

THE CARROT AND THE STICK: THE UNLEVEL PLAYING FIELD IN UGANDA'S 2011 ELECTIONS

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Résumé

Cet article décrit l'usage de la carotte et du bâton auquel se sont livrés le National Resistance Movement et le Président Museveni pendant les élections présidentielle et parlementaires de 2011 en Ouganda. Quoiqu'en théorie des élections soient censées être un jeu équitable, le fait que le NRM se soit maintenu au pouvoir depuis 1986, et de plus avec un contrôle très radical des institutions de l'État, a considérablement changé la donne. Côté carotte, le présent article montre comment les programmes publics ont été utilisés en guise de stratégie de campagne politique, chose qui devient claire quand on considère le programme pour l'agriculture NAADS, qui a servi essentiellement de plateforme politique. Ceci reflète une tendance nouvelle de ces élections de 2011, en réalité largement commercialisées. Côté bâton, la menace de violence avait un rôle important : par la formation de nombre de groupes de sécurité et la forte présence militaire dans tout le pays, le régime signifiait de façon évidente qu'il ne céderait pas le pouvoir facilement. Aussi bien le bâton (la militarisation) que la carotte (l'utilisation de fonds publics et la commercialisation des élections) indiquent que l'arène électorale avait connu un bouleversement manifeste, de telle façon que, pour l'opposition, il devenait bien plus difficile d'agir.

1. INTRODUCTION¹

In February 2011, Uganda's second multi-party presidential and parliamentary elections took place since President Museveni came to power in 1986. In the previous elections, the main contender Kizza Besigye gained an increasing number of votes, rapidly reducing the margin of victory for Yoweri Museveni: while President Museveni during the 1996 elections gained 76% of the votes; in 2001 this was 69% and in 2006 59%. In other words, his popularity was decreasing; and the 2011 elections were therefore particularly crucial: if this trend continued, it was going to be a very tight race. However, this continued decline did not materialise, and Yoweri Museveni convincingly won the 2011 Presidential elections with 68% of the votes; while his main challenger Kizza Besigye only gained 26% of the votes, his lowest result as a Presidential contender². Moreover, President Museveni for the first time won in regions which historically had voted against him, such as Northern Uganda (Acholi, Lango, West Nile) or Eastern Uganda (Teso, Bukedi)³.

¹ This paper is based on field research in Kampala by the two authors in October-November 2010 and January-March 2011.

² He gained 27.8% during the 2001 elections and 37.4% during the 2006 elections.

³ MUSEVENI, Y., "Factors Behind NRM's Victory", *The Sunday Vision*, March 6, 2011. DE TORRENTE, N., "The Rationality of Ugandan Voters: How Opinion Surveys Can Help Explain the 2011 Elections", paper presented at the African Studies Association Conference, Washington, 24-26 November, 2011.

This paper does not aim to explain the overall reasons for this victory (or loss for Besigye), but rather wants to engage with one specific factor of this electoral campaign, namely the question of the level playing field. In theory, the state regulatory framework is supposed to guarantee a level playing field, in which all actors have equal access to this political competition. However, in the case of Uganda this seems rather problematic: the National Resistance Movement has been in power since 1986, and has effectively achieved a large degree of control over state and society. As a result, previous elections under the Museveni regime have always suffered from an unlevel playing field. For example, it has been widely argued that the governing party National Resistance Movement (NRM) had a significant advantage during the shift to multi-party politics: for example, early registration allowed the NRM-O to build structures throughout the country, effectively providing an infrastructure for the party⁴; while the other parties' registration was being delayed on account of inadequate finances by the Registrar General's Office⁵. Moreover, other parties had non-operational grassroots structures compared to the new NRM-O. The Forum for Democratic Change (FDC), the most serious opponent of the NRM-O, only managed to register itself a year after the NRM-O (in December 2004). The Movement system also continued to exist until after the 2006 elections⁶. While it was argued that this had to be done in order to wind up the Movement system, it clearly affected the level ground for the political parties participating in the 2006 elections⁷.

Moreover, the use of violence and the judiciary during the 2006 elections were an issue of major concern: the 2006 election was characterised by intimidation and harassment including arrests of a number of political opponents, the most prominent being Kizza Besigye. On 14 November 2005, two days before the close of nomination for presidential candidates, Besigye was arrested and charged on three accounts: treason, concealment of treason and rape⁸. Although in the end Besigye was released on court bail, the Commonwealth Election Observer group noted that "the severest limitation was that placed on the campaign of the FDC presidential candidate, who was forced to attend 27 hearings in the High Court, as well as the General

⁴ GLOPPEN, S., ATOO, C., KASIMBAZI, E., KIBANDAMA, A., KIIZA, J., MAKARA, G., OKIROR, L., RAKNER, S., REWNGABO, S., SVÅSAND, L., TABARO, R., TOSTENSEN, A., *Uganda 2006 Presidential and Parliamentary elections: Institutional and Legal Context*, CMI Reports No. 10, Bergen, Chr. Michelsen Institute, 2006, p. 15.

⁵ MAKARA, S., RAKNER, L., SVÅSAND, L., *Turnaround: The National Resistance Movement and the Re-introduction of a Multiparty System in Uganda*, CMI Working Paper No. 12, Bergen, Chr. Michelsen Institute, 2007.

⁶ Based on Article 74(a) of the constitution.

⁷ MAKARA, S. *et al.*, *op. cit.*, pp. 11-12.

