has unified the tourism sector. It claims to take approaches that are sensitive to societal culture and in particular the culture of the policy makers, as evidenced by their desire not to fight publicly. TCT appears to be sensitive to the way that civil servants and politicians come to decisions and aims to work with the grain. It has worked across all stages of the policy process and its target audiences have generally been limited to MNRT and their agencies, though it has targeted the Ministry of Finance in relation to tax issues. TCT's Executive Secretary, Richard Rugimbana has worked for the organisation

since 2003, and this has led to a high level of institutional memory, which has been beneficial. There is some evidence that it has been able to influence public policy.

Tanzania Horticultural Association

TAHA is one of several agricultural business associations. It has built a professional advocacy team and worked closely with other agricultural associations and TPSF. It set up a subsidiary logistics business and is a 'donor darling'; accordingly, it is well-resourced. TAHA is held up by donors and BEST-Dialogue as an exemplar. It has worked across all stages of the policy process. Its key target audience is the Ministry of Agriculture, though it has lobbied other Ministries when necessary. There is evidence that it has been able to influence technical aspects of policy and, more recently, some contentious policy issues. It has been particularly successful in reframing issues, so that an immediate solution to a technical problem can be agreed *pro tem*, and then all parties can take longer to agree a more permanent solution to what may be perceived as a more political problem.

Kenya Chamber of Mines

KCM takes an insider approach and is well connected to the Ministry of Mining. Unlike the other cases, this one focuses on the work of a BMO over a period of two and a half years to influence the Mining Bill as it made its way through both Houses of Parliament. The case study followed KCM's efforts to reform proposals for revised legislation. Whilst it attempted to influence the bill prior to publication, its real work focused on amending the proposed legislation as it made its way through Parliament. KCM targeted a wide range of audiences, including the President, the Ministry, and the Parliament, especially the Parliamentary Committee on Environment and Natural Resources. Arguably, it was successful with several of its proposals included in the final legislation.

Summary

The key observations of the nature of BMOs, but not their competences, are summarised in Table 15. All operate predominantly as insiders despite being different types of BMOs. There are varying degrees of institutional memory and all but one face resource challenges. However, all have been asked regularly to comment on proposals for policy reform and are involved in dialogue. TPSF, TCT and TAHA might be regarded as regular members of policy networks – in the descriptive sense of stakeholders in an issue linking formally or informally (Rhodes 2006). KCM was accepted into a policy network at least

for the duration of the legislation as it proceeded through parliament. As noted earlier, all the case study BMOs appear to have influenced public policy at some point.

Table 15: Key observations from case study BMOs

Tanzania Private Sector Foundation	Tourism Confederation of Tanzania	Tanzania Horticultural Association	Kenya Chamber of Mines
Insider	Insider	Insider	Insider
Committed CEO with determination to do good for Tanzania	Experienced and committed CEO	Experienced, committed and entrepreneurial CEO	Capable and fast-learning policy director (who became Acting CEO)
Some institutional memory through the CEO	High degree of stability & effective institutional memory	High degree of stability & effective institutional memory	No institutional memory
Under-resourced	Under-resourced	Well-resourced	Under-resourced
Invited frequently to consult & to engage in dialogue	Invited to consult and to engage in dialogue	Invited to consult and to engage in dialogue	Invited to consult and to engage in dialogue
'Institutionalised' relationship, through TNBC and bilaterally	MoU with MNRT	No formal arrangement but meets regularly with Ministry of Agriculture	No formal arrangement with Ministry of Mining but meets regularly
Member of several policy networks	Member of MNRT policy network	Member of Min of Ag policy network	Was member of policy network whilst legislation progressed
Has influenced policy across technical and political issues	Has influenced policy, mainly in relation to technical issues	Has influenced policy, mainly in relation to technical issues	Had major influence on final shape of mining legislation

There is a wide range of factors that might lead to policy success including experience, whether the BMO genuinely represents the sector, venue, objectives of reform and stage in the policy process. Beyers and Braun argue that the main factor explaining access is capability to produce policy goods (2014: 93) which they conceptualise as a function of its resources. In short, they argue that more resources enable the supply of higher quality policy goods and this raises the likelihood of securing access. This analysis omits a step however. In most cases, the resources are people and this makes the assumption that the people have the appropriate competence. Drawing from the management literature, as noted in the introduction, Johnson *et al.* (2014) argue that capability is a combination of resources and competences. Beyers and Braun argue that participating in an alliance can overcome lack of resource. Bräutigam *et al.* (2002) have made the same point about the need for alliances, specifically in relation to Africa. However, they also stress the need for BMOs to be competent enough to engage credibly with the state. In Africa, financial resources are required to do research and attend meetings but there is no big expenditure on mobilising public opinion or on paying lobbyists or paying campaign expenses.

Types of interests represented do not seem important either. Most BMOs are not in alliances or coalitions, though will often come together on an issue by issue basis. Beyers and Hanegraaff (2016) claim that advocacy style makes a difference and differentiate between confrontational and co-operative styles. This is reflected in the work of BMOs in Africa. In later research, Hanegraaff *et al.* (2017) conclude that the choice of advocacy style has an institutional explanation rather than a cultural one. Whilst this may be true in consolidated democracies, it does not appear to hold in Kenya or Tanzania. Rather, as noted earlier, BMOs seem to sense that drifting too far from the cultural norm of seeking consensus and becoming more adversarial, is likely to lead to a reduced likelihood of influencing policy. Choice of style is a competence and we will return to that shortly as well as suggesting that this is an area worthy of further research.

Halpin and Fraussen draw distinctions between involvement, access and prominence, a term they use to designate the groups that are "taken for granted" (2016: 4). This implies that such groups will be specifically invited to participate in dialogue or to comment on proposals. In other words, it is a measure of credibility. Institutionalising the relationship, as TCT has managed, is evidence of prominence. TPSF seems to be consulted on all relevant issues, so is clearly also prominent. There does not seem to be any evidence, however, that they are more successful than TAHA and KCM. Bernhagen *et al.* (2014) note that BMOs will only maintain their credibility with government if they propose positions that are feasible. This is exactly the approach adopted by TCT and TAHA which both stress the need to argue for the possible and to recognise the need to balance the needs of the private sector with other societal needs. From this we might infer the requirement for a BMO to have enough competence to make the case for policy reform. This is as true in Africa as in consolidated democracies but there is additionally a need to be precise about proposals for reform, so again a clear need to be competent. There appear, therefore, to be some determinants that make a difference and these seem largely to be down to competence.

8.3 The competences

Table 16 provides examples and supporting evidence drawn from the case studies. The BMOs seem largely to have all the competences, though they did not necessarily exhibit these competences at the start of the research, and though they have not all developed

to the same extent. In some areas, the BMOs do not appear to have the necessary competence levels to have an impact. However, they have all built effective relationships, secured access and engaged in dialogue with the government. All the groups gather evidence, or commission researchers to gather evidence, to support their policy positions and have effective leadership

All the case study BMOs have a key objective to influence public policy – they would not have been selected if they did not – and they are all offering selective benefits to members. Importantly, though, they prioritise their advocacy and representation. In the early stages of their advocacy, they tended to pick issues that were less likely to be controversial, not always out of strategic choice, which resulted in them learning from experience and gaining in confidence. Even if the economic or business impact from their early successes was not great, it did enable them to promote their successes to their members. This implies that an appropriate strategy for a new BMO, or for a BMO with limited experience, is to pick an issue that is not too controversial and to learn through experience. Examples include TCT on park fees and TAHA on phytosanitary certification.

For many BMOs, and three of the case studies, the lack of prioritisation initially extended to the advocacy strategy. Strategy includes the choice of issues and the objectives for which the BMO is striving. There was a tendency for BMOs, as they started to advocate, to react to issues either because they were raised by their members or to respond to a government action. But as their experience grew, they became more strategic, as evidenced by TCT aiming to work with the government to promote its overarching view of what a dynamic tourism sector should look like and TAHA choosing issues intended to contribute to its aim of growing significantly the level of horticultural exports.

Table 16: Summary of possible competences and supporting evidence

Area of competence	TPSF: evidence & examples	TCT: evidence & examples	TAHA: evidence & examples	KCM: evidence & examples
Evidence				
Compile evidence				
Good at gathering 'intelligence'	Talks widely so does gather intelligence (but does not appear to be systematised).	Effective at gathering evidence even from outside the country. In interviews, said that: "You must know your industry well. You are the authority. You must have the data at your fingertips".	Puts in a lot of effort to gather data; does "hard core research" and explains that "only the facts count". Important to understand the issue.	Conduit from mining companies to Parliamentary Committee; Committee seeking information; Monitored carefully when key stakeholders, e.g., Parliamentary Committee, were meeting; policy director went to observe meetings held in public so could listen to discussion; Observed Parliamentary debates.
Able to identify, commission or undertake relevant research	Commissions consultants to undertake research.	In interviews, said "To be able to do successful advocacy you need data readily" Identified key requirement to develop international marketing strategy and commissioned research appropriately MNRT saw marketing strategy as a "very good document".	Undertakes and commissions research; they explained that they "do their homework"; "ensure that we have sound evidence"; and "master the detail".	Very good at analysis, e.g., content of bill, and thinking through the implications.
Analysis	Undertakes analysis (though could be more detailed in drawing out insights and conclusions).	Undertakes analysis (though could be more detailed in drawing out insights and conclusions).	Undertakes analysis (though could be more detailed in drawing out insights and conclusions).	Undertakes analysis and understands issues in detail.

Area of competence	TPSF: evidence & examples	TCT: evidence & examples	TAHA: evidence & examples	KCM: evidence & examples
Frame issues				
Able to frame issue appropriately and succinctly (Links to advocacy & argument)	Frames argument (re duty) as loss of jobs rather than reduced profitability.	Frames policies, such as Tourism Development Levy, as good for sector.	Good at framing issues to look technical e.g. VAT on air freight, e.g. helping farm inspectors by writing manual. Frame issues as two steps: technical to achieve now, and political to achieve in the future.	Identified range of problems with the draft legislation and framed each one separately.
Engagement				
Access	Invited to sit on committees and is regularly consulted. Provided secretariat for a Parliamentary Committee. Ministries are willing to talk to TPSF when it asks. Addressing audiences of MDAs, Ministers and Parliamentarians.	Has MoU with MNRT. Asked by MNRT to work together to prepare for meeting with TRA. Engaged Minister of Trade and Minister of Finance. Represented on government committees.	Developed strong relationship with MALF. Represented on government committees. MALF says that it works closely with TAHA.	Regular access to Parliamentary Committee, to MoM, to CS and occasional access to the President.
Coalitions & alliances	TPSF is coalition of associations. Formed alliances to fight VAT expansion and co-ordinate budget responses. Promoted collaboration in relation to DB task forces.	TCT is coalition of associations. In effective alliance with TTB. "associations need to work together as a team and have a single voice".	Works e.g. with ACT, ANSAF, TASTA, TATO & TPSF. Worked with MALF on review of taxes. MALF & TAHA lobbied together.	Aimed to work with others including KAM, KEPSA, KNCCI and PIEA.
Consensus & collaboration	Works on basis of consensus.	Aims for consensus, especially amongst members; collaborates closely with government.	Collaborates widely.	Worked closely with other BMOs and MoM to develop mutually acceptable solutions.
Champions	Addressing critical audiences of MDAs, Ministers and Parliamentarians. Identifying key 'contact persons' in MDAs.	Whilst works closely with TTB and with previous Director of Tourism at MNRT, has not proactively sought to cultivate champions.	Identify champions and people who might become champions; Support staff at all levels in MALF.	Cultivates people who might become champions (though specifically did not use champions in lobbying over the Mining Bill).

