

# e-SYMPOSIUM ON MONEY-IN-POLITICS IN AFRICA, REPORT

**July 12 2020**



**THEME:** Impact and Implication of COVID-19 on Election Campaign  
Financing in Africa

**e-SYPOSIUM ON MONEY-IN-POLITICS IN AFRICA**  
**JULY 12, 2020**  
**REPORT**

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## Acronyms

ACFIM	-	Alliance for Finance Monitoring
COVID-19	-	Corona Virus Disease
CSO	-	Civil Society Organisation
EMB	-	Electoral Management Body
IFES	-	International Foundation for Electoral Systems
INEC	-	Independent National Electoral Commission
NTV	-	Nation Television
PFR	-	Political Finance Regulator
UGX	-	Ugandan Shillings

## 1.0 Introduction

This was the first e-Symposium of its kind on the subject of money in politics in Africa. But on the calendar of Alliance for Finance Monitoring (ACFIM), it was ACFIM's third Annual Symposium on the subject, the previous two having taken place in 2018 and 2019 respectively. Being virtual came with the advantage of it being watched by a wide audience across the African continent and beyond via zoom, on YouTube and Facebook. In Uganda, the e-Symposium was broadcast live on national television (NTV) for two hours and was watched by an audience estimated to be more than one million viewers.

The Symposium which was planned as a physical event hitherto the outbreak of the COVID-19 pandemic, was turned virtual and successfully conducted on July 12, 2020 under the auspices of ACFIM – Uganda. It attracted guest speakers from Europe, Nigeria and Uganda, and was well aligned with ACFIM's mission-critical of building public awareness and momentum for political finance reforms across Africa. The e-symposium was birthed out of the need to have an informed discourse about money in politics and electoral processes, and generate consensus of feasible reforms.

## 1.1 Background

Whereas elections based on multiparty political dispensation have become institutionalized in many African countries, the COVID-19 pandemic and resultant national lock-down measures have arrived at a particularly difficult moment for countries where elections are due. Yet even prior to the pandemic, elections seemed to have not succeeded in delivering meaningful accountability of state institutions and political leaders to citizens.

First, electoral spaces are masculinized in a sense that women find it difficult to compete with men on direct positions because they lack access to campaign money. Second, too much money flows in these elections but the sources of it remain nebulous because most African countries lack legal provisions for mandatory disclosure of campaign funds and reporting on electoral expenditure. Elections are thus funded with private money whose source is everyone's guess and herein lies the risk of providing a fertile ground for political corruption to blossom and thrive.

By and large, electoral politics is increasingly perceived as a business where political parties and candidates invest huge sums of money to get elected. When candidates access political office on the strength of their money rather than ideology, they become

accountable to themselves and their campaign financiers at the expense of the voter. Campaign financing is shrouded in secrecy and opacity.

The African electorate has witnessed electoral processes becoming commercialized and electoral integrity being sacrificed at the altar of economic interests. The electorate takes a share of the blame because they have tended to commoditize the ballot by so desiring to vote for those candidates that can pay for it. Political parties and candidates have become mere chasers of power rather than focusing on the programmatic and policy making pertinence of their very existence.

There is also a sense in which elections have become an avenue for running down national economies because preliminary studies point to a recurring situation where national economies experience a dip in Gross Domestic Product (GDP) every time an election is concluded due to excessive spending by key actors involved.

## **1.2 Uganda Context**

The Electoral Commission announced that general elections will go in in January 2021 but the participating political parties and candidates must follow stringent COVID-19 prevention protocol. Among these, open-air campaign activities were prohibited leaving candidates with only media platforms as the most viable platforms for electioneering.

Parliament of Uganda in February 2020 passed five electoral amendment bills of which, three contained provisions on campaign finance disclosure and reporting. However, these provisions were knocked out. There are concerns within the political class, civil society, religious leaders and the academia about the trajectory of Uganda's political culture where participating and engaging electoral processes seems to be principally for financial gain rather than it being a service.

### **1.2.1 Trajectory of Commercializing Politics**

There is a noticeable trend in Uganda and perhaps in several other African countries where elections are not only more contested than ever before, but they have also become more expensive. The cost of financing an election campaign has been increasing steadily over the past three electoral cycles (2006, 2011, and 2016). ACFIM forecasts that the next election (2021) will be the most expensive to the political parties and candidates that will participate in it. There is a fear that electoral politics may become a preserve of corrupt individuals who are probably the only ones that can lay hands on the huge chunks of money needed to finance an election. It is further feared that dirty money may find its way

into financing politics which may ultimately result in state capture. Ideas no longer seem to matter to the electorate; it is money that matters.

### **1.3 Objective of the Symposium**

The cardinal object of the e-Symposium was to examine how COVID-19 pandemic has impacted election campaign financing in African Countries and interrogate the effect of unregulated campaign spending on the quality of elected leaders and service delivery. More specifically, the e-Symposium was intended to:

- a) Interrogate the rationale for campaign finance legislation, the importance of political finance transparency and finding sustainable solutions for young/stagnating democracies in Africa.
- b) Devise clear recommendations for curbing the toxic influence of money on electoral processes and outcomes.

### **1.4 Participation**

Many participants from CSO, Political parties and Development partners followed the discussions of the e-symposium virtually through the live telecast on NTV Uganda and also social media platforms such as Facebook, YouTube, Twitter and Zoom. A total of 190 YouTube subscribers followed the deliberations on NTV Uganda and ACFIM YouTube channels respectively. While on Facebook over 10,000 people were reached on NTV Uganda and ACFIM Facebook pages. On Zoom conferencing 30 people were logged in to follow the discussions.

