

The uneven playing field and the 2016 elections in Uganda



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It is easy to document that the 2016 elections in Uganda were unfair. To combat the uneven playing field one needs to systematically assess the symptoms and identify the structural issues underpinning it.

The different parties and observers to #UgandaDecides agree on one thing: the electoral playing field of the February 18 elections was uneven. Losers, winners, election observation missions, civil society organizations, social media users – even President Museveni himself¹ – has complained about unfairness in the electoral process.

Arguably, both the opposition and the incumbent have been treated unfairly during the process. The concept of the uneven playing field is often used selectively to complain about certain aspects of the political process, as in the case of Museveni who argued that the newspaper Daily Monitor favored the opposition. Or, as in the case of Besigye, to argue that the entire electoral process is unfair² and therefore must be faced through defiance. Both statements are problematic. Museveni might be right (although content analysis indicate he is not³), but his focus on just a tiny piece of the playing field makes his statement useless. Besigye's statement is analytically useless for the opposite reason: his sweeping assessment misses important variations in the playing field, making it easy to point to flaws in his argument.

Describing the Ugandan playing field

Moving beyond such sweeping statements, three issues⁴ must be addressed in order to secure an even electoral playing field: fair access to resources, media, and arbiters such as electoral commissions, court and law enforcement agencies. Most importantly, the balance *within and between* these issues must be acknowledged.

The situation with regards to access to media in Uganda illustrates this. This is actually an area where the playing field is more even than in many other authoritarian regimes. While public broadcasters (particularly the UBC – who define themselves as civil servants) clearly favor the NRM and Museveni in their coverage, the advantage this offers the NRM is somewhat mitigated by the relatively free print media. Particularly the privately

owned newspapers in the urban areas such as Daily Monitor and The Observer provide urban dwellers in Uganda with relatively balanced coverage of the different candidates and parties. These papers do not have to be pro-opposition to level the playing field. It is enough that they do what they are currently doing and try to report as objectively and fairly as possible. The media playing field is as much about having the possibility to access fair information as it is about all information being fair.

Unfortunately, the imbalances in other areas of the playing field prevent the fair information reaching as far as possible. There was a tremendous resource difference⁵ between opposition candidates and NRM candidates

at all electoral levels. While Besigye received both chickens, goats and money from supporters during the campaign, he could not compete with the state-sponsored machinery of the NRM⁶, who also attracted funding from a private sector that depends on staying in the good books of the regime. Even the long-awaited release of public funds for

political parties did little to mitigate the situation, as the funds were allocated based on representation in parliament, awarding the lion's share to NRM. This did not only prevent the opposition from building their organizations and mobilizing voters, but it also meant that they could not afford to buy media time to the same extent as the NRM, meaning that they were unable to take advantage of the opportunities offered by the large network of private radio stations for example. In cases where the opposition candidates have paid for airtime, they have been prevented by radio owners⁷ who are often either NRM politicians themselves or commercially dependent on the goodwill of the NRM.

The difference is compounded by unfair treatment by state agencies that are supposed to behave as neutral arbiters. The Uganda Communications Commission play an active role by threatening to shut down broadcasters running content that create public

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insecurity and violence or violate existing laws. In practice however, radio stations have been taken of air both for hosting opposition politicians and for discussing presidential succession issues, indicating that what constitutes “public insecurity” is defined by the ruling regime. UCC’s decision to close down social media on Election Day⁸ also affected freedom of expression. These practices are compounded by failure to punish violence against journalists⁹, often conducted by state agents themselves. All in all, this creates a culture of fear that contributes to self-censorship on controversial issues. Journalists and editors in Uganda are often taught to ask themselves “Would I die if I did not run this story?” before deciding on pursuing a controversial news item.

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The Electoral Commission, which has the power to affect issues that touch on the playing field by for example effectuating its mandate to collect financial accounts of parties, contributes to the uneven playing field by doing nothing. The role of the court system in the 2016 elections is as of yet uncertain. While no-one was surprised that the Supreme Court ruled against overturning the Presidential election, especially given the uninspiring performance by Mbabazi’s legal team, the High Court could yet play a positive role in terms of overturning Parliamentary elections and ordering re-runs. In past elections this level has proven more conducive to evening the playing field, as NRM candidates have often found themselves on the losing side. The supposed protectors of fairness are thus both actively and passively preserving the uneven playing field. The playing field in the 2016 election was thus largely uneven, but with important variations on the three dimensions.