⁸ MCHENRY, D. E., "The role of Ugandan Courts in the 2006 elections: The significance of local and international support for judicial independence", Paper prepared for delivery at the Annual Meeting of the African Studies Association, San Francisco, November 16-19, 2006, p. 11; MAKARA *et al.*, *op. cit.*

Court Martial, to answer a variety of charges, thereby reducing even further the time he could spend on the campaign trail”⁹. In doing so, “the courts were used as a very important tool of the NRM-O to maintain its control of the Presidency and to increase its control of Parliament in Uganda. As the Ugandan journalist Timothy Kalyegira said ‘... the idea of the leading contender being constantly paraded before the courts, both legal and public opinion, made the 2006 election unprecedented in Uganda’”¹⁰. The fact that the courts were being reduced to an instrument in the elections also made them very fragile, something which became very clear when on 14 and 16 November, while a proceeding of Besigye’s bail application was in process, the high court premises was sieged by a paramilitary group popularly known as the ‘Black Mambas’. This raid of the judicial institutions – and of the rule of law and judicial independence – led to strong international and national criticism. A Ugandan High Court Judge referred to it as “‘a despicable act’ and a ‘rape of the judiciary’”¹¹. This and other cases seriously affected the level playing field of the 2006 elections: the NRM-O had a political advantage based on its incumbency status as well as being in charge of the monopoly of violence. The Commonwealth Election Observer group thus summed up that

The environment in which the elections were held had a number of negative features which meant that the candidates were not competing on a level playing field: the failure to ensure a clear distinction between the ruling party and the State, the use of public resources to provide an advantage to the ruling party, the lack of balance in media coverage (especially on the part of the State-owned media), the harassment of the main opposition Presidential candidate, the creation of a climate of apprehension amongst the public and opposition party supporters as a result of the use of the security forces, and the alleged use of financial and material inducements¹².

This paper seeks to engage with the question of the level playing field for the 2011 elections. While it can be expected that this playing field is not going to be level, this paper is particularly interested in the way in which the state, its resources and institutions affected the political competition during the 2011 elections. Concretely, the paper argues that during these elections, the state became both a carrot and a stick for the NRM governing party towards

⁹ COMMONWEALTH SECRETARIAT, “Report of the Commonwealth Observer Group. Uganda Presidential and Parliamentary Elections”, 23 February 2006, p. 23.

¹⁰ MCHENRY, D. E., *op. cit.*, p. 10.

¹¹ HUMAN RIGHTS WATCH, “In Hope and Fear: Uganda’s Presidential and Parliamentary Polls,” New York, Human Rights Watch, February 2006, p. 10.

¹² COMMONWEALTH SECRETARIAT, *op. cit.*, p. 43.

the electorate, fundamentally affecting the electoral field. On the one hand, public services had become largely politicised, and became portrayed as NRM gifts in the run-up to the elections. As stated above, money also played an important role in the campaign, in which the division between state and NRM funds became rather unclear. While these issues – and the role of the Ugandan state – rather acted as a carrot for the voters, the state also acted as a stick: on the other hand, in the year before the elections, a large degree of militarisation took place. While security is an important issue in pre- and post-election contexts; this paper argues that this happened to the extent that it became a manifestation of power with the intention of influencing electoral outcomes and potential (democratic) collective action by the other parties. By effectively tilting the electoral playing field, both the carrot and the stick therefore had an effective impact on the electoral processes and its outcome. The paper starts with an introduction on the role of a level playing field in free and fair elections. After this, it gives a brief historical overview of elections under the Museveni regime. It then engages with the main questions by first focusing on the carrot (or the way in which public services and money were used by the NRM and state) and then the stick (or militarisation as a tool of intimidation).

2. A LEVEL PLAYING FIELD AND FREE AND FAIR ELECTIONS

The state and its institutional framework play an important role in electoral dynamics and in determining whether elections can be considered as free and fair. Elections are ‘free’ when entry barriers to the political arena are low and equal for all actors involved, both for the candidates (through political campaigning) and for the electorate (the opportunity to vote). This equal access in turn relies on a range of other rights such as the freedom of speech, movement, assembly, and so on¹³. Freedom contrasts with coercion, in which choice is much more limited¹⁴. The state regulatory framework and how this is implemented therefore play a major role in the ‘free’ character of elections, both in the existence of a legal framework to protect these freedoms, and the way in which this framework is being implemented. This raises an important question about state agencies such as the police and the military: do they guarantee equal or limited access to political space? This in turn is related to electoral fairness¹⁵ or impartiality, which involves both “regularity (the unbiased application of rules) and *reasonableness* (the not-

¹³ DIAMOND, L., “Thinking about hybrid regimes”, *Journal of Democracy*, Vol. 13, No. 2, 2002, pp. 21-35.

¹⁴ ELKLIT, J., SVENSON, P., “What makes elections free and fair?”, *Journal of Democracy*, Vol. 8, No. 3, 1997, pp. 32-46.

¹⁵ For a more elaborate discussion on electoral fairness, cf. BLAU, A., “Fairness and Electoral Reform”, *British Journal of Politics & International Relations*, Vol. 6, No. 2, 2004, pp. 165-181.

too-unequal distribution of relevant resources among competitors)¹⁶. Without electoral fairness, participants in electoral competition are treated unequally and do not have the same opportunities¹⁷. Closely related with this fairness is the concept of a ‘level playing field’, “representing the values of neutrality and equality that are commonly held to underpin fair elections”¹⁸. In other words, the concept highlights how all actors involved (opposition and governing parties) are supposed to have equal access to elections and political competition in general; and how the state (as the overall neutral regulatory power) is supposed to enforce this. For example, elections, legislatures, courts or independent media all create periodic challenges for governing parties (and opportunities for opposition parties)¹⁹, and the state is presumed to guarantee the ‘fairness’ or ensure a level playing field. Yet this does not always happen; and the main danger involves the way in which rules, voters or votes are manipulated: electoral rules can be designed to favor one actor over others, voters’ choices can be manipulated, and the voting process itself can be manipulated²⁰. It is therefore important that institutional procedures are in place which guarantee this level playing field, and which allow for an open electoral outcome in which no group has a monopolising position. In other words, and paradoxically, institutional (or procedural) certainty is needed in order to guarantee this electoral (or substantive) uncertainty: substantive outcomes are supposed to be indeterminate, i.e. “the rules that organise the competition do not *ex ante* determine these outcomes”²¹. While democratic regimes may want to guarantee electoral uncertainty, authoritarian regimes may want to increase the uncertainty of institutional rules (i.e. manipulate structures and processes of electoral administration), in order to influence electoral outcomes²². In looking at a level playing field, it is therefore important to look at the way in which processes of electoral administration guarantee the non-manipulation of rules, voters and votes.