Area of competence	TPSF: evidence & examples	TCT: evidence & examples	TAHA: evidence & examples	KCM: evidence & examples
Develop relationships				
Members	Making more effort to involve and co-ordinate members.	Said that its members were taking it more seriously.	Involved members in preparation of policy positions; briefed members when adopted new policy positions. Recruited many new members.	Worked closely with members – in preparation of policy and encouraged to lobby alongside KCM; an active board is important to success.
Networker	Proactive in its networking amongst public & private sectors.	Involved with MNRT, TPSF, TTB, PDB, TNBC etc.	CEO networks widely both in northern Tanzania and nationally.	Worked closely with range of stakeholders including other BMOs, CIC, etc.
Share knowledge				
Pro-active sharer of information, knowledge & policy ideas	TPSF is starting to share knowledge & has plans for portal, Responding to Prime Minister's Office desiring BMOs to provide information.	Aiming to be trusted provider of information and research evidence.	Regularly shares ideas with Ministry of Agriculture, e.g., for improved warehousing. Shares intelligence with Agriculture Council of Tanzania.	Shared knowledge and intelligence with Parliamentary Committee and other stakeholders, e.g., CIC.
Expression & communication				
Advocacy				
Understand the political environment & policy process Political expertise	Prime Minister's Office perceived BMOs in Tanzania (especially TPSF) getting better at understanding the issues.	Sees advocacy as key role Recognised need to understand what government wants: have to arrive at win-win scenario. Interviews generated comments such as: "the government has to deliver to the public so one has to help them achieve that without undermining them".	Became more involved in advocacy as government became more open; Focus on 'technical' issues; Received comments such as: "Advocacy and lobbying" is number one reason for existence; and need to "engage with the whole system".	*Raison d'être* is influencing public policy.
Professional staff Capable staff with specialist functions	Appointed specialist advocacy staff. Has entrepreneurial CEO.	Longevity of CEO. Politically and culturally sensitive.	Longevity of CEO (& with MBA). Recruited policy director with 'inside' knowledge.	Policy director had trained as a lawyer.

Area of competence	TPSF: evidence & examples	TCT: evidence & examples	TAHA: evidence & examples	KCM: evidence & examples
Regular user of wide range of advocacy tools/ tactics/ strategies	Opportunism; dialogue; focus on advocacy. Does not always use evidence.	Framing issues to be simple; working through dialogue; working with others; evidence-based arguments.	Framing issues to be simple; focus on technical issues; involvement of members; working through dialogue; working with others, evidence-based argument, use champions.	Evidence-based arguments; policy position papers; work across multiple venues; form alliances; oral & written presentation.
Effective communicator	Use of multiple venues; good use of the media; communicates private sector views to government.	Use of multiple venues.	Field trips; good use of the media; monthly bulletin.	Policy director very articulate; good use of the media; good use of written policy briefs.
Persistence	Lobbying Doing Business thematic task forces to keep meeting and making decisions shows persistence.	Work on over-regulation of tourism sector demonstrates persistence.	Work on biological control agents demonstrates patience and persistence.	Persistent all the way until bill gazetted, even when thought had 'won'.
Argument				
Able to prepare compelling policy positions; persuasive	Recognised need to respond to Prime Minister's Office hope for BMOs to make "concrete arguments, scientific arguments, balanced arguments" Improving in its ability to make arguments based on evidence.	"The evidence produced by TCT no doubt played a role in persuading the government to change its stance" and "one of the arguments that caused the Ministry to accommodate TCT".	Worked closely with Ministry of Agriculture on phytosanitary certification; evidence and argumentation persuaded Ministry of Agriculture re testing of fertiliser.	Prepared compelling arguments to amend proposed legislation; kept issues, and thus policy proposals, separated; evidence-based argument was said to be "professional and trustworthy" (and argument without evidence was mostly rejected); argument supported by "emotion and rationality".
Dialogue				
Able to set the agenda with government	TPSF and TCT, for example, with marketing strategy & revised tourism policy.	TPSF and TCT, for example, with marketing strategy & revised tourism policy.	Persuaded government that biological control agents and new fertiliser should be on agenda.	Originally persuaded government of need for new legislation.

Area of competence	TPSF: evidence & examples	TCT: evidence & examples	TAHA: evidence & examples	KCM: evidence & examples
Important to mutual understanding	President of Tanzania calling for more 'structured dialogue'. Engaging in more dialogue. Member of oversight committee for Doing Business roadmap.	In interviews, said re MNRT: "they listen and there is constant improvement in the various policies, regulations and procedures". And MNRT responded: "we don't have to agree, but we have to talk".	Organises field trips for MPs and media. Invited to join oversight committee for Doing Business roadmap.	Created to give government a counterpart with whom to talk.
Participation	Dialogue with most Ministries.	Engaging Minister of Trade and Minister of Finance.	Talks regularly with MALF.	Has a regular 'Ministerial Round Table' meeting with MoM. Worked closely with Parliamentary Committee.
Governance & management				
Think strategically	Thinking more clearly about how small steps fit together, for example in relation to Big Results Now.	Long term objective to persuade Ministry to develop and adopt tourism strategy.	For example, identifying champions and then informing and supporting as they progress in Ministry.	Recognising need to gather intelligence, for example, by monitoring Parliamentary debates.
Accountable to members	TPSF & board restructuring. Active board.	Comments in interviews included "You must have a good rapport with your members, without them on board, you cannot succeed in advocacy". Active board.	Involve members in developing policy positions. Active board.	Involves members in developing policy positions. Active and supporting board.
Project management skills	Managed projects for World Bank.	Production of member directory annually demonstrates project management skills.	Setting up and growing TAHA Fresh demonstrates project management skills and commercial acumen.	Lobbying on Mining Bill is good example of managing on a tight budget and with a flexible timescale outside one's control.
Resource mobilisation				
Can secure resources	Struggles with lack of resources and recognises that more is needed to be effective.	Can secure funding for projects.	Has attracted considerable support from multiple donors.	Attracted enough donor support.

Area of competence	TPSF: evidence & examples	TCT: evidence & examples	TAHA: evidence & examples	KCM: evidence & examples
Provide services to members	Primary service to members is advocacy.	Effective services such as Tourism directory.	Effective services such as TAHA Fresh and newsletter.	Mostly inward investors so mostly interested in advocacy.
Credibility				
Recognised by government as credible partner	Invited to sit on large number of government committees and is frequently consulted. Appointed as secretariat to a Parliamentary Committee. Perceived as voice of the private sector and as partner with whom government can consult.	TCT asked by TNBC to take the lead of draft tourism plans.	Perceived to have built feeling of mutual trust with MALF; In interviews, MALF perceived TAHA to be a "strong organisation"; CEO appointed to Doing Business Road Map managing committee; TAHA explained that their "first partner is the government".	Parliamentary Committee specifically asked KCM for information, thought KCM was a good partner and stated that KCM members were helpful in sharing evidence.
Good reputation & effective influencer	Large number of examples of where has influenced government on both technical and political issues.	Recognised (and delivered on) Ministry expectation that TCT would 'sell' government decisions to the sector.	Profiled in the media as an effective influencer; Large number of examples where has influenced government, though mainly on technical issues.	MoM reported that KCM took the lead and ensured a single voice; MoM explained that "KCM's proposals helped a great deal in developing a good Mining Bill".
Diversified membership base, representing most of sector, with good retention	Apex with majority of BMOs in membership. Intended to represent the whole of the private sector.	Represents most of the sector.	Has broadened membership and covers about 85% of horticulturists.	Represents wide cross section of the sector.

The BMOs have all been able to put issues on the agenda and secure access. Specifically, they have been able to frame issues simply and in a way that encourages government to act, as for example with TCT's proposal to delay rises in park fees, framed as an issue that would otherwise discourage tourism, and with TAHA's proposal to amend the fertiliser regulations, framed as an issue that would reduce horticultural exports. TAHA, in particular, has refined its framing, and its lobbying, where possible to turn an issue into a two-stage process and TAHA's work on fertiliser exemplifies this approach as well. The first stage framed the issue as urgent, because exports would fall, but TAHA only asked for an interim solution to allow time for a more considered debate. The second stage, looking for long term agreement, then took considerably longer. To some extent this builds on a policy process characterised by incrementalism, and stopgap measures can stay in place for a long time.

This approach might suggest that advocacy is about bargaining or technical negotiation as described by Jordan & Richardson (1982) in which both sides inch towards a consensus position. This does not really describe the situation in Tanzania, not least because BMOs such as TAHA have limited economic power. Horticulture and tourism are both important contributors to GDP but the sectors are comprised mainly of small businesses. Those businesses are not suddenly going to stop just because they do not get their own way, though in the long term they may well exit the sector (as has happened in Kenya, for example, with tea and coffee). So the BMOs have to rely on their ability to gather evidence and make persuasive arguments.

KCM had to work quite hard to frame issues so that it did not simply appear as though it was arguing for special consideration for inward investors. They also worked hard to identify and separate issues and to discuss them one at a time as well as preparing a policy position paper on each rather than putting altogether into a single paper. This had the effect of simplifying the debate with policy makers, keeping policy makers focused on one issue at a time and thus ensuring that acceptable proposals were not dismissed with unacceptable proposals simply because they were all considered together.

TCT, TAHA and KCM have been good at understanding, and working with, what they perceive as government policy imperatives. TPSF have found this more challenging partly due to being asked to comment on too many proposals, having too little resource to deal

with them, and having insufficient understanding of the potential implications to be able to prioritise appropriately.

All the BMOs have secured the resources (primarily from BEST-AC or BAF) to undertake, or more usually to commission, research. Often, though, the research is weak and the BMOs are unable properly to assess its quality or whether there are gaps and inconsistencies. However, often simply having research evidence is better than having nothing because there is a paucity of good data in African countries (Beguy 2016). The case study BMOs, along with a handful of other Kenyan and Tanzanian BMOs, have been good at preparing policy positions which make a strong argument for change.

Governance and management is important. TCT argues, for example, that having a rapport with its members is essential and that advocacy is less likely to be successful without it – and the performance of TPSF prior to its reorganisation appears to support that view. Project planning is important both to husband resources and to ensure that opportunities are not missed. KCM did this especially well. It is less obvious that the other three BMOs have the skills to manage advocacy projects effectively though they do have general project planning and management skills. Only KCM exhibited effective planning skills in planning an advocacy project. This, however, is not the only important aspect of management. Good leadership will ensure that the members pull together, as KCM and TAHA demonstrated. Leadership is one of a small number of further competences that seem to be missing from the list of identified requirements. Others include balance (though this could be linked to understanding the policy imperative), confidence, cultural sensitivity, encouraging learning – working one step at a time but with a clear vision of where to go – and being proactive (though this could be linked to leadership). Motivation may also be important. Rugimbana at TCT and Mwakesi at KCM had a high degree of self-motivation but few staff to motivate. Simbeye at TPSF and Mkindi at TAHA are not only self-motivated but have been good at motivating their staff and encouraging them to take the initiative. These are summarised in Table 17. Again, most of the case study BMOs exhibit most of these further competences, though it is TCT that is the most sensitive to the collaborative approach expected by policy makers.

Table 17: Cross-cutting (and additional) competences

	Tanzania Private Sector Foundation	Tourism Confederation of Tanzania	Tanzania Horticultural Association	Kenya Chamber of Mines
Balance	Not always balanced, as shown in the some of their lobbying in relation to VAT	"They represent the interests of the sector fairly"	Aims to balance needs of indigenous farmers and those of ex-patriate farmers	Recognised need to balance interests of inward investors, artisan miners and communities
Confidence	Meets President regularly both formally and informally and is confident in using opportunities	TCT explain that BESTAC gave them the confidence to overcome a hurdle	Always confident in own position because always have good evidence to hand	Was confident in own position and happy to promote at every opportunity.
Cultural sensitivity	Evidence through desire to achieve consensus	Recognises need to work within cultural norms	Pushy but recognises that not always seen as 'Tanzanian'	No evidence
Leadership	CEO has clear objectives; empowers policy team	CEO leads from the front	CEO has clear objectives; empowers policy team	Advocacy Manager led the project but also led the sector
Learning	Staff participate in range of courses	Staff participate in range of courses; run own events; learn from experience	Learn from experience; retain the activities that work (e.g. field visits)	Recognised importance of having written policy briefs; learned that Parliamentary debates provide intelligence
Motivating	CEO motivates advocacy team	Self-motivated (only small team)	CEO motivates advocacy team	Self-motivated (and no team)
Organisational strategy	Does not give the impression of being particularly strategic or of setting clear priorities, but rather responding to the priorities of others	Strategic in the sense that aims to influence policy that will in turn impact on the level of tourism	Has built TAHA into significant and sustainable organisation offering a combination of key services with considerable advocacy	Had to be well organised in relation to timescale for public hearings, committee meetings, Parliamentary debates etc.
One step at a time	Sees the need for a step by step approach as, for example, working to include BEE within scope of BRN	Perceive need, e.g., for tourism marketing strategy and then for revised tourism policy	Now have two steps when lobbying: address the problem with a stopgap measure; then, aim for a longer-term solution likely to include policy reform	Monitor stakeholders, especially government & parliament, at every step of the way – and then seek to address the step
Proactive	Takes the initiative on relationship development and dialogue	Takes the initiative on tourism marketing strategy	Takes the initiative on issues pertinent to the sector but only now aiming to be more strategic	Took the initiative on proposals for revised legislation

The competences that seem to be the most important, based on the number of times they were mentioned by case study BMOs, seem to be the need to compile or synthesise and analyse research evidence (which in the African context is essentially some kind of report); to build effective and collaborative relationships; and to engage in dialogue and communicate effectively. Empirical evidence would suggest that BMOs need to be able to frame issues clearly and make cogent arguments. Governance and leadership are barely mentioned by BMOs yet the evidence from the TPSF case study demonstrates what can happen if they are ineffective. These general findings are confirmed by research across a broader cross-section of BMOs in both Tanzania and Kenya (Irwin & Githinji 2016). The next section picks up on these areas and examines them in more detail. In Chapter 3, it was surmised that a BMO that empowers its staff is more likely to achieve its objectives. The CEOs of both TPSF and TAHA have built policy teams and given them the freedom to act on their own initiative. In KCM, the policy officer felt empowered to take the initiative and did so. This seems to be an important aspect of success.

