

DELIVERING SAFE AND CREDIBLE ELECTIONS AMIDST COVID-19 IN UGANDA

**Analysis of Media as a Tool for Political
Campaigning Ahead of the 2021 General
Elections**

August 2020



Public Policy Institute

Netherlands Institute for
Multiparty Democracy

This analysis has been produced by the Public Policy Institute (PPI) with support from the National Endowment for Democracy and in partnership with the Netherlands Institute for Multiparty Democracy (NIMD) under the Delivering Safe and Credible Elections Amidst COVID-19 in Uganda initiative. The initiative was designed to analyse and convene dialogues on the impact of COVID-19 on political and civic participation in the context of the 2021 general elections. Through analysis and dialogue, the initiative generated evidence regarding the implications of the disruptions occasioned by COVID-19 and the measures put in place to mitigate the impact on political participation and electoral integrity.



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Multiparty Democracy

Published by Public Policy Institute (PPI)
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Makerere University, Kampala Uganda
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Citation

Walulya G. (2020). Delivering Safe and Credible Elections amidst COVID-19 in Uganda. Analysis of Media as a Tool for Political Campaigning Ahead of the 2021 General Elections , No. 02 of 2020. PPI, Kampala

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Abbreviations and Acronyms

ACFIM	Alliance for Finance Monitoring
CBS	Central Broadcasting Services
COVID-19	Coronavirus Disease of 2019
EC	Electoral Commission
EU-EOM	European Union Election Observer Mission
FDC	Forum for Democratic Change
FHRI	Foundation for Human Rights Initiative
MGO	Nongovernmental Organisation
MP	Member of Parliament
NBS	Nile Broadcasting Services
NMG	Nation Media Group
NRM	National Resistance Movement
PPI	Public Policy Institute
UBC	Uganda Broadcasting Corporation
UCC	Uganda Communications Commission

1. Introduction

Uganda is scheduled to hold its fourth multiparty general elections in January and February 2021 amidst COVID-19 and under several restrictions intended to combat the spread of the pandemic. Although the Electoral Commission (EC) launched its 2021 election roadmap as early as 2018, the implementation of preparatory activities was hampered by the outbreak of COVID-19 and the measures put in place to combat its spread. Consequently, the EC revised its roadmap and announced measures that expressively limited human-to-human interactions and imposed grave restrictions on public gatherings and free movement of people. Political campaigns were instead designated to be conducted using both mainstream and social media. This paper, therefore, analyses the extent and implications of the disruptions for the delivery of free, fair, and credible elections, while underscoring the principle of public safety in the wake of COVID-19. The paper further illuminates issues that are linked to the institutional bottlenecks of Uganda's media landscape. These issues range from, media ownership, the media regulatory framework and media access.

2. Media in Uganda

Uganda has a diverse and vibrant media sector that includes 320 radio stations¹, 39 free to air TV stations and four daily newspapers.² This is boosted by a growing list of online publications and social media platforms such as Facebook and Twitter that have attracted many Ugandans, especially the youths. By September 2019, Uganda had an internet penetration of 38% representing, 23 million internet connections, majority of which (15 million) were accessing internet via telephones.³ It should be noted that some of the 23 million internet users reported above are single users accessing internet via multiple gadgets such as telephones, computers and tablets. By January 2020, Uganda had 2.5 million Facebook users, representing approximately 5% of the population.⁴ Internet usage remains mainly an urban phenomenon with many people in villages lacking access partly due to illiteracy, limited Internet infrastructure and inadequate income to enable them buy smart phones and data for internet connection. Increased access to the internet has also led to increased access to media. The number of people who access news and information via internet is also increasing. The increased practice of sharing local news via Facebook, WhatsApp and Twitter has also enhanced access to traditional media by people who do not ordinarily buy newspapers, listen to radio, or watch television. Compared to other types of media, radio remains the most popular medium with 78% of people listening to radio⁵. Newspapers remain an elite medium, having combined sales of about 100,000 copies a day.⁶ However, newspapers remain an important medium because it is mainly consumed by decision makers and tend to set the agenda that is eventually discussed on radio and television.

Despite the quantitative increase of media channels as mentioned above, the media in Uganda faces several challenges that inhibit its ability to play a crucial role of informing and mobilizing voters as well as facilitating a two-way communication process between citizens and candidates seeking to occupy public offices in an election.

