

## Chapter 4

### ELECTION CAMPAIGN AND MEDIA

#### Campaign Calendar

In accordance with the Campaign Guidelines for Presidential Candidates, issued by the Electoral Commission on 25 October 2010, official campaigns for presidential candidates commenced on 28 October and those for parliamentary candidates started on 16 December 2010. The presidential and parliamentary campaigns concluded at 1800 hours on 16 February 2011. They were governed by prescribed legislation<sup>22</sup>.

#### Campaign Environment

It was encouraging that during the election campaign basic freedoms, including freedom of association, freedom of movement and assembly, were generally respected. The Electoral Commission worked with representatives of presidential candidates to coordinate the campaign programmes of parties and candidates for the Presidential and Parliamentary elections<sup>23</sup>. This contributed to the generally peaceful conduct of the campaign by ensuring that party rallies did not overlap, which helped to avoid direct clashes between party supporters.

Campaigns were more competitive than in 2006. Meetings and rallies were generally peaceful and spirited, though instances of intimidation and violence were reported<sup>24</sup>. Parties conducted extremely active national campaigns. All candidates drew large crowds throughout the country, in contrast to 2006. The extensive use of social media, such as Facebook, also played a role in drawing in the crowds.

In a statement dated 23 December 2010, domestic observers DEMGroup had urged the Parliament of Uganda to pass a Code of Conduct to guide and regulate the campaign process.<sup>25</sup> They also recommended to political parties to formulate and implement internal Codes of Conduct. DEMGroup noted some incidents of hate speech by presidential

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<sup>22</sup> The Constitution of Uganda, 1995 (as amended), the Presidential Elections Act, 2005[PEA] (as amended), the Parliamentary Elections Act, 2005[PAR-EA] (as amended), the Electoral Commission Act, Cap.140[ECA] (as amended) and the Political Parties and Organizations Act [PPOA] (as amended).

<sup>23</sup> As provided for in the Presidential Elections Act (2005), Section 21

<sup>24</sup> In a statement on the ongoing Presidential and Parliamentary campaigns (23 December 2010), domestic observers DEMGroup highlighted violent incidents caused by overzealous supporters of some candidates, such as in Arua where a presidential candidate's convoy was pelted with stones, and in some cases caused by police officers such as in Lira Municipality where a presidential candidate was 'roughed up' by Police.

<sup>25</sup> A bill was tabled in Parliament in early December 2010 to enact Section 19(1) of the Political Parties and Organisations Act (2005), which provides for a code of conduct for political parties and organisations. Amid objections from the opposition that they were not consulted on the bill, after cross-party consultations, on 5 January 2011 a decision was agreed with the Speaker to defer the bill till after the 2011 elections.

candidates in their campaigns, in defiance of the electoral laws<sup>26</sup>. Various human rights organisations called upon the Ugandan government to ensure that in the lead-in to the forthcoming election, those responsible for any violence were held accountable and that the media could operate free of harassment.

Generally, the Uganda Police Force and the Uganda People's Defence Forces (UPDF) appeared less intrusive. However, opposition parties accused the Uganda Police of bias in favour of the ruling party in the conduct of their duties. While these allegations were denied by the Uganda Police, they acknowledged that they were recruiting additional police officers during the campaign period, to ensure a safe environment over the election period, as well as continuing a programme of training special constables and community groups referred to as "crime preventers".<sup>27</sup> Nonetheless, opposition parties were suspicious of this recruitment programme.

Allegations were made by some interlocutors that there was ongoing recruitment and training of vigilantes by the NRM to harass and intimidate people at sub-county level during the campaign period (and this intimidation would take place on Election Day as well). The security forces had also accused opposition parties, particularly the IPC, of training paramilitia and had warned that this would be against the law. Dr Besigye denied this allegation, but acknowledged that the IPC were training "vote-protecting brigades" to spot any rigging on Election Day.

We reiterate the recommendation made by the Commonwealth Observer Group in 2006 that security forces should refrain from undue displays of power, since these could be interpreted by the public as intimidatory.

We also recommend that political parties exercise restraint in the security measures employed in the conduct of their campaigns.