8.4 Competent BMOs influence public policy

In this section, I look at each of these competences. The table groups the competences in the three areas of evidence, engagement and expression used in Table 5. However, as noted in Chapter 1, BMOs tend to follow a five-step process in their advocacy which encompasses the identification of issues, understanding the issues, preparing a policy position, dialogue and advocacy, and follow-up. Some competences will be necessary at more than one step. For example, the ability to gather and analyse evidence will help with the identification of issues as well as comprehension; the ability to express oneself persuasively and succinctly will facilitate the framing and preparation of policy papers as well as support the process of dialogue and lobbying. Follow-up will not only require some self-reflection (an area where all of the BMOs appear to be weak) but also require the gathering of relevant evidence. In this section, rather than follow exactly the order of Table 5, I have adopted an order which more logically reflects the five-step approach – starting with resource mobilisation because, without at least some resource, nothing will happen.

8.4.1   Resource mobilisation

All the BMOs have been able to secure sufficient resource to engage in dialogue and advocacy. However, this is a challenge for most BMOs. Maloney (2009: 280) makes the point that "many public interest groups are heavily reliant on patronage for their financial survival" though it appears, in relation to developed country interest groups, that this reference is more to financial resources than to expectations of personal favour, as might be expected in developing countries. On that basis, the point is just as true in developing countries.

TAHA explains that, whilst financial resources are not the whole picture, clearly they made a difference (for example, to bring together a group of experts to talk about biological control mechanisms or a group of MPs). Mkindi (int. 2013) said that it was impossible for BMOs to influence if they do not have enough capacity in terms of people and resources. TAHA is in the enviable position where its subsidiary, TAHA Fresh, is making a significant profit, giving it access to a fair level of resource when necessary. It also receives large grants from several donors.

In common with all other business associations in Tanzania, TPSF and TCT struggle for resources, which they recognise as a weakness. They currently receive funding from BEST-AC to help build their institutional capacity and become more sustainable. KCM, despite its membership base, also struggles with funding and looked to the Business Advocacy Fund to support its advocacy.

Whilst it is clear, at least in the short-term, that BMO members are unlikely to pay enough by way of subscription, it is less clear whether, if BEST-AC and BAF did not exist, three of the BMOs could find alternative sources of funding. This could have serious implications for those BMOs because most of them are highly reliant on donor funding. Even in the US, however, many BMOs rely to a large extent on patronage and sponsorship (Walker 1983, Jordan & Maloney 2007). The only difference in Africa is the source of that patronage. Whilst members of BMOs generally see the issues as important, on the whole, they are unwilling or unable to pay subscriptions at a level that would continue to fund the BMOs' advocacy work. Indeed, often they do not even see the selective benefits as important enough to pay a subscription. Reliance only on subscription-funding would

probably result in BMOs losing staff and losing momentum – and probably in less balanced proposals for improvements to public policy.

Unlike in many developed countries, resources beyond the amount required to prepare research reports, participate in meetings and perhaps employ a dedicated policy officer, does not make any discernible extra difference. Money is not needed to 'entertain' politicians; there are no expensive lobbyists to pay; BMOs do not maintain additional offices solely for the purpose of lobbying; there are no mass communication exercises with voters – because voters tend not to be swayed in that way. So the resource requirements are relatively modest, but there is nevertheless a need for some resources. BMOs, then, have to raise resources by making persuasive arguments to potential funders, such as BEST-AC or directly to the development partners, as TAHA has been successful in doing. This requires BMOs to have the competence to be able to express their needs.

8.4.2   Identification, understanding and framing of issues

The public sector is keen for BMOs to support them with evidence. However, BMOs are not always very good at providing it and MDAs are not good at explaining that they lack data. As a result, the (Tanzania) Prime Minister's Office lamented the lack of evidence, saying that BMOs needed good evidence in order to develop "concrete arguments, scientific arguments, balanced arguments" and that their focus should be on "study and advocacy" and giving more information to government rather than getting involved in service delivery (int. Laseko 2014). The Presidential Delivery Bureau had a similar view, saying that BMOs "have problems providing data" and that "there is too much emotion [...] and not enough data" (int. Ling 2015).

Some BMOs, however, recognise the need for more evidence. TAHA stressed the importance of "doing hard core research" and of having a clear understanding of the issue and a mastery of the details (int. Mkindi 2011): "if we have a weak case or poor evidence, it will backfire" (int. 2013). Rugimbana emphasised that "to be able to do successful advocacy you need data readily. It is no good just turning up with a long shopping list complaining." (int. 2010). Recognising it, and doing it, are different, however. The impression gained from reading and formally assessing BMO research

reports over a period of 10 years is that the BMOs are improving in this regard, but that there is still some way to go.

Framing is important because it provides evidence that a BMO has really analysed and understood an issue and is able to articulate it in such a way that policy makers will listen and then act. This fits with the theory that good framing makes a difference (Baumgartner 2007, Klüver *et al.* 2015, De Bruycker 2016). Whilst framing is about more than solely the nature of the policy reform being proposed, it nevertheless encompasses the way in which a policy is to be reformed. BMO objectives can be classified on a spectrum that progresses from making a simple administrative change to a regulation (e.g. speeding up the repayment of VAT), through changing the interpretation of existing legislation, changing public policy (without the need for legislation) or introducing legislation. The framing may, therefore, be closely linked to the venue chosen for the advocacy. An administrative change or even a reinterpretation may need never to go beyond the civil servants in the relevant Ministry, for example. Whilst TAHA tends to focus on the executive and government agencies, TPSF is happy to lobby Ministers, Parliament and Parliamentary Committees as well. TCT has tended to lobby civil servants but is not shy about asking to meet with the Minister for Tourism. KCM focused its lobbying efforts on a Parliamentary Committee but simultaneously lobbied the Ministry of Mining and met the President. It does not appear, therefore, that any venue is dominant though it is possible that this is issue specific or sector specific. In some cases, it is clearly necessary to lobby in more than one venue simultaneously as KCM's efforts to influence the Mining Bill demonstrate. This may be an area that would be worthy of further research.

The issue for BMOs is not just whether the solution is framed at the appropriate level but whether they have given themselves choices so that they have flexibility in how they advocate. All the case study BMOs have made effort and had some success with their framing. Most of the advocacy projects undertaken by BMOs in Africa appear to seek to change existing policy (though that often requires a subsequent reform to legislation to secure implementation), rather than seeking to persuade public servants to interpret existing policy or existing regulation in a subtly different way. An issue such as reducing counterfeits could be tackled at different levels: for example, through changing legislation, creating a new structure, or through changing the behaviour of businesses without a requirement for government to do anything other than enforce the existing law.

In Tanzania, it seems that BMO success in changing or amending legislation is rare, though changes to public policy could be a precursor to legislative reform. Too often, BMOs assume that reform of legislation is needed when it would be easier to work within existing legislation with some re-interpretation or even just an administrative change. A good example comes from the work of the Tanzania Association of Tour Operators who wanted to persuade the government to create a tourist division within the police force and the tourism police. The initial objective – to change legislation foundered – but a revised approach, to persuade the Inspector General of Police and the Ministry of Home Affairs that existing legislation already allowed for a tourism division with a small amount of reinterpretation, quickly met with success. I did not see any examples as obvious as this amongst the case study BMOs.

Another way of framing an issue is to accept the principle but then to ask for there to be a delay in implementation so that business can prepare. TCT, for example, argued that rises in fees are acceptable but only with enough notice. This also demonstrates the strategic approach adopted by TCT: they do not generally argue against the principle but rather look for technical reforms which, Michalowitz (2007) asserts, is more effective than seeking changes in the policy itself.

TAHA has been good at framing issues as technical problems. For many of their issues, their clear understanding of the issue and careful framing has implied an obvious solution. In 2011, for example, the issue of phytosanitary certification (int. Mkindi 2011b) was framed by TAHA as a problem simply of certification redesign. TAHA has also become good at framing issues in two stages. In the case of fertiliser approval, for example, it framed the problem as a need to solve an immediate requirement, perhaps through a derogation on an issue they characterised as technical, and a need for a longer-term review of the regulations, which they recognised might be more contentious. Neither of the problems were characterised as an objection to the policy *per se*, but rather as a way to minimise the burden imposed by the requirement and to reflect the broader policy of the Ministry of Agriculture to improve agricultural yields.

There does not appear to be any discernible difference in the need for good framing or good evidence between developed countries and developing countries, though the availability of secondary research in the latter is much more limited. After framing the problem and doing the research, the next step is to prepare a policy position.

BMOs need to be able either to do their own research or assess and synthesise evidence from other researchers. They need to be able to analyse and draw conclusions. They need to be able then not only to present that evidence but also to frame the issue clearly and succinctly, requiring competence in expression and communication.

8.4.3   Preparing policy positions and argumentation

This is not an area generally held up by the BMOs as important, either at the start or at the conclusion of the research, yet it seems critical to their success (Dür 2018). KCM, however, came to recognise the importance of preparing policy positions and thinking about the arguments to present to the Parliamentary Committee and others. TCT stressed the importance of good argumentation. It may be that the others think that this is so obvious that it does not need stating. More likely, they think that good evidence will speak for itself without interpretation whereas, as noted earlier, there is a belief amongst some of the BMOs – TCT and TAHA in particular – that if they offer a balanced argument, it will be more likely to lead to policy reform, as asserted by Jenkins-Smith and Sabatier (1993).

BMOs need to understand what government wants, so adopting the most appropriate strategy for each issue and finding the right arguments is important (int. Rugimbana 2010). Rugimbana, in 2013, stressed the need to seek a solution that would satisfy the government as well as the sector, implying a need for compromise: "Whatever you are advocating, you cannot just state the problem. You have to see the government's side and come up with a win-win solution. At the end of the day government has to deliver to the public so we have to help them achieve that without undermining." However, that alone is insufficient: "You must know your industry well. You are the authority. You must have the data at your finger-tips."

All the case study BMOs talk about the need for evidence and for effective argument, not only to persuade government but also often as a way of getting through the door. TCT for example stressed how its research evidence and opinion was valuable to government: "We can add value to the industry, we are not just complaining" (int. Rugimbana 2011). KCM argued its case, mostly backed up with evidence, carefully on each and every issue. As noted in Chapter 7, when it had good evidence, the Parliamentary Committee tended to accept its argument; when it lacked evidence, they tended to ignore its argument.

In practice, developing the argument is likely to be an iterative process, utilising the evidence and reflecting on and improving their argument, and the way that they express it, after every meeting with a policy maker. However, once a BMO has a position, the next step is to talk with the policy makers. This entails first access, which is closely linked to relationship building, and secondly dialogue.

8.4.4 Access and relationship building

Most BMOs pursue an insider strategy and many have good relationships with government, supporting Page's (1999) argument that such a strategy leads to better access and more consultation. This holds true in both Kenya and Tanzania. Officials in Tanzania and Kenya have confirmed that they want information and evidence. However, governments also have an interest in being seen to consult because that confers a legitimacy on policy outcomes. The literature, however, has tended to focus on access because, it is argued, it is too difficult to measure influence. Bouwen (2004) suggests that it is access goods that are important, in which access to the policy makers is traded, or exchanged, for information from the interest groups.

'Access' suggests something offered by another party, though of course BMOs can be active in seeking access. However, BMOs, at least in Kenya and Tanzania, do not talk about access; rather they emphasise the need to build and maintain relationships, which is something that they can do actively. In some developing countries access is seen as a problem, with policy formulation processes that are remote and inaccessible (Court *et al.* 2005). That does not appear to be a problem in Kenya or Tanzania. MDAs are not always immediately receptive, but there is usually another route when the direct route fails, perhaps through the Prime Minister's or the President's Office. BMOs seek to maintain these relationships by becoming trusted sources of reliable and authoritative information.