3. Media Ownership in Uganda

Uganda's media is owned by a mixture of both public and private owners. The public media in Uganda comes in two forms. The public/government fully owns Uganda Broadcasting Corporation (UBC), which operates four television stations and 11 radio stations. The government also has majority shares in New Vision Printing and Publishing Corporation that owns two daily newspapers, New Vision and Bukedde (the other three regional newspapers, Orumuri, Etop and Rupiny were suspended on March 31 2020 due to financial distress arising from COVID-19), four television stations and five radio stations. This makes the government the biggest media owner in Uganda. This is followed by two private media groups, the Nation Media group that owns two newspapers, two TV stations and two radio stations. This is followed by the Next Media Services that owns NBS TV, Salam TV, Sanyuka TV and Next radio and Nile Post, an online publication. Other private media owners in Uganda include cultural institutions for example kingdoms, religious institutions - especially churches - and private individual owners, many of whom are politicians and business people.

This form of media ownership landscape raises several issues, especially in the context of the 2021 election campaigns that the EC proposes shall be conducted through the media as opposed to campaign rallies due to the COVID-19 pandemic. The type of ownership of a particular media is a key determinant of how it functions. Media owners to a big extent shape the directions of their media houses' content because "the person who pays the piper calls the tune."⁷ In terms of public media ownership, the state in Uganda, like in many other countries in Africa, has a historical connection with public media that previously served as state media under the one-party state. However, even after the introduction of multipartism, public media in Uganda continue to be perceived by leaders of the incumbent party as an extension of the ruling party. The state retains strong ties with both public and private media. In the private media, this connection is strengthened by the fact that the government remains the biggest advertiser in Uganda. It follows that private media houses that do not bow to government pressure are threatened with withdrawal of government advertisement. This partly explains the dominance of the ruling party candidates across the public and private media space.⁸

Although section 24 of the 2005 Presidential Elections Act requires that all presidential candidates be given equal treatment on public media, this is not always the case. Indeed the Supreme Court ruled in the Presidential Elections petition number one of 2016 that UBC had failed in its duty to give all candidates equal treatment.⁹ Even in cases where the opposition is able and willing to sponsor adverts, public media houses are sometimes not willing to accept their adverts for fear of reprisal from the government/ruling party. For instance, in the 2011 elections, state media, UBC Television was embroiled in a row with opposition presidential candidate, Kizza Besigye for declining to air his advertisements. The candidate had paid 19.8 million Ugandan shillings¹⁰. It is therefore questionable if public media will this time behave differently given its perennial problem of giving little or no access to opposition candidates on its platforms.

Another worrying trend in terms of media ownership in Uganda is the move towards media concentration. Like elsewhere, especially in developed countries, there has been a marked rise in media convergence, which is the coming together of different media formats under one owner. Media houses in Uganda are increasingly characterized by having print and broadcast media under one owner. In Uganda, the government-owned Vision Group controls a large part of the media market.¹¹ The government media mainly competes with the East African conglomerate, Nation Media Group (NMG) that owns one daily newspaper, two television channels and two radio stations. You can fairly say that in Uganda, the government, NMG and Next Media Services collectively control more than 60% of the media market. The biggest danger of concentration of ownership to democracy mainly lies in the inability to hear diverse opinions within society. When ownership becomes excessively concentrated among a few persons/ or entities, their influence on political life increases proportionately.¹²

Apart from concentration, the other major challenge of the media ownership structure in Uganda is that many media houses are owned by politicians within the ruling party or their business associates. To-date, there is no official list from Uganda Communications Commission (UCC) that indicates the people who own media houses, especially radio stations. It is, however, public knowledge that many of these radio stations belong to politicians from the ruling party. We conducted a quick search and found for instance that Metro FM in Kampala is owned by a former MP and minister, Francis Babu, Super FM, belongs to NRM MP, Peter Sematimba, Baba FM in Jinja belongs to NRM MP, Moses Balyeku, Voice of Teso in Soroti belongs to Eastern region NRM Vice Chairperson, Mike Mukula, while MP Anita Among owns Bukedea Fm. Other NRM MPs who own radios include, Felix Okot Ogong (Voice of Lango), Ashton Kajara (Kyenjojo FM), Barnabas Tinkasiimire (Kagadi Broadcasting Services), Minister Chris Baryomunsi (Kanungu FM), former prime minister, Amama Mbabazi (Kinkizi FM), Minister Mwesigwa Rukutana (Radio Ankole)- the list goes on and on.

Although UCC has provided in its draft guidelines that media houses must give equal access to candidates during campaigns, it defeats common logic to assume that owners of these media houses will allow their opponents to use their media houses to campaign against them or against a candidate of their party. We have noted in the past elections that NRM politicians who own media houses are hostile to candidates from the opposition parties. In the run up during the 2016 elections for instance, the Forum for Democratic Change presidential candidate had his talk show stopped within less than 10 minutes on Baba FM (owned by NRM MP, Moses Balyeku) and the station was switched off air. According to the talk show host, the station's owner switched it off for about half an hour so that Besigye would not go on air and then suspended the talk show host for about a month for 'insubordination'.¹³ In the 2016 presidential campaigns, another radio station - Apex FM - which had initially accepted to host Besigye, cancelled the show before it could commence for fear of government reprisal.¹⁴ A similar incident happened to Amama Mbabazi in north-eastern Uganda on January 6, 2016, when police closed the Voice of Karamoja radio

on which he was scheduled to hold a talk show from 08:30 pm to 10:00 pm.¹⁵ The same candidate was unable to access Radio West (owned by New Vision) on January 21, 2016 because the managers closed it upon learning that he was coming to use it.¹⁶ This, thus gives an impression that using the media to campaign will likely disadvantage politicians from the opposition side.