## **Campaign Methods**

Candidates used many ways to reach voters, most notably posters, leaflets, billboards, print and electronic media, debates, rallies, roadshows, effigies and private media advertising. Social media such as Facebook was also utilised extensively to allow all presidential and parliamentary candidates the opportunity to disseminate their campaign messages across a wide audience. SMS text messages were used extensively to invite party supporters to rallies and to meet their candidates. Parties also used websites to advertise their manifestos and other campaigning news.

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<sup>26</sup> Section 23 of the Presidential Elections act, Section 22(6) of the Parliamentary Elections Act and Section 7.5 of the Campaign Guidelines issued by Electoral Commission on 25th October 2010 prohibits candidates from making false, derogatory, insulting, and abusive statement during their campaigns.

<sup>27</sup> In accordance with Section 17(f) of the Constitution, which empowers the police in consultation with other agencies to cooperate with civilian authority to detect and prevent crime. This was acknowledged in a televised speech by Police Commissioner for Community Affairs, Commissioner Asuman Mugenyi, Sunday 11 December 2010. It was widely feared also that under the guise of recruiting election day polling constables, crime preventers were to be dressed in police uniform and used as election constables to build up the security presence throughout the country on election day.

Presidential candidates tended to focus mainly on rallies, while parliamentary candidates focused on door-to-door canvassing and meetings in local neighbourhoods.

The main concerns regarding the campaign, and indeed regarding the overall character of the election, were the lack of a level playing field, the use of money and abuse of incumbency in the process.

### **Use of Money**

The NRM, the ruling party in Uganda, is by far the largest and best-resourced and, after many years in power, elements of the state structure are synonymous with the party. Reports of “commercialisation of politics” through the distribution of vast amounts of money and gifts were most disturbing. Numerous allegations were made that, during campaigns, many candidates distributed cash and other direct benefits to voters (such as refreshments and food, cooking oil, salt, sugar, soap and blankets).

According to a study by DEMGroup, the use of money in elections has become a culture in Uganda and voters have become accustomed to receiving bribes for their votes<sup>28</sup>. However, section 64 of the Presidential Elections Act and section 68 of the Parliamentary Elections Act prohibit a candidate from giving or providing any money, gift or any other consideration to a voter. Violation constitutes the offence of bribery and the accused on conviction is liable to a fine not exceeding seventy two currency points (1,440,000 Uganda Shillings - UGX) or imprisonment not exceeding three years or both.

### **Abuse of Incumbency**

With significantly larger resources at its command, the NRM was dominant in all aspects of campaigning, taking maximum advantage of government resources and patronage, vehicles and personnel. Indeed, the ‘money factor’ and widespread allegations of bribery and other more subtle forms of buying allegiance were key features of the political campaign. NRM also received massive positive coverage on state television and radio.

### **Campaign Finances**

The 2011 elections were Uganda’s most expensive ever. There are no limits on the amount of campaign spending for parties. In terms of the Presidential Elections Act, No 16 (2010), presidential candidates may expend resources on election-related activities. Only the President in the course of his regular duties may make donations. Other presidential candidates are not allowed to make donations. The candidates for parliament are also forbidden from giving donations from fund raising for purposes other than election campaigns.

While amendments to legislation<sup>29</sup> in 2010 provided for equitable financing to all political organisations and parties for election-related activities, political parties and organizations had not been given funds to manage their election-related activities for the 2011 general

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<sup>28</sup> “Report on Money in Politics” (January 2011), Democracy Monitoring Group, p3

<sup>29</sup> Political Parties and Organisations (Amendment) Act (2010), Section 14A (b)

elections<sup>30</sup>, though all presidential candidates received UGX 20 million as a campaign contribution from the Electoral Commission, plus a car and security personnel.<sup>31</sup>

For campaigning, media reported that the costs incurred for television advertisements, billboards, t-shirts, and banners amounted to more than UGX 100 billion<sup>32</sup>. Television advertisements were estimated to cost between UGX 500,000 and 700,000 per minute and up to UGX 2 million per day. Some political parties such as the NRM, IPC and UFA were the most visible on television adverts. The cost of a billboard was estimated to amount to over UGX 15 million for exclusive use for one month, while political parties were said to be spending at least between UGX 20 million and 50 million per month on posters, t-shirts and banners<sup>33</sup>.

Political parties are required to maintain an accurate record of all contributions and contributors, including membership dues and in kind donations. They must also maintain a record of assets and property, which are to be accessible to any member of the party. In addition political parties are required to submit audited accounts to the Electoral Commission not later than six months following the close of the party's financial year<sup>34</sup>.

