Uganda

A SURVEY BY THE

Africa Governance Monitoring and Advocacy Project (AfriMAP),
Open Society Initiative for East Africa (OSIEA) and
Open Society Media Program (OSMP)

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Written by:
Dr George W. Lugalambi (researcher), Dr Peter G. Mwesige (regional editor) and Hendrik Bussiek (editor-in-chief)

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For more information contact:
AfriMAP
President Place
1 Hood Ave/148 Jan Smuts Ave
Rosebank
South Africa

P.O. Box 678
Wits, 2050
Johannesburg
South Africa

www.afrimap.org
www.osisa.org

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Acronyms

ACHPR	African Commission on Human and Peoples' Rights
AKFED	Aga Khan Foundation for Economic Development
ARV	anti-retroviral drug
AU	African Union
BBC	British Broadcasting Corporation
CBS	Central Broadcasting Service
CP	Conservative Party
CPI	Corruption Perceptions Index
DP	Democratic Party
DSTV	Digital Satellite Television
EAC	East African Community
EAMI	East African Media Institute
EC	Electoral Commission
EU	European Union
FDC	Forum for Democractic Change
GTV	Gateway Television
ICCPR	International Convenant on Civil and Political Rights
ICGLR	International Conference on the Great Lakes Region
ICT	Information and Communication Technologies
IMCU	Independent Media Council of Uganda
JEEMA	Justice Forum
LRA	Lords Resistance Army
MP	member of parliament
MTN	Mobile Telephone Network
NBS	Nile Broadcasting Services
NGO	non-governmental organisation
NIJU	National Institute of Journalists of Uganda
NMG	Nation Media Group
NRA	National Resistance Army
NRM	National Resistance Movement
NTV	Nation Television
OAU	Organisation of African Unity
PRA	Popular Resistance Army
Shs	Uganda Shillings
UBC	Uganda Broadcasting Corporation
UCC	Uganda Communications Commission

UHRC	Uganda Human Rights Commission
UJA	Uganda Journalists Association
UMA	Uganda Manufacturers Association
UMDF	Uganda Media Development Foundation
UN	United Nations
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNLA	Uganda National Liberation Army
UNLF	Uganda National Liberation Front
UPC	Uganda Peoples Congress
UPDF	Uganda Peoples Defence Forces
UPM	Uganda Patriotic Movement
URN	Uganda Radio Network
UTL	Uganda Telecom Ltd
VG	The Vision Group
WBS	Wavah Broadcasting Services

Foreword

The report is the result of research that started in 2008 with the aim of collecting, collating and writing up information about regulation, ownership, access, performance of broadcasting as well as prospects for public broadcast reform in Africa. The Uganda report is part of an eleven-country survey of African broadcast media. The main reason for conducting the research is to contribute to Africa's democratic consolidation.

Many African countries have made significant gains in building democratic systems of governance that are based on popular control of decision-making and in which citizens are treated as equals. Availability and access to information by a greater number of citizens is a critical part of a functioning democracy and a country's development. The role of a public broadcaster as a vehicle through which objective information and diverse perspectives are transmitted into the public domain cannot be overstated.

A number of countries are currently undertaking public broadcast media reforms that aim to improve service delivery and accountability to citizens. Such reforms draw from evolving African and global standards regarding media and broadcast media in particular. The survey instrument that was developed in consultation with African media experts and others from other parts of the world is largely based on agreements, conventions, charters and declarations regarding media that have been developed at regional and continental levels in Africa.

The survey of broadcast media in Africa was initiated by two projects of the Open Society Institute (OSI), the Africa Governance Monitoring and Advocacy Project (AfriMAP) and the Network Media Program (NMP), working with the African members of the Soros foundation network – in East Africa, the Open Society Initiative for East Africa (OSIEA). The research was carried out by Dr George W. Lugalambi who has worked in different capacities in the media in Uganda and heads the Mass Communication Department at Makerere University. He was assisted by Dr Peter G. Mwesige, a journalist, media scholar, and consultant, who also edited the report. The two would like to acknowledge the research assistance provided by Irene Nabisere, Rachel Chelimo and Moreen Katushabe. The project was overseen by an editor-in-

chief, Hendrik Bussiek, a media consultant with extensive broadcasting experience in Africa and globally.

It is our hope that the research will clear some of the misconceptions about public broadcasters. In its simplest definition a 'public broadcasting service' is a broadcaster that serves the public as a whole and is accountable to the public as a whole. Yet in most instances what is referred to as a public broadcaster is in fact a state broadcaster: this research aims to help the process of aiding the transformation of Africa's public broadcasters into media worthy of the name.

Ozias Tungwarara
Director, AfriMAP

Introduction

The survey on public broadcasting in Africa starts from the premise that development and democracy cannot thrive without an open and free public space where all issues concerning people's lives can be aired and debated and which gives them room and opportunity to participate in decision-making. Nobel Prize laureate Amartya Sen describes democracy as 'governance by dialogue' and broadcasters are ideally placed to facilitate this dialogue by providing the space for it – if their services are accessible, independent, credible and open to the full spectrum of diverse views.

Following from this premise, the key objective of the survey is to assess whether and to what extent the various forms of broadcasting on our continent can and do create such a free public space, with special attention given to those services which call themselves 'public'. A total of eleven country reports look closely at the current status of broadcasting in Benin, Cameroon, Kenya, Mali, Mozambique, Namibia, Nigeria, South Africa, Uganda, Zambia and Zimbabwe.

While this survey may be unprecedented in its scope and depth, it does feed into ongoing discussions among broadcasters, civil society and politicians in Africa on the nature and mandate of genuine public broadcasting. Reform efforts are under way in a number of countries. And at least on paper there is already broad consensus on the need to open up the airwaves to commercial and community broadcasters and for state broadcasters to be transformed into truly public broadcasting services.

The Declaration of Principles on Freedom of Expression in Africa adopted by the African Union's Commission on Human and Peoples' Rights in 2002, for example, says 'a State monopoly over broadcasting is not compatible with the right to freedom of expression' and demands that 'state and government controlled broadcasters should be transformed into public service broadcasters accountable to the public'.

This document and other regional policy declarations serve as major benchmarks for this survey.

In particular, these African documents inform the vision and mandate of public

broadcasting as understood in this study.[1] This vision can be summarised as follows:

- to serve the overall public interest and be accountable to all strata of society as represented by an independent board;
- to ensure full respect for freedom of expression, promote the free flow of information and ideas, assist people to make informed decisions and facilitate and strengthen democracy.

The public broadcasters' mandate is:

- to provide access to a wide range of information and ideas from the various sectors of society;
- to report on news and current affairs in a way which is not influenced by political, commercial or other special interests and therefore comprehensive, fair and balanced (editorial independence);
- to contribute to economic, social and cultural development in Africa by providing a credible forum for democratic debate on how to meet common challenges;
- to hold those in power in every sector of society accountable;
- to empower and inspire citizens, especially the poor and marginalised, in their quest to improve the quality of their lives;
- to provide credible and varied programming for all interests, those of the general public as well as minority audiences, irrespective of religious beliefs, political persuasion, culture, race and gender;
- to reflect, as comprehensively as possible, the range of opinions on matters of public interest and of social, political, philosophical, religious, scientific and artistic trends;
- to promote the principles of free speech and expression as well as of free access to communication by enabling all citizens, regardless of their social status, to communicate freely on the airwaves;
- to promote and develop local content, for example through adherence to minimum quotas;
- to provide universal access to their services, with their signal seeking to reach all corners of the country.

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1 Apart from the African Commission's Declaration of Principles on Freedom of Expression, these are the African Charter on Broadcasting 2001 as well as the 1995 policy document 'On The Move' and 2007 draft policy paper 'Now is the Time' by the Southern African Broadcasting Association, a document in which state/public broadcasters in Southern Africa commit themselves to the aim of public broadcasting.

Other broadcasting services can – in one way or the other – also fulfill aspects of this mandate, and the survey, therefore, looks at them as well in order to assess their contribution to the creation of a public space.

The facts, figures and informed assessments presented in the survey will, it is hoped, provide a nuanced picture of where broadcasting in Africa at present stands between 'His Master's Voice' of old and the envisaged public broadcasting service of the future. This information should provide a sound basis for advocacy work, both among decision makers and civil society as a whole.

This report starts out with a comprehensive audit of existing media laws and other legislation with an impact on freedom of expression and a critical in-depth assessment of the legal and regulatory framework in which broadcasting presently operates. This is followed by a detailed study of the Uganda Broadcasting Corporation – its organisation, finances, policies, and the content it offers.

In December 2009, a draft report was publicly presented at a round table meeting in Uganda's capital Kampala, attended by an impressive cross-section of civil society in general, media groups and political players. Participants discussed the findings, corrected assumptions or errors, debated and endorsed conclusions and recommendations and made a number of additions which were incorporated into the final version.

The researcher and editors would like to express their gratitude to all those who contributed by sharing their information and insights and providing valuable feedback and constructive criticism.

Hendrik Bussiek

1
Country Facts

1 Government and political structures

Uganda is a republic with three arms of government: the executive, the legislature, and the judiciary. The multi-party system was re-introduced after a constitutional referendum held in July 2005 which paved the way for the first multi-party elections in 25 years in February 2006.

1.1 History of political parties and multi-partyism

A multi-party system had been in place since independence from Britain in 1962 up to January 1971 when General Idi Amin overthrew the government of Milton Obote in a coup d'etat. Before the coup Uganda had been all but become a one-party state under Obote's Uganda People's Congress. Parties remained abolished during Amin's eight-year military regime and only resurfaced when he, in turn, was overthrown in April 1979 by the Tanzanian-backed Uganda National Liberation Army (UNLA), formed by a coalition of former exiles under the banner of the Uganda National Liberation Front (UNLF). Yoweri Museveni, Uganda's current president, was one of the UNLF's leading members and deputy head of a four-man Presidential Commission that ran the country until the first post-Amin general elections in December 1980.

The 1980 elections were contested, among others, by the Uganda People's Congress (UPC) led by Obote, the Democratic Party (DP), the Conservative Party (CP), and the Uganda Patriotic Movement (UPM) led by Yoweri Museveni. Obote's UPC was declared the winner, although the elections were widely considered to have been rigged, and all the other parties disputed the results.

In February 1981 Museveni launched a guerrilla war against the new government of Obote (commonly referred to as Obote II) under a group known as the Popular

Resistance Army, which later became the National Resistance Movement (NRM). Its military wing was the National Resistance Army (NRA). The Museveni-led guerrilla campaign would continue for about five years. Obote was overthrown in a coup by his own top generals in 1985, and the NRM finally dislodged the military regime from power in January 1986.

The NRM ruled the country under a 'no-party' system. Under this arrangement, commonly referred to as the 'movement system', political parties were suspended and competition for elective political positions was based on the principle of so-called 'individual merit'. Whereas its defenders described the movement system as 'no-party democracy', its critics contended that it was a re-incarnation of the one-party system[2] as elsewhere in Africa.

As C.J. Logan and others noted, the movement system featured 'many elements of a liberal democracy, with the major exception that political parties are banned from undertaking most normal activities, including those typically associated with campaigning and elections'.[3] So, for 20 years political parties were barred from opening and operating local branches, holding delegates' conferences, organising public rallies, sponsoring or campaigning for electoral candidates, and 'carrying on any activities that may interfere with the movement political system for the time being in force'.[4] The continued ban on political party activities 'led many analysts to question the extent of real competition, and hence Uganda's credentials as a democracy'.[5]

The provisions of the 1995 – and current – Constitution in this regard are somewhat ambiguous. Article 72(1) guaranteed the right to form political organisations and article 75 stipulated that 'Parliament shall have no power to enact a law establishing a one-party state'. While article 69(1) provided that 'The people of Uganda shall have the right to choose and adopt a political system of their choice through free and fair elections or referenda', article 271(1) declared that the first public elections held under the new constitution in 1996 – including the presidential, legislative, and local government elections – were to be conducted under the movement system. Yet articles 271(2) and 74(1) of the Constitution require periodic referenda to be held for citizens to decide whether to retain the movement system or to adopt an alternative – in the words of article 69(2) of the Constitution, 'the multi-party political system' or 'any other democratic and representative political system'.

The first such referendum was conducted in June 2000. Political parties boycotted

2 Human Rights Watch, *Hostile to Democracy: The Movement System and Political Repression in Uganda*, New York, 1999; N. Kasfir, 'No-Party Democracy in Uganda,' Journal of Democracy, 9(2) 1998, pp. 49–63, J. Oloka-Oyango, 'New Wine or New Bottles? Movement Politics and One-Partyism in Uganda', in J. Mugaju and J. Oloka-Onyango (eds.), *No-Party Democracy in Uganda: Myths and Realities*, Kampala: Fountain Publishers, 2000, pp. 40–59.

3 C.J. Logan, N. Muwanga, R. Sentamu and M. Bratton, 'Insiders and Outsiders: Varying Perceptions of Democracy and Governance in Uganda', Afrobarometer Working Paper, no. 27, 2003, p. 1.

4 Article 269 of the Constitution of the Republic of Uganda.

5 Logan et al., op. cit., p. 1

the poll, arguing that voting on the right to associate politically was a violation of a fundamental human right. The boycott did not stop the referendum, and the result was predictable: the pro-movement side won.

Five years later, in 2005, political systems were subjected to the second referendum as required by the Constitution. Political parties again staged a boycott. But the difference this time round was that the NRM, creator of the movement system, had been compelled by internal tensions and external pressure to reconstitute itself as a political party and was now in favour of opening up to a pluralistic system. Under these circumstances, many thought that the referendum was redundant given that all major political forces were agreed on the need to go multi-party. Still the referendum went ahead and, not surprisingly, voters chose to adopt the multi-party system. Parties could now function more effectively and organised political activity and opposition politics in particular were invigorated as a result.

Presently, the main political parties are the NRM and the Forum for Democratic Change (FDC) whose founder members split from the NRM in 2000 and initially organised under the banner of the Reform Agenda, a pressure group. The other two significant parties are the Democratic Party (DP) and the Uganda People's Congress (UPC), which have been in existence since independence. Together with the Conservative Party (CP), which dates back to the same period, the DP and UPC are known as the traditional parties and they tended, until recently, to be organised along religious and ethnic lines largely due to their origins in colonial geopolitics. However, the DP and UPC have over the years sought to overcome their images as Catholic southern dominated and Protestant northern dominated parties, respectively. Both now appeal to diverse constituencies.

The NRM too has abandoned its left-wing radicalism and now pursues neo-liberal economic policies, though its political practices are not as liberal as they sound in rhetoric. Historically, the party has drawn and continues to draw its most steadfast support from western Uganda and has a unique appeal among rural electorates in general.

The FDC presents itself as the progressive party and is particularly attractive to urban and middle class voters. It is the main opposition party and although its founders are predominantly from the western region, it has a formidable base in northern Uganda where much of the population has felt alienated by the NRM for most of the two decades it has been in power. Northern Uganda has been the main theatre of the 20-year-old insurgency by Joseph Kony's Lord's Resistance Army (LRA) rebels. This conflict has proven intractable, bedevilled by half-hearted attempts at negotiating a peaceful settlement. The International Criminal Court indicted the LRA leaders in 2007 for crimes against humanity.

1.2 Parliament

Parliament is the most visible, but not necessarily influential arena of politics in Uganda. According to article 79(1) of the Constitution, 'Parliament shall have power to make laws on any matter for the peace, order, development and good governance of Uganda'. The legislature is composed of (i) members who are directly elected to represent constituencies; (ii) one woman representative for every district; (iii) representatives of special interest groups including the army, youth, workers, and people with disabilities; and (iv) members of cabinet including those elected as constituency representatives and those appointed by the president. The latter are *ex-officio* members with no voting rights.