It is important to note that a level electoral playing field is not only related with the manipulation of electoral rules and actors. Levitsky and Way take a broader perspective, by highlighting how the playing field between

¹⁶ ELKLIT, J., SVENSON, P., *op. cit.*

¹⁷ Of course, the ‘freeness’ and ‘fairness’ of elections are closely related; but their differences and interrelations are not the main subject of this paper.

¹⁸ BIRCH, S., “Electoral institutions and popular confidence in electoral processes: A cross-national analysis”, *Electoral Studies*, Vol. 27, No. 2, 2008, p. 306.

¹⁹ LEVITSKY, S., WAY, L., “Elections without democracy. The rise of competitive authoritarianism”, *Journal of Democracy*, Vol. 13, No. 2, 2002, p. 59.

²⁰ BIRCH, S., *op. cit.*, p. 306. Related with this, Mozaffar and Schedler introduce the distinction between rule making, rule application, and rule adjudication. MOZAFFAR, S., SCHEDLER, A., “The comparative study of electoral governance – introduction”, *International Political Science Review*, Vol. 23, No. 1, 2002, pp. 9-11.

²¹ MOZAFFAR, S., SCHEDLER, A., *op. cit.*, p. 11.

²² *Ibid.*

government and opposition may be altered because “conventional minimum standards for democracy”²³ have been affected. In other words, an electoral playing field does not only become unlevel because processes of electoral administration (such as the electoral commission, voter ballots, etc) have been manipulated; but because broader democratic processes have been affected. For example, freedom of speech and information can be affected to the extent that the opposition no longer has access to the media. Of course, a completely level playing field is a difficult task, and even in established liberal democracies, governing parties enjoy a number of advantages of incumbency, such as easier access to the media, or better access to funding for electoral purposes²⁴ – the difference between a ‘level’ and an ‘unlevel’ playing field is not a black or white distinction, but a question of gradation, which helps to determine the level of ‘fairness’ of elections. This paper wants to engage with this debate by specifically looking at how the state and the power of the incumbency were used during the 2011 elections. In doing so, it analyses how the broader state framework became an electoral instrument for the governing party in the run-up the 2011 elections. In other words, it does not want to look at how the electoral rules (such as the electoral commission, voting lists, and so on) were manipulated (or not), but takes a broader perspective. In doing so, it discusses how state programmes and institutions were both used as pull and push factors in the electoral field: the fourth section describes how a large degree of militarisation took place, through which the regime wanted to show its muscle, and which had a ‘push’ effect on the electoral field. The next (third) section describes how public programmes became a medium through which the NRM tried to pull the electorate by offering a wide range of incentives. Particular attention will be given to the NAADS programme, which – although being a public programme – was an essential part of the campaigning strategy of the President and the NRM.

3. THE CARROTS: PUBLIC PROGRAMMES, NAADS AND AN UNLEVEL PLAYING FIELD

Agriculture plays a very important role in the Ugandan society, contributing up to 21 percent of the GDP, accounting for 48 percent of exports and employing 73 percent of the population above 10 years²⁵. During the 2001 election campaign, a new initiative was introduced to transform the agriculture sector and eradicate poverty: the Plan for Modernisation of Agriculture (PMA). One of the pillars of the PMA was the ‘National Agricultural Advisory Services’ or NAADS, which aimed to develop a “demand-driven,

²³ LEVITSKY, S., WAY, L., *op. cit.*, pp. 42-43.

²⁴ DIAMOND, L., *op. cit.*

²⁵ JOUGHIN, J., KJAER, A. M., “The politics of agricultural policy reform: the case of Uganda”, *Forum for Development Studies*, Vol. 37, No. 1, 2010, p. 64.

client-oriented, and farmer-led agricultural service delivery system, in particular targeting the poor and women”²⁶. Since the start of the programme, NAADS has been largely positively evaluated, in terms of productivity and per capita income. Research of the International Food Policy Research Institute for example shows NAADS has “substantial positive impacts on the availability and quality of advisory services provided to farmers, promoting adoption of new crop and livestock enterprises as well improving adoption and use of modern agricultural production technologies and practices” and “greater use of post-harvest technologies and commercial marketing of commodities”²⁷.

Despite these positive achievements, the overall indicators for agriculture growth did not improve, as agricultural outputs stagnated, while the need for these became greater²⁸. From the 2006 elections onwards, two important and related developments occurred: rural development programmes (and therefore also NAADS) became important political campaigning tools; and there was a strong Presidential intervention in the NAADS programme. During the 2006 election campaign, the “Prosperity for All” programme was at the centre of the NRM’s campaign strategy. This programme focused on production and wealth creation, through pro-interventionist policies, particularly in the area of rural development²⁹. The programme was implemented after the 2006 elections through the establishment of a structure for the “Prosperity for All” programme under the President’s office in parallel with the NAADS and PMA structures. Through this parallel structure (dealing with rural development), direct interventions in the NAADS programme happened – e.g. in 2007 the President suspended all activities of the NAADS programme for 7 months. The programme was resumed under new conditions in which six model farmers per parish receive benefits and act as model farmers for the rest of the community.

These two tendencies – personalised intervention and politicisation of the programme – became further pronounced in the run-up to the 2011 elections.

First, through NAADS and the “Prosperity for All” programme, the President toured the country on “poverty tours” under the Prosperity for All programme, through which he visited model farmers. This tendency intensified in the 12 months before the 2011 elections, when the President

²⁶ NAHDY, S., “Uganda: the Ugandan National Agricultural Services (NAADS)”, in RIVERA, W., ALEX, G. (eds.), *Volume 1. Decentralized Systems. Case Studies of International Initiatives*, Agriculture and Rural Development Discussion Paper 8, Washington, World Bank, 2004, p. 43.