Interest groups' advocacy and lobbying is not always successful. Hence it makes sense to build long-term relationships and to be proactive and effective horizon scanners: indeed, this may be one of the key features that leads to effectiveness and future success. Kohler Koch *et al.* note that effective business associations do not wait until a salient issue appears, but instead aim to "establish social recognition and smooth working relations, all of which prepares the ground for exerting influence on a more consistent basis" (2017: 1047). This is confirmed by the empirical evidence in both Kenya and Tanzania. All the

case study BMOs worked hard to develop and maintain relationships. If interest groups are particularly helpful, it is easy to see that public servants will develop a positive relationship with them and then be proactive in consulting them, as suggested by Bernhagen *et al.* (2015), though it is not suggested that BMOs should always be helpful.

Rather, they may want to emulate the 'mixed blessing' stakeholders described by Savage *et al.* (1991) who categorised stakeholders by their potential to co-operate with an organisation – calling them supportive, mixed blessing, non-supportive and marginal. Associations are unlikely to be uncritically supportive of government. Always being perceived as non-supportive or marginal is likely to mean that they are largely ignored by government. Associations are, however, likely to veer between being supportive, non-supportive and neutral, depending on the issue, thus falling into the mixed blessing category. Savage *et al.* (1991) argued that the most effective strategy for an organisation is to collaborate with its 'mixed blessing' stakeholders on the basis that they can be persuaded to become supportive, perhaps in exchange for a degree of compromise. That mirrors the outcome wanted by business associations. The conclusion perhaps for associations then is to be actively supportive when opportunities allow – on the basis that the government will be more likely to listen, and to act, when the association wants government to change policy. TAHA and TCT, in particular, have adopted this strategy: TCT, for example, supported the introduction of the tourism development levy; TAHA worked with government on the provision of warehouses. KCM worked with a range of stakeholders including on areas that might not have appeared to be entirely in their own interests such as policies for artisanal miners. All the case studies suggest that groups can forge positive relationships even when they do not always see eye to eye.

A key reason for policy makers to grant access is to secure information and opinion not least because they have limited time and often limited expertise to gather the information that they require. They cannot, however, meet with every group interested in an issue so, as Braun (2012) argues, work with selected interest groups based on the quality of their policy information. All the case study BMOs have been able to meet regularly with policy makers. Living up to the expectation of Therkildsen & Bourgouin (2012) TPSF, TAHA and TCT have been able to formalise their relationships and begin to address issues of economic and industry policy. TCT has gone further than most with its MoU with the Ministry of Natural Resources and Tourism.

TPSF converses with many Ministries and Agencies and it appears that it is consulted regularly. TPSF is a member of several policy networks, for example, being appointed as the secretariat to a Parliamentary working group on the tax base (int. Furaha & Gahhu 2013) and a report from TPSF (2015) lists 21 invitations from government to consult or participate in one-off discussions in one quarter of 2015. The head of the Better Regulation Unit perceived that the government felt that they had a partner in TPSF with whom they could work (int. Lyimo 2014) and the Ministry of Industry and Trade said that TPSF offered advice and opinion, identified the "right people" to meet and co-ordinated the private sector (int. Mjengo 2015).

TAHA worked to develop and maintain relationships with people whom it regarded as champions within the Ministries and in the Prime Minister's office. TAHA ensured that policy-makers were properly informed – sending monthly newsletters, letting them know when they were seeking to achieve particular objectives, through occasional face-to-face meetings and invitations to events. They also asked for their advice when doing research or formulating policy.

The evidence from Tanzania, however, suggests that Braun's (2102) assertion of habitual behaviour only tells part of the story: those BMOs that are unable to provide good quality evidence and are unable to make good arguments certainly find it more difficult to talk to government. BMOs other than the case study BMOs provide evidence of this: the Tanzanian Exporters' Association, for example, wasted a lot of time arguing for a credit guarantee scheme for exporters, without differentiating between the specific requirements of trade credit and the more general need for credit for small businesses. As a result, they found it increasingly difficult to secure an audience in government. The Tanzanian Association of Milk Processors struggled to convince the government that there was over-regulation in the dairy sector, despite having what appeared to be a very strong case (Charles *et al.* 2016). The milk producers failed largely because their evidence was vague and too imprecise about the regulations that needed to be amended. Although the association met regularly with government it failed to secure the regulatory changes it sought. The Tanzanian Association of Micro Finance Institutions persuaded the government of the need for a law to govern micro-finance, but then failed to follow up with good evidence, leading the government to commission a research institution to do the research for them (int. Terry 2015).

Even associations that can prepare good evidence find that they need to do more to engage in dialogue. The case study BMOs, and indeed many others, have recognised this, which is why they undertake other activities including organising social events, field trips, newsletters, etc. One of those activities is networking – with Ministries, Agencies and other BMOs. Nzuki of the TTB, for example, noted that Rugimbana was well networked: "He is everywhere". (int. 2011). Jacquie Mkindi at TAHA made the same point and stressed that it is necessary to "engage with the whole system and not just with one or two people" (int. 2011b). Her colleague, Kelvin Remen, noted that other BMOs "wonder why we say our first partner is the government" (int. 2015). He explains, referring primarily to civil servants in the Ministry of Agriculture: "the government respects us; we don't work like an activist group, criticising the government; we try to address issues diplomatically and credit them for the forums they have given us and the progress."

The interviews with and observations of BMOs suggest that building a good relationship with a Ministry or Agency is more important than the evidence they can offer, provided that they are able to offer at least some evidence and some opinion. This emphasis on the quality of the relationship over the quality of evidence may be another difference with BMOs in developed countries. Holyoke (2014), writing about interest groups in the US, describes them as adversarial. The UK, despite an adversarial political system, seems to be much more consultative and consensual when it comes to dealing with interest groups (Jordan & Greenan 2012, Jordan & Cairney 2013). East Africa has a generally consensual and collaborative culture (Melyoki & Galperin 2017), and so perhaps it is not surprising that building relationships is important to the advocacy process. Indeed, this more collaborative style seems to be important in Africa (Irwin 2015).

Despite differences in staffing and resources, it did not appear from the case studies that some BMOs were more successful in securing access than others. Among the case studies, only TPSF gives the impression of being regularly consulted by government as observed by Page (1999) though all the BMOs did have frequent contact with at least one Ministry.

Securing access is a *sine qua non* to start the process of influencing policy makers. However, it is only one element. The next is to put the issue on the government's agenda. Again, the desire is to work collaboratively. There is an argument that BMOs might force an issue on to the agenda, for example by placing stories in the media, and then be

granted access to discuss it. Whilst there are examples of this in both Kenya and Tanzania, in general the approach of the BMOs is to secure access and then raise the issues. Contact can start simply through dialogue, or because of a story in the media, or because of a decision of an individual policy maker. KCM was initially rebuffed by the Ministry of Mining when it was attempting to influence the content of the Mining Bill prior to its publication and went to the President. In Tanzania, issues are often raised at the meetings of the Tanzania National Business Council as a way of getting them on to the government's agenda.

Developing relationships certainly falls into the engagement group of competence but, to some extent, it also falls into expression competences in that, as TAHA has demonstrated, maintaining a relationship requires regular communication. It may also benefit from cultivating champions.

8.4.5 Agenda setting

All the case study BMOs have demonstrated that they can put issues on the agenda. KCM put the need to update Kenya's mining legislation on the agenda, helped by a government belief that mining could contribute much more to GDP, which led to the Mining Bill of 2014.

TCT put the need for a comprehensive tourism marketing strategy on the agenda, primarily as a way of implementing the ambitions of the Government set out in successive tourism policies. They worked closely with the Tanzania Tourist Board, noting that "A tourism development strategy doesn't belong to TCT or the Tourism Board, it is a joint strategy. Government has a role in promoting tourism, but it is the private sector that offers the services and makes business out of the opportunities. We are dependent on each other." (int. Rugimbana 2011). Indeed, sometimes, the government needs the BMOs to assist with implementation, either directly or indirectly. The hotel sector, for example, had to be co-opted to collect the Tourism Development Levy, and TCT had a role to play in persuading them that this would ultimately support the sector, giving then a degree of implementation power.

TAHA has put a number of issues on the agenda, mainly technical. A key advantage of framing issues as technical issues is that they are more likely to be considered and agreed

with officials rather than with politicians. This does not often extend to legislation but can do. The Kenya Society of Physiotherapists, for example, engaged with an MP and piloted legislation through the National Assembly (Irwin & Githinji 2017).

TPSF has also been successful in putting issues on the table, though it probably spends more time reacting to requests from government rather than taking a broad overview on behalf of the whole private sector. Effective BMOs grasp opportunities when they arise, as TPSF did to add the business enabling environment to the Big Results Now framework.

There is evidence that the media can influence policy makers (Mwangi 2018). Moreover, all BMOs seek, from time to time, to place stories in the media though this tends to be to reinforce other activities rather than to put issues on the agenda or to influence policy makers.

Putting issues on the agenda is not itself a competence. Rather, it depends on good framing, good argument and good communication. Once it becomes clear that policy makers are willing to discuss an issue, the next activity is to engage in dialogue. If policy makers do not put an issue on the agenda, then BMOs will look for other ways to advance their proposals.

8.4.6 Advocacy & dialogue

Whilst the interest group literature looks at access and policy outcomes, it seems largely to ignore the process of dialogue and debate that occurs behind closed doors when private and public sectors meet to discuss an issue. As noted in Chapter 2, Berry (1977) claimed that interest groups might use four approaches: law, confrontation, information and constituency influencing. None of the case study BMOs undertook activities that might be considered to be some form of popular mobilisation or constituency influencing. It was only rarely that BMOs resorted to the courts. Amongst the case studies, the only example came from the Hotel Association of Tanzania, a member of TCT, and they did it as a delaying tactic rather than as an aversion tactic. The BMOs do sometimes engage in what could be considered to be confrontation with policy makers, as for example with TPSF and VAT, though that runs counter to policy maker culture. The approach of all the BMOs is to provide information and engage in dialogue. This seems, at least in Africa, to be an important part of the process, though it is likely to be equally

important elsewhere as well. Berry does not appear to include dialogue, though he may argue that it is part of the presentation of information and research, and indeed is an indication of being an insider.

The literature suggests BMOs everywhere prefer to take an insider approach – the case studies and actions by other BMOs suggest that this is true in Kenya and Tanzania – and the primary strategy is to engage in dialogue. Court *et al.* (2005: 5) claim that political leaders may perceive proposals from third parties as illegitimate; indeed, Tanzania, but probably Kenya too, appears not to be entirely comfortable with interest groups or what is perceived to be external criticism. Moreover, too often the views of BMOs are seen as criticism rather than as a genuine attempt to improve the business environment. This presents challenges in dealing with officials who do not always understand the importance of improving the environment for business. This is exacerbated by the dominant approach in sub-Saharan Africa being patronage (Heilman & Lucas 1997). The obvious conclusion to draw, then, would be that there is little dialogue. In fact, the opposite now appears to be the case – and there is much external encouragement to engage in public-private dialogue.

The case study BMOs have all been able to engage in dialogue and the extent of that dialogue has increased over the period. In 2011, for example, TPSF barely engaged in dialogue at all; by 2016, it was frequently invited by government for its views and to participate in discussion. Dialogue is important for a number of reasons, including culture, a general reticence to criticise or assign blame and a desire to maintain a positive relationship. In my experience, however, BMOs are not always good at articulating the issue clearly and succinctly so there is often a degree of back and forth in an attempt to explain – and understand – the issue. Donors promote the concept of public private dialogue, both in multi-party formats, such as the Tanzania National Business Council, and bilateral formats. Dialogue complements the societal culture because it is seen to be collaborative whereas lobbying is seen to be adversarial. A further advantage, however, of the dialogue approach is that if you are not seen to be lobbying for a specific outcome, then you cannot be seen to 'lose' if you are unsuccessful. Competent BMOs will present evidence, share opinions and offer persuasive arguments.

Some do this well as described by Nzuki in relation to TCT (int. 2011). In fact, the four case study BMOs have all demonstrated a degree of political and cultural sensitivity,

focusing on actions that they believe will succeed and actions that they genuinely think will make a difference to the enabling environment. They seek discussion rather than confrontation. This reinforces the thought that cultural sensitivity may be an additional and important competence (Table 17). TPSF is the only organisation that appears occasionally to lack the necessary sensitivity in its approach or to think through the implications of its arguments. This was apparent, for example, in its efforts to retain a range of VAT exemptions. Whilst they were successful once, the advocacy was uncharacteristically adversarial and could possibly undermine its efforts to build a positive relationship with government.