We also received reports that undisclosed sums of money were received by some political parties and candidates from foreign donors. If this is indeed true, it underscores the need for the enforcement of regulations on election campaign financing and political party fundraising. This is more so given that there are virtually no checks on the levels of campaign financing and expenditure due to the cash-based nature of the campaign and the lack of stringent campaign financing regulations, both of which facilitate the use of illicit payments to voters as inducements and has the potential to undermine their free will.

While recognising that there are certain advantages to incumbency, funding limits are required. We note that the laws with respect to vote buying are already in place and relatively strongly worded with clear penalties. They are simply not enforced.

## **The Candidates**

Uganda's second multiparty elections on 18 February 2011 were contested by eight presidential candidates (in alphabetical order):

- Kizza Besigye: Inter-Party Cooperation (IPC)
- Abed Bwanika: People's Development Party (PDP)
- Beti Olive Kamywa: Uganda Federal Alliance (UFA)
- Samuel Lubega: Independent Candidate
- Norbert Mao: Democratic Party (DP)
- Yoweri Museveni: National Resistance Movement (NRM)

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<sup>30</sup> In January 2011, following parliamentary approval of a Supplementary Budget, each Member of Parliament received a disbursement of US\$ 20 million. Though the payment was intended to be allocated for the monitoring of government programmes in their constituencies and not for the elections, it engendered suspicion and was widely criticised by opposition MPs and civil society organizations. There were reports that fewer than 20 MPs, mostly from opposition parties such as the FDC, returned the money.

<sup>31</sup> As provided for in The Presidential Elections Act (2005), Section 22

<sup>32</sup> Exchange rate approximately USD 1.00 = UGX 2,300

<sup>33</sup> "Uganda votes in expensive election", East African Business Week, 14-20 February 2011, pp 1 & 5.

<sup>34</sup> Political Parties and Organisations Act (2005), Section 12

- Olara Otunnu: Uganda People's Congress (UPC)
- Jaberu Bidandi Ssali: People's Progressive Party (PPP)

In August 2010, the FDC's Dr Kizza Besigye, competing in his third successive election, was chosen as the unity candidate for an alliance of opposition political parties, the Inter-Party Cooperation (IPC), which included three smaller political parties -the Justice Forum (JEEMA), Conservative Party (CP) and Social Democratic Party (SDP). However, this alliance fragmented, perhaps owing to the presidential ambitions of other party leaders. Both Norbert Mao of the Democratic Party, the second biggest party, and Olara Otunnu, the third biggest, contested outside the IPC ticket.

A total of 1270 candidates were nominated to contest elections for the directly elected Members of Parliament and 443 candidates for district women Members of Parliament.

## **Main Campaign Issues**

Campaigns focused on a wide range of issues including the abuse of incumbency, harassment and intimidation, the voter registration process, voter identification cards, ghost voters and lack of civic education. Policy issues included the tackling of poverty, education, unemployment, corruption, inadequate healthcare, poor infrastructure, federalism and national debt.

The opposition also campaigned for electoral commissioners to be replaced before the 2011 elections.

Major campaign pledges of the eight presidential candidates included<sup>35</sup>:

**NRM:** NRM campaigned for unity and stability. The party also promised more industrialisation to spur economic growth; maintenance of peace, security, law and order; zero-tolerance for corruption; expansion of electricity generation; an improvement to the quality of education; and improved remuneration of health care workers.

**DP:** the presidential candidate promised a "new Uganda". The party also promised an overhaul of the education system; the establishment of 16 public universities; increased budget allocations to 15% for agriculture and health; massive investment in reconstruction of war ravaged Northern Uganda; and a transparent and citizen-centred oil and gas policy.

**Independent (Mr Samuel Lubega):** Mr Lubega sought to lead Uganda in close partnership with cultural and religious leaders, promising that he would implement federalism; tougher laws to tackle corruption; a reduction of taxes on essential commodities; an allocation of largest budget percentage to agriculture; and the restoration of presidential term limits.