The mode of electing MPs varies by category. MPs representing geographical constituencies as well as women district representatives are elected through universal adult suffrage. Representatives of the workers, youth, and people with disabilities are elected through electoral colleges composed of members of their national associations. Representatives of the military (known as the Uganda People's Defence Forces or UPDF), brought into Parliament by virtue of its historical role in the country's politics, are elected by the Army Council, one of the top military organs. Although women, workers, youth, and people with disabilities have seats reserved for them as special interest groups and on grounds of affirmative action, they are also free to run for the directly elected constituency seats. Currently 29.8 per cent of all MPs are female.

The term of Parliament is five years. The speaker and deputy speaker preside over Parliament. Both are elected by the members from among themselves.

Table 1 shows the number of seats that each category of representatives holds in the current Parliament (the eighth since independence).

Table 1: Composition of Uganda's Parliament as of December 2009

Category	Number of seats
Constituencies	215
District women	79
Army	10
Workers	5
Youth	5
People with disabilities	5
Ex-officio (cabinet ministers)	13
Total	**332**

Source: Parliament of the Republic of Uganda[6]

6 http://www.parliament.go.ug/index.php?option=com_content&task=view&id=3&Itemid=4 (retrieved 30 December 2009).

Every Ugandan citizen aged 18 and above is guaranteed the right to vote. National elections are based on the principle of universal adult suffrage with every individual entitled to one vote. All voting is by secret ballot. Public or national elections are administered by the Electoral Commission of seven members (including a chairperson and a deputy) who are appointed by the president with the approval of Parliament. Their terms of office are seven years and can only be renewed once. The commission's chief constitutional function is to ensure the holding of 'regular, free, and fair elections'. As is the case with the judiciary and the legislature, the Electoral Commission's independence is constitutionally protected.

Despite these constitutional guarantees, the Electoral Commission's impartiality has been constantly and furiously questioned. For one thing, the fact that the commissioners are nominated by the president for Parliamentary approval is a bone of contention, with Parliament's own independence from the executive regularly coming into question. For another, the president's attempt at creating an independent commission by selecting members representing other political interests falls short of expectations as long as the groups that represent these interests are not given the opportunity to offer their own nominations, preferably directly to Parliament. In its final report on the 2006 election, the European Union Observer Mission noted: 'Despite the efforts of the Electoral Commission to demonstrate independence from the Executive, it did not retain the full confidence of all political parties, even after establishing inter-party liaison committees and showing flexibility and a high degree of even-handedness in dealing with complaints and concerns from political parties'.[7]

Not surprisingly, retired Col. Dr Kizza Besigye, the FDC's presidential candidate and runner-up in the last two elections, has after each loss taken the Electoral Commission to court accusing it of unfairly denying him victory. In both cases, the Constitutional Court has agreed with him that the elections were marred by serious irregularities, but found that these could not have fundamentally altered the final outcomes. To many observers, this logic undermines the public's confidence in the electoral process. It is also unclear what threshold such irregularities would have to cross before the electoral outcome becomes irredeemably flawed.

There are 36 registered political parties in Uganda.[8] The Electoral Commission is mandated to register all political parties. The registration process starts by lodging a formal written request of the intention to form a political party. One of the requirements for registration is to present to the commission 'a list of the full names and addresses of at least fifty members of the organization from each of at least two thirds of all the districts of each of the traditional geographical regions of Uganda and

7 EU Election Observer Mission, Uganda 2006, Final Report on the Presidential and Parliamentary Elections.
8 http://www.ec.or.ug/regdparty.html (retrieved 30 December 2009).

who must be resident or registered voters in the district'.[9] Of all the registered parties, only six are represented in Parliament as shown in Table 2.

Table 2: Political party representation in Uganda's Parliament (December 2009)

Political party	Number of seats
National Resistance Movement (NRM)	211
Forum for Democratic Change (FDC)	38
Uganda Peoples Congress (UPC)	9
Democratic Party (DP)	8
Justice Forum (JEEMA)	1
Conservative Party	1
Independent*	37

* Many Independents have leanings to particular parties.
Source: Parliament of the Republic of Uganda[10]

1.3 The president

Each arm of government has independent powers and functions which are spelt out in the Constitution. The president plays the multiple roles of head of state, head of government, and commander-in-chief of the armed forces. The executive authority of the country is vested in the president, and the holder of the office is elected every five years by universal adult suffrage via secret ballot. The presidential tenure of two five-year terms originally enshrined in article 105 of the Constitution was scrapped in 2005 through a controversial constitutional amendment in Parliament that did away with term limits altogether. After the 2005 referendum on political systems had endorsed the reinstatement of political parties, the government argued that term limits had in the process been rendered unnecessary. Accordingly, went the argument, it would be the prerogative of every party to decide who would be its presidential flag-bearer in a general election and how long he or she served if elected. The opposition, on the other hand, maintained that the amendment was an attempt to create a 'life presidency' for incumbent Museveni, whose last constitutional term was due to expire in 2006. The government's refusal to subject this decision to a referendum remains a controversial matter. In fact, the main opposition parties have vowed to reinstate presidential term limits if they got into power. They also point to the fact that the president's percentage of the vote has dropped significantly in the last two elections to suggest that he no

9 http://www.ec.or.ug/regparty.html.
10 http://www.parliament.go.ug/index.php?option=com_content&task=view&id=8&Itemid=8 (retrieved 30 December 2009).

longer enjoys popularity among the voters. Museveni garnered 75.5 per cent of the vote in 1996, 69.3 per cent in 2001 and 59.2 per cent in 2006.

1.4 The judiciary

Concerning the administration of justice, article 26(2) of the Constitution articulates a set of principles that both civil and criminal courts are enjoined to apply when adjudicating cases:

a) Justice shall be done to all irrespective of their social or economic status;
b) Justice shall not be delayed;
c) Adequate compensation shall be awarded to victims of wrongs;
d) Reconciliation between parties shall be promoted;
e) Substantive justice shall be administered without undue regard to technicalities.

Article 128(1) confers the independence of the judiciary, asserting that, 'In the exercise of judicial power, the courts shall be independent and shall not be subject to the control or direction of any person or authority.' The courts of judicature are three: the Supreme Court, the Court of Appeal, and the High Court. Article 129(1) of the Constitution also provides for 'such subordinate courts as Parliament may by law establish'. The Court of Appeal serves as the Constitutional Court. Criminal cases typically start in the magistrate courts, where those involving capital offences and similarly serious charges are normally referred to the High Court which has the powers to try them.

The Supreme Court comprises the Chief Justice and six other justices. The president, with the approval of Parliament, appoints a judicial service commission of nine members including the attorney-general who is *ex-officio*. The commission advises the president on the appointment of all judges and other judicial officers (that is, the chief registrar and registrar of the High Court), on disciplinary matters, and on their removal from office. The commission also is mandated to review and advise the government on the terms and conditions of service of judges and key judicial officers. Article 147(2) of the Constitution guarantees the independence of the judicial service commission.

However, the 'independence' of the judiciary in Uganda is a perennially contested issue. By law, appointments of all judges have to be ratified by Parliament. But as with all executive appointments, politics is always a factor, and the independence of the judiciary is at the end of the day a matter of perception. Under the current regime, the independence of the judiciary was most severely tested prior to the general elections of February 2006 following the arrest on 14 November 2005 of the leading opposition candidate Dr Besigye of the FDC on charges of treason and rape. When a judge

granted Besigye bail, the authorities ordered his immediate re-arrest amidst a military siege of the High Court, which led the judiciary and the legal community to go on a boycott in protest of the military's interference. The heavily pro-government legislature condemned the action too as a threat to the independence of the judiciary.

Moreover, the Military Court Martial insisted on prosecuting Besigye even after his lawyers had successfully argued in the High Court that it was unconstitutional for him to be simultaneously tried by the army court essentially on the same grounds. Besigye argued that it was an instance of 'double jeopardy'. He campaigned for the presidency while defending himself against the rape and treason charges. A judge threw out the rape charges after the elections, while the treason trials in both the High Court and the Court Martial (which Besigye is challenging in the Constitutional Court) seem to have stalled.

1.5 Balance of power

Although there is formal separation of powers and autonomy of functions among Parliament, the executive, and the judiciary as provided for by the Constitution, the overwhelming power of the ruling NRM implies that Uganda should more fittingly be described as a dominant-party rather than a multi-party state. The fact that the NRM had a monopoly of power over a 20-year period from 1986 resulted in the situation that one political scientist, Sallie K. Simba,[11] has described as the 'fusion of NRM and the state'. He has argued, for instance, that the NRM by virtue of its dominant position 'essentially collapsed what were supposed to be autonomous institutions of local governance into the monolithic state-cum-movement system'.

The NRM has found it hard to shake off this tendency to see itself and to behave as though it were the state party. There is today a strong perception among the public that Parliament is largely spineless as it has consistently failed to get the executive to comply with its resolutions even in cases where the latter clearly violated the law or established procedures. For example, the president dropped two ministers from cabinet after Parliament had censured them in 1998 for abuse of office, but he re-appointed them in a subsequent cabinet reshuffle. Many people believe that the NRM-dominated legislature is often too willing to let the president and the executive have their way.

Uganda has since independence tussled with the problem of concentration of power in the executive generally and in the presidency specifically. Successive constitutions – 1962, 1966, 1967 and 1995 – have failed to keep presidential powers in check. President Museveni, in particular, dominates politics in a way that no other president

11 S.K. Simba, Electoral Processes in Uganda: From Individual Merit to Multi-Party Democracy, in J. Oloka-Onyango and N. K. Muwanga (eds), *Africa's New Governance Models: Debating Form and Substance*, Kampala: Fountain Publishers, 2007, pp. 122–148.

in Ugandan history has. After helping to pull the country out of the economic and political doldrums, a powerful presidency was perhaps necessary in the initial years of emerging from social chaos. Strong leadership was needed to unite and stabilise the country in the aftermath of civil war. But as the country got back on track, it became clear that Museveni was not equally willing to cede power and authority to public institutions and to let other political groups organise and meaningfully compete for power. Consequently, Uganda now appears to be governed by an imperial presidency, a situation that the scrapping of presidential term limits only exacerbated.

2 Socio-economic indicators

Uganda is ranked 157 (out of 182 countries) on UNDP's Human Development Index.[12] Uganda's economy is market-oriented and grew at a rate of 7 per cent between 2008 and 2009. The average growth rate of the economies of sub-Saharan Africa over the same period was 2.4 per cent[13]. Trade liberalisation and the privatisation of state-owned enterprises, according to economists Paul Collier and Ritva Reinikka[14], were crucial to the country's structural reform programme which started in the 1990s after almost two decades of social disorder, economic disruption, and political instability. As of 2007[15], the proportion of the population living below the poverty line – measured as the percentage of people living on less than one dollar a day – had dropped to 31 per cent from 38 per cent in 2003; the unemployment rate as a percentage of the labour force was 3.2 per cent; and employment by economic activity was 69 per cent in agriculture, 22 per cent in services, and eight percent in industry. Table 3 summarises the country's most current basic demographic and socio-economic indicators.

Table 3: Key demographic and socio-economic statistics of Uganda

Population, 2007	30.6 million
Life expectancy at birth, 2007	51.9 years
Adult literacy rate (% aged 15 and above), 2007	73.6%
Total GDP, 2007	US$ 11.8 billion
GDP per capita, 2007	US$ 381
Population living below $1.25 a day, 2000-2007	51.5%

Source: UNDP Human Development Report 2009

12 UNDP Human Development Report 2009.
13 Hon. Syda Bbumba, Minister of Finance, Planning and Economic Development: Budget speech for the 2009/2010 financial year, 11 June 2009.
14 P. Collier and R. Reinikka, Reconstruction and Liberalization: An Overview, in R. Reinikka & P. Collier (eds), *Uganda's Recovery: The Role of Farms, Firms, and Government*, Washington, D.C.: The World Bank, 2001, pp. 15–47.
15 UNDP Human Development Report 2007/2008.

3 Ethnic composition and languages

Uganda's Constitution recognises 56 indigenous communities that existed on 1 February 1926. The Baganda (as the people of Buganda are known) are the dominant nationality numerically, and their geographical location in the centre of the country has given them historical advantages politically, economically, and culturally. Luganda (the language of the Baganda), for instance, is the country's virtual business lingua franca. It is the most commercially viable language, with more media and literary productions than any other indigenous language.

The Buganda monarchy is the strongest traditional and cultural institution, a status that has pitted it against all the political establishments in post-independence Uganda. Buganda's political significance today is partly rooted in the fact that it was the staging ground for the Museveni-led guerrilla war that the NRA waged in what came to be known as the Luwero Triangle in central Buganda. The Banyankore (singular form is Munyankore) too are a significant political and social force. They constitute the majority of senior officers in the UPDF, which officialdom attributes to the legacy of their historical dominance in the ranks of the NRA long before it captured power in 1986. The opposition and other critics call it sectarianism. President Museveni himself is a Munyankore and both he and the NRM have drawn overwhelming support from among the Banyankore in all previous elections. Table 4 shows Uganda's ethnic composition and languages.

Table 4: Ethnic and language groups of Uganda

Ethnic group (language)	Percentage of population
Baganda (Luganda)	17.3
Banyankore (Runyankore)	9.8
Basoga (Lusoga)	8.6
Bakiga (Rukiga)	7.0
Iteso (Ateso)	6.6
Langi (Langi)	6.2
Acholi (Acholi)	4.8
Bagisu (Lugisu)	4.7
Lugbara (Lugbara)	4.3
Others (47 ethnic groups)	30.7

Source: 2002 Uganda Population and Housing Census

4 Religion

Religion has been central to public life in Uganda since the colonial era. Many historians consider Christian missionaries to be the harbingers of colonialism in Uganda. Ideological battles were fought for the soul of the colony by dividing the country along religious lines. The British tended to favour Anglican Protestants, thus sowing seeds of animosity that lasted well into post-independence Uganda, with Catholics allying mainly with the DP and Protestants with the UPC. Muslims on the other hand have tended to complain about marginalisation over the years. Religious overtones are not as loud in the country's politics today as they used to be, but they are no less significant in political calculations among the political class. Table 5 indicates the religious composition of the country.

Table 5: Religions of Uganda

Denomination	Percentage
Catholics	41.9
Protestants (Church of Uganda)	35.9
Muslims	12.1
Pentecostals	4.6
Seventh Day Adventists	1.5
Other Christians	1.2
Traditional	1.0
Other non-Christians	0.7
Orthodox	0.1
Bahai	0.1

Source: 2002 Uganda Population and Housing Census

5 Main challenges

5.1 Post-conflict management

Talks to achieve a peaceful settlement between the LRA rebels that waged a 20-year insurgency in northern Uganda and the government concluded in March 2008. But attempts to get the leader of the LRA, Joseph Kony, to sign the peace deal agreed in the south Sudanese city of Juba failed, apparently due to complications arising from his indictment for crimes against humanity by the International Criminal Court (ICC). By 2009 the north had returned to peace as the LRA had lost ground and been pushed

off Ugandan territory; though it continued to wreak havoc in parts of the Democratic Republic of Congo and the Central African Republic.

Some have attributed this conflict and its persistence to the feelings of political alienation among the people of northern Uganda. Until 1986, the army, which has always been central to politics in Uganda, was dominated by northerners. Since independence, successive regimes used the military to oppress their opponents and southerners bore the brunt of this oppression. With the coming to power of the southern dominated NRM and its military wing, the NRA, the composition of the army was drastically changed, with northerners losing their privileged status and supremacy in numbers. Some in the region are said to have interpreted this as a ploy to undermine the region politically. This could have been the root of the several insurgencies that sprouted in northern Uganda in the aftermath of the NRM's assumption of power. The LRA was only the longest surviving.

Sustaining the peaceful settlement to this conflict, securing the region, and rebuilding the economic lives of the citizenry of northern Uganda are arguably the most serious political challenges the government faces. In 2007 the government launched the 'peace, recovery and development plan for northern Uganda' as a kind of Marshall Plan to pull the region out of the destructive legacy of the 20-year insurgency.