In the past, there has been a tendency for government to formulate a policy proposal and then to consult, not always effectively (Heilman & Lucas 1997, Mercer 2003). Often government says that the private sector has been consulted, but then closer examination suggests that the process does not function well (correspondence to author, Determeyer (CEO of BEST-AC) 2016). The policy process nominally includes a consultation process as legislation proceeds through Parliament, but this assumes that all policy is decided in Parliament and it is not. Furthermore, once draft legislation makes it to Parliament, there is enormous pressure to get it passed. As KCM demonstrated, BMOs need to be alert and to lobby early.

Given the view that, whilst government wants to reform, it does not really want to be told by outsiders what to do (Court *et al.* 2005), so gaining the trust of policy makers and the opportunity to offer a view at an early stage of policy formulation can be quite difficult but is essential. There could be a role here for Parliament to promote the interests of non-state actors and, indeed, part of TPSF's reasoning for developing better links with Parliament was that Ministries did not always take the private sector's proposals sufficiently seriously and it felt that Parliamentary committees could exert more pressure especially in relation to fiscal issues (int. Furaha 2011, int. Furaha 2012). TPSF made a particular effort to engage with the Parliamentary Committee on Finance and Economic Affairs (int. Furaha 2012). TPSF perceived that it was beginning to succeed when Parliament established a working group to review the tax base and invited TPSF to chair the group and provide the secretariat (int. 2012). Much of KCM's lobbying was with the Parliamentary Committee rather than with the Ministry, though this was to a large extent

because the Committee was reviewing the proposed legislation, and KCM did collaborate with the Ministry when for example there was a chance to offer revised texts.

Beyers & Hanegraaff (2016) quote Bernhagen *et al.* (2015) to argue that supplying relevant information is ineffective if a group mostly faces policy makers with adverse views. They argue that the provision of information only makes a difference for influence when groups interact with like-minded policy makers. This assertion, however, reduces every proposal for reform into a contested issue, with different 'sides' taking pro or anti positions. However, it is not necessarily the case in Kenya and Tanzania that every issue is contested: it may simply be that there are unforeseen consequences arising from the original legislation or regulation. Furthermore, at least in Africa, there is a genuine desire for more and better information in line with Sen's assertion that "accurate, reliable information is a crucial element of successful collaboration between the state and business" (2015: 11).

The case studies show that BMOs that share good information are generally welcomed, even if, as Beyers & Hanegraaff (2016) surmise, the BMO is ultimately unsuccessful in reforming the policy. The real point is the spirit in which the BMOs and government engage. This reflects the observation of Woll (2012) that a constructive approach is more important than arguments based upon threats and pressure. Indeed, Beyers & Hanegraaff (2016) also recognise that co-operation rather than confrontation is more likely to be effective. They go further, however, in arguing that much advocacy is simply about recruiting like-minded policy makers. Issues such as TCT writing the tourism marketing strategy may seem on the face of it to fit this categorisation, though there is an argument that it is simply that the over-arching interests of the government and the interests of the sector were aligned (Mahoney 2007, Woll 2007). It also enabled TCT to fill a role of becoming a trusted provider of information and research evidence. Whilst of course BMOs look for allies, in Africa as in developed countries, they also reach out to a range of civil servants and policy makers in an effort to get them all on side. This may take time. It should be noted that the reverse also happens – with public officials granting access to a like-minded BMO to lobby for a particular reform.

As TAHA and TCT have demonstrated, public-private dialogue and regulatory reform are closely linked, since effective dialogue can discourage Governments from regulating in the first place or, if they must, encourage them to do so in a way that minimises costs or,

if the regulation already exists, reform it to improve the business environment. Effective dialogue builds mutual understanding between private and public sectors to address issues of concern.

Some interest groups, especially cause groups, aim to mobilise public opinion and to seek media coverage for their activities in their efforts to sway policy makers. Walker observed that groups that experience little conflict and enjoy close collaboration with government are unlikely to spend time influencing public opinion (1991: 192). Whilst there is some reinforcement of positions in the media, especially by TAHA, this is true of all the case study BMOs. In other words, they stick to working inside government. This low visibility approach is noted by Baumgartner *et al.* (2009) who reflect the earlier view of Walker (1991) and suggest that advocates benefit from operating out of the public eye.

It is not just BMOs that are proactive in promoting dialogue. Some Ministries and Agencies have set up consultative arrangements. This is sometimes within the context of a particular initiative, such as the Doing Business task forces, or Big Results Now, which have a particular agenda (though this does not stop BMOs from raising other issues). Some have gone further. For example, the Tanzania Revenue Authority is committed to "trying to make a difference for business" and has therefore set up a stakeholders' forum. TRA says for example that "in the past, we thought [the Confederation of Tanzania Industries] were just tax evaders" but "we now appreciate what they are doing". This provides evidence that dialogue improves the perceptions of the public sector as well.

In Chapter 2, Christiansen *et al.* (2018) were quoted as describing a process between policy makers and selected groups of "deliberate, negotiate and bargain". Deliberate suggests that there is agreement over the question and negotiate and bargain sounds like the parties are agreed and just haggling over the price. From this research, we can conclude that the process is much more one of "discuss, explore and persuade". BMOs and policy makers first discuss the issue; the BMO articulates the problem and explains why they want the policy makers to take a different approach; then they explore options; and then the BMO aims to persuade the policy makers – perhaps to do something different, but often just to do what they want to later or in a slightly different way. Dialogue, then, requires BMOs to be able to engage with policy makers and also to express their evidence and argument clearly and succinctly.

8.5 Conclusion

All the case study BMOs are credible in the eyes of the government. The government is happy to accept them as the legitimate voice of their sector and then to enter into dialogue with them. As a result, all have been able to develop positive relationships even when arguing tooth and nail with government. This may be easier when they are lobbying on technical issues, such as the level of park fees, rather than political issues, such as whether there should be park fees at all. It may also be easier when they sometime also support the government. Looking back at the approach of the case study BMOs, they all perceive that they have been successful in influencing public policy. Collectively, they perceive five reasons essential for their success and I agree that these are important.

These are (i) ensuring that they have well-researched evidence and persuasive arguments (evidence); (ii) building long term relationships (engagement); (iii) engaging in dialogue across a range of venues which generally includes civil servants in a relevant Ministry or agency, the Minister and sometimes Parliament as well (engagement and expression); (iv) being sensitive to a culture which tends to be collaborative and to avoid confrontation (expression); and (v) recognising the need for patience and persistence. All but the last of these points to the need for competence and professionalism and all fit within the three key areas of evidence, engagement and expression. These determinants, and important subsidiary competences, are summarised in Figure 5.
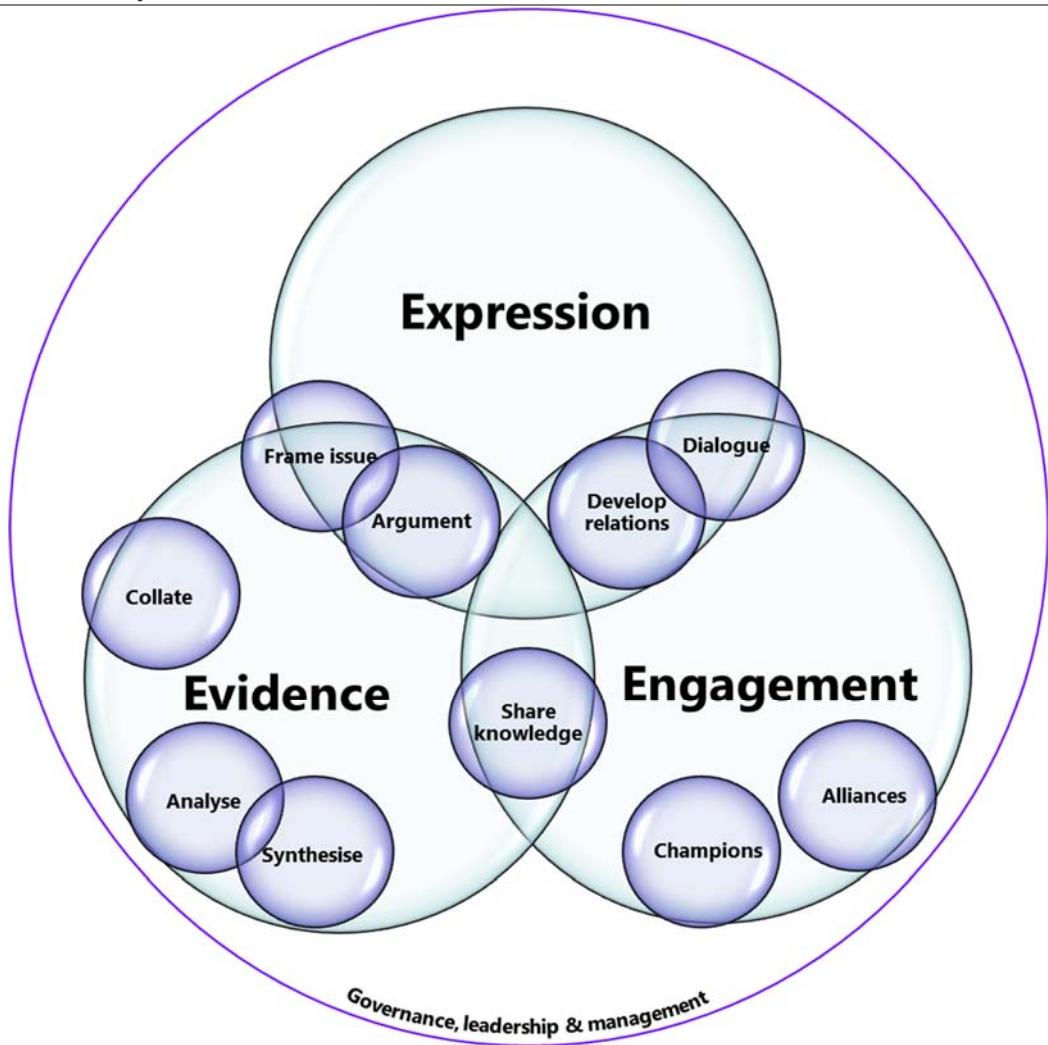
The first requirement is that the BMO has appropriate **evidence**. The BMO needs objective and comprehensive facts and figures at their fingertips and needs to have thought through the implications of any policy proposals. There is a spectrum that ranges from hard evidence to total self-interest. The more that a BMO can ensure that it has hard evidence to support its case, the easier it will find putting together the case.

The second requirement is **engagement.** The BMO needs to be able to access, engage and develop relationships with the people who matter including Ministers, senior civil servants, junior civil servants, Parliamentarians and staff of government agencies. Good relationships will ensure that the BMO is an insider rather than an outsider and so have much better access to be able to converse with the people who may be able to make a difference, which will help with access. Securing access in the first place is not hard, at least in many African countries, but maintaining access requires that the BMO is credible and that there is a mutually beneficial relationship.

The third, and possibly most important, requirement is **expression.** The BMO needs to be able to prepare and communicate its evidence and arguments to policy makers, both elected and appointed, across a variety of platforms. This requires clarity of thought when it comes to framing the issue, since framing it well will often suggest an answer. Framing is simply communicating an understanding of the problem and of the solution. The BMO needs to construct an argument that makes a logical and persuasive case, ideally illustrated with good stories about the situation now and what the situation could look like if reform occurred.

BMOs need to be seen by government and others as credible (Berry 1997, Bernhagen 2007, Baumgartner *et al.* 2009, Fraussen 2013). Gathering evidence that may not otherwise exist, preparing persuasive arguments and engaging effectively with policy makers will all help BMOs to be perceived as credible organisations to be given a role by government in the policy process (Lucas 1997).

Chapter 9.   Conclusion

In this final chapter, I sum up the key competences to describe what it means for the staff of a BMO to be competent and for a BMO to be professional and then explore whether BMOs in fact develop through a series of discernible stages. I then summarise my contribution to the literature and conclude with suggestions for further research.

9.1 Success in influencing public policy

The evidence from the four case studies suggests that all four BMOs have been influential, though to a varying extent. Certainly, all four of the BMOs perceive that they have been able to secure policy reform, at least occasionally, and importantly for them, they are able to say this to their members. Furthermore, their members and public officials perceive them to have been successful. TCT and TAHA have generally only succeeded on technical issues, though TCT has made some effort on strategic issues and TPSF succeeded on contentious issues as well. KCM delivered on both levels but in the narrow context of influencing a proposal for legislation. Importantly, they all perceive that they have been successful. Much of their approach is similar to that taken by BMOs in developed countries: the insider approach, the reliance on evidence, the use of argument and policy papers, the use of the media when necessary. I share the view proffered by Mkindi who asserts that it is up to the private sector to take the lead and stresses that "success requires compelling policy proposals, partnership and ability to mobilise resources" (int. Mkindi 2014). However, the BMOs all stressed their desire to build and maintain a positive relationship. After doing this, they were then able to collaborate and persuade government to take a different approach based on the merits of the case rather than on the weight of public opinion or the number of votes at stake.