### **1.5 Methodology**

The e-Symposium was a virtual conference that offered international participation through zoom while the proceedings were broadcast live on YouTube and Facebook, as well as on the leading national television in Uganda – NTV. The keynote speaker and other panelists were also virtual. The Executive Director ACFIM - Henry Muguzi was the only one that was physical and joined the moderators at the NTV studio.



### Format of the e-Symposium

The e-Symposium started with a Keynote Address made by International Foundation for Electoral Systems (IFES) political finance expert, Dr. Magnus Ohman on the topic: Political Finance trends and Relevance of Campaign Finance Laws in Building Sustainable Democracy in Africa - what the impact may COVID-19 have on this? Dr. Ohman was followed by three other key speakers from Uganda and Nigeria. Participants from Uganda, across Africa and Africans in diaspora in Europe and the Americas who joined via zoom, were allowed to ask questions and make comments.

### Key Speakers:

1. Dr. Patrick Ukase (Nigeria)
  - Mitigating the corrosive effect of money on electoral outcomes in Nigeria. What impact will COVID-19 have on this?
2. Dr. Paul Kawanga Ssemogerere (Uganda)
  - Formal and informal oversight of political party and campaign finance in Uganda. What impact will COVID-19 have on this?
3. Dr. Kabumba Busingye – Makerere University School of Law (Uganda) –  
- Legal remedies for taming the use of excessive Money in Electoral Processes in *electoral politics. Implications on Uganda's democracy?*



4. Henry Muguzi – Executive Director, Alliance for Campaign Finance Monitoring (ACFIM)
  - Tracing the Evolution of Monetized Politics in Uganda.

### Gender balance disclaimer

It was never the intention of ACFIM to have a male-only panel, but the Government of Uganda Chief Whip in Parliament, Hon. Dr. Ruth Nankabirwa (Mrs) turned down her confirmation with less than a day left to the e-Symposium and it was nearly impossible to find a competent replacement within a matter of 12 hours.

**NTV COVID 19 FORUM.**

**e-SYMPOSIUM ON MONEY IN ELECTORAL POLITICS IN AFRICA**

SUNDAY, JULY 12, 2020 | TIME 3:00PM - 5:00PM (EAT)  
(18:00 - 20:00 HRS GMT)

**GUEST SPEAKER.**

**Dr. Magnus Ohman**  
Director, International Foundation for Electoral Systems (IFES) Europe Office

**Hon. Dr. Ruth Nankabirwa**  
Government Chief Whip - Uganda

**Dr. Paul Kawanga Saemogerere**  
Veteran M45 - Party Politician - Uganda

**Dr. Patrick Ukase**  
Political Historian, Kogi State University - Nigeria

**Dr. Busingye Kabumbuzi**  
Law Doc, Makerere University Kampala

**Moderator**  
Charles Mpagi Mwanguhya (East African)

**Join Zoom Meeting:**  
<https://us02web.zoom.us/j/86930576053?pwd=TWwzYy9SdGJlTWVWbUJ0eWwvUURRblZzOjB>  
Meeting ID: 869 3057 6053 | Password: 249103

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Monitoring Money in Politics

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## 2. Session Proceedings

The e-Symposium was moderated by the Bureau Chief of The East African newspaper, Mr. Charles Mwanguhya. The moderator welcomed the local audience that had tuned into the national broadcaster NTV live from the comfort of their homes on a Sunday afternoon, and those that joining virtually via Zoom, Facebook, YouTube and Twitter. He then introduced the Keynote Speaker Dr. Magnus Ohman, Director International Foundations for Electoral Systems Regional European Office, and the panelists.

The panelists included four eminent democracy and law scholars namely Dr. Patrick Ukase, Political Historian, joining from the Kogi State University in Nigeria who has authored many papers among them - Political Parties and Election/Campaign Financing in Nigeria: Interrogating the 2015 General Elections. The second panelist was Dr. Paul Kawanga Ssemogerere retired Ugandan Politician and former President Democratic Party and author of the book: "Reality Check: Political Party Financing in Uganda: A Critical Analysis in Reference to Other Countries" The third panelist speaker of the day was Dr. Busingye Kabumba, a don at the School of Law, Makerere University Kampala. Dr. Busingye specializes in constitutional and international law. The fourth panelist was ACFIM Executive Director, Henry Muguzi was physically present in the studios of NTV. Mr. Muguzi replaced the Government Chief Whip Hon. Dr. Ruth Nankabirwa who pulled out at the last minute.

### 2.1 Keynote Address by Dr. Magnus Ohman:

**Topic:** Political Campaign Finance trends and Relevance of Campaign Finance Laws in Building Sustainable Democracy in Africa - what the impact may COVID-19 have on this?



Dr. Magnus Ohman

The Keynote Speaker was Dr. Magnus Ohman, Director for the International Foundations for Electoral Systems (IFES), European Office based in Prague, Czech Republic. Dr. Ohman stressed that money is an incredibly important part of the political process all around the globe, not least in Africa “Taking into account the context of African politics, I will not be surprised if election campaigns in some African countries are among the most expensive in the whole world”, he remarked. He stated that through money, political actors can influence the democratic process in a way that does not reflect how good their political ideas are or how capable the voters consider them.

He argued that by controlling how political parties and candidates’ source for and spend money we can increase openness and transparency in how the political systems work on our countries. “I have learned through my extensive research on African political finance systems that it is not enough to have regulations. All African countries have regulations or a semblance of regulation on political finance. But these are not being used to support the democratization process”, he observed.

Dr. Ohman stated that the biggest problem with African countries is that whereas there is a comprehensive institutional framework in place, none of the institutions is given the necessary mandate, resources and political independence to monitor compliance. Even the most suitable rules will fail if we pay insufficient attention on implementation. It is like they are set up to be seen to be doing something without actually doing anything. This is the tragedy of Africa.



e-Symposium Moderator – Charles Mwanguhya and Dr. Magnus Ohman



According to Dr. Ohman, the problems of money in politics in African countries will not be solved through legislative change and formal oversight alone. It is essential that media and civil society are vigilant. Long term progress requires that politicians act responsibly and voters get to know the type of leaders they want.