5.2 HIV/AIDS

Although the HIV prevalence rate dropped from 18.5 per cent in the early 1990s to 6.4 per cent presently, the epidemic remains one of the main factors preventing the country from effectively reducing poverty. The government's early openness towards HIV/AIDS set the stage for a successful public response to fighting the epidemic. During the late 1980s and early 1990s, when some countries were wary of tackling HIV/AIDS openly and refused to accept it as a major public health crisis, the Uganda government took the problem head on. The president, in particular, put HIV/AIDS at the centre of the national agenda and helped set up budgets and institutions dedicated to fighting the pandemic.

The government's policy on HIV/AIDS was well-considered. When its campaign for condom use met with opposition from religious conservatives, the government understood that pushing this line too hard would be unproductive because fighting the epidemic would not be successful without the cooperation of religious groups. So the government decided to keep the condom campaign low key – no open promotion in public media outlets – without compromising its overall intensity.

Apart from condom promotion, the anti-AIDS campaign had other important strategies including promotion of the idea of sticking to one sexual partner, using the

agricultural metaphor of 'zero grazing'. Today, the country follows the ABC strategy of dealing with HIV/AIDS, a multi-faceted approach that exhorts people to 'Always be faithful or use a condom'.

The biggest concern presently in the fight against HIV/AIDS is that the prevalence rate has stagnated for several years, leading to fears that the messages may no longer be effective and that the population may have become complacent. In fact, public health officials are now alarmed that the country may be losing the gains it had made in containing the epidemic as the rate of infection is currently said to be rising fast among married couples.

The emergence of anti-retroviral drugs (ARVs) has given people with HIV/AIDS opportunities to live longer and more productively. The challenge is that these vital treatments are not as widely accessible as they should be owing to their cost coupled with the growing population that needs them.

5.3 Population growth

With an annual rate of 3.2 per cent, the pace at which the country's population is growing has serious consequences for agriculture, the environment, labour markets, as well as the health and education systems. At present 49 per cent of the population is under age 15, and by 2015 the country's total population will be 40 million. It will be very difficult to significantly reduce income inequalities without reducing the population growth rate and to match the provision of essential social services with the demand.

5.4 Energy

Energy shortages have contributed to the slowing down of economic growth. These shortages have largely been caused by a drop in the generation capacity of the major hydro-power dam in the former industrial hub of Jinja town. The declining capacity has in turn been ascribed to the falling water level of Lake Victoria, the main supplier of water to the River Nile on which the Nalubaale Dam is built. Even before the recent shortages, nearly 90 per cent of Ugandans did not have access to the national electricity grid.

5.5 Infrastructure

Bad weather, corruption and low investment in the road sector over a long period have made it harder to maintain the road network. The country's ability to build and sustain a solid basic infrastructure will determine its long-term attractiveness to investors.

Currently, there are serious concerns about the overall state of critical infrastructure especially roads and internet access. The government has earmarked more resources in the national budgets (financial years 2008/09 and 2009/10) for the road sector. And with the recent discovery of oil in the Albertine region of western Uganda, there is hope that the country might just be able to finance its critical infrastructure projects. UCC estimates the national fibre network to be over 2 500km including both public and privately owned networks. The landing in June 2009 of the undersea fibre optic cable owned by Seacom is expected to significantly increase broadband availability at substantially reduced prices in the medium to long term.

5.6 Democratic consolidation

Although Uganda is formally a competitive multi-party democracy, the opposition as a whole – and individual opposition parties – remain weak in structures and organisation. The opposition is by far outnumbered in the legislature and is financially insecure. These weaknesses have prevented it from mounting serious and sustained policy and political challenges to the sitting government and incumbent party, the NRM, which has been in power for over two decades. As a result, the government's motivation to abide by the rules of the political game comes mostly from international or donor pressure rather than from the dynamics of internal or national politics, which the opposition has limited capacity to influence so far.

Moreover, having dominated politics for so long, the incumbent government effectively promoted and succeeded in creating a parliamentary structure that would ensure that it had the numerical strength to push through its policies and protect itself against pressure from the opposition. For example, virtually all representatives of special interest groups are allied with the NRM – and this includes representatives of the UPDF, the national army that is otherwise expected to be non-partisan. The presence of the army in Parliament has always been a contentious and sensitive subject.

Article 78(2) of the 1995 Constitution requires that Parliament should review the representation of special interest groups (the army, women, youth, workers, and people with disabilities) 10 years from the Constitution coming into effect and thereafter every five years 'for the purposes of retaining, increasing, or abolishing any such representation and any other matter incidental to it'. On both occasions so far the legislature has voted to retain this representation. There is consensus across the political spectrum on maintaining the seats earmarked for women district representatives. But there are profound questions being raised about retaining a military presence in a legislature constituted through party-political representation. Conversely, the future of the less politicised interest groups, the workers, youth, and

people with disabilities, is far from guaranteed. Their fate could be sealed in 2010 when Parliament takes yet another look at their position.

5.7 Corruption

This continues to pose a serious development challenge in Uganda with devastating effects on both governance and economic growth. According to Transparency International's 2009 Corruption Perceptions Index (CPI), Uganda stood at 2.5 on a scale of 0–10, with 10 being the highest possible score.[16] The CPI score is based on 'perceptions of the degree of corruption as seen by business people and country analysts'.[17] Most of the corruption occurs in the public sector, with public procurement of goods and services said to be the most abused.

6 Media and communication landscape

Two media conglomerates, The Vision Group and Nation Media Group (NMG), dominate the market.

The Vision Group is a publicly listed company with the government as the majority shareholder (currently it owns 53 per cent of the shares). It started out as The New Vision Printing and Publishing Corporation and has evolved into a giant media company with interests in radio and TV while being the market leader in the newspaper industry. The Vision Group owns five FM radio stations broadcasting in the country's major languages and targeting all geopolitical regions: Vision Voice (English, central), Bukedde FM (Luganda, central), Radio West (Runyankore, southwestern), Etop Radio (Ateso, northeastern), Radio Rupiny (Langi, north). The company also started a TV station, Bukedde TV, targeting the Luganda audience. The *New Vision* newspapers remain the group's flagship businesses. Its stable also includes three indigenous language regional weeklies (*Etop*, *Orumuri*, and *Rupiny*) and one such daily (*Bukedde*). The Vision Group started the regional papers as a public service, though Bukedde, the Luganda daily, has become a notable commercial success. The company also owns a commercial printing plant.

Nation Media Group (NMG), the second biggest player in the newspaper market, is based in Nairobi, Kenya, where it is listed on the Nairobi Stock Exchange. The majority shareholder is the Aga Khan Foundation for Economic Development (AKFED).

16 http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table (retrieved 30 December 2009).
17 http://www.transparency.org/policy_research/surveys_indices/cpi/2007 (retrieved 14 July 2008).

It entered the Ugandan media market by acquiring majority shareholding in *The Monitor*, a stable of newspapers comprising *Daily Monitor*, *Saturday Monitor*, and *Sunday Monitor*. The paper was founded by a group of six journalists who had been the core editorial team of another newspaper, *Weekly Topic* (now defunct), which was then owned by three cabinet ministers in the NRM government.

NMG has progressively increased its shareholding in The Monitor Publications Ltd, the holding company of the Monitor papers and KFM radio, to at least 80 per cent. KFM radio started as Monitor FM before it was re-branded. In addition, the company publishes the Monitor Business Directory. The AKFED empire in Uganda is extensive and includes businesses in a broad range of industries: banking, insurance, real estate, education, health, power generation, airlines, and hotels.

In addition to the papers published by the two conglomerates there are a number of other titles owned by private individual shareholders. While the *Vision* and *Monitor* papers appeal to the higher end of the market, *The Red Pepper* is a classic tabloid. It handles serious political issues in much the same way it treats cover pictures of semi-nude girls. *The Observer*, which is published twice a week, and *The Independent*, a weekly magazine, take a more analytical and reflective approach to the news in much of their content and do stand out for the relative depth of their overall reporting.

The privately-owned publications tend to offend the opposition as regularly as they offend the government, though they are more likely to be critical of the government. In a sense, that is to be expected, given that the government is the dominant player in the political domain. In a dominant-party polity such as Uganda, the independent papers also tend to see it as their democratic obligation to amplify the trials and tribulations of the opposition and to nurture it. After all, the government is their 'common oppressor'.

Although the newspapers whose area of coverage is described as 'national' target the national market or audience, they draw the bulk of their revenue from sales in the capital city, Kampala, and its surroundings, as well as major urban centres. Generally, the highest circulation is in the central region of the country. This region, the most urbanised and home to Kampala's population of approximately two million, is the hub of the national economy. The country's industrial infrastructure and its commercial, media as well as consumer sectors are concentrated in this area. The markets beyond Kampala and the central region are rural, their economies agro-based, and the people have very low purchasing power.

The combined daily circulation of the four dailies is about 70 000 copies. It is estimated that every newspaper sold is on average read by ten people. The total daily circulation of all Ugandan newspapers is estimated to be below 100 000 copies among a population of about 31 million. The average cost of a daily newspaper is 1 200 Uganda Shillings (Shs) or about US$ 0.90. Given that 31 per cent of the population lives on less

than a dollar a day, and perhaps almost as many are just getting by, it is evident that very few Ugandans can afford a newspaper, let alone on a daily basis. Table 6 gives a picture of the newspaper market.

Table 6: Major publications

Title	Owner	Frequency	Language	Circulation	Area of coverage	Political orientation
The New Vision	Vision Group (53% government, 47% private individual shareholders)	Daily	English	31 050*	National	Pro-government
Sunday Vision	Vision Group (53% government, 47% private individual shareholders)	Weekly	English	25 767*	National	Pro-government
Bukedde	Vision Group	Daily	Luganda	21 562*	Central, South	Pro-government
Etop	Vision Group	Weekly	Ateso	5 200**	Northeast	Pro-government
Rupiny	Vision Group	Weekly	Luo	3 800**	North	Pro-government
Orumuri	Vision Group	Weekly	Runyankore & Rukiga	9 500**	West, Southwest	Pro-government
Daily Monitor	85% Nation Media Group, 15% individual shareholders	Daily	English	21 488*	National	Independent
Sunday Monitor	85% Nation Media Group, 15% individual shareholders	Weekly	English	18 788*	National	Independent
The Red Pepper	Private individual shareholders	Daily	English	10 000***	National	Independent
The Observer	Private individual shareholders	Bi-weekly	English	15 000***	National	Independent
The Independent (magazine)	Private individual shareholders	Weekly	English	6 000***	National	Independent

* Source: Audit Bureau of Circulation figures for July–September 2009
** Source: Vision Group Annual Report 2006/07. All these papers are published by the Vision Group
*** These indicative figures, though not independently verified, were provided by knowledgeable industry observers.

Most Ugandans receive their information from radio because of its high level of penetration and affordability. Indeed, radio is the primary source of information for 58 per cent of Ugandans,[18] and 60.8 per cent of households own a radio set. Table 7 gives an indication of the ownership of basic communication assets and demonstrates the relative importance of radio as a communication medium in Uganda.

Table 7: Percentage of households that own basic communication assets

Asset	Households		
	Urban	Rural	Total
Radio	74.8	58.2	60.8
Television	25.5	2.6	6.2
Mobile phone	52.8	9.6	16.4
Fixed phone	3.1	0.2	0.7

Source: 2006 Uganda Demographic and Household Survey (Uganda Bureau of Statistics)

These are the official figures. A more recent audience study[19] undertaken by the Steadman Group, now Synovate, shows that 89 per cent of Ugandans said radio was their main source of news and 97 per cent of households owned a radio set.

There were 200 licensed radio stations (34 not yet in operation) and 44 licensed TV stations (18 not yet in operation) in Uganda as of June 2008, according to the Uganda Communications Commission (see chapter 3 for a breakdown of the major players). In the initial phase of the FM boom, notably from the early 1990s to the early part of this decade, FM stations were predominantly owned by private business people who appeared to be primarily motivated by profit. However, in recent years, a new trend has emerged of politicians setting up FM radio stations targeting their constituents.

The country has one news agency, the Uganda Radio Network (URN), which was set up by the South Africa-based Institute for War and Peace Reporting. URN's finances come from a pool of funds contributed by major donors like the UK Department for International Development, the Swedish International Development Agency, the Danish International Development Agency, and the United States Agency for International Development. The money is drawn from a 'basket' of funds reserved for the media and designed to support the industry to contribute effectively to the country's democratisation process. The agency is run as an NGO and its operations are supported by a staff of six in the main bureau in Kampala as well as a bureau chief based in each of the five regions of the country. The bureau chiefs are assisted by local

18 African Media Barometer: Uganda 2007, p. 9.
19 The Steadman Group, Uganda Audience Research Survey: Final Report, Kampala, March 2009.

freelance correspondents. URN has about 40 subscribers who are primarily radio stations based upcountry. It provides news in both text and downloadable audio via the internet. Subscription costs Shs 150 000 per annum (about US$ 90).

The better established commercial radio and TV stations make their broadcasts available via the internet, but in general the technology is yet to catch on. The broadcasts of stations such as Uganda Broadcasting Corporation (UBC) TV and Wavah Broadcasting Services (WBS) TV are available on the internet via JumpTV, a web-based service provided by a Canadian company. But access to radio and TV via the internet is negligible.

Although there are numerous internet cafes in towns all over the country, the painfully low connection speeds tend to limit usage to email and casual surfing. It is estimated that there are 30 wireless internet sites (or hotspots) in the country – 95 per cent of them in the capital Kampala metropolitan area.[20] In most cafes, internet access time is sold in segments of 30 minutes. Each such segment on average costs Shs 500 or about US$ 0.40, a price that can be considered to be within the reach of the typical middle class user. Until recently, broadband internet access was mainly available to large institutional subscribers. Table 8 shows the level of internet access in Uganda, according to the latest available figures.

Table 8: Internet indicators 2008/2009

Population	Subscribers	Subscribers per 100 inhabitants	Users	Users per 100 inhabitants
30 600 000	27 590	0.09	2 800 000	9.15

Source: Uganda Communications Commission, 2008/2009 Annual Market Review: June 2009

Since the liberalisation of the communications sector in the mid 1990s, telecommunications and broadcasting have grown side by side. The mobile phone has been a boon for broadcasting. Not only has it made it possible for stations to cover remote parts of the country, it has also given audiences opportunities to call in to the stations to participate in public debates. No wonder that talk shows are very popular among audiences. Politicians too, including the president, have realised the potency of public affairs talk shows and do strategically tap into their power by deliberately seeking opportunities to be hosted. Listeners then have a chance to raise their issues directly with their leaders and decision makers.

As Table 9 illustrates, the telecommunications sector has grown dramatically and 2008 is only a snapshot of the changes that have occurred. In the last quarter of 2007, for instance, close to one million subscribers joined the mobile phone network. MTN

20 Uganda Communications Commission, *Status of the Communications Market December 2007*.

is the main player in the mobile market. Other players are Zain, Warid, UTL, Orange, and i-Telecom. Teledensity, that is, the number of telephones per 100 people, is thus rapidly expanding.

Table 9: Telecommunications sector 2008

Service	March	June	September	December
Fixed lines	166 552	160 768	167 011	168 481
Mobile subscriptions	5 704 506	6 140 822	7 460 011	8 554 864
Teledensity	20.6	21.3	25.8	29.5
Pay phones	34 177	37 595	52 515	56 918

Source: Uganda Communications Commission: Status of the Communications Market - December 2008[21]

7 Brief history of broadcasting

Broadcasting was introduced in Uganda by the British colonial administration in 1954 with the establishment of the Uganda Broadcasting Service. The primary objective in setting up the service was to support the imperial agenda of the government, which needed a communication system to execute and promote its colonial policies and programmes. The radio service mainly aired re-broadcasts of British Broadcasting Corporation (BBC) news and other programmes. The British also used it to counteract the anti-colonial and pro-independence voices that used the indigenous language press as a powerful outlet for political mobilisation. The television service started in 1963, about a year after the country became independent.