This emphasis on building relationships suggests that BMOs in Africa adopt a style somewhat different to many BMOs in consolidated democracies, though it is possible that it is at least in part due to the much smaller number of BMOs vying for attention. Evidence and persuasion are still necessary, and still need to be of a sufficient quality, but they are not enough by themselves. The four case study BMOs have all developed a positive relationship with government across a variety of venues and are able to talk to government when they feel it is necessary.

9.2 Competence

In Chapter 1, I noted that there seemed to be four factors, three of which are in the control of the BMO, that are likely to affect their ability to succeed: advocacy competence, project management competence and resources and that BMOs in Tanzania and Kenya follow the logic of the five-step approach. The steps describe broad activities rather than competences, though the activities point to the need for specific competences. Based on the empirical evidence presented, these steps require some modification.

The first step, identifying an issue, is closely linked to framing, using framing in the political science sense of articulation of a problem. Indeed, without careful articulation, it can be difficult to understand the problem to be addressed. BMOs need to be able to describe an issue very simply and in such a way that it leads to a solution, as argued by Baumgartner & Mahoney (2008). It is better still if the issue can be framed in a way that de-politicises the problem. This ability is clearly an important element of competence. TCT, as evidenced both by technical issues such as park fees and more political issues such as an international marketing strategy, is extremely good at framing issues in a way that makes it easy for the government to agree. The TAHA case study explains that it always tries to convey a sense of urgency in its dealings with government and the likely loss to members (and by implication) to government if it delays. Now, when they go to government, they always have two proposals, a first one to ameliorate a problem, and a second longer-term one to review some policy or legislation.

The second step, understanding the issue, is closely linked to research evidence. Without good research, it will be impossible to understand the impact of the issue and the potential impact of alternatives. BMOs thus need to gather, or commission the gathering of, evidence. Over the years of the research, the BMOs' ability to gather and report evidence improved.

The third step is preparing a policy position and the arguments to support the preferred proposals. The four BMOs all improved in this regard as well. KCM is the best example – being able to dissect clauses within a draft Bill, consider the implications, then make suggestions for alternative wording, and justify that alternative approach.

The fourth step is to engage in dialogue or advocacy. This requires access to key people in Ministries and Agencies which hinges on the ability of the BMO to build and maintain relationships. Reading much of the literature, one might believe that that interest groups are independent of the people who work for them but, in reality, they all depend on their people. The more competent, and the better networked they are, the more successful they seem to be. Building relationships extends to identifying and cultivating champions in the public sector and forging alliances in the private sector. TPSF has demonstrated that it is good at this. It engages in dialogue, generally at the invitation of government. It is good at networking and is able to build coalitions, as evidenced by their approach to the VAT proposals. TPSF says that it shares information with BMOs and it has done well in organising the private sector in advance of the budget being presented to Parliament each year.

In the case of TCT, Rugimbana perceives that "the government now sees TCT in a different way, as adding value to government, not like a labour union shouting. Whenever the Ministry has an issue they always consult TCT." (int. 2010). TAHA thinks carefully about where and with whom it engages (int. Mkindi 2014). To some extent, TAHA avoids dealing with politicians, "because we know that politicians come and go" (int. Remen 2015). TAHA explains that they have generally found it more effective to work through officers, and leave them to persuade the politicians if necessary: "we invest a lot in directors in the government and have a list of champions" (int. Remen 2015). Most of their advocacy, however, has revolved around amendments to administration or interpretation of policy. Even in relation to fertiliser, TAHA did not argue against the principle of testing and registration; rather it focused on persuading the government to recognise the results of testing in other countries. In some cases, BMOs are able to institutionalise their relationship with government, as TPSF and TCT have been able to do.

Undertaking these tasks effectively requires that the people in the BMO have several competences, originally and simplistically characterised as advocacy competence and project management competence. Broadly speaking, that is still accurate. However, the skills required are mostly about communication (defining key messages, identifying stakeholders, selecting target audiences, and then expressing a proposal and an argument to them). An advocacy project is thus quite different to a project for example to launch a new service or to build a new office.

The specific advocacy competences that seem to be important are those associated with ensuring that the relevant evidence is available and that the policy proposal is succinct but well argued. Closely related is the ability to forge and maintain relationships and to engage in dialogue.

Whilst these competences are essential, they may not be enough. TPSF and TAHA for example have both recognised the need to employ a professional, highly competent and dedicated policy team, and sought the resources required to do so. In the case of TPSF, it sorted out its governance, so that its board and members now support its efforts rather than fight them. It has appointed a CEO who is focused on making a difference in policy reform, who is publicly opposed to corrupt practices and who has the confidence of the board. He has been able to be more entrepreneurial and more opportunistic in his approach to influencing government. He has also made strides in improving the breadth and depth of TPSF's engagement with government, networking widely with politicians and civil servants. Indeed, TPSF has demonstrated that an entrepreneurial CEO, and a committed and determined policy team, can make a big difference, though the extent to which they are putting issues on the agenda, as opposed simply to reacting to government proposals, is not clear.

In addition to leadership, the opportunity to learn and to access resources is important. There is little doubt that TCT benefited from the support that it received from BEST-AC, as they confirm: "If it wasn't for BEST-AC we wouldn't have achieved what we achieved. TCT had concentrated on providing services but BEST-AC emphasised the importance of advocacy." (int. Rugimbana 2010).

9.3 The nature of dialogue

As described in Chapter 2, scholars seem to have focused on access as a proxy for influence because, it is argued, it is too difficult to measure influence. Some researchers argue that there is a resource exchange mechanism at work: public agencies need 'policy goods' – information, expertise, opinion, political support, maybe implementation support – which they trade for access to policy makers. Others argue that a degree of policy influence is traded (i.e., the policy makers move at least a little way in the direction of interest group or allow the group to help formulate the policy) in exchange for information and/or legitimacy. BMOs working with government confer legitimacy on

government decisions (Taylor & Warburton 2003) and TCT's discussions over proposals to introduce a Tourism Development Levy provide evidence for this in Tanzania.

In fact, both of these exchange mechanisms are at work. Interest groups who may be expected to have authoritative evidence and information, or who have a history or producing high-quality evidence, are given access. The BMO provides information but also provide compelling arguments to reform the policy. Government agrees to make at least some change in the direction favoured by the BMO. This leads to improved legitimacy of the government's policy in the view of the sector. It may, of course, also be 'better' legislation, more cognisant of the needs of the private sector (balanced with broader societal needs) and with fewer unforeseen consequences. These two exchange mechanisms can be characterised as information in exchange for access and policy reform, often described as influence, in exchange for legitimacy. It is apparent also that some BMOs are better than others at moving policy makers to action. It is likely that this comes down to how well the BMO makes the case and is an area that would be worthy of further research.

This analysis still feels too simplistic. There is often a step between access and policy reform which seems to be overlooked, perhaps because access is a mechanism and policy reform is an outcome. There are, in fact, three mechanisms at play. In the first, BMOs secure access either through providing information and opinion or in the expectation that they will. In the second, they engage in dialogue, in which they explore the reasons for changing policy, explore the implications of changing policy and aim to move the policy makers in the direction of their own policy preference. Exploration gives a chance to share information and opinion and understand each other and understand the issue, which may be enough to change a policy, once the public sector has all the necessary facts. Policy makers may have overlooked crucial evidence or there may be a consequence they had not foreseen and the BMO may not have understood the policy imperative. If policy makers do not act on the evidence, then the BMO needs to move to persuasion. It offers arguments, based on the evidence, in an attempt to convince the public sector to do something differently. In the third, the policy makers finalise their policies and seek the support of the BMO to endorse and support what they have agreed.

Scholars generally do not look at the process of dialogue and at the personal interactions between policy makers and those arguing on behalf of the interest groups. This is as true in consolidated democracies as it is in consolidating democracies and would make for an interesting topic for future research.

9.4 Being professional

Preparing compelling arguments, securing access and engaging in dialogue are all aspects of being professional; however, the literature is relatively sparse in explaining what being professional actually means. Klüver (2012) suggests that interest groups are black boxes. Klüver & Saurugger (2013), Maloney *et al.* (1994), Lutabingwa & Gray (1997) amongst others touch on aspects of competence and professionalism. With the exception of the World Bank (2005a), there are few attempts to set out the competences that might make a difference to the effectiveness and impact of business associations. I have already identified a number of competences that seem to be essential: framing, research, argumentation, relationship building, communication, all of which are necessary for dialogue and advocacy. However, being professional is about more than that. In particular, there is need for effective leadership and good governance.

TCT and TAHA have always had a supportive board and have always been at pains to involve their members in their policy making. TPSF was slower to understand the importance of its members.

In Tanzania, the Prime Minister's Office perceived that not only were BMOs not good at working together, they were too often at odds with one another (int. Lyimo 2011). TPSF has had its share of governance troubles exacerbated by poor member relationships but started to address this in 2012, focusing on and co-ordinating their BMO members (int. Furaha 2012). In 2013, it agreed a new structure that ensured a better and fairer representation of all sectors and elected a new chairman, Reginald Mengi, one of Tanzania's wealthiest entrepreneurs. Mengi is vocal about the pernicious effective of corruption, has the confidence of the business sector and is influential in his own right (int. Simbeye 2015).

Indeed, all the case studies demonstrate the importance of staff who are effective. TPSF only began to make a significant difference when they appointed an entrepreneurial

CEO. The other three cases also demonstrate that an effective and knowledgeable member of staff, often the CEO, can make the BMO effective. In general, BMOs in sub-Saharan Africa have a very small number of staff. The Confederation of British Industry, for example, has 215, spread around offices throughout the UK and overseas. The US Chamber of Commerce has 24 staff on its leadership team. The median number of staff for a BMO in Tanzania is four; even TPSF, the apex BMO, only has 19. The CEO needs support to deliver on dialogue and advocacy but few BMOs can afford to appoint one person let alone more than one person. If they can afford a bigger policy team, as TAHA has done for example, then it benefits significantly. TAHA is the only BMO that appears to be aiming to develop its staff (recruiting a policy director and deputy policy director, promoting the policy director to director of development, promoting the deputy to policy director, recruiting a new deputy) and also the only one to have enough staff in place to be able to plan succession in this way. After gathering the data for this thesis, TPSF had its policy director and his deputy resign almost at the same time, followed by a delay in appointing a new policy director, and a further delay whilst he gets to know the key people in government. This episode suggests that, whilst BMOs may becoming better at employing good people and giving the appropriate support, there is still a need for good succession strategies. This is largely confirmed by the other case study BMOs. TCT is largely driven by the CEO. There is no obvious successor being groomed. KCM saw the resignation of its CEO during the period of the case study. Stephen Mwakesi was appointed as acting CEO. But then he resigned before any additional staff had been appointed.

There is little discussion in the literature on the importance of leadership in interest groups – though researchers do pick up on the idea of policy entrepreneurs. Walker argued that policy entrepreneurs – whether inside or outside the government – are needed to initiate a policy process, but suggested that little will happen unless there are institutions (which could be business associations) that will serve as sponsors or patrons (1991: 196) or, in the language of BMOs, champions.

One important aspect of being professional is ensuring adherence to cultural norms particularly in the choice of advocacy strategy. Woll (2012) compares lobbying styles in the US and the EU and characterises lobbying in the US as aggressive and threatening compared to a more softly spoken, constructive and consensus-seeking style focused on

the exchange of information in the EU. She goes on to argue that "EU lobbying is more rooted in long-term relationships and trust" (2012: 202) but then concludes that this is due to "the institutional arrangement in the EU". Hanegraaff *et al.* (2017) have tried to explain differences in style, exploring whether they are due to culture or to institutional context. They note that separating the two is problematic (2017: 481) but, like Woll, eventually conclude that "an institutional explanation [is] more powerful and plausible than a cultural one" (2017: 482). This may be a reasonable conclusion in the EU, but in sub-Saharan Africa, with its societal desire for consensus and collaboration, a cultural explanation is more plausible. Ultimately, decisions have to be taken and it would be all but impossible for all parties' preferences to be reflected in final policy positions. However, there is a desire for preferences to be seriously considered (Kalumba 2015: 107) and thus a need to ensure that all are aired in dialogue. There is no doubt that BMOs in Kenya and Tanzania work more like BMOs in the EU. I argue that this fits the culture prevalent in Kenya and Tanzania much more closely than US style aggression. Furthermore, institutions are not wholly independent of the cultures in which they are located, yet Hanegraaff *et al.* appear not to have considered the possibility that the institutional arrangements are also dependent on cultural norms.