Changing or combating the uneven playing field

Having recognized the variations in the playing field and ultimately its uneven nature, it is important to move beyond it and ask what structures that underpin it. Too much of the debate focuses on the above-mentioned symptoms, rather than what can be done to alleviate it. And answers must move beyond pointing to the

legal framework, as proposed by the European Union Observer Team in its preliminary statement¹⁰. Here are two of the more obvious structural issues:

1. *The merger between the state and the regime.* The NRM is massively benefiting from the partisan nature of the Ugandan state, which has never really been adapted to the setting of multiparty politics. The decentralized state apparatus – both elected and unelected offices – are largely controlled by the regime.

This offers them a large organizational advantage that can be used both to prevent the opposition from building organizations, particularly in the rural areas, and mobilise during campaigns. At the national level, public positions such

as ministers and presidential advisors are used as tools for elite management. This directly provides an advantage with regards to resources, and indirectly affects access to media and independent arbiters by making meritocratic appointment criteria subservient to partisan interests.

2. *The composition of the Uganda electorate.* Over 80% of the Ugandan population still reside in the countryside. A predominantly poor, dependent and rural population is a blessing for an authoritarian regime relying on patronage politics. It also amplifies the organizational advantage of the NRM, as it makes it very expensive and time-consuming for the opposition to build nationwide organizations. It is also easier to control the flow of information to rural areas, as they typically have less diverse sources of information available to them. Finally, the rural bias also makes it easier to get away with blatant partisan behavior of supposedly neutral officials (such as Returning Officers of the Electoral Commission) because it is challenging to monitor all areas of the country.

Both the merger of the state with the NRM and the rural nature of Uganda’s population are unlikely to change in the short run. However, the opposition can adapt to the circumstances and adopt tactics that would mitigate them and make the playing field more even

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Editor: Ingvild Hestad. Design: Kristen Børje Hus.

or focus on the weaknesses of the system. First, they should focus on the costs of the merger between the state and the party by focusing on the economic and social costs that it carries, such as corruption, inflation and inefficiency. Second, they should focus on building a nationwide organizational presence between elections, despite the expected government backlash this will create, particularly in the rural areas. Third, they should exploit the opportunities by the other demographic characteristic of the Ugandan population: the youth bulge. As youths are more likely to sympathize with the opposition and access diverse sources of information regardless of whether they are urban or rural dwellers, they will likely be less costly to mobilise.

Adopting these tactics will not even the playing field completely. Incumbency advantages are present in most political systems, particularly where there is a strong presidency and few veto institutions. However, as the Zambian election in 2011 highlight, the opposition can win an election on an uneven playing field. It just has to be even enough.

Links

- 1 <http://www.monitor.co.ug/Elections/Monitor-newspaper--unfair-to-me--Museveni-/2787154/3087678/-/12ywgtd/-/index.html>
- 2 <http://www.bloomberg.com/news/articles/2016-02-16/uganda-s-besigye-vows-to-continue-struggle-if-signs-vote-rigged>
- 3 <http://acme-ug.org/category/media-monitoring/>
- 4 <http://link.springer.com/article/10.1007/s12286-015-0264-7>
- 5 <http://acfimuganda.org/wp-content/uploads/2016/03/JANUARY-2016-PROGRESS-REPORT.pdf>
- 6 http://acfimuganda.org/wp-content/uploads/2016/02/ACFIM-REPORT-NOV_DEC-Design-Version.pdf
- 7 <http://www.monitor.co.ug/News/National/Radio-goes-off-air-15-minutes-into-Dr-Besigyes-talk-show/-/688334/2803274/-/kcvkst/-/index.html>
- 8 <http://www.independent.co.ug/news/news/11023-ucc-qswitches-offq-social-media-in-uganda-on-polls-day>
- 9 <https://www.hrw.org/report/2016/01/11/keep-people-uninformed/pre-election-threats-free-expression-and-association-uganda>
- 10 http://www.eueom.eu/files/pressreleases/english/PreliminaryStatement_20160220.pdf