**IPC:** its Presidential candidate, Dr Kizza Besigye, advocated change in his campaign. He stated in his campaign rallies that, unlike in 2006, if he were to reject the outcome of the 2011 elections he would not seek redress through the courts but that instead he would seek it through the "court of public opinion". Also promised: implementation of federalism; zero-tolerance for corruption; improved welfare for soldiers; increased teachers' salaries; and free medical care to expectant mothers.

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<sup>35</sup> As reported in New Vision, 18 February 2011, pp 6-7.

**UFA:** The party's central campaign message stated that Uganda was ready for the implementation of federalism. Other pledges included the allocation of over 15% of the national budget to agriculture; the establishment of a public insurance scheme; and a minimum wage for workers.

**UPC:** in its campaign, the UPC organised a petition known as the Blue Book, signed by 1.6 million Ugandans, which called for free and fair elections, as well as the establishment of a new Independent Electoral Commission plus a new, clean Voters' Register. Also promised: reservation of 40% of all national leadership positions for women; re-establishment of cooperatives; lower taxation for small and medium enterprises (SMEs); the provision of 20% of royalties to communities with oil reserves; and to provide decent housing for police and army personnel.

**PDP:** With a promise to make Uganda self-reliant, Dr Bwanika promised free medical care for pregnant women and children; a minimum wage for workers; a reduction in the size of Cabinet and Parliament; and relocating the capital to Nakasongola.

**PPP:** Dr Ssali promised to lead Uganda for only one term, with core messages that his party would implement federalism; restore presidential term limits; develop a comprehensive land policy; promote heavy investment in science and technology; and re-establish cooperatives, along with an increase in the agriculture budget.

### **Media Coverage - Background**

Uganda has 41 operational television stations, with the UBC, NTV Uganda, WBS and NBS the main news channels.

It also has 244 radio stations, many of them regional and community, making electronic media critical in the coverage of elections. Many radio stations have links to political parties, religious or ethnic groups. While the UBC radio, which has a national reach, gave the bulk of its coverage to the incumbent, this was not balanced by the other radio broadcasters outside the capital.

Increasingly the internet is an important tool in electioneering, with the laying of a fibre optic cable having resulted in the jump in Internet users to more than 3.5 million in 2010, from less than a tenth of that in 2006.

Uganda also has 10.3 million cellular phone subscribers, and parties used short text message services (SMS) for mobilising while they were used by the Electoral Commission in feeding district results into the national grid.

Newspapers in Uganda account for combined daily sales of about 100,000, with an estimated total readership (owing to multiple users for each copy) of about 1.5 million or about 5 per cent of the population. In contrast, an estimated 64 per cent of the population rely primarily on the electronic media (largely radio), while 34 per cent rely on word of mouth, according to the Uganda Broadcasting Council data.

## **Print Media**

The Group received briefing from editors of major English language publications – the majority government-owned *New Vision* newspaper, the privately-owned *Monitor* and the proprietor of an independent magazine.

Observers noted that the English language daily newspapers, especially the *Monitor*, made an effort to give balanced reporting to all presidential candidates.

But the *New Vision*, which has the largest circulation, gave by far the most comprehensive coverage to the election. It largely carried the incumbent President's campaign rallies on the front page, but it nevertheless reserved space for other candidates in the inner pages.

Local language newspapers owned by the same groups took the same stance.

## **Television**

There was clear bias in the coverage of the state broadcaster Uganda Broadcasting Corporation (UBC). However the privately-owned NTV Uganda and Wava Broadcasting Service (WBS) Television made efforts to have a balanced coverage of all the candidates but ended up focusing their coverage on the two main presidential candidates. The remaining six candidates received minimal coverage.

The privately-owned NTV Uganda appeared to give an ample free platform to all candidates during the coverage of campaign rallies, although it has to be noted that advertising was dominated by the ruling National Resistance Movement, reinforcing the perception that it was by far the best funded group. For example, NTV Uganda carried a live broadcast of the incumbent president's last campaign rally in the capital – more than 90 minutes – as an advertiser's event.

NTV Uganda and WBS TV also carried extensive coverage of the campaigns, with correspondents reporting live on location from several campaign rallies. Both gave a great deal of airtime to debate on the election issues as well as analysis of the manifestoes of the two main contenders. But they gave demonstrably less news time to the six other candidates.