²⁷ BENIN, S., NKONYA, E., OKECHO, G., PENDER, J., NAHDY, S., MUGARURA, S., KATO, E., KAYOBYO, G., “Assessing the impact of the National Agricultural Advisory Services (NAADS) in the Uganda Rural Livelihoods”, *IFPRI Discussion Paper 00724*, October 2007, p. vii.

²⁸ JOUGHIN, J., KJAER, A. M., *op. cit.*

²⁹ *Ibid.*

toured the country to promote NAADS³⁰. Although this was theoretically to promote a public programme, in practice NAADS was largely presented as an NRM effort. For example, on one occasion (in Lwemiyaga) the President argued, “That’s why the NRM started the ‘Prosperity-for-All’ programme because we do things for everyone. We started mass immunisation and ended diseases like polio and measles. Now, we are dealing the National Agricultural Advisory Services (NAADS) programme.”³¹ In the 2011 NRM manifesto, it was stated that “Under NAADS, the NRM target to reach as many as 600,000 annually in order to alleviate mass poverty, ensure household food security and provide a ground for recruitment of the majority of subsistence farmers into commercially oriented farming” (NRM Manifesto, 2011). Also other government officials were involved in this major effort: reports were being made of the involvement of Resident District Commissioners in these NAADS efforts, and in portraying these as NRM programmes³². On separate occasions in the run-up to the 2011 elections, the President is reported to have personally invited different groups of farmers and NAADS officials from various districts either to his private ranch or to his Country home to discuss specific concerns under the Prosperity for All programme, and therefore NAADS. Newspaper reports have shown that most of these visits were rewarded with financial benefits given in the name of supporting NAADS activities. According to the *New Vision* newspaper in September 2010, a gathering was “attended by 2,500 residents at the president’s ranch at Kisozi in Gomba district, where he contributed 40 million shillings to expand the Prosperity for all programmes in the area”³³.

A constant theme throughout this ‘poverty tour’ – and the electoral campaign in general – was that Museveni explained the failures of the NAADS programme through the mismanagement of district and sub-county officials for “concealing information from farmers so they can swindle the money”³⁴. In one district (Tororo), the President held the district veterinary officer responsible for the malfunctioning of the NAADS programme (“All the NAADS money we are sending that people are stealing, what would have been the problem of diverting some? I can arrest you for

³⁰ VISION REPORTER, “Museveni urges farmers on NAADS”, *New Vision*, 30 September 2010. MWESIGYE, S., “Museveni uses NAADS, roads to woo Baganda”, *The Observer*, 02 February 2011. VISION REPORTER, “First lady urges farmers to join NAADS”, *New Vision*, 23 February 2010.

³¹ MUSOKE, C., MAMBULE, A., BUREGYA, D., “Settle differences through votes”, *New Vision*, 9 February 2011.

³² VISION REPORTER, “NRM vs FDC”, *New Vision*, 22 January 2011.

³³ VISION REPORTER, “Museveni urges ...”, *op. cit.*

³⁴ MAFARANGA, H., “Museveni suspends NAADS again”, *New Vision*, 07 July 2010. See also: NAMPALA, M., “Villages to run NAADS programmes”, *New Vision*, 10 December 2010.

gence”³⁵). In doing so, the state was identified as the wrongdoer; while the NRM, and particularly the President, were presented as the saviours of the programme. For example, in one speech Museveni argued that “Since NAADS started, you have received sh4b [4 billion Uganda Shillings] so far. If they ate it, we shall deal with them. The good thing is the Movement is still around”³⁶. In another speech it was argued that “Those who have not yet got NAADS money should not worry. The programme is not ending tomorrow. I will make changes to ensure funds reach as many farmers as possible (...) I have told them, hold on, don’t distribute it. Let me go round the country. When I come back, I will tell you how to use it.”³⁷ By clearly emphasising the distinction between the corrupt civil servants (and the state) and the NRM, the double tendency which was identified above (and which started after the 2006 elections) of politicisation and personalisation further increased: on the one hand, a public programme (NAADS) was presented as an NRM effort and therefore became a fundamental part of the NRM electoral strategy. By doing so, the field of electoral campaigning clearly became uneven, as the ruling party, and particularly the President, had clear advantages over other candidates and parties: a public programme tour was used as a political campaigning instrument, in order to strengthen the figure of the President.

On the other hand (and related to the previous point), there was a consistent personal intervention of President Museveni in the NAADS programme. Particular incidences include arbitrary decisions to fire NAADS technical staff at the district and sub-county levels on allegation of non-performance; or warnings to the (then) Minister of Agriculture against mishandling the implementation of the new NAADS programme³⁸. The President also took personal decisions without the technical advice of the NAADS staff to suspend funding to NAADS, based on allegations from his potential voters of fund mismanagement and corruption. In a visit to Tororo district in Eastern Uganda Museveni announced the withholding of NAADS funding pending a review of implementation modalities³⁹; and in Kabarole district the President halted the release of NAADS funds over mismanagement in July 2010⁴⁰. Throughout the campaign, it was also announced that

³⁵ MUKASA, H., NAMPALA, M., “Museveni halts NAADS funds”, *New Vision*, 3 June 2010.

³⁶ MUSOKE, C., MAMBULE, A., BUREGYA, D., “Settle differences through votes”, *New Vision*, 9 February 2011.

³⁷ MUKASA, H., NAMPALA, M., “Museveni halts ...”, *op. cit.*

³⁸ This happened in February 2009: JOUGHIN, J., KJAER, A. M., *op. cit.*

³⁹ MUKASA, H., NAMPALA, M., “Museveni halts ...”, *op. cit.*

⁴⁰ KALYANGO, R., “Museveni agrees to new NAADS rules”, *New Vision*, 3 October 2010. MAFARANGA, H., “Museveni suspends NAADS again”, *New Vision*, 07 July 2010. At the same rally, he publically threatened to fire the district veterinary officer over what he termed ‘negligence of duty’ for failure to divert NAADS funds to address veterinary related challenges in the district.

the NAADS programme was further decentralised to the village level, because of what was considered irregularities at district and sub-county level⁴¹. Technical staff felt this as largely political interference in their work; something which happens at all levels of implementation (national to local). In this context, the NRM political structures were involved in the monitoring of the programme and the selection of the beneficiaries: among particular key-actors, there is the perception that model-farmers are selected along political lines⁴². This is also related to the limited amount of model-farmers: in this context, the beneficiaries have a high risk of being local elites⁴³ – which in this strongly politicised environment signifies being related with the NRM.