The post-independence governments retained control over the national broadcaster. Both Radio Uganda and Uganda Television were directly under the Ministry of Information, which employed broadcasters as civil servants. Although the stations ran commercial advertisements from the start, a big part of their budgets were met by the central government. The two broadcasters remained government mouthpieces rather than being independent channels of information. They carried mostly official news that focused uncritically on the activities and pronouncements of government leaders.

The concept of public service broadcasting proved difficult to work in Uganda because broadcasters were not protected by law and they were not independent of official interference and, in some cases, coercion. From the 1960s through the 1970s

21 http://www.ucc.co.ug/MarketReviewDec08.pdf (retrieved 30 December 2009).

up to the early 1980s, the two branches of the national broadcaster, Uganda Television and Radio Uganda, were quintessential symbols of state power, to the extent that none of Uganda's numerous coups took hold before the plotters secured control especially of Radio Uganda. The national broadcaster was widely viewed as the ultimate voice for state authority.

After assuming power in January 1986, the NRM government's eventual embrace of the IMF and World Bank's liberalisation policies extended to the broadcasting sector in the early 1990s. The first commercial private FM radio came on air in December 1993 – and into direct competition with the state-controlled Radio Uganda. At that time, there was no explicitly articulated regulatory framework for broadcasting, as the initial licensing regime was steered mainly by ad hoc procedures. The growth of the sector has been dramatic ever since. From December 1996 to March 2007, for example, the number of FM licences shot up from 14 to 158 and that of private TV stations from four to 32, according to UCC data.

Radio Uganda and Uganda Television were merged in 2005 with the passage of the Uganda Broadcasting Corporation (UBC) Act, which purportedly created a 'public broadcaster'. The two stations are now referred to as UBC Radio and UBC TV.

2
Media Legislation and Regulation

1 International, continental and regional standards

Uganda is party to a number of international, continental and regional legal instruments relating to freedom of expression.

1.1 United Nations

The following instruments of the UN are relevant to freedom of expression:

The Universal Declaration of Human Rights (adopted 1948)
The Universal Declaration is not a treaty that is ratified by states and thus legally binding. However, scholars now regard it as either having itself become international customary law or as a reflection of such law.[22] In either case the inclusion of freedom of expression in the declaration implies that even states that have ratified none of the relevant treaties are bound to respect freedom of expression as a human right.

Article 19 of the Declaration deals with the right to freedom of expression:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

International Covenant on Civil and Political Rights (enacted by the United Nations in 1966)
The International Covenant on Civil and Political Rights (ICCPR) is a treaty that

22 See, for example, H. Hannum, 'The Status and Future of the Customary International Law of Human Rights: The Status of the Universal Declaration of Human Rights in National and International Law', *Georgia Journal of International and Comparative Law*, 287; H. J. Steiner, P. Alston and R. Goodman, *International Human Rights in Context: Law, Politics, Morals – Texts and Materials*, Oxford: Oxford University Press (third edition), 2007.

elaborates on many of the rights outlined in the Declaration. Uganda is a party to the ICCPR, having acceded to it in 1995.

The Covenant's Article 19 declares:

> 1) Everyone shall have the right to hold opinions without interference;
> 2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The Windhoek Declaration on Promoting an Independent and Pluralistic African Press (adopted by the General Assembly of the UN Educational, Scientific and Cultural Organisation [UNESCO] in 1991)

UNESCO's Windhoek Declaration, like other non-treaty documents, has moral authority by representing a broad consensus of the international community on the detailed interpretation of the Universal Declaration and other relevant standards as they relate to the press in Africa.

Article 9 of the Windhoek Declaration states:

> (We) declare that
> 1) Consistent with Article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation, and for economic development.
> 2) By an independent press, we mean a press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals.
> 3) By a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.

1.2 African Union

Uganda is a member of the African Union (AU), whose Constitutive Act states that its objectives include the promotion of 'democratic principles and institutions, popular participation and good governance' (Article 3[g]).

The most important human rights standard adopted by the AU, or its predecessor, the Organisation of African Unity (OAU), is:

The African Charter on Human and Peoples' Rights (adopted 27 June 1981)[23]
Article 9 on freedom of expression states:

- Every individual shall have the right to receive information.
- Every individual shall have the right to express and disseminate his opinions within the law.

The African Commission on Human and Peoples' Rights (ACHPR) is the body established under the Charter to monitor and promote compliance with its terms.

Declaration of Principles on Freedom of Expression in Africa
In 2002, the African Commission adopted this Declaration to provide a detailed interpretation for member states of the AU of the rights to freedom of expression outlined in the African Charter. It states in its Article I:

> Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.
> Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

The Declaration goes on to say in Article II:

> No one shall be subject to arbitrary interference with his or her freedom of expression; and
> Any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary in a democratic society.

The Declaration details how such freedom of expression should be realised. Of particular relevance to this study is the statement regarding public broadcasting (Article VI):

23 Organisation of African Unity, *The African Charter on Human and Peoples' Rights*, adopted 27 June 1981, Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 Oct.1986.

> State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles:
> - public broadcasters should be governed by a board which is protected against interference, particularly of a political or economic nature;
> - the editorial independence of public service broadcasters should be guaranteed;
> - public broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets;
> - public broadcasters should strive to ensure that their transmission system covers the whole territory of the country; and
> - the public service ambit of public broadcasters should be clearly defined and include an obligation to ensure that the public receive adequate, politically balanced information, particularly during election periods.

The document also states that freedom of expression 'places an obligation on the authorities to take positive measures to promote diversity' (Article II), that community and private broadcasting should be encouraged (Article V) and that broadcasting and telecommunications regulatory authorities should be independent and 'adequately protected against interference, particularly of a political or economic nature' (Article VII).

The Declaration furthermore provides for freedom of access to information and states that 'the right to information shall be guaranteed by law' (Article IV).

African Charter on Democracy, Elections and Governance (adopted 2007)

This Charter, adopted by African heads of state in 2007, highlights the importance of access to information in a democracy. It states:

> (State parties shall) (p)romote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs. (Article 2[10])
> State parties shall ... ensure fair and equitable access by contesting parties to state controlled media during elections. (Article 17[3])

For the time being, though, these remain noble goals. By September 2009, 29 countries had signed the Charter but only two had ratified it (Mauritania and Ethiopia), and the treaty had thus not yet entered into force (which requires 15 ratifications).

1.3 Regional legal instruments

Treaty establishing the East African Community

Uganda is a member of the East African Community (EAC), whose founding treaty provides that membership of the community is conditional, among other things, on:

> Adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice. (Article 3[3][b])

Protocol on Management of Information and Communication

Uganda is a member of the International Conference on the Great Lakes Region, established in 2000 in response to UN Security Council resolutions calling for an international conference on peace, security, democracy and development in the Great Lakes region. The other members are Angola, Burundi, Central African Republic, Congo (Republic of), Democratic Republic of Congo, Kenya, Rwanda, Sudan, Tanzania and Zambia. In December 2006 heads of state and government of the member states agreed a Pact on Security, Stability and Development in the Great Lakes Region, with several protocols, including a Protocol on Management of Information and Communication which enjoins member states to respect a wide range of principles related to freedom of expression and the media. Among the objectives of the protocol established by Article 2 are for member states to:

1) Promote freedom of opinion and expression and the free exchange of ideas in the Great Lakes Region;
2) Promote freedom of the media to receive and to impart information and ideas in the Great Lakes Region;
3) Promote pluralistic media and the new information and communications technologies, and expand access to information in the Great lakes Region;
4) Foster the emergence of independent and responsible media in the Great Lakes Region, namely by promoting media regulation and self-regulation bodies;
5) Promote professionalism in the media, namely through the establishment of adequate financial assistance mechanisms and strategies for strengthening Press professionals capacities.

While the principles outlined in these documents have been embraced, at least theoretically, to varying degrees in Uganda's media regulatory processes, there is usually no explicit reference made to them.

1.4 Other documents

African Charter on Broadcasting (adopted 2001)
This Charter was adopted by media practitioners and international media and other human rights organisations at a UNESCO conference to celebrate ten years of the Windhoek Declaration. Although it has not been endorsed by any inter-state structures, it represents a consensus of leading African and international experts on freedom of expression and the media.

The Charter specifies, amongst other things, that there should be a three-tier system of broadcasting (public, private and community), demands that '(a)ll state and government controlled broadcasters should be transformed into public service broadcasters', and states that regulatory frameworks should be based on 'respect for freedom of expression, diversity and the free flow of information and ideas'.

2 The Constitution

Article 29(1)(a) of the Ugandan Constitution guarantees press freedom and free expression. It states that:

> Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media.

Article 41 states that:

> 1) Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person;
> 2) Parliament shall make laws prescribing the classes of information referred to in clause (1) of this article and the procedure for obtaining access to that information.

Article 43 states that:

> 1) In the enjoyment of the rights and freedoms prescribed in this Chapter, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest;

> 2) Public interest in this article shall not permit – (a) political persecution; (b) detention without trial; (c) any limitation of the enjoyment of the rights and freedoms prescribed by this Chapter beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution.

In principle, these constitutional provisions do comply with the Declaration on Principles of Freedom of Expression. But the reality is that archaic laws and others that are out of step with the Constitution remain on the statute books and the government can invoke them – and does so routinely.

Few citizens are explicitly aware of these provisions or readily claim them as a constitutional right. There is no denying, though, that the political and democratic climate in recent years has created some openings that have allowed citizens and the media to exercise their right of dissent and to criticise the political system and individual politicians without generalised fear of reprisals. However, where the government perceived any such criticism of, or attack on, its actions or policies as part of a sustained political effort, it has been swift to intervene and to draw the line. For instance, the president has often publicly threatened to close radio stations or to arrest broadcasters that he felt were inciting the public on seemingly 'sensitive' issues such as land ownership and others considered matters of national security. This threat was finally implemented in September 2009 when four radio stations were shut down by the government for allegedly promoting sectarianism and inciting violence during riots in which 30 people were shot dead (see chapter 5).

A disturbing trend is that the government seems to treat the freedom the population is enjoying over the airwaves, for instance, as a case of having opened the proverbial Pandora's box. Increasingly, there are efforts to monitor and control what is being broadcast. The government in early 2008 introduced in Parliament a bill that, if passed into law, would allow the government to monitor phone calls. With phones having revolutionised radio by allowing people to call in to express their points of view, this law could in the long run have a knock-on effect on people's willingness to air their views on radio.

3 General media laws and regulations

The main laws regulating the media and the practice of journalism are the Press and Journalist Act (Cap 105) of the Laws of Uganda (2000) and the Electronic Media Act (Cap 104) of the Laws of Uganda (2000). The preamble of the Press and Journalist Act

states its purpose as:

> ... to ensure the freedom of the Press, to provide for a Council responsible for the regulation of Mass Media, to establish an Institute of Journalists of Uganda, and to repeal the Newspaper and Publications Act and the Press Censorship and Correction Act.

The Press and Journalist Act was intended primarily to regulate the print media, but some of its provisions, such as the one about registration, bind journalists in the broadcast media too. For example, section 28 (3) says that: 'No person shall practice journalism unless he is in the possession of a valid practising certificate issued under this section.' Under clause 5 of this article: 'A person is deemed to practice journalism if he is paid for the gathering, processing, publication or dissemination of information and such person includes a freelance journalist.' In fact, the thrust of the Press and Journalist Act is to regulate the journalist as a professional along the models of other professions such as engineering, law and medicine. As Makerere law professor Frederick Jjuuko notes, this very thrust goes against guarantees of free expression in the Constitution, and makes the law unacceptable.[24]

The statutory Media Council – provided for in the Press and Journalist Act and set up in 1995 – issues a practising certificate on presentation of a certificate of enrolment from the National Institute of Journalists of Uganda (NIJU) also created under the same law. The practising certificate has to be renewed annually and may be suspended for up to six months if a journalist is found 'guilty' of 'professional misconduct'.

The Media Council is appointed by the minister responsible for information. Its membership, as described in section 9(2) of the Press and Journalist Act, comprises: (i) The Director of Information or a Senior Officer from the ministry responsible for information; (ii) two distinguished scholars in mass communication appointed in consultation with NIJU; (iii) one representative nominated by the association of newspaper proprietors, editors, and publishers; (iv) two representatives of the electronic media; (v) two representatives of NIJU; (vi) four representatives of the public ('persons of proven integrity and good repute') who are not journalists – two of these nominated by the minister, one by the association of newspaper proprietors, editors and publishers, and one by journalists; (vii) a distinguished practising lawyer nominated by the Uganda Law Society.

The functions of the Media Council as laid out in section 10 of the Press and Journalist Act are: (1)(a) 'To regulate the conduct and promote good ethical standards

24 Comments by Frederick Jjuuko at validation workshop for Public Broadcasting in Africa series: Uganda Report (Draft), Kampala, 03 December 2009.

and discipline of journalists'; (b) 'to arbitrate disputes between (i) the public and the media; and (ii) the state and the media'; (c) 'to exercise disciplinary control over journalists, editors and publishers'; (d) 'to promote, generally, the flow of information'; and (e) 'to censor films, video tapes, plays and other related apparatus for public consumption'.

Journalists have by and large either resisted or ignored the requirement to register. Their initial enthusiasm for NIJU was driven by a desire to self-regulate in order to keep the government at bay. The Institute has struggled to become and remain relevant. It certainly did some commendable work publishing two editions of the *Uganda Journalism Review*, a professional journal. But the momentum was not sustained. On the whole, journalists soon realised that the government was never going to let up in its attempts to tighten the noose around the media, with or without journalists' efforts to self-regulate.

At the time of writing, the government is considering amendments that would make the Press and Journalist Act even more draconian. The proposed changes include giving the Media Council the authority to license newspapers annually and to close those that violate the provisions of the act; giving the minister of information the power to appoint the chairperson of the Media Council; and creating new criminal offences relating to the publication of information that is prejudicial to national security, public morality and the economic interests of the country. This information is not defined.

The first schedule of the Press and Journalist Act prescribes a professional code of ethics with nine precepts. Some of these are: 'No journalist shall disseminate information or allegations without establishing its correctness or truth'; 'A journalist shall not originate or encourage the dissemination of information designed to promote or which may have the effect of promoting tribalism, racism or any other form of discrimination'; 'No journalist shall disclose the source of his information and shall only divulge them in the event of an overriding consideration of public interest and within the framework of the law of Uganda' and 'A journalist shall obtain his information through the skilful application of journalistic principles and shall never bribe or offer inducements to his source'.

So, while journalists have a legally defensible ethical basis for protecting the confidentiality of their sources, the 'overriding consideration of public interest' is one caveat that has allowed the government to coerce journalists and media houses to reveal their sources of information about particularly unflattering stories. The *Daily Monitor* newspaper and its sister radio station, KFM, have at various times been forced to shut down their operations for up to a week when police and security officials invaded them purportedly in search of their sources for stories and programmes that

the government found to be (politically) offensive.

By and large, the media do regulate themselves through internal mechanisms. Some have spelt out their editorial policies and values explicitly in writing. The *Daily Monitor* and its sister papers published the NMG editorial policy when it was redesigned and re-launched on 4 April 2008. The New Vision and its sister papers have a documented set of editorial and corporate values which 'are invoked when ethical questions are raised'.[25]

The process of forming a non-statutory, voluntary regulatory body, the Independent Media Council of Uganda (IMCU) was started in 2006 with the backing of Panos Eastern Africa, a media development NGO based in Kampala. The process was finalised after nation-wide consultations and the IMCU was registered in 2007 and launched in 2008. It now has a full-time coordinator and permanent secretariat in Kampala. Mr Kintu Musoke, who is a former prime minister in the NRM government and a former newspaper owner widely considered to be one of the fathers of Ugandan journalism, is the chairperson of the IMCU's governing board. The IMCU also prepared a code of ethics for practitioners, which was the culmination of consultations that were held all over the country for journalists and other stakeholders to deliberate on the draft.[26] However, by February 2009 the IMCU had not received a single complaint.