The UBC which has the widest reach in Uganda, failed to comply with its statutory obligation to provide equal access to all parties. Rather, it gave overwhelming coverage to the incumbent. By the accounts of media monitors from the European Union, some 90 percent of electoral airtime by UBC went to President Museveni and the NRM while the other 7 presidential candidates shared the balance of 10 percent. That 10 percent included incidents when the opposition groups were criticised by elements from within the ruling party.

The blatantly partisan role played by the UBC which is supposed to provide equitable time for all presidential candidates to air their agenda to the people, needs to be addressed.

## **Radio**

The closure by the government of four FM radio stations following unrest in 2009, including the popular CBS owned by the powerful Buganda Kingdom, appeared to have forced FM radio stations to tread carefully in the run-up to this election.

Although the radio stations had been reopened, journalists who spoke to Observers said they believed a clear message had been sent by the government that dissent on radio would not be tolerated, and this resulted in self-censorship by radio presenters who wanted to avoid problems. FM stations, especially community-based ones, shunned debate and analysis of issues ahead of the elections.

Overall, as in 2006, monitoring by national observers showed that media coverage of the NRM was positive while that of the opposition was neutral or negative.

## **Information Technology**

Technology is playing an increasingly important role in Uganda. Four radio stations -- Simba FM, KFM, Hot 100, Beat FM and Capital FM – can be accessed live via online distributor JumpTV, which also carries content from UBC TV, WBS and Record TV allowing Ugandans, including those in the diaspora, to follow the electioneering. Political parties used SMS messages to appeal directly to voters. President Museveni also used his re-mix of folk stories known as “You Want Another Rap”, widely viewed on YouTube.

Other political parties used cellular phones for mobilisation and to monitor the electoral process and, importantly, the counting and tabulation processes.

## **Laws and Regulations**

The Electronic Media Act of 1996 details the minimum standards that provide for “equal opportunity” in coverage of presidential and parliamentary candidates. The UBC has tended to ignore these provisions of the law and it does appear that there have been no efforts to enforce it in any case.

The regulatory framework governing media and elections is contained in the Press and Journalists Act (1995) which established the Media Council; the Electronic Media Act (1996) which established the Broadcasting Council and Includes the ‘Minimum Broadcasting Standards’ referred to above; the Electoral Commission Act (1997); and the Uganda Broadcasting Corporation Act (2005), which consolidated UTV and Radio Uganda as Uganda Broadcasting Corporation (UBC TV and UBC Radio).

UBC TV and UBC’s radio stations have the widest reach in Uganda and therefore need to be made to act within the provisions of the law in order to keep all Ugandans rightfully informed of the political players and their manifestos before they make the critical decisions of who their leaders should be.



## **Media Freedom**

Uganda enjoys a plural media and the airwaves have been liberalised. Freedom of expression, including freedom of the press and other media, is guaranteed under the Constitution. Uganda's print and broadcast media represent a range of political viewpoints and allegiances, and for the most part appear able to present the free expression of these viewpoints.

By many accounts, media in Uganda were free to express their views and opinions in this election and to the extent that they did not, it was a problem of self-censorship or a lack of required analytical skills that impeded them.

## **Recommendations**

- The entitlements of the President related to elections should be listed in a manner that increases transparency and complies with both the letter and spirit of the law.
- Public resources must not be used to the advantage of any one political party.
- More stringent and explicit regulations limiting the use of state resources for campaign purposes should be introduced, thereby helping to create a more level playing field for the elections.
- Current legislation with respect to vote buying should be enforced.
- Regulations stipulating expenditure ceilings on election campaigns should also be introduced.
- Parties and candidates should be required to provide more detailed accounts of funding and expenditure for the campaign, which will help to create a higher level of transparency and accountability. This will also help to address the current mis-use of money on the political campaign.
- Legislation providing for a Code of Conduct for political parties and political organisations should be enacted.
- Security forces must avoid undue displays of power, since these could be interpreted by the public as intimidatory.
- Political parties must exercise restraint in the security measures employed in the conduct of their campaigns.
- The Uganda Broadcasting Corporation should be transformed into an independent public service broadcaster.
- An independent broadcasting authority and independent broadcast complaints commission should be created to act as a regulatory body.

- The Electoral Commission should agree with UBC specific free-time broadcasts for political parties on radio and television to ensure their agenda and programmes are relayed to the people.
- There remains a need to develop programmes to build the capacity of the media in reporting effectively on elections.