He suggested that if someone wants to represent people or govern a country, citizens need to know where their campaign money came from because that person will one way or another have connection and possibly dependency on those that fund their campaigns. He called for need to know how political candidates spend on this money, whether it is spent on regular campaigning which is fine. He also made it clear that all election campaigns cost money, and this symposium is not all about getting rid of money out of politics, that does not work.

### **Should the Focus be on where money is coming from or where it is going?**

Dr. Ohman advised that the political finance regulators and monitors should focus on both where campaign/political money is being sourced from and how it is spent. This is because the political party or candidate will in one way or the other have a connection and possibly dependence on those who fund the election campaigns. This is where the seeds of political corruption are sown.

It would be fine and acceptable if political parties and candidates spend the money on regular campaign activities, because campaigns cost money. It is impractical to get money out of politics because money is the mother's milk of politics. But where spending crosses the line and gets into bribing voters and/or electoral officials, or buying off contestants to bow out of the race, and other actions aimed at influencing the electoral process, the citizenry and other stakeholders ought to be informed so that they can make informed voting decisions.

## **Democracy thrives where strong state institutions exist**

In situations where the incumbent party or party in government spends money which it cannot account for or logically explain where it came from, the problem becomes more complicated. There should be legislation that stops the incumbent party or candidate from encroaching on state resources, but also one that stops the incumbent political party from targeting opposition candidates and political parties.

Above all, there needs to be public institutions or managers that must say, “No, I am not going to be involved in anything that is not in the interest of this institution. I shall only act in the interest of the people or my country” he said. The issue is whether such institutions or managers of institutions exist in contemporary African countries where endemic corruption has all but subjected state institutions into captivity.

Dr. Magnus Ohman highlighted that as long as state institutions and the party in power are fused, we can pretty much pass any laws we want but it will not change the situation. It's until when strong state institutions can say we don't accept this kind of behavior by any political actor, thus enforcement of Political finance regulations become possible and that also other state institutions will not act in a way that includes abuse of state resources for political gain.

## **Digital disclosure as solution to Campaign Finance disclosure provision**

Dr. Ohman stressed that technological opportunities available to us now will not fundamentally change the very difficult issues that we are discussing about. These fundamental issues are politics and how politicians and voters engage with each other.

However, there are significant advantages of digital/ or online disclosure which mainly include; first and foremost, it helps in ushering transparency, since information from political parties, and candidates can be made available to the voters, media, CSO in more user-friendly manner than it could be on paper. For instance, if I wanted to know how much money was received and spent by a political party or candidate, I would just get online and get that information.

Secondly with online data, it allows to control the accuracy of financial reports in much better way. If we can cross check what comes in from party of candidate with what is available in other data sources for example in tax records, records of customs. “Of course, this is dependent on the quality of data reports we have”, he said.

## **Impact of Covid-19 on Election Campaign Financing**

With regards to the Covid-19 pandemic, Dr. Magnus Ohman pointed out that it is quite unlikely that the nature of campaigning may be more limited. In some parts of the world, everyone is online pretty much all the time campaigning, but we may see significant change in developing countries. He is far from sure, but expecting that in a number of African countries the type of campaigning will not alter to much in the current pandemic. However, we are likely to see a very significant change on the economic impact of the pandemic, in many African countries a lot people are suffering economically that makes them vulnerable targets of vote buying thus there is significant risk of increased mishandling and misuse of state resources to advance political interest.

### **How does one curb the vice of Commercialization of politics?**

With regards to taming commercialization of electoral politics, Dr. Magnus Ohman suggested that going forward, countries should adopt legislations that provide for:

- a) Requirement for all political actors to be transparent in their election financing
- b) Stopping incumbents from using the powers of the state to target opposition individuals and supporters.
- c) Public institutions that are autonomous and non-partisan
- d) Monitoring agencies that make it clear that commercialization of electoral politics is happening in the country

### 3.0 Panel Discussions

#### 3.1 Henry Muguzi – ACFIM Uganda

**Topic: Tracing the Evolution of Monetized Politics in Uganda.**



The e-Sympisum started in the studios of NTV-Uganda where ACFIM Executive Director Henry Muguzi was hosted. He started by explaining why the question of money in politics has been evolving as our Electoral Democracy has evolved. Uganda had elections just before and after Independence, but had no elections between 1964-1979 due to leadership crisis and military dictatorship, then in December 1980 Uganda had an election which ended up leading to a five-year civil war, then elections were again organized in 1996 followed by 2001, 2006, 2011 and 2016. “How has the question of money evolved in politics alongside Uganda’s struggles for democracy”?

In response to the question, Mr. Henry Muguzi said that it is important to interrogate where money begins to be factor in influencing electoral behavior in Uganda. If you speak to people who have been in Uganda longer, they tell you that during the first elections held in 1958, we had political parties that were tagged as “weekend Political parties” because members would gather over the weekend in katwe or Nankulabye among others. These political parties were sustained by funding from members themselves. The same story

continued up to 1961 elections; even in 1980 you would see that we had politics that was premised much on ideas. Furthermore, he pointed out that we started to see money coming to the picture from 1996 elections; it became clear that if you had gifts to give to voters, you would maybe change their thinking.