There seems little doubt that a competent CEO makes a huge difference and is clearly the most important champion. In the case of TAHA, Jacquie Mkindi has been there since 2005, and so has a good institutional memory. She has undertaken much of the advocacy herself, and continues to do so, for example lobbying the Vice President in relation to the skills development levy (int. Chamanga 2016). Mkindi is personable, knowledgeable, committed and very persistent. TCT also has a committed, knowledgeable and persistent CEO in Richard Rugimbana, but TCT has never had the luxury of sufficient resource, even to appoint a policy director, let alone a policy team.

Though the number is growing, only a small handful of people move from public sector to private sector and back again, so there is a particular challenge for business that civil servants have little experience of the private sector and little recognition of the benefits from providing better services (Temu 2013). The President may call for it, as he did at the Big Results Now workshop in early 2014, but without some understanding it is difficult for civil servants to deliver. Perhaps this could be addressed by setting up a programme of mutual secondments – from BMO into the Ministry and from the Ministry into the BMO.

9.5 Stages in BMO development

The World Bank is the only organisation to have attempted to set out stages of development for BMOs. However, as noted in Chapter 2, the analysis was rather simplistic. On the basis of this research (and wider work with BMOs in Kenya and Tanzania), it is clear that BMOs do progress through a series of stages, though there are no clear boundaries. I disagree, however, with the stages described by the World Bank and the way in which they characterise those stages. Furthermore, BMOs do not necessarily need to progress through the stages but rather may exhibit characteristics from across the spectrum. The important point, having considered BMOs employing between three and 70 staff, is that the stage is a reflection of the BMO's behaviour and competence rather than its size.

As was most clearly seen with TPSF, a BMO may start as a policy novice, with no or a small number of staff, and managed by volunteer board members. It would provide networking opportunities for members. At most it would react to government proposals and, in all likelihood, would not be seen by government as credible.

It might then develop into more of a policy reactor, being able to react and respond to government proposals, but probably not invited by government to offer its views. It will be employing some staff, though may still need input from board members. It will be actively recruiting members but involving them may prove difficult. It will lack the resource or experience to engage with government on anything other than a limited basis.

The next stage is policy networker (in the sense of actively networking rather than necessarily being a member of a policy network or community). In this stage the BMO is actively gathering intelligence on government proposals for policy change and is making its own proposals. In many cases, it is still reacting rather than being proactive in its proposals for policy and legislation but is increasingly proactive in everything else. In particular, it is looking to build networks and alliances and to leverage its efforts through working with others. It has a growing and capable secretariat, possibly some internally generated revenue and is better at communicating with its members. It is likely to be seen by government as a credible organisation with whom to consult and talk. It is likely to have some influence.

The final stage is the policy entrepreneur, who aims to set the policy agenda and to be proactive in its relationship with government. It is likely to have a greater level of internally generated revenue and to be good at gathering intelligence and at sharing with others. It will be a regular user of the media, be seen by government as credible and will be consulted regularly and invited to participate in a range of dialogues. It will be an effective influencer.

Despite still being very small, TCT is predominantly a policy networker, with some elements of policy entrepreneurship, especially around its efforts to promote a tourism marketing strategy and revised tourism policy. TAHA, despite being very large in Tanzanian terms, with a high level of resource and a dedicated policy team, is also a policy networker with some elements of policy entrepreneurship. It is held back by its apparent reticence to tackle contentious issues. TPSF is primarily a policy entrepreneur, though it is the BMO that has gone through the most change during the period of this research. KCM is possibly the hardest to locate on this spectrum in that it is very small but, at least during the work on the Mining Bill, was incredibly professional. It was entrepreneurial in its approach to that work. It was networking prodigiously and was gathering and sharing intelligence, but in a narrow field and with a small group of target audiences. I would therefore assess it as a policy entrepreneur.

9.6 Contribution

In summary, this research has made both empirical and theoretical contributions as follows:

Firstly, in a conceptual contribution, the research has identified that there is something more at work than a simple resource exchange mechanism. A resource exchange mechanism suggests a transactional relationship – as long as the BMO keeps providing policy goods, then they will continue to secure access. BMOs do need access and arguably they do initially earn it on the basis of their research and argumentation. However, they maintain their access, and their credibility, on the basis of the relationship that they are able to build. An important block in the foundation of that relationship is indeed being regarded as a trustworthy provider of information, expertise and opinion. An effective and lasting relationship also reflects the need for collaboration and consensus building skills (which links to dialogue below) and on the BMO's ability to sell

its final positions back to the members. In other words, the **ability to engage with policy makers and to build effective relationships is key** to being able to influence public policy at least in Kenya and Tanzania.

It is not clear whether this conclusion extends to developed countries though it seems less likely that this is as crucial as it is in sub-Saharan Africa where it neatly fits with the prevailing culture. This leads to my second contribution which is that **the interest group conceptual framework needs to be modified to recognise that the building of relationships and the choice of advocacy strategies will be influenced by cultural norms**. The willingness of the public sector to engage may well depend as much on the attitude and approach of the BMO as it does on the expectation of securing access goods.

I have confirmed that, other than developing and maintaining relationships, BMOs in sub-Saharan Africa work in a very similar way to BMOs in developed countries – except that generally their competences are less developed. They gather evidence; prepare policy proposals; form coalitions and alliances; take insider approaches; may, on occasion, use the media to bolster their position; engage in dialogue; and, pursue administrative reform or reinterpretation in preference to legislative change as it is easier and faster. My third contribution is that I have confirmed that dialogue is an important component of effective advocacy and argue that **policy dialogue has three clear stages: discussion, exploration and persuasion**.

Fourthly, I have opened the black box and described what it means for a BMO to be professional. In my original thinking, there were four rather broad factors necessary for a BMO to be successful of which one was advocacy competence. Whilst there is no comprehensive discussion in the literature about necessary competences, I identified a large number of potential competences and grouped these together in **three areas of evidence, expression and engagement**. BMOs need organisational management skills as well. There is evidence that these are all exhibited by the case study BMOs. Additionally, and not identified from the literature, the case study BMOs exhibit the ability to strike a balance in the dialogue with government, cultural sensitivity, the ability to learn and to reflect their lessons in their following actions, the ability to think and act strategically, a recognition that reform is best achieved through taking one step at a time and being proactive. All this is helped if there is effective leadership supporting, not only guiding the

BMO's advocacy staff but also encouraging them to use their initiative as well. Whilst confidence is not a competence *per se*, being competent and professional leads, as TCT explained, to BMOs becoming more confident in their dealings with government and this in turn seems to increase the chance of success. BMOs need to be able to do all these, and do them well, if they are to stand a chance of being successful.

Fifthly, I have **set out ideas for how BMOs develop through a series of stages** and described those stages in terms of competence, such as ability to frame and ability to argue, rather than other characteristics, such as size. This could be used by BMOs to consider what they need to do to develop further.

Lastly, I have reported on a large number of issues where **BMOs have been able to influence policy outcomes**. They are consulted, they are given the opportunity to comment on policy and they are able to engage in dialogue and advocacy. Moreover, there are clear examples of BMOs persuading the public sector to reform policy.

9.7 Further research

This research has revealed several areas where more research is now required. These areas have, in general, been identified through the research and appear to be gaps in the literature. These have been noted in the text, but in summary:

Understanding the process of dialogue and argumentation. The process of dialogue is not widely covered in the academic literature though it is described in the practitioner literature. However, the practitioner literature tends to focus more on the benefits from dialogue than on the process. Practitioners argue that succinct and compelling arguments make a difference to the way that an issue is seen by policy makers. Is that really true? Is it, as Baumgartner *et al.* (2009) contend, that interest groups simply seek like-minded officials and they then work together to influence others? What actually happens during discussions between public and private sectors? Much of the literature argues the need for evidence. How much of the dialogue is based on evidence, how much on concepts like fairness and how much on threat? Is the conclusion that there are separate, though interlinked, stages of exploration and persuasion correct? There would be a challenge in attempting to undertake research like this in that having a third party participate in the discussion is likely to affect the nature of the discussion but there may be ways to

overcome that challenge, based on briefing some participants and key person interviews. This is a question that would be of as much interest in the context of developed countries as developing countries, but may be easier to spot cause and effect in developing countries because of the wide variation in the quality of argument and the fewer cases with opposing sides.

How much difference is made by personal relationships? The case study BMOs all talked about the need to build relationships, including but not limited to recruiting public sector champions. The impact of personal relationship is under-discussed in the literature. Yet it may be that it is those personal relationships that lead to access rather than the quality of the evidence of a particular issue. Teasing out the difference that is made by developing good personal relationships would potentially balance the claim that likelihood of success is all down to the quality of the evidence and the argumentation.

Do BMOs really succeed in putting issues on the agenda? BMOs contend that they have been able to place issues on to the government agenda, as TPSF's claim in relation to including the business enabling environment within the Big Results Now framework. However, the government was already concerned with its position in the Doing Business league table and had set up a reform plan and task forces. There have been some good examples, as with the Kenya Society of Physiotherapists not only placing the issue of regulation on the agenda but also pushing it all the way to legislation (Irwin & Githinji 2017). But in many cases, BMOs are simply reacting to an agenda set by others.

How much difference does it make to separate issues into components? This is a further question that is likely to apply as much in developed countries as in developing countries. Practitioners encourage BMOs to separate issues, even when on a common topic, on the basis that a policy maker who does not like one proposal out of several will then dismiss the entire submission. That is why for example KCM developed seven policy position papers as part of their efforts to amend the Mining Bill. This research would need to examine the extent to which BMOs sought to split complicated issues and whether doing so leads to greater success.

How much difference is made by being sensitive to culture? Or is this just about understanding and being strategically smart? Does cultural sensitivity mean that BMOs pull their punches in their proposals? Does it mean that they are more willing to

compromise in the eventual outcome of a particular advocacy project? Does it mean that they are more likely to see at least some success but perhaps not success with everything that they wanted?

How much difference is made by effective BMO leadership, especially in Africa? Does a good leader set the tone for an organisation? In Africa, there is a tendency to secure the permission of the 'boss' for almost every decision. Do good leaders allow their staff the freedom to use their initiative? Indeed, do they encourage them to do so? In what way do they provide support. TPSF for example gave the impression that the CEO allowed the team to operate as they saw fit, within agreed parameters. TAHA gave the impression that the policy team could get on with whatever they thought needed to be done. Assuming that leadership does make a difference, this may then lead on to a further question about the nature of leadership in Africa.

To what extent do BMOs who receive funding from donors pursue their own issues or those of the donor? Given the reliance of BMOs in developing countries on donor support and given that some donors, such as the International Labour Organisation, are themselves driven by a strong desire to promote reform, there may be an element of taking the money, irrespective of the conditions that come with it. TPSF showed some of the difficulties when they worked on their World Bank contracts. BMOs may feel that their objectives are aligned, in which case this may not matter, or they may feel that they are compromising their principles simply to find the resources to keep going.

BMOs in Tanzania and Kenya tend to adopt an insider approach, occasionally supported by media activity. There are however some interest groups, especially non-governmental organisations and civil society organisations, that adopt an outsider approach. **Examining the differences in competence** – and in success rates – between organisations that are predominantly insider and predominantly outsider could lead to further insights about the competences that are most important.

9.8 Conclusion

The study highlights several issues where associations have been successful in their efforts to reform public policy. This study has confirmed that much of the approach adopted by business associations in consolidating democracies mirrors the approach taken by their

counterparts in consolidated democracies. However, it has also identified that there is a greater emphasis in building and maintaining relationships. Associations, once they have been able to demonstrate credibility with government, have generally found it easier to secure access and can then raise issues of concern. There is more emphasis on public private dialogue which allows both parties to understand each other and the issues more clearly. There is, in East Africa, a desire to work collaboratively and to seek consensus. However, to be effective, associations need to be able to draw on good evidence and prepare compelling arguments to support their position. The study has confirmed that people are important. They need to be competent. They need to work together. They need to be stimulated and encouraged to take the initiative. Importantly, the study shows that people can develop their skills and competences and become better at dialogue and advocacy and thus more influential.