4. Media Regulatory Framework

The way countries regulate their media systems based on a legal framework they have adopted is critical to the success of holding a free and fair election, or otherwise.¹⁷ Uganda has exhibited a media system that is incongruously subject to government control. Although the right to freedom of the media is enshrined in the constitution, there are numerous laws that affect the operations of the press and other media. Take for example schedule four of the UCC Act 2013 that lays “the minimum broadcasting standards.” These standards are vaguely defined, and this law remains one of the tools UCC uses to silence voices critical to government. For example, European Union Election Observers reported that UCC closed down 13 radio stations in January 2016 for reasons related to breach of minimum broadcasting standards and lack of valid licenses.¹⁸ In the same way, Section 24 of the Presidential Elections Act, 2005 places the burden on the media owner to ensure that what is said on his/her media is in line with the law. This is sometimes difficult in a campaign environment where opponents attack each other during contemporaneous talk shows.

Apart from press freedom violations based on existing laws, there are also arbitrary press freedom violations and harassment of journalists orchestrated by overzealous state security agencies and Resident District Commissioners. For example, on 31 July 2020, the police in Jinja blocked Democratic Party President Norbert Mao from being hosted on Victoria FM on grounds that his appearance on the radio talk show contracts the COVID-19 guidelines.¹⁹ On 1st August 2020, police in Mubende cordoned off three radio stations (Point FM, Heart FM and Mubende FM) in Mubende after learning that Robert Kyagulanyi, one of the candidates intending to run for president was scheduled to speak on one of the radio stations in the area.²⁰ These are not the first incidents in which the police and other security agencies have blocked opposition politicians from appearing on radio stations. In March 2014, the police in Kabale stormed the studios of Voice of Kigezi radio and stopped a talk show involving opposition activist, Rtd Bishop - Zac Niringiye and the then opposition Forum for Democratic Change (FDC) party president, Mugisha Muntu. The show, which was about electoral reforms, had barely run for 30 minutes when police officers led by the Kabale District Police Commander, Bosco Arop, stormed into and ordered the guests out of the studio.²¹

There are strong claims of bias against UCC that is supposed to regulate the conduct of media houses. The UCC Act 2013 established the Media Council and the Broadcasting Council under UCC to regulate the print and broadcast media respectively whether during elections or not. Unfortunately, like other state organs, these statutory councils work at the behest of the ruling party, probably because they are mainly appointed by the minister of information. For example, in the run-up to the February 2016 elections, the UCC executive director warned media houses against “unprofessional trends such as lack of balance, sensationalism, incitement, abusive language and relying on unauthorized and unreliable sources of information.”²² This warning was largely interpreted in media circles as a form of intimidation to media houses against granting opposition candidates access to media. This warning followed another caution from the minister of information who said he would close media houses that do not report about elections in a “responsible” manner.²³ During elections, there is need to have an independent media monitoring agency that can arbitrate between political contenders and media houses to ensure balance and fairness.

In the run up to the 2021 elections, UCC has issued comprehensive guidelines media houses will follow during elections. These guidelines mainly emphasize principles of fairness, balance, independence, accuracy, and impartiality. Although the proposed guidelines are generally ideal for the performance of the media during elections, monitoring compliance to the guidelines is likely to be problematic as the case has been with previous elections. For instance, although Uganda observes a ‘no campaigns day’ on the eve of the election date, on February 17, 2016, several radio and television stations were playing incumbent Yoweri Museveni’s campaign advertisements without any restraint from UCC. These guidelines will only be important if there is a media monitoring mechanism to ensure compliance and a system of enforcement that penalizes breach of the guidelines.