The statutory Media Council, on the other hand, has in recent years started to flex its muscle. From 2008 to 2009, according to Mr Paul Mukasa, secretary to the Media Council, the state referred to the council 53 cases that were filed by the police. Of these cases, 39 were against *The Red Pepper*, nine against *The Monitor*, three against *The Observer*, and one against *The New Vision*. The Media Council dismissed all these cases on technical grounds.

Notable cases that the Media Council has handled include one brought by the third deputy prime minister and minister for information and national guidance on behalf of his cabinet colleagues. The case related to a story that *The Red Pepper* published purportedly about the genitals ('whoppers' as the paper referred to them) of government ministers. The Media Council heard the case and directed *The Red Pepper* to apologise for the publication, which it did on the front page on 19 June 2008.

Another outstanding case was brought to the Media Council against *The Red Pepper* by the minister of state for regional cooperation on behalf of the Libyan Arab People's Bureau. The case related to the publication of an alleged defamatory story about the Libyan president Muammar Gaddafi. The council ruled in favour of the complainant and awarded Shs 100 million (about US$ 50 000) as damages. Several other cases

25 Personal interview with Mr John Kakande, IMCU governing board member and news editor, *The New Vision*, 30 April 2008.

26 Personal interview with Mr Luther Bois Anukur, executive director, Panos Eastern Africa, 30 April 2008; Personal interview with Mr Haruna Kanaabi, coordinator, Independent Media Council of Uganda, 19 September 2008.

were brought to the council for adjudication by aggrieved private individuals, and most of them were against *The Red Pepper*.

The foregoing cases notwithstanding, it appears that the government, which typically has the most grievances against the media, still prefers prosecuting journalists to taking its cases for hearing by the Media Council. The government seems to think that it can rein in journalists by wielding the threat of detention.

4 Other laws with an impact on media and freedom of expression

There are other laws that have a direct impact on media freedom and freedom of expression. These are: (i) the Penal Code Act (Cap 120) of the Laws of Uganda (1950[27]); (ii) the Anti-Terrorism Act of 2002; and (iii) the Access to Information Act of 2005.

The reasons these three are singled out here for elaboration are that the Penal Code is frequently applied while the anti-terrorism and access to information acts are relatively new laws that were created in response to specific global security developments and domestic political trends, respectively.

Other older laws – some of which date back to the colonial era – such as the Official Secrets Act also have a direct impact on freedom of expression.

The Penal Code has several provisions with adverse implications for reporting on public affairs in general and the state in particular. According to law professor Joe Oloka-Onyango, the Penal Code curtails free expression 'in a fashion reminiscent of medieval ages'.[28] The code defines offences related to sedition, promotion of sectarianism, libel/defamation, and terrorism. A seditious intention as defined in section 39 of the code is an intention, among other things, 'to bring into hatred or contempt or to excite disaffection against the person of the President, the Government as by law established'. Section 40 of the code provides for a jail sentence of up to five years on conviction for this offence. According to section 41 of the Penal Code:

> a person who prints, publishes, makes or utters any statement or does any act which is likely to (a) degrade, revile or expose to hatred or contempt; (b) create alienation or despondency of; (c) raise discontent or disaffection among; or (d) promote, in any other way, feelings of ill will or hostility among or against any group or body of persons on account of religion, tribe or ethnic or regional origin commits the offence of promoting sectarianism and is liable on conviction to imprisonment for a period of no more than five years.

27 The Penal Code has since undergone a number of amendments, but 15 June 1950 is its date of commencement.
28 Joe Oloka-Onyango, 'The Limits of Free Expression under Museveni,' Kampala, p. 19.

With regard to libel, section 179 of the Penal Code provides that: 'Any person who, by print, writing, painting, effigy or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that person, commits the misdemeanour of libel.' A defamatory matter, as defined in article 180 of the code, is one 'likely to injure the reputation of any person by exposing that person to hatred, contempt or ridicule, or likely to damage any person in his or her profession by an injury to his or her reputation'.

Until 2004 when the Supreme Court annulled it following a successful appeal by journalists Charles Onyango-Obbo and Andrew Mwenda, section 50 of the Penal Code banned the publication of 'false news' and imposed stiff penalties including imprisonment. Commenting on the Supreme Court's decision two years later, Justice Joseph Mulenga, who gave the lead judgement, had this to say:

> The core problem of section 50 was in its construction, which wittingly or unwittingly criminalised not only the category of false statements that prejudice public interest, but also the category of false statements that were likely to, but do not prejudice public interest. The conclusion of the Court was that criminalising the latter category was a form of limitation on the right to freedom of expression which went beyond what is acceptable and demonstrably justifiable in a democratic society. The second additional defect was that the purview of section 50 was so elastic that it did not meet the precision standards required of penal legislation.[29]

Regarding the Anti-Terrorism Act, the most worrisome provision for the media is section 9 which provides that: 'Any person who establishes, runs or supports any institution for ... publishing and disseminating news or materials that promote terrorism ... commits an offence and shall be liable on conviction, to suffer death.' There are two singularly critical problems with this law: one is that the authorities have typically interpreted and invoked them based on political rather than legal imperatives; the other is that 'terrorism' is not precisely defined, leaving its parameters so elastic that the provisions of the law can be exploited to prefer any sorts of charges against an individual, group, or organisation.

The Access to Information Act guarantees citizens the right of access to: 'All information and records of Government ministries, departments, local governments, statutory corporations and bodies, commissions and other Government organs and agencies.' The exceptions are the records of cabinet and its committees and ongoing

29 Speech by Justice Joseph Mulenga at the World Press Freedom Day celebrations, Kampala, 3 May 2006.

court proceedings, and provisions in other laws related to privacy and confidentiality. Of particular interest to the media is one of the stated purposes of the act: 'to empower the public to effectively scrutinise and participate in Government decisions that affect them'.

In April 2008, the government initiated measures to operationalise the Access to Information Act. The Ministry of Information and National Guidance invited various stakeholders to participate in consultations about the mechanisms that citizens would use in seeking access to public information in the possession of the organs of government at all levels. However, two years later, the law has still not been 'operationalised'. And even when the law becomes operational, the insular culture spawned by the legacy of the Official Secrets Act among public officials will not vanish in an instant. This act, which the access to information law did not repeal, provides for the protection of official information especially that related to national security. As the Ugandan edition of the African Media Barometer 2007 asserted: 'The long ingrained culture of secrecy still exists and civil servants still need to be educated on the fact that they are holding official information on behalf of the citizens.' Besides, most of the information will remain inaccessible to the majority who are illiterate in English, the country's official language, even when it does become available.[30]

A Regulation of Interception of Communications (RIC) Bill (2007) gives the minister of security broad powers to allow for interception of communications. It mandates that the minister establish a Monitoring Centre and gives him the 'final responsibility over the administration and functioning' of this Centre. Under the bill, an 'interception warrant' may be issued by the security minister upon receipt of an oral application from selected government institutions if there are 'reasonable grounds' for the minister to believe that:

a) a felony has been or will probably be committed;
b) the gathering of information concerning an actual threat to national security or any national economic interest is necessary;
c) the gathering of information concerning a potential threat to public safety, national security, or any national interest is necessary; or
d) there is a threat to the national interest involving the state's international relations or obligations.

The bill also imposes on service providers the duty to ensure that their systems are 'technically capable' of allowing for such interceptions. The violation of this duty is

30 African Media Barometer: Uganda 2007, Windhoek: Media Institute of Southern Africa & Friedrich Ebert Stiftung.

an offence that makes them liable to a fine and/or imprisonment of up to five years. The minister of security may also cancel the business licence of the service provider in breach of this law.

The bill is still under consideration in Parliament. Journalists in particular are concerned that the confidentiality of their communication with major sources will no longer be guaranteed given the fact that it is the minister (and not a judge) who has the power to authorise interceptions and the vagueness of reasons for such action.

5 Jurisprudence

The explicit guarantees for freedom of expression in the constitution, coupled with favourable court rulings, have given journalists and media activists solid grounds to challenge laws that were inherently designed to stifle the media in their role of holding the government accountable. These include laws against publishing false news and on sedition. The courts have sent out a clear signal that the continued existence of such laws on the statute books is in fact unconstitutional.

In 2004, for example, the Supreme Court ruled, following an appeal, that the offence of publishing false news (i.e. section 50 of the Penal Code Act) was unconstitutional as it was inconsistent with article 29 of the constitution.[31] The courts appear to be favourably disposed towards the argument that criminalising publication and expression contradicts fundamental constitutional values.

Justice Joseph Mulenga, who wrote the Supreme Court's majority decision which annulled the law against the publication of false news, summed it up this way:

> ... it is evident that the right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information. It is not confined to categories, such as correct opinions, sound ideas or truthful information. Subject to the limitation under Article 43, a person's expression or statement is not precluded from the constitutional protection simply because it is thought by another or others to be false, erroneous, controversial or unpleasant. Everyone is free to express his or her views. Indeed, the protection is most relevant and required where a person's views are opposed or objected to by society or any part thereof, as 'false' or 'wrong'.

Justice Mulenga has since gone further and indicated that in view of the Supreme Court's interpretation of the annulled section 50 of the Penal Code, those responsible

31 See Constitutional Appeal no.2 of 2002: *Charles Onyango-Obbo & Andrew Mwenda vs Attorney General.*

for law reform in Uganda would do well to examine the definitions of other publication offences:

> I believe nearly all of them were enacted before the promulgation of the 1995 Constitution with the parameters set out in Article 43(2)(c), and definitely before the Supreme Court interpretation in [the] Onyango-Obbo and Mwenda case was handed down. In the absence of reform or recasting they could suffer the same or similar fate as section 50 in the event of other litigation. In the same vein, I venture to suggest that the media community could take the initiative of canvassing such reforms instead of only depending on litigation in the courts. In my opinion, the guiding principle in such reform ought to be that the use of criminal law to restrain or stifle freedom of the press must itself be restrained and be resorted to only where the exercise of the freedom poses actual, as distinct from speculative danger to public security or order.[32]

Another petition to have the law of sedition nullified has been pending in the Constitutional Court since 2005. Section 39(1) of the Penal Code defines sedition as:

> an intention – (a) to bring into hatred or contempt or to excite disaffection against the person of the President, the Government as by law established or the Constitution; (b) to excite any person to attempt to procure the alteration, otherwise than by lawful means, of any matter in state as by law established; (c) to bring into hatred or contempt or to excite disaffection against the administration of justice; (d) to subvert or promote the subversion of the Government or the administration of justice.

This law is especially nefarious because it undermines the whole basis for democratic disagreement. It basically makes it a crime to subject leaders and the government to scrutiny and critical commentary they do not like. Perhaps not surprisingly, although the state has brought charges of sedition against several journalists over the years, only once has it secured a conviction.[33] This is because in invoking this law, the government tends to conveniently and deliberately ignore the important restrictions imposed on its application by section 39(2) of the Penal Code to the effect that:

> ... an act, speech or publication shall not be deemed to be seditious by reason only that it intends – (a) to show that the Government has been misled or mistaken

32 Speech by Justice Joseph Mulenga, op.cit.
33 This was the case of Haruna Kanaabi.

> in any of its measures; (b) to point out errors or defects in the Government or the Constitution or in legislation or in the administration of justice with a view to remedying such errors or defects; (c) to persuade any person to attempt to procure by lawful means the alteration of any matter as by law established.

According to an Article 19 press release,[34] the UK government on 10 July 2009 'formally committed to decriminalising defamation by doing away with the common law offences of sedition, seditious libel and defamatory libel'. Countries that have abolished criminal defamation are: Ghana, Bosnia and Herzegovina, Estonia, Georgia, Ukraine, Sri Lanka, USA, New Zealand, and Mexico. Likewise, in 2006 the Jamaican government, four years following the coming into force of the Access to Information law, presented a proposal to repeal the country's 1911 Official Secrets Act 'because it inherently conflicts with the new policy of openness'.[35] The abolition of such offences in the UK and in other Commonwealth countries will make them less tenable in Uganda and will undermine their continued use by the government to stifle dissent and critical public debate. Certainly the repeal of the Official Secrets Act along with the operationalisation of the Access to Information Act would create more room for citizens and the media to demand more transparency in the conduct of public affairs.

6 Conclusions and recommendations

The state of the media in Uganda has several implications for freedom of expression as articulated in the Declaration of Principles on Freedom of Expression in Africa. This section draws conclusions based on selected provisions of the Declaration:

> Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.
>
> No one shall be subject to arbitrary interference with his or her freedom of expression.
>
> Any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary in a democratic society.

34 http://www.article19.org/pdfs/press/united-kingdom-to-decriminalise-defamation.pdf (retrieved 30 December 2009)
35 http://www.freedominfo.org/documents/rtk_news_handout.pdf (retrieved 31 December 2009).

In the context of these provisions, Uganda is something of a paradox. While freedom of expression is guaranteed by the Constitution, it has taken court petitions by journalists to stop the government from criminalising publication offences such as those related to 'false news' and 'sedition'. Every time journalists have succeeded in getting the courts to prevail upon the government to align the law with the Constitution, the bar for the state's intrusion in the media has gone up as well. The Constitution as well as court decisions have given journalists some welcome relief and, try as it might, the government is going to find it increasingly tough to successfully prosecute journalists for offences of expression. As Justice Mulenga has argued, the real test of freedom of expression is the extent to which society is willing to entertain the most unpalatable opinions. At least for the future, the Ugandan courts have helped to limit the degree of arbitrariness in the government's handling of critical speech.

> Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.
> Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.

The opportunities to enjoy this right are not equally shared. Opposition politicians, for instance, sometimes find it hard to get a hearing on radio stations owned by pro-government politicians and business people. Regarding access to information, the measures taken recently to institute formal procedures for accessing public information in the possession of government will make it less daunting for government critics and opponents to access public records. The law also allows journalists to seek and receive public information like any regular citizen. Government officials can no longer resort to blanket use of their oath of secrecy to hide even the most mundane public information from citizens.

> Any registration system for the print media shall not impose substantive restrictions on the right to freedom of expression.
> The right to express oneself through the media by practising journalism shall not be subject to undue legal restrictions.

Journalists need certificates of enrolment issued by NIJU which they must present to the Media Council to be able to receive a practicing certificate. To become a full member of NIJU, one must be a holder of a university degree in journalism or mass communication; or must possess a university degree in addition to a qualification in

journalism or mass communication and must have practised for no less than one year. This requirement is unduly restrictive and ignorant of the history and traditions of the profession. In fact, all the registration systems provided for in the law have turned out to be patently unworkable.

> Any regulatory body established to hear complaints about media content, including media councils, shall be protected against political, economic or any other undue interference. Its powers shall be administrative in nature and it shall not seek to usurp the role of the courts.
> Effective self-regulation is the best system for promoting high standards in the media.

There is a persistent criticism that the Media Council and the Broadcasting Council as oversight bodies are beholden to the appointing authority, who is the minister responsible for information. In response, the minister and representatives of his office have argued repeatedly that the majority of the members of these councils are nominated by interest groups including journalists. It appears that the process through which these members are selected is not as transparent as it should be.

As far as self-regulation is concerned, entrenched commercial rivalries in the industry, among other factors, seem to have worked against the emergence of a credible peer-based system of holding each other accountable. The big media organisations may recoil at the idea of being seen as critical of their erstwhile competitors. Consequently, the really effective self-regulation mechanisms may have to be initiated, endorsed, or moderated by credible and independent civil society actors.