Henry did also narrate that the dynamics changed in 2001 General elections when the National Resistance Movement regime was challenged by one of their own Dr. Kizza Besigye, it is then here we start to see money coming into picture though it was not pronounced until hell broke loose in the 2011 General Elections. The aftermath of the 2011 elections was followed by citizens' protest "walk to work" because the economy was in shamble since inflation had reached a level that was uncontrollable, if you recall well a kilogram of sugar was at UGX 10,000. It later transpired that the inflation was a result of circulation of a lot of money during elections which chased away the few goods. From 2006, we see domination of money in elections, but it has been evolving and has now reached a point where it has become a problem.

Henry noted that ACFIM has organised the e-Symposium because Democracy in Uganda like in many other African countries, is experiencing reversal movement, and one of the reasons it is in that state is because elective politics is commercialized. He alluded that people who come to subscribe to political parties do so because of money, people who offer themselves also do so for money, because you wonder why a person is able and happy to spend much money in campaigns than they would actually earn legitimately over the five-year tenure. So, you get to see that there is problem here which is a concern to ACFIM.

Henry further stressed that when you look at Political parties, there is one Political party with so much spending power that seems to crowd out others. So those without spending power just become participants who end up being participated because the playing field is not leveled.

On whether Covid-19 pandemic is likely to impact on money in politics, Henry Muguzi pointed out that the impact of Covid-19 pandemic is going to be enormous. It is important to note that

once candidates conduct campaigns when churches, schools are not open, ideally the campaign costs then lessen because most of the campaign finances are spent on fund raising in places of worship, contribution towards school fees. There are two aspects to





this; the most common aspect of campaign spending is that money that goes into the pockets of voters.

The most worrying is when candidates decide to spend lavishly on a number of things, for example if you have a candidate whom once he/she organizes a campaign rally, has a flashy platform, has musicians singing, as well as caters for people's food and drinks.

But also, on a daily basis has long trucks with powerful radio systems with kadodi dancers that make rounds every day for 90 days of campaigns, which escalates the costs. When that happens, well intentioned members in society that would offer themselves will not do so. A candidate gets into a situation where he/she spends more than what that candidate can legitimately earn in the five-year tenure in political office. Therefore, the candidate gets boxed into a situation where they are vulnerable to capture, it could be by those who want to bankroll their campaigns for quid pro quo reasons, that you get into political office and make sure that I get all the public contracts or it could be dirty money gets into politics. This is so worrying because in Uganda currently, we don't get to know the source of this money. Henry recommended that one way to get out of this problem is to legislate on campaign financing.

### **Evolution of Commercialization of electoral politics in Uganda**

Muguzi brought the discussion home by reiterating the evolution of commercialization of politics in Uganda. He stressed that from the lessons of 1996 General Elections where politicians were delivering gifts in real form or in-kind, to 2001 when it was the combination of money and ruthlessness of the structures of the state.

Henry further stressed that the real turning point came in 2006 when the country returned to multi-party democracy. Competition got so high from political parties such as Democratic Party, Uganda People's Congress who were used to the terrain and National Resistance Movement which was young and had never tasted the terrain of multiparty politics but had access to all sources of funding. In 2006, competition became cut throat and so high for all political parties, it started to sink and register in the minds of political actors that money can win an election, because it actually worked in some constituencies, where those that had enough funding won. So, the source and origin of commercialization can be traced way back from 2006 when Uganda returned to multi-party elections.

Muguzi affirmed that Uganda has political parties that have not been able to train and bring through leadership. And in most situations one Political party is quite stronger than others because it has access to many state resources and uses it to advance its interest while blocking others. "The time has come for people in Africa in their respective countries to start discussions on what type of democracy we want to practice" Henry said. When you look at how democracy is defined by the framers and get to contrast with what

happens on the ground, you see the exact opposite. We need tolerance, openness, and also people that will allow democracy to grow.

He alluded that the states in Africa are present and absent at the same time. In Uganda for instance, when citizens demand for social services, it is rarely there, but when citizens hold placards to demonstrate to show displeasure, the state comes into action immediately, you wonder where it has come from, that is where we try to practice our democracy where lack of political tolerance is almost the norm. When you have a government in power that is willing to use everything at its disposal to stifle the coming up of others, advancing democracy becomes difficult.

### 3.2 Dr. Patrick Ukase – Kogi State University, Nigeria



**Topic:** Mitigating the corrosive effect of money on electoral outcomes in Nigeria. What impact will COVID-19 have on this?

Dr. Patrick Ukase is a political historian who lectures at Kogi State University in Nigeria. He argued that the problem of too much money in politics has been recurring as a problem particularly in Africa. There is lack of openness and transparency in how political parties and candidates source for political finance and how it is spent. “Of course, there are existent laws and regulations trying to govern how political parties and candidates should raise and spend money” he opined. “In Nigeria, we do not lack laws that try to regulate how campaign money is raised and spent by political parties, and the ceilings of campaign spending. The issue is implementation”, he added. He made reference to the 2015 elections where all the political parties in Nigeria surpassed their campaign spending ceilings particularly for the presidential elections. This according to the political history

don, poses a number of questions about the efficacy of African democracy. A situation where the incumbent political party solicits illicit money from contractors, oil barons, etc., makes it even more complicated.



Dr. Ukase argues that the crisis we face in Africa today, has to do with the nature and character of our politics. “If we don’t fix our politics, we definitely cannot fix the economy”, he said. The nature of African political parties and the type of democracy that is practiced, mirrors the type of economies of the respective African countries. Political parties and candidates spend over and above their campaign income and limits.

### **Nigerian EMB uninterested in enforcing political finance provisions**

Dr. Ukase shared the opinion that INEC - which is the Nigerian EMB, seems to be more interested in organizing and conducting elections than to enforce political finance provisions in the electoral laws of the country. He emphasized that once we are unable to track the way political parties raise and spend money; our democracy will erode. The crisis that Africa faces today has to do with the nature and character of our politics. If we do not fix our politics, we definitely cannot fix our economy. Political parties and the type of democracy we practice show us the type of economy we have, in the last 20 years of Nigeria’s politics, politicians raise and spend money beyond the limits required. The 1999 Constitution of Nigeria as amended, states clearly that six months after every election, each political party is expected to submit its audited accounts to the Election Management Body. But this has not been the case, quite often elections come and go; the EMB’s have become toothless especially when it comes to monitoring Election Campaign Financing.