5. Media Access

5.1 Number of Media Houses Vis-À-Vis Number of Candidates

Presidential and parliamentary elections in Uganda tend to attract a lot of candidates. As an example, the 2016 elections attracted eight presidential candidates and close to 2000 parliamentary candidates. As we head into the 2021 elections, close to 40 people have already expressed interest in running as presidential candidates. In the event that 20 presidential candidates are nominated, it is questionable whether we can find enough media slots for them in the existing radios and TVs. The number of parliamentary seats is also likely to grow by about 50 seats compared to that of 2016, which also means more parliamentary candidates. Some constituencies attract as many as 10 candidates. In the 2016 elections, for instance, Lubaga South constituency had nine parliamentary candidates. It is a fact that Kampala is home to a big number of radio stations (60), that notwithstanding, the number of candidates seeking slots in the media at presidential, parliamentary, and local council level is likely going to be overwhelming. It is important to note that not all radio stations take politics and current affairs as their major focus. There are radio stations such as Radio Maria, Mutundwe FM and among others, whose focus is on spiritual issues, while others such as Sanyu FM, Galaxy FM and more are into entertainment. This leaves a reduced number of media houses involved in politics. The other key aspect to note is that the distribution of media houses in the country is uneven. For example, the Karamoja region that covers seven districts of Kabong, Abim, Kotido, Napak, Moroto, Amudat, Nakapiripirit has only five radio stations while the neighboring Teso region with the same number of districts (7) has 14. This means that some regions have more access to media than others.

5.2 The Cost of Media Advertising

Media advertising services stand out as one of the key services candidates will exploit in the next elections. However, the cost of advertisement remains a stumbling block in terms of access to paid media in Uganda. A quick look at the rate cards of different media houses reveals that many candidates may be priced out of the race. For example, to advertise on NBS TV for one minute between 1:30-6pm costs one million; a talk show on UBC TV for one hour between 8am-6pm costs 8million; a one-hour talk show on CBS FM costs 4.2 million shillings. Even if it is considered that radio and TV stations in rural areas charge relatively lower rates, how much money would candidates need to have to solicit for votes country-wide or in a constituency? The cost of running a media-based campaign is likely to take a big toll on the district woman member of parliament who has a bigger constituency (the entire district) compared to other candidates. In bigger districts such as Kasese and Wakiso, candidates will require to use multiple media to reach voters. The situation is likely to be even worse for candidates who represent regions such as workers, youths, and Persons with Disabilities (PWDs).

On the basis of the above scenario, it is clear that opposition candidates and women who are contesting for the first time stand in a disadvantaged position owing to limited access to financial resources. Basing on figures of the 2016 elections for instance, a research commissioned by a local NGO, Alliance for Campaign Finance Monitoring (ACFIM), found that presidential and parliamentary candidates in Uganda together spent at least 2.4 trillion shillings to canvass votes throughout the country. Of this amount, the ruling NRM party spent an estimated 90% of the overall 2.4 trillion spent by all candidates.²⁴ The implication of this kind of landscape is that electability chances for candidates from smaller political parties, women and independents from humble backgrounds are very limited. In fact, it can be said that the entire arrangement of campaigning through the media favors incumbent candidates at all levels because they are already known within the electorates and have a stronger financial muscle than the new entrants.

There is also a question of people without access to any form of media at all. As indicated earlier, access to radio, that is regarded as the cheapest medium stands at around 78%. This implies that there is a group of about 20% who may not have access to any media. The other category of people who stand to lose out are people with visual and hearing impairments. How are they going to hear from candidates when majority of media outlets do not have interpreters for such disadvantaged groups? The other important aspect to note is that radios in homes, especially in rural areas tend to be owned and controlled by men. The men decide which programmes to listen to, and when to switch off the radio to save batteries. They sometimes move with them to graze, to town centers and bars. This leaves a question of how the rest of the household, including women and youths of voting age will access election information.

Lastly, there is a likelihood of ineffective communication; elections are not only about what candidates have to tell voters. It is also about what voters want to tell candidates. If candidates are only going to

broadcast their messages via media, there will be limited chances of interaction because most voters will not have financial ability to call and the time within which to call also remains limited. This means that the chances of the agendas of voters being incorporated in the candidate's agenda are limited. We have seen in previous elections how voters tell candidates their problems, and in turn these problems become part of the candidate's manifesto.

6. Conclusion

The media landscape analysed above raises a fundamental question of whether political campaigns conducted through the media can be free and fair. There are glaring imbalances in terms of who can access the media which makes it difficult to create a level playing field. Some of the questions that require urgent answers include:

1. How do you achieve balance and fairness in a situation where a sizeable amount of media is owned by candidates of one political party or their allies?
2. In terms of democracy, what implications do campaigns on media pose, considering that there are many candidates from economically disadvantaged positions, such as women and new entrants?
3. UCC's proposed media guidelines focus on presidential and parliamentary elections. What is the fate of local council elections that take place in the same election season?
4. How will special interest groups candidates such as youth, PWDs and workers reach their voters considering their geographical coverage as well as accessibility to media by the disabled considering their various disabilities?
5. What is the implication of the fact that government is the biggest advertiser on both public and private media and how will this drive self-censorship for fear of loss of business?
6. As indicated, radio listenership is at 78 percent, what does this mean for people without access to media?

End Notes

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