While the courts have sent clear signals about the fate of unconstitutional media laws, the country's statute books still contain draconian and obnoxious provisions that have adverse effects on press freedom and free expression. Therefore, although the last two decades have seen improvements in press freedom and free expression, conditions remain fragile. The Ugandan news media and the public still have to surmount draconian legislation and officialdom's ingrained habit of stifling criticism and dissent. Journalists and other media practitioners often operate at the mercy of those in power. Although some recent court rulings portend well for the future of media freedom, there is a wide gap between the attitudes of the courts and of those in power towards media freedom and the public's right to know.

Recommendations

Media law reform

- The government should review the legal regime governing the media in light of the landmark ruling by the Supreme Court annulling the law on publication of false news and remove from the statute books all those laws that the courts have declared unconstitutional. Parliament should ensure that such a review is informed by the need to actualise constitutional guarantees of press freedom and free expression and not by the government's unease with criticism and dissent. With a clear signal coming from the courts, the government need not wait to be pressured into action.
- If the government does not take the initiative, journalists should campaign, lobby, and canvass government, Parliament, and civil society to push for a comprehensive media law reform which is guided by the constitution.
- The government should withdraw the proposed amendments to the Press and Journalist Act, which seek to create new licensing conditions for newspapers, and to provide for new criminal offences related to publications.
- Parliament should amend the Interception of Communications Bill, and in particular remove the powers to regulate communication from the minister of security. The power to authorise telephone tapping should be vested in a judge, not a government minister.
- Journalists should campaign for the enactment of a shield law to protect their sources of information.
- Media and civil society organisations should study success stories and best practices in media law reform, such as the experiences of countries especially in the Commonwealth that have decriminalised sedition, and bring them to the attention of legislators and media policy-makers/regulators.

Non-statutory media regulation

- Journalists should support the formation of a non-statutory media council that is credible among the public and within the industry. It should be funded by a combination of institutional membership fees and donor grants.
- Journalists should form non-statutory professional associations that are universally acceptable. Their role would be to propose and monitor professional standards for education, training, and performance, and to build a common platform for tackling industry-wide issues.

Public education and advocacy

- Civil society should engage in public education and advocacy efforts that send a clear message that the struggle for media freedoms is part of the wider struggle for democracy and good governance.
- Media advocacy groups and news organisations should retain the option of going to the Constitutional Court, and if need be to the Supreme Court, to challenge draconian media legislation.

3
The Broadcasting Landscape

1 The Uganda Broadcasting Corporation

The national broadcasting policy 'seeks to introduce a viable, independent, professionally-run public broadcaster accountable to the public to ensure efficiency and quality programming'.[36] The objectives set for public broadcasting in the policy are:

1) To provide services which will inform, educate and entertain the whole country;
2) To offer a high percentage of local content;
3) To offer programming of a high standard;
4) To enrich the cultural heritage of Uganda through support for the indigenous arts and cultural diversity;
5) To contribute, through its programming, to a sense of national identity and unity;
6) To ensure programming that will cater for the poor and vulnerable;
7) To ensure that the public has access to information;
8) To serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political orientation, culture, race and gender.

The Uganda Broadcasting Corporation (UBC) was established in 2005 under the UBC Act, meant to transform the state broadcaster into an independent public broadcasting corporation. Its TV and radio networks have the widest reach compared to their competitors in the commercial sector. The TV network (UBC TV) is entirely

36 The Republic of Uganda. Broadcasting Council. National Broadcasting Policy, September 2004.

terrestrial and covers at least 60 per cent of the country. UBC TV operates a single channel. The radio network (UBC Radio) reaches at least 80 per cent of the country. Because of their extensive network, both UBC Radio and UBC TV have the widest geographical coverage of all broadcasters. Although reliable information is hard to come by, commercial competitors collectively appear to command by far a larger share of the national market.

UBC Radio transmits programmes on five channels: Red, Blue, Butebo, Star FM and Magic FM which came on the air in mid 2008. The three primary channels (Red, Blue and Butebo) comprise a national network of 18 FM- and MW-based radio stations. Except for Star FM which broadcasts exclusively in Luganda, the Red, Blue and Butebo channels broadcast in different languages grouped by region as indicated in Table 8.

The national broadcasting policy obliges the public broadcaster:

> [T]o report news and current affairs impartially, fairly and in a balanced manner; Comply with any relevant regulatory supervision and maintain broadcasting standards; Establish relevant broadcasting facilities for operations across the country; Fulfil universal access in the shortest time possible; Promote national sporting events and the local arts; Ensure that programming promotes diversity; Ensure that programming promotes political and socio-economic development; Ensure that terms and conditions of employment within the station/s conform to national employment policy; and Be accountable to the public.

Table 8: UBC Radio's primary channels and languages

Red (North/West Nile)	Blue (Central/Southwest)	Butebo (East/Northeast)
English	Runyoro-Rutoro	Lusoga
Alur	Luganda	Nyakarimojong
Kakwa	Rwamba	Ateso
Kinubi (Nubian)	Rukonzo	Kumam
Lugbara	Urufumbira	Lumasaba
Madi	Ruruli	Lunyole/Lusamia
Luo		Lugwe
		Adhola
		Kupsabiny
		Lugwere

Source: Uganda Broadcasting Corporation

2 Commercial/private broadcasters

Commercial broadcasting is one of the key policy areas identified in the national broadcasting policy developed by the regulator, the Broadcasting Council. The policy is supposed to be the basis for a new or revised legal framework for the broadcast industry.

The policy lays out the mandate for commercial or private broadcasting in five objectives:

> (i) To provide a vibrant broadcasting industry that will play a key role in nation building by reflecting the rich cultural, linguistic, religious and regional diversity of Uganda; (ii) To promote the development of national sporting events, music dance and drama; (iii) To ensure a significant percentage of local content; (iv) To ensure high professional standards of journalism and integrity; (v) To provide programmes of specific interest to the poor and the vulnerable.[37]

These objectives are in line with article 5(1) of the African Commission's Declaration of Principles on Freedom of Expression in Africa which calls on states to encourage a diverse and independent private broadcasting industry.

Spurred on by the government's generally positive disposition towards liberalisation, private entrepreneurs and non-governmental institutions including faith-based organisations have invested heavily in setting up radio and TV stations. Through its licensing system, the Broadcasting Council has not discriminated (at least not openly) against any particular operator on religious, political, ideological or other grounds. As a result, Uganda boasts one of the most vibrant private broadcasting industries in east and central Africa.

As of June 2008, according to the Uganda Communications Commission (UCC), the regulator of the communication industry, there were 176 operational private/commercial radio stations. Out of the 44 applicants that had been issued licences to operate private/commercial TV stations, 18 were not operational and only ten were on air.

As indicated, private/commercial broadcasters command a larger proportion of the market share than do the public and community broadcasters. Owners include business people, by far the majority, as well as religious groups and politicians. Tables 10 and 11 provide an idea of the major players in the broadcasting sector.

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37 The Republic of Uganda. Broadcasting Council. National Broadcasting Policy, September 2004.

Table 10: Major radio stations

Name	Owner	Primary language	Audience rating*	Primary area of coverage	Political orientation**
Capital Radio	Capital Radio Ltd	English	71%	Central	Independent
Radio One	Radio One Ltd	English	33%	Central	Independent
KFM	Nation Media Group	English	42%	Central	Independent
Central Broadcasting Service (CBS)	Buganda monarchy	Luganda	52%	Central	Pro-monarchy
Bukedde FM	Vision Group	Luganda	4%	Central	Pro-government
UBC Radio	Public / government	All major languages	72%	National	Pro-government
Simba FM	Africa FM Ltd	Luganda	51%	Central	Independent
Radio West	Vision Group	Runyankore	42%	West, Southwest	Pro-government
Mega FM	Uganda Broadcasting Corporation	Luo	21%	North	Pro-government
Voice of Teso	Voice of Teso Ltd	Ateso	19%	Northeast	Pro-government
Radio Paida	Radio Paida Ltd	Lugbara	Not available	West Nile	Independent
Radio Wa	Lira Catholic Diocese	Langi	2%	North	Independent
Voice of Toro	Voice of Toro	Rutooro	27%	West	Independent
Voice of Kigezi	Voice of Kigezi Ltd	Rukiga	15%	Southwest	Independent
Kiira FM	Radio Kiira Ltd	Lusoga	22%	East	Independent

Uganda Communications Commission, February 20, 2008
* Deduced from levels of overall awareness of a station ('top of mind') as measured by the Steadman Group audience survey, March 2009[38]
** Deduced solely on the basis of ownership

Table 11: Major TV stations

Name	Owner	Primary language	Audience rating*	Primary area of coverage	Political orientation**
UBC TV	Public/Government	English, Luganda, Swahili	48%	National	Pro-government
NTV	Africa Broadcasting (Uganda) Ltd	English	21%	Central	Independent
WBS TV	Wavah Broadcasting Services Ltd	English, Luganda	42%	Central	Independent

Source: Uganda Communications Commission, February 20, 2008
* Deduced from levels of overall awareness of a station ('top of mind') as measured by the Steadman Group audience survey, March 2009[39]
** Deduced solely on the basis of ownership

38 The Steadman Group, Uganda Audience Research Survey: Final Report, Kampala, March 2009.
39 Ibid.

The programming of private/commercial stations is dominated by entertainment, especially music on radio. They allocate considerably few hours to news and public affairs content compared to the time they devote to entertainment. That said, the actual proportions vary among stations. Generally from a purely business point of view, many proprietors of commercial broadcasting stations do not look favourably upon programming that is likely to undermine their ability to make profit. It is only those with very strong financial backing that take the risks of engaging in politically sensitive public affairs programming.

Radios tend to build their programming around the tastes of their niche markets. Hence the market at large offers a wide range of music – western, African, and indigenous – to suit different tastes. Most of the commercial stations do broadcast regular news bulletins as well in the mornings, afternoons, and evenings. Some broadcast news at every top of the hour. Live phone-in talk shows on current affairs and public issues are also a common feature. Shows such as *Capital Gang* on Capital Radio, *Spectrum* on Radio One, *Palimenti Yaffe* (Our Parliament) on Central Broadcasting Service (CBS), *Olutindo* (The Bridge) on Simba FM, and *The Hot Seat* on KFM have established strong records for engaging debate. The most widely listened to appear to be the Luganda talk shows on CBS, which is owned by the Buganda monarchy.

TV programming is dominated by foreign content, although stations like NTV and WBS are starting to invest more in local productions. Latin American telenovelas are now among the major attractions on TV. While entertainment remains dominant, the leading TV stations like NTV, WBS, and UBC TV pay serious attention to news and they do carry elaborate news broadcasts during the peak viewing hours of nine to ten in the evening. They also run weekly talk shows on topical public issues that give viewers the chance to call in to air their views.

The market for satellite subscription TV is growing, with Multichoice of South Africa holding a monopoly following the collapse of UK-based GTV. The Multichoice service, branded as DSTV, offers packages within the range of ten to 60 channels extending across the whole gamut of programmes about news, children, sports, movies, etc. A typical package costs about Shs 200 000 (approx. US$ 120) to take out a subscription (including the equipment) and a monthly charge of about Shs 60 000 (approx. US$ 35). The average monthly salary of a university graduate in a professional field is in the region of Shs 700 000 (approx. US$ 450). There were an estimated 50 000 digital satellite television subscribers in Uganda by February 2008, although this number is growing as low-priced subscription packages are introduced. Many low-income folks in urban areas access satellite TV programmes, especially popular sports like the English football league, in commercial venues such as video halls and bars.

To the extent that owners of broadcasting stations shape the missions and agendas of

their investments, there is no doubt that they do influence the content of the programming on their stations. For instance, stations owned by politicians are known to shut out views other than those that support their own parties or positions. Although this practice as well as the political orientations of particular stations may not be obvious to the average or unsuspecting listener, a few opposition politicians have brought their concerns to the attention of the media and have alluded to seeking the intervention of Parliament.

During the campaigns for the 2006 general elections, some radio stations in the countryside were said to have refused to host opposition politicians on orders of their owners who were either ministers, members of Parliament affiliated to the incumbent party, or its supporters. Major advertisers continue to exert pressure on commercial broadcasters to the extent that certain stories that would put them in a bad light are often not aired at all. Instead, these advertisers, especially mobile phone service providers, banks, and soft drinks and beer companies, generally manage to have their corporate promotions as dominant features of the news not only on radio and TV but in the media generally.

There clearly are strong external interests that from time to time exert unwarranted pressures on decision-making in the broadcasting sector. While in the past a lot of attention has been paid to political interference, it appears that business pressures have come to play a similarly, if not more, significant role in influencing editorial decision-making in broadcasting.

The government nevertheless remains the most visible source of interference in the media as evidenced in the closure of various radio stations over the years (see chapter 5).

3 Community and other forms of broadcasting

As with other areas of broadcasting, the national broadcasting policy has objectives specific to community broadcasting. These are:

> (i) To provide citizens with a platform to articulate their local issues; (ii) To provide more opportunities for programming in the indigenous Ugandan languages; (iii) To provide indigenous programmes relevant to development at the grassroots; (iv) To reduce the gap between urban and rural communities in accessing communication for development; (v) To encourage members of the community to participate in the planning, production and presentation of programmes; (vi) To promote ownership of media by low income groups of society i.e. the poor and vulnerable.[40]

40 The Republic of Uganda. Broadcasting Council. National Broadcasting Policy, September 2004.

These objectives are consistent with article 5(2) of the Declaration of Principles on Freedom of Expression in Africa which promotes the opening up of access to the airwaves for poor and rural communities.

Many stations that describe themselves as 'community' radios do not meet the classic definition of the concept. Most consider themselves community stations merely by virtue of their location in rural areas but can hardly be described as 'owned and controlled by communities'. While the regulator does not differentiate between commercial and community broadcasters, the Broadcasting Council issues a different type of licence to community broadcasters for which they pay a substantially lower fee because they are seen as non-profit-seeking. Probably just about five stations in the country technically qualify to be called community broadcasters.

The stations that come closest to the definition of 'community' radio are Mama FM, Kagadi-Kibaale FM, and those set up with the support of UNESCO grants, that is, Kachwekano, Nabweru, Nakaseke, and Buwama. Mama qualifies primarily as a community of interest. The station is owned by the Uganda Media Women Association and its mission is to advocate for women's issues and be the women's voice. It is funded mainly with donor money. Kagadi-Kibaale was founded by an indigenous NGO, the Uganda Rural Development Trust, which runs programmes in the area where it is located. While local people participate in content production in some cases, the degree of community control over the radio is debatable.

On the whole, the pressures that community stations face, however they are defined, are the same pressures that all private broadcasters have to contend with. Much like private owners, organisations that set up these stations have agendas of their own, and they will often intervene to ensure that such agendas are adhered to.

4 Accessibility of services and technical standards

Although many parts of the country have access to commercial and public radio, a few remote areas, particularly in the northeast and mountainous areas in eastern and western Uganda, do not receive any signals. In fact, even where radio signals can be received, there are often vast differences in degree of access and quality.

UBC Radio, the 'public' broadcaster, which has the widest reach, covers about 80 per cent of the country. The capital Kampala and the central region are better served than are the outlying districts and regions such as Karamoja in the northeast. Some of the well-established FM radio broadcasters have booster stations in various parts of the country to prop up the reach of their signals, although this would appear to violate regulations that allow FM stations a maximum radius of 70km. Most commercial

radio operators own their transmitter systems, though in Kampala some rent space on the national broadcaster's mast on Kololo hill, which is one of the highest elevations in the city.

Television is primarily an urban medium. The two leading commercial broadcasters, WBS TV and NTV, cover mainly Kampala and surrounding areas and a few urban areas in eastern and central Uganda. The public broadcaster, which has the most extensive national network, reaches only about 60 per cent of the country. Because UBC TV uses terrestrial broadcasting, it has taken longer for mountainous areas to receive the public broadcaster's signal.