In this way, NAADS simultaneously has an ambiguous and clear relationship to patronage: while patronage in the context of elections often takes the form of direct financial and material contributions delivered by a politician, this is different, as the material resources are not directly delivered. Instead, what is being supplied is the allusion of direct support: public programmes, such as NAADS, are being delivered anyway – as they are public policies – but they become politically captured, as they are presented as being the outcome of a personal effort of a particular politician. In this context, public programmes such as NAADS play an important electoral role.

NAADS was not an exception or an isolated public programme in the context of the elections, but rather a reflection of the large number of resources which have been spent during the election campaign. As Conroy-Kurtz and Logan⁴⁴ argue, the way in which the Ugandan government implemented public policies and used state resources can be considered a “spending spree” with an “aggressive implementation” of different government programmes. This was reflected in the budget of the financial year 2010/11, which was widely considered as a “populist election budget”⁴⁵, as expenditure had increased by nearly 16%⁴⁶.

Yet, even with this large budget, money was quickly spent: half-way the financial year, 6.4 trillion Ush (\$2.75 billion) had been appropriated of the 7.3 trillion (\$3.14 billion), of which 3 trillion (\$1.29 billion) had been spent. In January, an additional budget of Ush 602 billion (\$260 million) was approved; which led to a total figure of Ush8 trillion (\$3.4 billion). In January alone, Ush 3.2 trillion (\$1.3 billion) was spent. Important to note is that this supplementary budget included 85 billion for the presidency, of which

⁴¹ NAMPALA, M., “Villages to run NAADS programmes”, *New Vision*, 10 December 2010.

⁴² Interview, NGO programme officer, Kampala, 26-02-11.

⁴³ JOUGHIN, J., KJAER, A. M., *op. cit.*

⁴⁴ CONTROY-KRUTZ, J., LOGAN, C., “Museveni and the 2011 Ugandan election: did the money matter?”, *Afrobarometer working paper* No. 135, September 2011, p. 117.

⁴⁵ MAYANJA, S., ABDALLAH, H., “Election funding: Uganda is broke, says Bbumba as tough times loom”, *East African*, 14 February 2011.

⁴⁶ AFRICA CONFIDENTIAL, “The Museveni Machine Grinds Into Gear”, 12 July 2010.

\$7.7 million (Ush 18 billion) was for presidential donations⁴⁷. These presidential donations or ‘brown envelopes’ were largely used as gifts during the campaign. Through this major spending, the Minister of Finance Syda Bbumba acknowledged the government was ‘broke’; while the chairman of the parliament’s Public Accounts Committee (Nandala Mafabi) claimed that most of this money has been spent on the campaign of the National Resistance Movement⁴⁸. While not everyone would agree with this latter statement, there is a consensus on the importance of financial resources throughout the campaign, something which the Commonwealth Electoral Observation Mission summarised as the “disturbing” nature of the “commercialization of politics through the distribution of vast amounts of money and gifts”⁴⁹ or the “monetization” of the elections⁵⁰; something which seems confirmed by the AfroBarometer polls, which show that 56% of Ugandans stated that political parties or candidates ‘often or always’ buy votes during elections; while a large number of voters (15% in December 2010, rising to 17% in February 2011) stated they have been offered a bribe in cash or in kind⁵¹.

Analysts estimate that the NRM spent about \$350 million on the Presidential and Parliamentary election campaign – something the party itself strongly denies⁵². The FDC reports to have spent around \$2 million⁵³. The fact that there is no clear legal framework on these issues did not really help: there is no clear legal framework on the use of the incumbency⁵⁴ and campaign expenditure. The 2005 Political Parties and Organisations Act regulates the financing and functioning of multiparty systems. Although this act in theory provides for the public funding of political parties, this did not materialise. There is therefore no limit on campaign expenditure and regulations on declarations are rather vague; all of which results in a lack of trans-

⁴⁷ DEMOCRACY MONITORING GROUP, “Report on money and politics”, January 2011, p. 23. EUROPEAN UNION ELECTION OBSERVATION MISSION, “Uganda: final report general elections 18 February 2011”, 10 March 2011.

⁴⁸ WACHIRA, N., ONYANGO-OBBO, C., “Will Uganda elections bring tears or joy to East Africa?”, *The East African*, 21 February 2011.

⁴⁹ COMMONWEALTH SECRETARIAT, “Report of the Commonwealth Observer Group. Uganda Presidential and Parliamentary Elections 18 February 2011”, 24 February 2011, p. 9.

⁵⁰ EUROPEAN UNION ELECTION OBSERVATION MISSION, *op. cit.*, p. 6.

⁵¹ DE TORRENTE, N., *op. cit.* The focus group discussions of the Democratization Monitoring Group claim this is more widespread than these results. DEMOCRACY MONITORING GROUP, *op. cit.*

⁵² This is in itself an interesting point: while major efforts were made to portray public programmes as private political contributions, the FDC denied having actually financed them.