Interviews

I have been working, and meeting, with BMOs and other stakeholders in Tanzania since 2006. In many cases, the interviews were undertaken as part of an evaluation of the work of BEST-Advocacy Component. In most cases, answers to questions intended to assess whether BMOs have been successful and under what circumstances have also provided good material for my PhD research. However, from late 2011 onwards, having commenced my PhD, I added questions as appropriate to learn more about BMO perceptions of what led to their success. The evaluations included mid-term reviews (an evaluation commissioned roughly half way through the life of a programme, with the intention of giving the managers the opportunity to change direction if appropriate), implementation reviews (effectively an end of programme evaluation), annual reviews and a five-year longitudinal impact assessment (LIA) commissioned by the UK's Department for International Development.

Table 18 lists by organisation (and interviewee) people who were interviewed in the following missions: BEST-AC mid term review, 2006; BEST-AC implementation review, 2008; BEST-AC LIA baseline assessment, 2010 July and October; BEST-AC LIA, 2011; BEST-AC annual review, 2012; BEST-AC LIA, 2012; BEST-AC LIA 2013; BEST-AC annual review, 2013; BEST-AC LIA, 2014; BEST-AC LIA, 2015; interviews to follow up on earlier interviews and clarify for purposes of writing case studies, 2016. In addition, in early 2014, I was asked by DFID to participate in the Business Enabling Environment 'lab' convened as part of the Big Results Now process held near Dar es Salaam. I was thus able to meet and talk to many participants from BMOs and MDAs though they are not listed in the table. In the table, two ticks in a period means there was more than one meeting; the totals only count from 2011, and count meetings rather than people interviewed, as some meetings had multiple interviewees.

Table 18: Summary of meetings in Tanzania

	2006	2008	2010	2011	2012a	2012b	2013a	2013b	2014	2015	2016	
BMOs												
Agricultural Council of Tanzania (Bitegeko, Janet, CEO)			✓			✓	✓	✓	✓	✓		5
Agricultural Council of Tanzania (Mwanitu, M, Policy officer)			✓									
Agricultural Council of Tanzania (Rwechungura, C, Communications Officer)							✓		✓			2
Agricultural Council of Tanzania (Sanga, M, Communications Officer)									✓			
Agricultural Non-State Actors' Forum (Rukonge, Audax, CEO)						✓	✓	✓	✓	✓		5
Association of Tanzanian Employers (Mlimuka, Aggrey, CEO)		✓	✓			✓		✓				2
Confederation of Tanzania Industries (Kamote, Hossein, Policy Manager)		✓	✓			✓	✓	✓	✓	✓		5
Confederation of Tanzania Industries (Kilindu, Christine, CEO)		✓	✓		✓							1
Confederation of Tanzania Industries (Tenga, Leodgar, CEO)										✓		1
Hotel Association of Tanzania (Kirov, M)	✓											
Hotels Association of Tanzania (Sykes, Lathifa, CEO)									✓	✓		2
Organic Farming Association								✓				1
RULU Arts Promoters (Mulimba, Ruyembe)		✓										
Tanzania Air Operators' Association (Mpill, Jaffari)		✓										
Tanzania Association of Consultants (Mushi, A, ED)				✓								1

	2006	2008	2010	2011	2012a	2012b	2013a	2013b	2014	2015	2016	
Tanzania Association of Cultural Tour Operators (Kahambe, J)							✓					
Tanzania Association of Cultural Tour Operators (Massawe, Alfred, CEO)							✓	✓	✓			3
Tanzania Association of Cultural Tour Operators (Mwako, A)							✓					
Tanzania Association of Cultural Tour Operators (Kilewo, Wesley)										✓		1
Tanzania Association of Micro-Finance Institutions (Terry, Winnie, ED)					✓	✓			✓	✓		4
Tanzania Association of Tour Operators (Akko, Sirili, Acting ED)									✓			1
Tanzania Association of Tour Operators (Mustapha Akunaay, CEO)			✓	✓	✓	✓						3
Tanzania Association of Tour Operators (Remen, Kelven, Policy Officer, then Acting ED)			✓	✓		✓	✓					2
Tanzania Association of Tour Operators (Vesna Glamocanin, Treasurer)						✓						
Tanzania Chamber of Commerce, Industry & Agriculture (Mashauri, S)			✓									
Tanzania Chamber of Commerce, Industry & Agriculture (Nnko, E)			✓									
Tanzania Chamber of Commerce, Industry and Agriculture (Machemba D.C.)		✓	✓									
Tanzania Chamber of Commerce, Industry and Agriculture Arusha (Kahabi, ED)					✓	✓						
Tanzania Chamber of Commerce, Industry and Agriculture Arusha (Marunda, S.C, ED)									✓			1

	2006	2008	2010	2011	2012a	2012b	2013a	2013b	2014	2015	2016	
Tanzania Chamber of Commerce, Industry and Agriculture Arusha (Olomi, Adolf, Chairman)					✓	✓	✓					3
Tanzania Chamber of Commerce, Industry and Agriculture Morogoro								✓				
Tanzania Chamber of Commerce, Industry and Agriculture Mufindi								✓				
Tanzania Civil Engineering Contractors' Association (Mworia, C, ED)	✓							✓				1
Tanzania Edible Oil Seeds Association								✓				1
Tanzania Exporters' Association (Lanya, P, Board member)									✓			
Tanzania Exporters' Association (Naluyaga, L, ED)			✓		✓	✓	✓					3
Tanzania Graduate Farmers' Association								✓				1
Tanzania Horticultural Association (Chamanga, Anthony, Policy Director)						✓			✓		✓	2
Tanzania Horticultural Association (Mkindi, Jacquie, CEO)				✓✓		✓	✓		✓			5
Tanzania Horticultural Association (Remen, Kelven, Policy Officer)										✓		1
Tanzania Milk Processors' Association (Mariki, Edmund, ED)			✓		✓	✓	✓	✓	✓	✓		6
Tanzania Private Sector Foundation (Accaro, Louis, ED)	✓	✓										
Tanzania Private Sector Foundation (Furaha, Edward, Policy Director)				✓	✓	✓	✓		✓	✓		6
Tanzania Private Sector Foundation (Gahha, Adam, Policy Manager)								✓	✓	✓		
Tanzania Private Sector Foundation (Rwezika, E, ED)		✓	✓									

	2006	2008	2010	2011	2012a	2012b	2013a	2013b	2014	2015	2016	
Tanzania Private Sector Foundation (Simbeye, Godfrey, CEO)							✓	✓	✓	✓	✓	5
Tanzania Ship Tally Association								✓				1
Tanzania Women Miners' Association (Negele, Eunice)		✓										
Tourism Confederation of Tanzania (Rugimbana, Richard, ED)	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	7
Vibindo (Kikuwi, Gaston, Chairman)		✓			✓		✓	✓		✓		4
Zanzibar Chamber of Commerce, Industry & Agriculture (Omar, A, President)		✓						✓				1
Zanzibar Clove Producers' Organisation (Abubakar, A, ED)				✓								1
												88
MDAs												
Better Regulation Unit (Lyimo, Bede, CEO)	✓	✓										
Ministry of Agriculture (Hango, D)							✓					
Ministry of Agriculture (Mibava, Gungo)				✓								1
Ministry of Agriculture (Msambachi, A)							✓					1
Ministry of Agriculture (Muzawa, A.K)							✓					
Ministry of Agriculture (Ohidi, S)							✓					
Ministry of Home Affairs (Janabi, Haji, Director of Policy & Planning)							✓		✓			2
Ministry of Industry & Trade (Ishibaba, Consolata, Director, SME Division)							✓		✓			2
Ministry of Industry & Trade (Kilumile, Tawi, Economist)								✓				

	2006	2008	2010	2011	2012a	2012b	2013a	2013b	2014	2015	2016	
Ministry of Industry & Trade (Lugongo, Geoffrey, Trade Officer, Marketing)								✓				
Ministry of Industry & Trade (Maru, J, Acting Director, SME Division)										✓		
Ministry of Industry & Trade (Mashingo, Christopher, Assistant Director, Trade Promotion)				✓				✓				2
Ministry of Industry & Trade (Massari, Christopher)				✓				✓				
Ministry of Industry & Trade (Mjengo, M, Director of Marketing)										✓		1
Ministry of Industry & Trade (Mwampeta, Hilda, Assistant Director, Trade Promotion)								✓				
Ministry of Industry & Trade (Ngango, G)										✓		
Ministry of Industry & Trade (Sekela, M)										✓		
Ministry of Industry, Trade & Marketing (Lyatuu, J)				✓								
Ministry of Industry, Trade & Marketing (Massawe, Desytant)				✓								1
Ministry of Industry, Trade & Marketing (Mbwasi, A)				✓								
Ministry of Labour (Janabi, Haji)				✓								1
Ministry of Natural Resources & Tourism				✓								4
Ministry of Natural Resources & Tourism (Kimmage, Z, Director of Tourism)										✓		1
Ministry of Natural Resources & Tourism (Mussa, Ibrahim, Director of Tourism)				✓		✓	✓					3
Ministry of Natural Resources and Tourism (Kibogoyo, S, Principal Tourism Officer)	✓											
National Bureau of Statistics (Sawe, J)			✓	✓								1
Presidential Delivery Bureau								✓				3

	2006	2008	2010	2011	2012a	2012b	2013a	2013b	2014	2015	2016	
Presidential Delivery Bureau (Kamugisha, G)									✓			1
Presidential Delivery Bureau (Nduguru, Neema)										✓		1
Presidential Delivery Bureau (Ting, D)										✓		1
Prime Minister's Office			✓			✓						9
Prime Minister's Office (Laseko, Barney)			✓	✓		✓	✓✓		✓	✓		6
Prime Minister's Office (Lyimo, Bede)				✓								1
Prime Minister's Office (Maponde, Ezamo)								✓				1
Small Industries Development Organisation (Laiser, Mike ED)	✓	✓										
Southern Agricultural Growth Corridor of Tanzania (Kirenga, Geoffrey, CEO)							✓					1
Tanzania Revenue Authority (Maganga, Mary)				✓	✓	✓			✓	✓		5
Tanzania Tourist Board (Chitaunga, P)				✓								
Tanzania Tourist Board (Malogo, D)				✓								
Tanzania Tourist Board (Mdachi, D, Marketing Manager)										✓		1
Tanzania Tourist Board (Nzuki, Aloyce, CEO)				✓								1
Weights & Measures Agency (Tukai, A, CEO)		✓										
												51
Other												
Barclays Bank (Lubira, David, Commercial Director)			✓									
East African Business Council (Nderitu, Agatha, CEO)						✓						1
Foundation for Civil Society								✓				1
Foundation for Civil Society (Ulango, John, CEO)	✓							✓				1

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	2006	2008	2010	2011	2012a	2012b	2013a	2013b	2014	2015	2016	
Institute of Management & Entrepreneurship Development (Olomi, Donath, Chairman)					✓		✓					2
Lyimo, Bede (Consultant)							✓		✓			2
Mchau, Celina (Consultant)		✓										
Pamona Ltd (Muchoki, A)					✓							1
Rex Attorneys (Sinare, H)					✓							1
Serengeti Advisers (Eyakuze, Aidan)					✓							1
Shamte, Mahmud (Consultant)		✓										
Shimwela, Nicky (Consultant)		✓										
TradeMark East Africa (Elago, Pauline, Country Director)								✓				1
University of Dar Entrepreneurship Centre (Charles, Goodluck)					✓		✓			✓		3
University of Dar Entrepreneurship Centre (Olomi, Donath, Director)	✓	✓										
												14
												153

In Kenya, I am part of a team that holds the contract from Danish International Development Aid (DANIDA) to manage the Business Advocacy Fund. This is in its third five-year programme. During that time, I have met and supported more than 50 BMOs as well as meeting many of their stakeholders. I have not listed the meeting details, but have specifically listed the interviews that were undertaken to write the case study of the Kenya Chamber of Mines.

Kenya Chamber of Mines

- KCM policy position workshop, 24 March 2014 (facilitated by David Irwin)

- Abdalla, Hon. Amina (Chairman, NA Departmental Committee on Environment and Natural Resources), 1 April 2015 (interviewed by Kariuki Waweru, using questions prepared by David Irwin)

- Gichuhi, Monica (CEO, Kenya Chamber of Mines), 24 March 2014

- Kimono, Shadrack (Chief Geologist & Acting Commissioner of Mines) and Mutiso, Raymond (Director of Mines), 30 January 2015 (interviewed by Kariuki Waweru, using questions prepared by David Irwin)

- Mwakesi, Stephen (Acting CEO, Kenya Chamber of Mines), (a) 24 March, (b) 27 March, (c) 10 September, (d) 9 December 2014, 18 February 2015

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