Shortage of electricity also affects access to broadcasting, especially television. The current rural electricity coverage rate – 'the percentage of rural households living in the service areas of low voltage distribution grids' – is 4 per cent,[41] up from 2 per cent in 2001. The government's target for 2010 is 10 percent rural coverage.[42] The estimate for urban coverage is 9–10 per cent. Generally, however, the country experiences an acute power shortage. Since about 2006, electricity supply has been unreliable with frequent interruptions and power rationing or load-shedding as a result of supply falling well below demand. By the end of 2006, there was a supply deficit of 160MW at peak demand. By early 2008 the situation had grown worse given that the trend in supply since 2004 had been going downward while demand was going up. The government, however, reported improvements in power generation at the end of 2009 that led to a general 10 per cent reduction in electricity tariffs.

For the dozen or so major radio and TV stations, production equipment is generally in good working condition and most operators have gone digital. Operators vary significantly in terms of how close their technologies are to the state-of-the-art, with smaller players especially in rural areas continuing to rely on obsolete production equipment.

5 Concentration of media ownership

As the media industry has grown over the last decade, so has the interest of investors both domestic and foreign. The state-owned media giant, Vision Group, is the market leader in the newspaper sector and its shares are some of the best performers on the Uganda Stock Exchange. It is now spreading its wings over radio and TV and in August 2008 it acquired Radio West, which has the largest audience in western Uganda. In 2009 Vision Group launched Bukedde TV, which joined Bukedde FM

41 Figure provided by the Rural Electrification Agency.
42 Source: Government of Uganda Rural Electrification Strategy and Plan for 2001–2010.

and Vision Voice. The Nation Media Group owns the leading independent newspaper, *Daily Monitor*, a major TV station NTV and KFM radio. The Vision Group and NMG between themselves control the biggest share of the public space in which the national discourse is conducted.

In the draft national broadcasting policy, the government had come out strongly against concentration of ownership in the broadcasting sector and media generally. However, resistance by media owners and the lack of engagement and advocacy by civil society on the issue led to a watered down policy. In the draft policy, the Broadcasting Council had noted that 'concentration' through 'joint co-operation deals, mergers, acquisitions and cross-acquisitions' was 'a threat to diversity of information'. Therefore, in order to 'ensure the protection of the principle of pluralism and diversity' and to 'prevent concentration of print and electronic media in the hands of a few proprietors', it was proposed that the government would:[43]

- Emphasise the principle of demand control, where a person shall be regarded as being in control of a company if their shares exceed 20 per cent;
- Ensure that criminal sanctions and financial penalties for breach of regulations to cross-media limitations are implemented; and
- Ensure that the level of ownership of private radio and television permitted to a foreigner does not constitute [a] majority.

It was also proposed that the regulator would:[44]

- Ensure no broadcasting licensee shall own, or hold a controlling interest in another broadcasting licensee;
- Ensure no broadcasting licensee shall own, or hold a controlling interest in a newspaper, or own or hold a controlling interest in a body corporate owning or controlling a newspaper;
- Ensure full and extensive disclosure of the shareholding and financial structures of private broadcasting licences are provided and adhered to; and
- Formulate criteria to be used to determine where effective control is held and to ensure that it is Ugandan.

However, following opposition and lobbying from media owners, the tough provisions on ownership and control were dropped from the final version of the broadcasting

43 The Republic of Uganda. Broadcasting Council. Draft National Broadcasting Policy.
44 Ibid.

policy. It now only provides summarily that the government will:[45]

- Ensure that an appropriate legal framework is in place;
- Ensure that appropriate sanctions and financial penalties for breach of regulations on ownership are implemented.

The final policy adds that the regulator will:[46]

- Make and enforce regulations on foreign and cross-media ownership to ensure that pluralism, diversity and the overall national interest are safeguarded.
- Ensure full and extensive disclosure of the shareholding and financial structures of commercial broadcasting licences are provided and adhered to for transparency and accountability.

It was left to lawmakers to come up with revised legislation that would protect media pluralism and diversity. But in the current circumstances, it appears unlikely that any tough laws against media concentration will be implemented as they would be strongly opposed by the industry. Opponents argue that such measures would appear to be the wrong signal to send out while the government is scaling up its efforts to attract foreign investors. For instance, the Aga Khan Foundation for Economic Development, one of the biggest foreign investors in Uganda's economy, is also the biggest private investor in the media industry given its ownership of NTV, KFM, and the *Monitor* stable. They would likely argue that the media should not be singled out for regulation since in many respects it is a business like any other.

6 Conclusions and recommendations

Uganda's broadcast media landscape has witnessed tremendous growth in recent years. While the public broadcaster remains the dominant national player – in terms of reach – in both radio and television, commercial broadcasters have introduced a substantial level of diversity in the industry.

Public broadcasting faces serious competition from the numerous private and independent broadcasters, especially in and around the capital Kampala and major urban centres. In fact, the private/commercial sector clearly dominates the industry in most respects, notably productivity and profitability. The public broadcaster, which

45 The Republic of Uganda. Broadcasting Council. National Broadcasting Policy, September 2004.
46 Ibid.

enjoys wider geographical coverage, faces the challenge of trying to fulfil a broad mandate with little funding. This makes it difficult for UBC to compete with the more nimble operators in the commercial/private sector. Overall, there appears to be a healthy degree of pluralism and diversity in terms of ownership.

On the other hand, commercial imperatives have led to the homogenisation of formats and content especially in radio programming. Most stations are entertainment-oriented, with music as the dominant content category. This means that the plurality of broadcasters has not necessarily increased the diversity or improved the quality of content available to audiences, particularly news and public affairs programming. Many proprietors of commercial broadcasting stations appear to find entertainment programming safer and a surer way of capturing audiences – and advertising – than critical or potentially controversial material which might carry the risk of upsetting sections of the public, the business community or the government.

Recommendations

Resources for the public broadcaster

- The government should commit more resources to ensure that the public broadcaster reaches all corners of the country.

Media pluralism and diversity

- Civil society should take a more active interest and engage in advocacy on the question of media pluralism and diversity, especially given the fact that the mainstream media are unlikely to push for a reform agenda that compromises the interests of their owners.
- Parliament should ensure that any review of media laws comprehensively addresses and protects the principle of pluralism and diversity without necessarily undermining the confidence of entrepreneurs who have invested heavily in the media sector.

4
Digitalisation and its Impact

1 Background

The International Telecommunications Union (ITU), a United Nations agency tasked with coordinating global telecommunications and services, has set a deadline of 17 June 2015 for broadcasters in Europe, Africa, the Middle East and the Islamic Republic of Iran to migrate to digital television broadcasting technology, on both the transmission and the reception side. The ITU deadline refers only to the digitalisation of television broadcasting. Deadlines for the digitalisation of radio have not yet been determined.

The ITU sees the digitalisation of broadcasting as a means of establishing a more equitable, just and people-centred information society, leapfrogging 'existing technologies to connect the unconnected in underserved and remote communities and close the digital divide'.[47]

The switch-over from analogue to digital broadcasting will expand the potential for a greater convergence of services, with digital terrestrial broadcasting supporting mobile reception of video, internet and multimedia data. Digitalisation of television is seen as a means of enhancing the viewer's experience by enabling better quality viewing through wide-screen high definition pictures and surround sound, and interactive services. It also allows for innovations such as handheld TV broadcasting devices (Digital Video Broadcasting – Handheld, or DVB-H), and will mean greater bandwidth for telecommunication services.[48] Importantly, it will also allow for the creation of many more television and radio channels through greater spectrum efficiency.

47 'Digital broadcasting set to transform the communication landscape by 2015', http://www.itu.int/newsroom/press_releases/2006/11.html (retrieved June 2006).
48 Ibid.

2 Preparedness for switch-over to digital within government and industry

In the national broadcasting policy, the government set itself the objective of designing 'a comprehensive policy on digital broadcasting' that would 'facilitate the process of conversion from analogue to digital broadcasting'. In so doing, the government would develop the relevant legal framework while the regulator (either the Broadcasting Council or the Uganda Communications Commission or both) would ensure a gradual transition to digital broadcasting. By the same token, operators would be 'encouraged to convert the studio production and communication technologies from analogue to digital and to develop all necessary capacity to operate as a digital broadcaster'.[49]

In spite of these clear intentions, however, there is still no digital migration policy in place. Mr Godfrey Mutabazi, the chairman of the Broadcasting Council, had indicated in early 2009 that a technical group comprising officials from his Council, the Uganda Communications Commission, the Ministry for Information and Communication Technology, and selected stakeholders was developing a 'policy paper' on digital migration, which would be subjected to public hearings.[50] After this a draft policy would be tabled before cabinet and then Parliament for approval.

By the end of 2009 the country had taken some steps in preparation for the switch to digital signal distribution or transmission. The government assigned UBC the role of national digital signal distributor, a decision that private broadcasters objected to vehemently because they see UBC as a competitor. The National Association of Broadcasters prefers a 'neutral' digital television distribution company and an independent body to take charge of digital regulation.

At the same time the Uganda Communications Commission and UBC are spearheading a pilot project to test Uganda's migration from analogue signal transmission. Under the project leading television stations, including NTV, WBS, NBS, and EATV are working with UBC and Next Generation Broadcasting, a Swedish company, to relay digital signals to 200 selected viewers in Kampala. Viewers participating receive their TV signals from UBC's transmission site in Kololo via set top boxes (STBs) or decoders that convert the digital signal into analogue format.[51] The first public viewing of the pilot digital television transmission took place in Kampala in November 2009.

Uganda has set a deadline of December 2012 for the switch-over to digital television transmission, which will be via both satellite and terrestrial relay. The majority of Ugandans access TV through terrestrial transmission, and the market for direct

49 The Republic of Uganda. Broadcasting Council. National Broadcasting Policy, September 2004.
50 Personal interview, 4 August 2008.
51 'Digital TV broadcast starts in Kampala'. *Daily Monitor*, November 18, 2009.

satellite TV has expanded only gradually over the last five years.

The national custodian of public data, the Uganda Bureau of Statistics (UBOS), and UCC had no authoritative figures, but a UBOS official, speaking anonymously and in an individual capacity, estimated that there were about 55 000 satellite TV subscribers. Independently verified figures could not be obtained from the providers of satellite TV services because they considered this information confidential. Nonetheless, in early 2009 an official of Multichoice Uganda gave an estimate of 25 000 subscribers for their service, up from 10 000 in 2000.[52] while competitors GTV gave an estimate of 21 000 customers. It is assumed that most of GTV's subscribers, after the company's collapse in the wake of the global financial crisis, switched to Multichoice's DSTV service, which is reported to have grown to about 50 000 subscribers.

In terms of the preparedness of the country's broadcasters to make the switch to digital, most, including UBC, are already using digital technology in production. An official at UBC TV said their production equipment was 80–90 per cent digital.[53]

3 Preparedness for switch-over to digitalisation on the part of consumers

While there is a small section of consumers already subscribing to satellite TV services, for the majority of viewers who rely on terrestrial TV the switch will be long and financially painful. With over a quarter of the population living in absolute poverty, and millions more not much better off, it is evident that substantial incentives will be needed to enable most of the citizens to acquire set top boxes or digital TV receivers. The minister for information and communication technology, Mr Aggrey Awori, said at the first public viewing of the pilot digital television transmission in Kampala in November 2009 that the government was 'considering subsidising the cost of additional technology to ensure that the analogue users can access the digital content'.[54] The set top box costs between US$ 50 and US$ 100.

4 Convergence

Individuals with high-end mobile phones are able to receive radio and more recently TV on their phones. There are no specific technical standards for such services, as the regulator appears to have left it to service providers to innovate with new products

52 Personal interview with Ms Helena Mayanja, Public Relations Officer, Multichoice Uganda, 22 January 2009.
53 Personal interview with Mr Mark Walungama, acting manager, UBC TV.
54 'Digital TV broadcast starts in Kampala,' *Daily Monitor*, November 18, 2009.

and to consumers to choose the technology that affords them the best value for their money. Subscription TV service providers do carry and offer radio as part of their packages. Interactive features are also available in most of these packages. There are no special regulations for these services beyond the established licensing requirements that providers of satellite TV services have to meet.

News organisations such as Monitor Publications Ltd provide breaking news via SMS to subscribers while mobile phone operators also deliver news and sports updates to their customers who wish to have such access. There is still no special regulation to guide such news production and delivery.

5 Increased competition

Although in theory digital broadcasting is expected to result in more competition, there is no way of telling what impact it will have on the sector as a whole. This will ultimately depend on the policies that the regulators will institute and the marketing strategies of the various service providers or investors in this sector. It is possible that more foreign investors might take an interest in this market. What appears to be constraining the growth of this sector is the price of a TV set and the initial cost of buying and installing satellite TV equipment.

6 Conclusions and recommendations

It is difficult to make predictions other than to reflect on the generic impacts that digitalisation is expected to generate, such as better quality images, more content, and a wider range of programmes. Government policies will certainly influence how broadcasters respond to the benefits of digitalisation. The rate of adoption will depend on the level of intervention that the government is prepared to make to help consumers make the inevitable switch.

Recommendations

Digital migration policy

- The government urgently needs to come up with a fully elaborated policy on digital migration.

Digital signal regulation

- The government should appoint an independent body to manage the distribution of digital signals, as opposed to the present policy whereby the distribution of the signals is overseen by UBC, which has a vested interest in the matter. This violates the rules of fair competition.
- The government should involve the public in critical decisions on digitalisation.

5
Broadcasting Legislation and Regulation

1 Regulatory mechanisms

Regulation of broadcasting in Uganda is split between two institutions:

- The Broadcasting Council established under the Electronic Media Act which is the primary law that governs the broadcasting sector and specifies the attendant regulatory mechanisms for the industry; and
- The Uganda Communications Commission, which was established by the Uganda Communications Act.

While the Broadcasting Council has oversight over the journalistic, content and production aspects of broadcasting, technical oversight over the sector is the responsibility of the UCC.

The Broadcasting Council

The functions of the Broadcasting Council are:[55]

a) To co-ordinate and exercise control over and to supervise broadcasting activities;
b) To be responsible for the standardisation, planning and management of frequency spectrum dedicated to broadcasting and to allocate such spectrum resources in such manner as to ensure the widest possible variety on programming and optimal utilisation of those spectrum resources;

55 The Electronic Media Act, 2000.

c) To co-ordinate communication on electronic media with the relevant national and international organisation;
d) To receive and consider applications made to it under this Statute;
e) To set ethical broadcasting standards;
f) To arbitrate, in consultation with the Media Council on disputes between, (i) operators of broadcasting stations; and (ii) the public and operators of broadcasting stations;
g) To advise Government on all matters relating to broadcasting.

The Broadcasting Council is composed of a chairperson, two representatives of operators of radio and TV stations, one representative of video and cinema operators, two members of the public 'who shall be persons of proven integrity and good repute', one lawyer, and one senior officer from each of the following government departments or public bodies: the ministries responsible for information, for culture, for communications, for education, and from the Uganda Revenue Authority. The chair, the representatives of operators and the public and the lawyer are appointed by the minister responsible for information. He/she is not legally obliged to consult with stakeholders outside the state. A secretary, who is a senior officer in the Ministry of Information and National Guidance, oversees the day-to-day business of the Council.

The appointments procedure for the Broadcasting Council is in contravention of clause 7(2) of the Declaration of Principles on Freedom of Expression in Africa. The article states:

> The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.

In the case of Uganda, the appointment of the members of the Broadcasting Council is the prerogative of the minister responsible for information.

Section 10(5) of the Electronic Media Act further undermines the independence of the Broadcasting Council as a regulator insofar as it allows that 'the Minister may give directions of a policy nature to the Council regarding the performance of its functions and the Council shall comply with the directions'. Given that the law does not define what constitutes directions of a 'policy nature', there is always room to exploit this provision for political motives.