Dr. Patrick Ukase further pointed out that a number of Civil Society Organizations have tried to work on monitoring compliance of Campaign Finance regulations but have always been disappointed by those who are meant to implement the regulations.



In response to why Election Campaign Finance regulations implementation is poor, Dr. Patrick Ukase alluded that EMB's in Africa, particularly in Nigeria lack the capacity to be able to monitor election campaign finances, you know that for you to be able to monitor Election campaign finances you need to have capacity in terms of human resource and equipment. Quite Often, EMB's in Nigeria are more interested in conducting elections and not interested in interrogating and investigating money raised and spent by political parties.

Dr. Patrick Ukase presupposed that we need to understand that political parties and the men and women that use them as political platforms, are just hungry for power and when one is just hungry for power, he/she will do everything possible to acquire that power, even when achieving it is at the detriment of the common good of the citizenry.

He defined a political party as: "a group of people that believe in the same ideology, who work with group efforts to win and control state power with the purpose of furthering their ideology". He added that in most African countries today, political parties are best known as a group or groups of businessmen who come together to use, misuse or abuse state power for the purpose of pursuing their selfish business interests. Therefore, when the intention is to pursue business you do everything humanly impossible to profit, and so commercialization of electoral process must be understood in the context of the situation of Political parties and politicians in Africa.

The Nigerian political history don further argued that there are many levels at which political parties and candidates monetize electoral processes, or use money to rig or influence electoral outcomes. “Political parties and politicians will go out of their way despite all the measures that have been put to control commercialization of electoral politics”, he said. Money is used to influence and determine outcomes of party primaries in Nigeria. He explained that this manifests when delegates are bought by aspirants who move them to specific hotels for a certain period of time and at that point in time, delegates hotel fees, food and drinks are taken care of by aspirants. Delegates are kept in the hotels until Election Day and then are moved in a bus on the day of elections to go and vote.

Then before elections, all political parties have agents who move house to house to give people money to vote for them on the day of elections. And on the day of elections, there are so many measures of rigging; one of them is at the polling station where polling agents representing EMBs are influenced by money, when you also go to the vote collection center of results you find that money plays an important role. After the election results have been announced, political parties and candidates who feel that they were rigged or cheated approach various courts. At that point also, money plays an important role in the judicial system. Here, politicians try to bribe judges in order to get judgements that are favorable to them.

### **COVID-19 and Elections in Nigeria**

He also shared that amidst the Covid-19 pandemic, the independent national electoral commission (INEC) is preparing to organize elections in two states in Nigeria, and INEC has continued to say that politicians should use electronic platforms to conduct their campaigns, but nothing will change since politicians still have agents that will visit people in their houses. Furthermore, on the day of voting, people will have to go to polling stations to vote and politicians have agents that will be at polling stations sharing money with the already vulnerable Nigerian citizens. Because of Covid-19, so many people could not carry on their businesses and in the last 3-4 months’ people don’t have money to feed their families and this provides a better opportunity for politicians even more than before to rig or influence voters.

Dr. Patrick argued that Covid-19 has actually redefined the way we behave and organize. But for elections in Africa and Nigeria I don’t see Covid-19 helping to change the narrative rather the politicians will continue in their old culture and tradition that they buy elections and influence voter behavior.

Dr. Ukase observed that with the advent of Covid-19, we are likely to see politicians influencing voters’ behavior even more than ever before. What we can do in this present circumstance is to go back to the law enforcement agencies and ensure that they prosecute those that are involved in commercialization of electoral processes. Beyond

that, CSOs have an important role to play in tracking how political parties and politicians raise and spend money because EMBs clearly don't have the competence and capacity to be able to do that? For instance, in Nigeria, if the ruling party spends more than the amount that is required by law, it is not possible for the EMB to question the ruling party because the chairperson of the EMB is appointed the President.

### 3.3 Dr. Paul Kawanga Ssemogerere – Veteran Multi-party politician

**Topic:** Formal and informal oversight of political party and campaign finance in Uganda. What impact will COVID-19 have on this?



Dr Paul Kawanga Ssemogerere is a veteran multi-party democrat who was President General of the Democratic Party (DP) that contested in the disputed 1980 general elections in Uganda that were marred with irregularities that precipitated Yoweri Museveni's going to the bush to fight the Uganda Peoples' congress (UPC) government. He also contested in the Presidential election and lost to Gen. Yoweri Museveni.

Dr. Paul K. Ssemogerere was tasked to provide a summary of his appreciation of the crossroad between money and politics and how it influences democracy. He opened his submission by stating that the kind of support political parties require for proper functioning practically during election time, is well elucidated in the six-feature framework laid out in his book: "Reality Check: Political Party Financing in Uganda: A Critical Analysis in Reference to Other Countries".

#### Dr. Ssemogerere's six-feature model

1. An ideological/constitutional/legal foundation, oriented on human rights and multiparty democracy, as the most critical determining factor in establishing the objectives and sustainability of a fair and equitable public funding system;
2. The focus and scope of the funding system:
  - a) The focus may be on the electoral candidate or the party;
  - b) The scope of activities may be narrowly prescribed (e.g., limited to the electoral process) or broad (embracing a wide range of activities including administrative and normal party activities, civic and political education, leadership training, women and youth programmes etc.).
3. The source(s) of the funds (i.e., public and/or private and the extent to which these sources are adequate, transparent, regulated and fair); and the categories or forms under which public funding is carried out (i.e., the funding may be direct or indirect, or in the form of a specific subsidy)
4. The responsible authority for the administration of the system and the extent to which it is credible as a genuinely independent, authoritative and effective authority.
5. The controlling component of the funding system directed at safeguarding treasured democratic values, e.g., the principle of equality; enforcing prescribed financial management norms and standards, notably accountability and transparency, as well as stipulated limitations and prohibitions regarding contributions and spending.
6. Provision for independent and autonomous party-associated entities, e.g., political foundations, institutes, programmes etc.