⁵³ DE TORRENTE, N., *op. cit.*

⁵⁴ Article 27.1 of the Presidential Elections Act states: “a person shall not use Government resources for the purpose of campaigning for any candidate, party or organisation in the election.” However, Article 27.2 states: “Notwithstanding subsection (1), a candidate who holds the office of President, may continue to use Government facilities during the campaign, but shall only use those Government facilities which are ordinarily attached to and utilised by the holder of that office” (COMMONWEALTH SECRETARIAT, *op. cit.*, p. 14-15).

parency and accountability⁵⁵. As the NRM resources were much greater than those of the other parties, this further exacerbated the disparities between the different parties⁵⁶. But the inequality is more than a financial one, and perpetuated itself through a range of other mechanisms: as we have shown above, the 2011 election campaign was characterised by a situation in which the NRM could rely on public programmes (which were politicised and presented as ‘NRM gifts’) and on public resources, leading to a significantly skewed electoral field; something which was also emphasised in the electoral observation reports: as the report of the Commonwealth Observers summarised “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” which made it their “main concern regarding the campaign”⁵⁷. The EU Election Observer Mission (EU EOM) report argued that “the power of incumbency and state resources were used to such an extent as to compromise severely the level playing field between the competing candidates and political parties. Widespread allegations of vote buying and bribery of voters, especially by NRM representatives were reported by all EU EOM observers deployed across Uganda.”⁵⁸ The Commonwealth election report similarly concluded that the lack of a level playing field was the “main concern regarding the campaign”, and related with this “the lack of a level playing field, the use of money and abuse of incumbency in the process”⁵⁹. As these reports indicate, it was not only government programmes which were being politicised, direct financial resources also played a very important role during the elections.

4. THE STICK: MILITARISATION AND THE ELECTORAL FIELD

The state was not only used to ‘pull’ the electorate in a particular direction, it was also used as a push factor. The next section will describe how a strong militarisation took place in the run-up to the elections, through which the regime wanted to show its muscle. Different from the previous (2006) elections, which relied largely on overt violence, the threat now was much more implicit. The next sections describe how different security agencies came into being, and the role they played as an implicit threat.

⁵⁵ COMMONWEALTH SECRETARIAT, *op. cit.*, p. 15.

⁵⁶ EUROPEAN UNION ELECTION OBSERVATION MISSION, *op. cit.*, p. 21; 25.

⁵⁷ COMMONWEALTH SECRETARIAT, *op. cit.*, p. 19; 38.

⁵⁸ EUROPEAN UNION ELECTION OBSERVATION MISSION, *op. cit.*, p. 25.

⁵⁹ COMMONWEALTH SECRETARIAT, *op. cit.*, p.38.

4.1. Crime preventers, election constables and private vigilantes

Throughout the election campaign – from the second half of 2010 onwards – so-called ‘crime preventers’ were being recruited throughout the country: according to the Inspector of Police, between 14,000 and 17,000 crime preventers were enlisted⁶⁰. In theory, their role was to fight crime in the community. Yet, their mandate was not very clear, and they were largely being perceived as instruments of the regime which could easily be used to disperse opposition protests if necessary. The way in which they were recruited largely helped to confirm this, as they were recruited through the Local Council system, which historically has been closely associated with the NRM. This happened on an informal basis, through which the Local Council members selected whom they considered suitable for this job⁶¹. As a journalist summarised, “there were no criteria; there are no letters which show how they work as they do; they just looked for loyal subjects. So there are these clusters of young men who act as crime preventers in the village.”⁶² Civil society organisations reported that the trainings of the crime preventers focused on purely military issues (such as military drills and the use of weapons) rather than on issues related with human rights or crime prevention. In their functioning, they were also reported to be primarily accountable to NRM offices rather than government structures⁶³. Moreover, these actors do not have a standard outfit and are difficult to identify, which naturally creates accountability issues in case of problems; something which is augmented by the fact that that these groups do not have a proper command structure⁶⁴. In this situation, their role as crime preventers was therefore largely seen as a political mechanism rather than a crime-fighting mechanism: the time of recruitment (right before the elections), and the manner of recruitment (which happened informally, and largely through NRM mechanisms) therefore all highlight how they were to be used as a political instru-

⁶⁰ Interviews security experts European embassies, Kampala, January-February 2011.

⁶¹ Interesting in this regard is the fact that rather than being a top-down process to persuade voters, these were selected locally, and were very much part of local dynamics.

⁶² Interview journalist specialized in security issues, Kampala, 07-03-11.

⁶³ Interview journalist, Kampala, 17-01-11.

⁶⁴ HUMAN RIGHTS NETWORK UGANDA, *Campaign Trail 2011*, 05 February 2011. More broadly, the creation of these groups, and the way in which these groups function, do not have to be seen as isolated incidents. Instead, they have to be seen as a mirror of the way in which security organisations function in the Museveni regime: many other security organisations have come into play, which operate independently from the army and police; and instead report directly to the President or high-level security agents. It is estimated that there are currently around thirty of these functional, such as the Joint Anti-Terrorism Taskforce (JATT), Rapid Response Unit (RRU), Popular Intelligence Network (PIN), and Special Investigations Bureau (SIB). Also the accountability of these organisations was largely questioned, as it is unclear whether they are accountable to the state or Museveni individually; in other words, if they are responsible for state or regime security. INDEPENDENT TEAM, “Museveni’s many security organs: A ticking time bomb”, *The Independent*, 11 February 2009.

ment; something which the EU election observation summarised as “The process of recruitment and training lacked sufficient transparency and was viewed by most interlocutors as an attempt to intimidate opposition supporters and increase support for the ruling party among the younger element of the population.”⁶⁵ The fact that these crime preventers were upholding security at President Museveni’s elections rallies, wearing the NRM colours, did of course further entrench these ideas⁶⁶.

During the same period, recruitment of another security group took place: election constables were being recruited in order to provide additional security for the elections. Although they were a different body with a different role (the election constables clearly had a more limited role, both in time and in duty), they were often confused with the crime preventers, both by the general public and in reports on the elections⁶⁷. Similar to the recruitment of the crime preventers, the recruitment of the election constables also happened in unclear circumstances⁶⁸.

These different groups and their unclear structures and responsibilities naturally created a degree of confusion; in which it was uncertain which group was where, and what their responsibilities were. Civil society reports further showed how many of these groups were trained in ambiguous circumstances, and reports showed how training of other unknown groups happened in various regions such as Soroti, Lira, and Mbarara.; how in certain cases they have been dressed in yellow T-shirts – the NRM colour – and how the security services had been unable or unwilling to provide answers to questions about their origin⁶⁹.

On top of this, there was also a range of private vigilantes who were functioning in these circumstances. The most visible and notorious vigilante group was the Kiboko squad. This group first started functioning in April 2007, when dressed in civilian clothes and armed with big sticks, they beat up demonstrators against President Museveni’s proposed sale of Mabira Forest. From then onwards, they regularly beat up protestors in Kampala. In June 2010, they assaulted opposition candidate Besigye⁷⁰. The police did not stop these activities, but let them continue unhindered. President Museveni praised them as “courageous patriotic citizens who were fed up with hooliganism engineered by political opportunists”⁷¹; but he claimed he did not own them. However, reports show they were armed from Kampala Central Police Station, and that they were commanded by actors within the state’s

⁶⁵ EUROPEAN UNION ELECTION OBSERVATION MISSION, *op. cit.*, p. 22.

⁶⁶ *Ibid.*, p. 12.

⁶⁷ E.g. in HURINET, *op. cit.*

⁶⁸ For many experts, the different militias and recruitment processes remained unclear.

⁶⁹ DEMGROUP SECRETARIAT, “DEMGROUP statement on ongoing campaigns”, 25 January 2011. HURINET, *op. cit.*

⁷⁰ NJOROGE, J., “Kiboko Squad whips Besigye”, *The Independent*, 10 June 2010.

⁷¹ INDEPENDENT TEAM, “Kiboko Squad Revealed”, *The Independent*, 15 September 2009.

security system⁷². Moreover, towards the 2011 election, there were more reports of the training of NRM vigilante groups in other parts of the country, such as Gulu and Teso. In this kind of security environment – in which a range of security agencies were perceived to be biased, and private vigilantes were active – the opposition parties argued they had to establish their own security structure in order to protect themselves: every political party started its own ‘party youth brigade’ which had to protect their votes; something which was also done by individual politicians⁷³. In January 2011 the Electoral Commissioner listed the different vigilantes which were active: Kiboko Squad; Black Mamba; Bamboo Youth Brigade; Red Brigade; Black Brigade; 3K Brigade; Blue Cobra; Kikankone; Mwoyo Gwagwago⁷⁴. The opposition claimed it was the only way in which they could protect their vote in such a biased security framework. Particularly the FDC was outspoken on its pronouncement to protect its vote during election day. In other words, the threat of violence – by the existence of these many security groups – was answered with the threat of more violence⁷⁵. The Ugandan state – the police, army or electoral commission – did little to stop or control this development⁷⁶. However, it was not always clear if these vigilante groups were real, or whether evidence of their existence was exaggerated. Many of these groups – particularly the Yellow brigade of the NRM – seem to have been motivated by money, as they were paid for every meeting (e.g. in Teso)⁷⁷. Consequently, they quickly demobilised once the elections were over. Also the other groups – the electoral constables and crime preventers – quickly demobilised. However, problems with some of these groups continued as some claimed not to have been paid⁷⁸.

⁷² CMI, police, Internal Security Organisation and External Security Organisation. *INDEPENDENT TEAM*, “Kiboko Squad Revealed”, *The Independent*, 15 September 2009. WAKABI, M., “Police on trail as militia head is arrested”, *Daily Monitor*, 7 March 2011.

⁷³ For example, DEMGroup reports how in Buzaaya constituency, there are groups of youth under the command of a minister which are deployed to beat up and destroy property of people which do not support him. DEMGROUP SECRETARIAT, *op. cit.*

⁷⁴ NATURINDA, S., “Kayihura says militias are real, pledges to fight them”, *Daily Monitor*, 20 January 2011. HABATI, M. A., “Uganda: security forces fear more Kiboko squads”, *The Independent*, 18 March 2011.

⁷⁵ NKUUBI, J., “General elections in Uganda: the quest between regime security and human security”, HURINET blog, 05 February 2011 (accessed 17 February 2011.)

⁷⁶ HURINET, *op. cit.* Although the Electoral Commission chairperson expressed his concerns over the creation of these different militias – which potentially could be used for electoral violence – little or no action was taken against these.

⁷⁷ E-mail interview, area expert, 3 March 2011.

⁷⁸ NABAYEGO, L., MUBANGIZI, J., “Nabakooba pleads with irate constables”, *The Razor Newspaper*, 26 March 2011.

4.2. The army

During the election campaign, the message was clearly given that the police was in charge, and that the army would only come in case of problems. However, closer to the elections, there was an increased deployment of the army all over the country (including in the villages)⁷⁹, something which was considered worrying by several civil society groups. For example, the Acholi Religious Leaders Peace Initiative (ARLPI) expressed concerns over what they described as “irregular deployment by the Uganda People’s Defence Forces, just two weeks to the elections, which they describe as ‘abnormal and strange’.”⁸⁰ On election day, there was a very large presence of the security forces throughout the country – and particularly armed police and military. The Commonwealth Observers⁸¹ stated being “dismayed at the large presence of armed police and military on the streets throughout the day in some areas” and how this was “not warranted and may have intimidated some voters”.

In sum, a large degree of militarisation took place in the run-up to the 2011 elections. The message of this was clear: in doing so, the regime showed its muscle, and wanted to deter any possible protest. The Museveni regime has also benefited from its ability to bring – relative – peace to the country: apart from the Northern region, the regime has ended large-scale violence in the country; which is seen as the most important achievement of the Museveni regime. By showing its muscle, the regime simultaneously shows that it is able to keep the peace, but also is able to break peace if necessary and to crush any potential protest. This also has to be understood within the historical context of the Ugandan electoral politics and regime transitions; as Ugandan post-independence politics has continuously been characterised by conflict and violent regime transitions. The build-up of power can therefore be seen as a warning towards potential uprising. At the same time, the opposition remained ambiguous about the use of violence. Opposition leader Besigye clearly stated he was not going to court this time to contest potentially rigged elections. At a campaign rally just before the elections, he argued, “I’m ready to serve. But in case I fail to do so, pull me down. (...) The system should serve you, but if it fails, you have the right to kick me out of power and I will honourably step down.”⁸² In other words, if the electoral system fails, the leader can be kicked out of power. “We are at the point of no return and the force for change cannot be stopped.”⁸³ Words which all hinted at (possibly violent) protests which the opposition was go-

⁷⁹ Interview, diplomatic representative European country, Kampala, 21-02-11.