Dr. Ssemogerere argued that the above six-features are conditional on the prevailing ideological, constitutional and legal framework. He remarked that from his experience with African politics and Uganda in particular, the ideological setting is faulty and authoritarian. Consequently, there are no enabling mechanisms for political parties to access finances easily because they are subjected to authoritarian control. The regime in power always is not convinced about multiparty political dispensation. This which it is very difficult for opposition parties to freely access money, even from its own members like those that are better off in business but depend very much on working harmoniously with government all the time.



Veteran Politician Dr. Paul Kawanga Ssemogerere

To address the problem of unregulated use of money in politics, he propounded that we must start with an ideological constitutional legal framework to liberate Political parties in this direction of receiving and utilizing money for their routine activities and particularly for election time. The Administration which manages or controls the financing of Election in Uganda, Electoral Commission, if it's obligated to do what the government directs in this regard, there is problem of that body not acting independently and professionally in its management of financing of political parties so the problem starts here.

The veteran Ugandan politician castigated the electoral system in Uganda which allows the Members of Parliament to be elected on “winner takes it all” (first-past-the-post) electoral system. He explained that the above formula does not necessarily ensure that the Members of Parliament elected command the same support compared to their rivals. A person may even get 30% or 20% of the votes in the “winner takes it all” electoral system.

Dr. Ssemogerere made reference to his book: “Reality Check: Political Party Financing in Uganda: A Critical Analysis in Reference to Other Countries” and other writings of this matter, and informed the symposium participants that he has strongly supported change of the system from “winner takes it all” (first-past-the-post) to proportional representation electoral system which ensures that people who are elected actually command majority of the voters in their constituencies.

He quoted a study that conducted in Kampala which revealed that as many as 42% of respondents confessed that they would give their votes in exchange for money given to them by either the candidate or political party. He observed that the incumbent president



in Uganda (Yoweri Museveni) has free access to a lot of public funds including money he gives out as official donation, which at the beginning was UGX 6 billion and has been going higher and higher ever since, and is now about UGX 200 billion. In the cause of duty, the incumbent President of Uganda, friends in the NRM Party, Ministers and Residence District Commissioners have a lot of public funds which they access and give out as donations at various functions. This is a very subtle way to influence voters at the end of the day.

Dr. Ssemogerere furthermore argued that it is not only the question of money that has been explaining the election results in Uganda, not just in 1996 and now but even before. For instance, government through security agencies does many times oppress opposition parties, ordinary voters, and this instills fear among them. In addition to security threats, money now is used to even bring in illegitimate voters; for instance, during the 1996 General Elections in Uganda, people were ferried in from Rwanda and other people were registered multiple times. These things are brought about because of control but also money which is easily accessed by political leaders in the government who don't really cherish Multi-party politics.

### **Role of political finance laws in leveling the electoral playing field**

Dr. Ssemogerere thought that we need to look into failures caused by constitutional lapses, which will make it necessary to change some of the laws which affect the setting up of institutions in charge of management of elections and overseeing campaign financing including that of the incumbents especially the President. In the first democracies like the case of Germany, there is actual control as to how much money a person can give to a political party to control it, you have to stay within the limits so that the person in the end does not take away the autonomy of the party as a whole and more less treat it as a personal property. The Incumbent President should also detach from day-to-day appointment of Electoral Officials who are meant to manage the controlling of financing in electoral politics.

### **3.4 Dr. Busingye Kabumba – Law Don, Makerere University**

**Topic:** Legal remedies for taming the use of excessive Money in Electoral Processes in *electoral politics. Implications on Uganda's democracy?*



**Dr. Busingye** is a constitutional lawyer and a lecturer on international law at the School of Law of Makerere University. He asserted that the legal approach is important and also one has to take in account the question of ideology.

He commended the fellow panelist Dr. Paul Ssemogerere for having hit the nail when he alluded to the nexus between ideology, the constitutions and the laws. He then addressed himself to the question of law on the books and the law as understood by society. For example, Article 79 of 1995 Ugandan Constitution stipulates clearly that role of Member of Parliament is to make laws, perform oversight and hold the Executive to account. But when you go down to society in Uganda, they have their own interpretation of the role of Member of Parliament which involves making contributions to weddings, funerals and paying of school fees. “How do you harmonize the law in the books and societal norms?”, he asked. The question of societal norms and values has to be contended with.

Dr. Kabumba reinforced the question of incumbency which he linked with the nature of the autocratic state that is reflected in implementation of laws and the power of incumbency. In his view, even with a perfect legal system, if a country has an Electoral Commission whose senior staff and commissioners are appointed by one person who is often also a Presidential candidate with a clear desire and in pursuit of the longevity in office of one the Executive, one may not solve the problem. He further alluded to the situation where one man (the incumbent) President, has appointed the entire judiciary (the High Court, the Court of Appeal, the Supreme Court). In a situation where the state is sustained by patronage and militarism, permeates into other institutions and undermines independence of institutions.

There is a question of direct expenditure that you can perhaps control but there is also a question of indirect expenditure. Historically there was a question of privatization which opened up money available to certain persons who would then exercise patronage

through government parastatals. That was replaced by “districtization”<sup>1</sup> where districts were given according to certain demands. Navigating the distinction between legitimate districts and illegitimate districts created as a form of patronage often just before the election event is difficult and now, we are in another dilemma of creation of cities. So, the power of incumbency and question of law and society are questions that we must contend with.