⁸⁰ ERIKU, J., OKUMU, D.C., “Army deployment worries Acholi religious leaders”, *Daily Monitor*, 05/02/11.

⁸¹ COMMONWEALTH SECRETARIAT, *op. cit.*, p.29.

⁸² BUSINGE, C., “We shall not go to court, says Besigye”, *New Vision*, 15 February 2011.

⁸³ *Ibid.*

ing to organise – and which eventually materialised in the Walk to Work protests, which however remained largely non-violent.

This militarisation however also had other effects: it created a context of fear and uncertainty among the population; something over which (local and international) human rights organisations, religious leaders and opposition expressed concerns⁸⁴. The military build-up was however also sending a subtle message to the population: it created the perception that the Museveni regime was not going to let go of power, even in the event of potentially losing the elections. Although the UPDF confirmed that it would respect the outcome of the elections⁸⁵, this contradicted past statements by senior commanders. For example, the Chief of Defence Forces Gen. Aronda Nyakairima had said that the army would not let “bad characters” take power from the NRM: “We liberated this country in 1986 and we will not allow bad characters coming back to power. (...) We will fight all these forces.”⁸⁶ Also the behaviour of individual soldiers contradicted this as some were reported to be involved in the NRM election campaign⁸⁷ and accused of being involved in intimidating and using violence against opposition supporters⁸⁸.

This particular context of a history of violence, a strong militarisation, and an ambiguous response of the opposition also had an impact on the population, as there was a general expectation that violence would break out. For example, opinion polls showed that more than half of the Ugandans (57%) stated that political competition always or often leads to violence; while a significant minority (38%) argued that politicians ‘always’ or ‘often’ use violence during elections. The opinion polls further showed that particularly opposition supporters were concerned about being victims of political intimidation or violence (45%, compared to 32% for NRM supporters)⁸⁹.

5. CONCLUSION

For any elections to be free and fair, a level playing field is of utmost importance. Actors are supposed to have the same opportunities, rules are supposed to be unbiased and generally, elections are supposed to be neutral and equal. In doing so, no group is supposed to have better access to this

⁸⁴ NJORGE, J., “Politicians accuse the military of vote-theft”, *The Independent*, 20 March 2011.

⁸⁵ ODONGHTO, C., “UPDF re-assures opposition of non-interference in elections”, *Uganda Radio Network*, 29-10-2009.

⁸⁶ OSERE, E., “Army will not allow ‘bad people’ to rule – Museveni borrows Mugabe’s tactics”, *Daily Monitor*, 01 September 2008.

⁸⁷ TURINAWA, L., “UPDF officers cited in Isingiro Parliamentary Campaigns”, *Uganda Radio Network*, 17-01-2011. KOLYANGHA, M., “UPDF officer charged for election violence”, *Uganda Radio Network*, 01-03-11.

⁸⁸ NJORGE, J., *op. cit.*

⁸⁹ DE TORRENTE, N., *op. cit.*

electoral field; in order to guarantee an open electoral outcome. As highlighted above, in order to guarantee as much as possible an uncertain electoral outcome, institutional (or procedural) certainty is needed. This is not a black or white picture, but often a very large grey zone in which, even in many liberal democracies the ruling party has a number of advantages. As this paper has illustrated, this grey zone can however be rather dark, as the ruling party and President can seriously affect the electoral field, and have a more than significant advantage: it was shown how the NAADS programme largely served as an electoral platform for the NRM party and President Museveni. What was promoted as a “nationwide tour to promote the Prosperity-for-All programme” in reality were campaign visits, through which the personal position of the President was strengthened (often to the detriment of the programme) and the programme was presented as an ‘NRM gift’. This in turn reflected a wider tendency of the 2011 elections, which were largely commercialised, as large amounts of money were spent – which indirectly and directly ended up with the voters. In this context, the NRM had resources which were bigger than any other party, and the state had operated in a way which made the distinction between the NRM and the state was difficult to distinguish. The way in which government programmes were implemented created a “persistent fusion of the state and the ruling party”⁹⁰. A common comparison of the 2006 and 2011 elections is that while the 2006 elections were flooded with violence, the 2011 elections were flooded with money. This does not mean that violence was absent: while (different from the 2006 elections) direct violence was indeed much less present, indirect violence, or better, the threat of violence, played an important role: through the establishment of a number of security groups, and the large presence of the army throughout the country, the regime made clear it would not let go of power easily, something which was confirmed through statements and behavior of the army. A journalist summarised this as: “It is to send a message: we are beefing up security: the regime wants to show its muscle; it wants to say: don’t mess with us!”⁹¹, while an intelligence officer summarised it as: “It’s all about intimidation. This is the main thing which the government uses; and this is why you have this large presence of police.”⁹² In doing all of this, there was a very fine line between protecting the state security and the regime security, in which the population was largely intimidated. Along similar lines, also the large spending of resources can be seen as a manifestation – or better: confirmation – of the NRM’s power: it similarly shows NRM’s muscle, but in a financial way. As Nicolas De Torrente summarises, “It served to as a tangible reminder of where benefits flowed from, and a predictor of more to come”⁹³. In other words, the financial flows con-

⁹⁰ EUROPEAN UNION ELECTION OBSERVATION MISSION, *op. cit.*, p. 25.

⁹¹ Interview, journalist, Kampala, 17-01-11.

⁹² Interview, ISO officer, Kampala, 22-01-10.

⁹³ DE TORRENTE, N., *op. cit.*, p. 14.

tained a very clear message: through the NRM, this money comes from the ruling party; and in order to have continued access to these funds, people better vote NRM. In this way, both through the militarisation and the use of public resources, the electoral field had been clearly affected, in a way that it became much more difficult to operate for the opposition.

Kampala, July 2012