The law don was put on the spot to share his opinion on some of the findings of ACFIM's study titled: Unregulated Campaign Spending and its Impact on Electoral Participants in Uganda, which indicates that the cost of financing elections campaigns in Uganda has been growing exponentially since the country returned to multiparty political dispensation in 2005. The study forecasts that contesting in elections in 2021 will require a Presidential candidate to spend in excess of UGX 1 trillion (\$274 million), UGX 500 million (\$136,986) and UGX 150 million (\$50,000) for District chairperson and city mayoral races.

Dr. Kabumba further argued that pressure from society is sometimes legitimate because of insufficient service delivery from the government and overwhelming presence of police. He stressed that Ugandan citizens often experience the state in its coercive sense rather than its welfare sense. In such circumstances elections then become a time for the citizens to extract something back from the politicians that they cannot ordinarily get in

<sup>1</sup> Districtization in this context is used to refer to the proliferation of new districts in a manner that serves to feed the interests of a growing patronage network.

between elections. There is a saying that “it is time to eat”, so there is that societal pressure from below, but at the same time there is coincidence of interest between Executive and parliament. Sometimes it is difficult to be Ugandan, often the very first agenda item of all parliamentarians in Uganda has been increasing their emoluments which they use to pay up the loans they incurred during elections. “So as citizens, we are trapped between a rock (Executive) and hard place (Parliament) and frankly extricating ourselves from this dilemma can be very difficult” he posited.

In coincidence of interests between Parliament and Executive attempts to amend the laws in July 2019 that were passed in March 2020 on Presidential and Parliamentary Election Amendments Acts. In both cases we did not have regulations of expenditure, what we had was disclosure of sources of funding. And there are no prices for guessing who is being targeted. “In the previous amendment of electoral laws, we witnessed an increase in nomination fees, where you have elected representatives making it difficult for opposition candidates particularly to have a fair share on the table”, said Dr. Kabumba.

Dr. Busingye further suggested that there is a constitutional design flaw, Article 59 of the Right to Vote is in Chapter Five of the Ugandan Constitution, we do not have Right to Vote in Chapter four which is the Bill of Rights, hence Electoral Justice has been removed from the normal Bill of Rights which constitutionally is problematic. In sense, we do not think of right to vote, right to political participation in Human Rights terms, in access and demand terms.

He suggested that one step towards constitutional reform in this area is, to have the equivalent of Article 81 of the Kenyan Constitution, which makes it clear as one of the principles of Electoral reforms that the idea of non-corruption, non-influence and non-intimidation is an aspect of right to participate and right to vote as a constitutional matter and Human Rights matter. During elections, people change and in the hunt for votes, people will do a lot to get them, that’s why many values will be lost.

### **The Effect of COVID-19**

Dr. Busingye Kabumba emphasized that the power of incumbency is getting stronger with Covid-19 which has given them more access to state resources and may pose risk of misuse of state resources. The question that came up in one the presidential election petitions was that the executive announced massive donations of hoes just before elections. How does the person on the ground distinguish between government programs and influence peddling in proper expenditure? One related point Uganda courts of appeal in particular has had to grapple with the idea of community bribery, there is such a thing. “In relation to the Parliamentary Election Petitions, a contestant donates an ambulance emblazoned across with names of a contestant, is that a bribe, since it is not targeted to

one particular person is it for the nation, how do we distinguish between the two things?”, asked Dr. Kabumba.

### **3.5 Discussions**

#### **3.5.1 Political finance trends and relevance of campaign finance laws in building sustainable Democracy in Africa.**

This session focused on money in politics trends and relevance of campaign finance laws in building sustainable Democracy in Africa. Dr. Magnus Ohman was the first to share his thought on this, he stressed that law enforcement is important but also CSO and media have an important role to play here. He highlighted that there is no much evidence that strict regulations actually solve this problem in the longer term. He further purported that Vote buying and Abuse of State Resources happens because people are responding to it. He therefore advised that measures should be put in place to eliminate the channel of demand and supply side of politics.

He also pointed out that the issue of candidate selection in parties before elections is credibly important to observe. He shared that some politicians spend a lot of money being elected as party flag bearers than in real election campaigns. He gave an example of Kenya where with Members of Parliament and other politicians testified to him saying that they spent a lot of money in being elected as party flag bearers than in the real election campaigns. He brought to the attention of the audience that very few countries have campaign finance regulations on selection of candidates in primaries.

Conclusively he suggested for need to have clear gender perspective on the issue of political finance because that has very significant difference on role of men and women participation in political parties.

Dr. Patrick Ukase also shared his thoughts on the same issue, stressing that one of the areas that even researchers have not dwelt on so much is on tracking the Campaign Funding in Africa. He was perplexed with the limited discussions on the subject matter of commercialization of politics in Africa, though was glad that ACFIM convened the symposium and promised to continually put it at the front corner.

There is need to conscientize our people, there are number of groups that can do this like CSO, media and religious bodies must continue to enlighten people as to the effect of allowing money influence the election process.

The Election observers should make their findings on this issue of money in politics very pertinent, it is important for them to also track how political parties get their money before elections. This all will help in mitigating the corrosive effect of money in politics.

Dr. Paul Ssemogerere argued that it is extremely important that we revise the constitutional and legal framework to ensure that the democracy under multi-party is embraced by all institutions in government including the Military, intelligence, Judiciary, Parliament and incumbent in office.

The body and authority which oversees and controls Political financing should be totally independent and its integrity should be beyond question. We have to learn from other countries which have done this very well such as Ghana, South Africa and Sweden. These countries have taken the duty to insulate the management of elections, overseeing how financial engagement is carried out, where the money is sourced from, and also enforce limitations on the side of incumbents on the extent of financial donations, they give out directly or indirectly.

The veteran multipartist advised that it is important to make sure that political parties are insulated from external infiltration. He noted that Uganda is trying to come to terms with the failure of the regime in power to embrace multiparty politics. It has not been uncommon for incumbent regimes to use money to infiltrate and undermine the internal organization systems of opposition political parties hence turning them into “lame ducks”.

Conversely, ACFIM Executive Director, Henry Muguzi affirmed that one of the things that ACFIM has achieved now is to make commercialization of electoral politics an issue of public concern. Today if you are to rate the top five issues for Electoral Democracy in Uganda, you will find commercialization of electoral politics, and particularly quite a number of citizens and political actors have come to realize that commercialization of politics is a problem to our democracy and even President Museveni talked about it.

What ACFIM has not yet done enough is to get those institutions that are mandated to regulate campaign financing do their work. “For example, we talk about Uganda Electoral Commission like its Nigerian counterpart (INEC) having consistently narrowed their mandate to organizing and conducting elections (EMB). The other role of being the de facto Political Finance Regulator (PFR) is often either underserved or ignored”, said Mr. Muguzi. He argued that this is the very reason why today it is difficult to go and access information about Political Party returns from 2015-2020 which some one can use to adduce scientifically about source of funding. “The time has come to rethink whether the EC can continue to carry on both roles of being an EMB and PFR”, he said.

### 3.6 Plenary Session for Participants on Zoom

One of the notable contributors from zoom was Emmanuel Kitamirike, the Executive Director of Public Policy Institute (PPI). Kitamirike shared the findings of an important study he participated in as lead researcher on the topic: The Cost of Politics in Uganda. He argued that Uganda has an extortionist patronage system that actually depends on money to survive, and this system demands allegiance and loyalty in exchange for resources, so if you are going to be part of this system you have to be loyal and pay allegiance to it.



Mr. Emmanuel Kitamirike presupposed that the challenge of addressing the excess money in Uganda's Politics, is due to the fact that money actually is the foundation on which National Resistance Movement system survives. He further stressed that if you are going to remove money from politics, then you are actually taking about the very existing political system. To be specific, an example driving the high cost of politics in Uganda is the internal party primaries, there are certain regions or districts in Uganda where when you get the NRM party flag, you are already assured of winning an election, so candidates will do all whatever it takes to get the party flag since it is an assurance of winning.

Mr. Emmanuel Kitamirike also argued that in Uganda, the regulatory framework is almost non-existent as EC is not held accountable for lack of regulatory experience. The EC as seen in other countries is pre-occupied with delivering elections and not doing the other obligation and mandate including ensuring that Political Parties adhere to Political Party and Organisation Act. We should start thinking of how to get EC to perform its mandate effectively, as citizens, CSO actors we have an obligation to hold EC accountable to this mandate no one else will hold it accountable, it won't be political parties because they

benefit from the concept of money in politics. Political Parties are the ones that are either not submitting Political party returns to EC or actually are engaged in practices that increase Money in Politics.





## **4.0 Conclusion and Recommendations**

### **4.1 Conclusion**

Speakers and other participants underscored the need to legislate on campaign financing and setting up of independent bodies that will spearhead the enforcement of campaign finance regulations especially in countries where the law exists. It was agreed that regulating money in electoral processes is necessary for credible and genuine elections. It was further agreed that indeed Africans must work towards building institutions in order to improve the democratization process. The Electoral Management Bodies and other relevant state institutions must be able to rise to the occasion and say no to unacceptable influence by incumbent political parties and candidates.

### **4.2 Recommendations**

- a) Enact stringent political finance laws in accordance with good international practices for mandatory public disclosure of campaign income and expenditure, reporting on expenditure and creating spending ceilings. This will help to create a higher level of transparency and accountability, and level the playing field for political parties and candidates participating in an election.
- b) Electoral system should be changed from the first-past-the-post (winner takes it all) system to proportional system to mirror the South African system.
- c) Conscientization of the citizens by the media, civil society and other actors including public civic education institutions, about the corrosive effect commercialized electoral processes. African citizens must appreciate that in democracy, it is ideas that matter not money.
- d) Electoral Management Bodies must assume more interest and responsibility in terms of regulating political finance. The situation where EMBs narrow their responsibility to organizing and conducting elections, must be discouraged.

## **About ACFIM**

ACFIM is a Pan-African civil society organisation founded in Uganda to contribute towards building electoral integrity through promoting openness, transparency and accountability in political financing for sustainable democracy. ACFIM further believes that sustainable democracy will not be achieved if the African voter is not awakened to appreciate that ideas of political parties and candidates matter more than the money and gifts they provide to the electorate.

## **Our Vision**

A society where political leaders are responsive and accountable to citizens.

## **Our Mission**

To contribute towards building electoral integrity by promoting openness, transparency and accountability in financing of political and electoral processes through research, civic engagement, monitoring and advocating for reforms.

## **Strategic Priority Areas**

### **Priority Area 1: Political Finance Monitoring**

- a) Election and referenda campaign financing
- b) Flow of budget resources during pre-campaign and campaign period
- c) Compliance to the political finance legal framework
- d) Corporate/business electoral financing

### **Priority Area 2: Civic Engagement for Electoral Accountability**

- a) Anti-vote buying campaigns targeting voters and politicians.
- b) Facilitate political engagements between voters and elected leaders.
- c) Training through The Political Finance Academy

### **Priority Area 3: Awareness Raising and Advocacy**

- a) Research
- b) Symposiums and Youth Conventions
- c) Legal and Institutional Reforms