The Council is answerable only to government and is suspected to have taken some of its decisions as a result of political pressure from state authorities. For instance, in

August 2005 the council ordered the closure of the Kampala-based KFM radio for a week. The decision came after President Yoweri Museveni had warned publicly that media houses that compromised 'national security' would be punished. In September 2009, the Broadcasting Council, acting on what were believed to be government directives, closed four radio stations accused of promoting sectarianism and inciting violence before and during riots that followed a political standoff between the central government and the Buganda Kingdom (see below for more details).

The Broadcasting Council is financed from government grants, funds generated from services provided by the council, and from a percentage of the revenue raised from the permits and licences it grants.

Although public broadcasting also falls under its purview, the Broadcasting Council has not been known to exercise any meaningful monitoring to ensure that UBC fulfils its public service mandate. This is despite the fact that the opposition has repeatedly accused the public broadcaster of bias, especially during elections. These claims of bias are supported by evidence. A study of the coverage of the 2006 general elections[56] found that state-owned electronic media gave NRM candidate and incumbent president Museveni 68 per cent of the time (measured in seconds) that it devoted to campaign coverage. The other four candidates shared the balance: Dr Kizza Besigye of the FDC 16 per cent; Mrs Miria Obote of the UPC 8 per cent; Mr John Sebaana Kizito of the DP 4 per cent; and Mr Abed Bwanika 4 per cent. The study also found that 88 per cent of the sound bites used by the public broadcaster were from President Museveni. Sound bites from the other candidates were used as follows: Mrs Obote 10 per cent and Mr Bwanika 2 per cent. There were practically no sound bites aired either of Dr Besigye or Mr Sebaana.

The Uganda Communications Commission (UCC)

In addition to the licence from the Broadcasting Council, an aspiring broadcaster also needs a licence from the UCC which is responsible for allocating and licensing the use of the radio frequency spectrum and the handling of applications for the allocation of satellite orbital locations. Other duties of the UCC are to set national communications standards, to establish and operate frequency and other monitoring services, and 'to receive and investigate complaints pertaining to communications services including taking the necessary actions to resolve whatever issues are brought to its attention'.[57]

The members of the commission are appointed by the minister responsible for

56 Report on the Uganda 2006 Elections Media Coverage, Osservatorio di Pavia & Uganda Journalists Safety Committee/Democracy Monitoring Group.
57 Uganda Communications Act, 1997, section 5.

communications with the approval of the cabinet. Although the law says the commission 'shall exercise its functions independent of any person or body', it is the minister who grants licences for broadcasters 'upon the recommendation of the Commission' (section 34[1] of the UCC Act). In this regard, the UCC Act also falls short of the requirements of the Declaration of Principles on Freedom of Expression in Africa.

To complicate things even further, after securing a licence from the Broadcasting Council and a frequency from UCC, the owner of a broadcasting station is then required to register the facility with the Media Council, which is an entity under a separate law, the Press and Journalist Act. This law has specific provisions that regulate the journalism profession (see chapter 2). Although this requirement adds yet another layer to the protracted licensing process, it is typically a formality that guarantees the right to operate the business of journalism.

There are strong voices arguing for a merger of the Broadcasting Council and the UCC and their functions and mandates. The UCC has the primary responsibility for regulating ICTs and telecommunications. Those advocating for doing away with the duplication of roles between the Broadcasting Council and the UCC contend that technological convergence renders obsolete and unproductive any distinction between content and its vehicle, that is, the means of delivering the content. In fact, these very arguments have been pushed strongly by the chairman of the Broadcasting Council himself, Mr Godfrey Mutabazi.[58] There are bound to be turf wars between the two regulators, yet there is no real public debate on the issue. But this could change as soon as the relevant policy proposals are brought into the public domain for discussion.

2 Broadcasting policy

The Broadcasting Council produced a National Broadcasting Policy[59] in September 2004 under the slogan: 'A new broadcasting aspiration for Uganda'. The policy evolved out of the National Electronic Media Performance Study of 2004, an extensive and countrywide research exercise led by Dr Monica Chibita, a communications policy expert at Makerere University.

According to the document:

> The policy is to promote the delivery of high quality and efficient broadcasting services by both public and private service providers. The general principle is

58 Godfrey Mutabazi, 'The State and Broadcasting in a Democratic Society – A Case for Uganda', paper presented to the National Workshop on the Media and Parliament; 2 June 2007.
59 The Republic of Uganda. Broadcasting Council. *National Broadcasting Policy*, September 2004.

that the broadcasters should be provided with a flexible system of managing and utilizing the broadcasting services, within the wider government policies as provided for under the constitution. In addition, the policy seeks to promote local capacity building and protect the broadcasting industry.[60]

The national broadcasting policy lists 15 key policy areas of the broadcast sector that it seeks to address with specific goals in mind:

1) Institutional framework: To 'facilitate policy formulation and development by Government, Licensing and Regulation by the Broadcasting Council, and service provision by broadcasters'.
2) Public broadcasting: To 'introduce a viable, independent, professionally-run public broadcaster accountable to the public to ensure efficiency and quality programming'.
3) Commercial broadcasting: To 'ensure that commercial operators strike a balance between profit and social responsibility'.
4) Community broadcasting: To 'promote broadcasting which is for, by and about specific geographical communities or communities of interest, whose ownership and management is representative of those communities, which pursues a social development agenda and which is not-for-profit'.
5) Subscription broadcasting: 'This area will cover Subscription or pay radio and television in Uganda and its licence obligations considering its unique means of service distribution'.
6) Signal distribution: To 're-align the industry by separating the roles of content provision and signal distribution'.
7) Cable and other multi-channel distribution services: To 'provide a platform for growth of additional television and radio services either via conventional television and radio services or by interactive multi-media, and other services delivered from the internet'.
8) Digital broadcasting: To 'prepare Uganda for the transition from analogue to digital broadcasting'.
9) Broadcasting and human resources development: To 'ensure that broadcasting supports the provision of information and education to the Ugandan population, especially those sections that have no access to formal education. It is also designed to ensure the maintenance of appropriate knowledge and skills for broadcast practitioners'.

60 Ibid.

10) Ownership and control: To 'ensure effective regulation of media ownership in order to safeguard pluralism, diversity and the overall national interest'.
11) The film and music industries: To 'streamline the operations of the film and music industries and promote local production and talent'.
12) Advertising: 'This area will focus on the growth of this industry as a major source of income for the broadcasting media'.
13) Broadcasting, democracy and good governance: To 'ensure that broadcasters seen as a whole play a crucial role in providing a level playing field in the electronic media for all political actors so as to promote political and socio-economic development'.
14) Broadcasting frequency planning and allocation: To 'ensure that the frequency allocated to broadcasting is planned and allocated according to internationally accepted standards while keeping in mind public interest objectives'.
15) Broadcasting, pornography and violence: To 'ensure that the Ugandan population, especially minors are protected from pornography and violent programming'.

The policy spells out the objectives of public broadcasting as follows:

1) To provide services which will inform, educate and entertain the whole country;
2) To offer a high percentage of local content;
3) To offer programming of a high standard;
4) To enrich the cultural heritage of Uganda through support for the indigenous arts and cultural diversity;
5) To contribute, through its programming, to a sense of national identity and unity;
6) To ensure programming that will cater for the poor and vulnerable;
7) To ensure that the public has access to information;
8) To serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political orientation, culture, race and gender.

With regard to the public broadcaster the policy commits the government to:

1) Provide an enabling legislation for the establishment of a public broadcaster;
2) Enact laws in tandem with internationally accepted best practices for the smooth and effective operation of the public broadcaster;

3) Adequately fund the public broadcaster[s] in a manner that protects them from arbitrary interference with their budgets.

The broadcasting regulator is committed to:

1) Ensure that the public broadcaster conforms to the requirements of public broadcasting;
2) Ensure that the public broadcaster promotes human rights;
3) Promote the universal access principle so as to ensure service for all Ugandans.

The public broadcaster is committed to:

1) Report news and current affairs impartially, fairly and in a balanced manner;
2) Comply with any relevant regulatory supervision and maintain broadcasting standards;
3) Establish relevant broadcasting facilities for operations across the country;
4) Fulfil universal access in the shortest time possible;
5) Promote national sporting events and the local arts;
6) Ensure that programming promotes diversity;
7) Ensure that programming promotes political and socio-economic development;
8) Ensure that terms and conditions of employment within the station/s conform to national employment policy; and
9) Be accountable to the public.

While on paper these policy provisions appear to be good statements of intent or principles meant to guide the development of broadcast policies over the long term, current realities, as discussed in subsequent chapters, suggest that neither of the stakeholders have fulfilled their commitments. For instance, it will take a number of new pieces of legislation and amendments to existing laws to effect many of these policy intentions. In addition, it will require the government to provide substantial funding for the sector to be able to achieve the goal of universal access to broadcasting services. Similarly, without adequate funding and commitment to these principles, the Broadcasting Council is unlikely to monitor the public broadcaster's compliance with the requirements of public broadcasting.

In July 2008 the government began designing a new electronic media law that would update the current legislation, review some of its components, and provide a

legal framework for all the policy areas identified in the national broadcasting policy. The process is ongoing.

3 Licensing of broadcasters and enforcement of licence conditions

The Broadcasting Council is mandated to issue licences for the operation of theatres, video and cinematography services, television set ownership and dealerships, as well as for radio and TV broadcasting. The Council has powers to enter and inspect the premises of an operator or owner of any of these facilities or services, and to seize or confiscate any apparatus that is presumed to be in breach of the regulations.

Along with their formal application to the UCC for the allocation of a radio and TV broadcasting licence, prospective service providers need to submit:

1) a clearance letter from the Broadcasting Council permitting the applicant to set up a broadcast station in a particular location;
2) a company/organisational profile along with copies of the registration certificate and memorandum/articles of association;
3) an engineering brief of the project containing technical specifications of broadcast and studio transmitter, technical description of the system with diagram of the network, configuration, as well as a network implementation schedule;
4) a form for the transmitter and receiver station to be installed.

For a licence to be issued, the Broadcasting Council requires that:

1) If an individual, the applicant must be a resident of Uganda; if an organisation, the applicant must be a locally registered partnership or a company or a public corporation established by an act of Parliament;
2) The applicant provides evidence of possession of adequate technical facilities;
3) The applicant indicates the location of the station and the geographical area to which the broadcast is to be transmitted.

The Council also takes into account the 'social, cultural and economic values of the applicant' in deciding whether to endorse the request for a licence. However, there is no indication in the law how the regulator is supposed to identify these 'values'.

The typical licensing procedures for radio and TV broadcasting are that after submitting the application, the commission proceeds to verify whether the applicant qualifies for the frequency spectrum applied for. If so, the application is processed and

an invoice for spectrum fees that must be paid within 90 days is issued. There are no standard broadcasting (or spectrum) fees for either TV or radio. Both are calculated using formulae that take into account the number of transmitter stations applied for, the power output in watts (for TV), and the radiated power (for radio). The application processing fees, on the other hand, are standard: Shs 1 000 000 (approx. US$ 500) for TV and Shs 750 000 (approx. US$ 375) for radio.[61]

When the applicant has fulfilled all the requirements and paid the dues, the public is notified through the press for a period of two weeks. If there is no objection to the application during the notification period, the application is considered successful and the licence is granted.

When the applicant has completed setting up the installations within the specified time frame, the applicant is required to invite the commission to inspect them. If they meet the conditions, the broadcasting station receives its frequency licence. Operators of radio and television stations are required to inform the commission before conducting on-air testing of their signals and the commission needs to grant permission for these tests. The testing is supposed to continue for 21 days before the station is issued with an operating licence.

The typical validity period for a licence is one year. This is obviously too short a period given the level of investment required to set up and operate a broadcasting facility, notably TV. Having to renew one's licence so often could be construed as a form of censorship. There is clear potential for abuse as this requirement might give the authorities an opportunity to get back at broadcasters perceived to be politically hostile.

Compliance with licence conditions is mainly enforced through on-site inspections and frequency monitoring. Violations are usually sanctioned through administrative means. Although the regulations do not specify these sanctions, withdrawal of the licence is the regulator's obvious recourse.

These procedures, though lengthy, are fair to the extent that they are clearly documented, public and accessible to whoever is interested in applying for an operational licence.

Whereas there are neither set quotas for local content nor public interest obligations specified in the electronic media law, some of the objectives of the national broadcasting policy under the 'broadcasting, democracy and good governance' heading point towards such obligations for all broadcasters. At least in principle, the objectives of this policy area call explicitly for diversity in programming and the representation of different social interests and sections of society. These objectives are:

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61 http://www.ucc.co.ug/uccfeeStructure.pdf/.

> To ensure that broadcasting services seen as a whole: Promote and protect a regional, national and local identity, culture and character; Provide for regular: (a) News services; (b) Actuality programmes on matters of national interest; (c) Programmes on political issues of public interest; (d) Programmes on matters of international, national, regional and local significance; and (e) Offer diversity in their programming and representation. To ensure that broadcasting services regularly devote a portion of their programming to civic education.[62]

The first schedule of the Electronic Media Act outlines a set of minimum broadcasting standards. It states:

> A broadcaster or video operator shall ensure:
> 1) That any programme which is broadcast (a) is not contrary to public morality; (b) does not promote the culture of violence or ethical prejudice among the public especially the children and the youth; (c) in case of a news broadcast, is free from distortion of facts; (d) is not likely to create public insecurity or violence; (e) is in compliance with the existing law.
> 2) The programmes that are broadcast are balanced to ensure harmony in such programmes.
> 3) That adult oriented programmes are appropriately scheduled.
> 4) That where a programme that is broadcast is in respect to a contender for a public office, then each contender is given equal opportunity on such a programme.[63]

Evidently, so lofty and sometimes vague are these objectives and standards that it would be unrealistic to expect the industry, even though it is generally growing and maturing rapidly, to comply with them to the letter. Moreover, the Broadcasting Council does not have the human and financial resources to enforce the so-called minimum broadcasting standards on a routine basis.

As suggested earlier, the independence of the Broadcasting Council has been widely questioned. The Electronic Media Act neither specifies the offences that can be punished by closure of a station or by withdrawal of a broadcasting licence, nor does it specify the procedures to be followed. Apart from setting the minimum professional standards for broadcasters, the law left it to the Broadcasting Council to determine these specifics administratively. Some of the council's punitive decisions seem to have been politically inspired rather than aimed at promoting professional standards.

62 Ibid.
63 The Electronic Media Act, 2000.

In early 2007, the Broadcasting Council shut down NTV over what, on the surface, the Council portrayed as concerns regarding the broadcaster's technical standards. Others thought that the station, which is owned by the Nation Media Group, which also owns *Daily Monitor* and KFM radio, was a victim of politics as the government attempted to penalise the entire group for its critical journalism. Parliament summoned the Council to explain why the station was prevented from broadcasting. The station was able to get back on air after a reported 'negotiated settlement' between the president and NMG executives.

Another case in point was the seizure and closure by police and security operatives of a leading private radio station, KFM. In 2005, Andrew Mwenda featured on his talk show a discussion that raised questions about the government's role in the death of south Sudanese leader John Garang in a Ugandan military helicopter crash. The show, from the government's perspective, compromised national security. The host was also accused of making seditious allegations.

Dr J.P. Okullu-Mura, the secretary to the Broadcasting Council, said in the letter that ordered the closure of the station:

> Following receipt of numerous complaints and listening to the recording of your programme Andrew Mwenda Live of August 10, 2005 aired between 7:00pm and 8:00pm, the Broadcasting Council has on surface discovered that the programme prima-facie offends the minimum broadcasting standards enshrined in the first schedule of the Electronic Media Act CAP 104 2000 ... The Broadcasting Council has decided to accordingly and with immediate effect suspend your broadcasting licence in order to carry out further investigations into the matter.[64]

Mwenda was arrested, charged with sedition and released on bail. Many considered the government's ordering the station off the air an excessive reaction. Apparently, the Broadcasting Council was brought in to give the semblance of a civilian-led enforcement process. The government seemed to struggle to portray the actions of the police and security agencies as mere execution of the directives of the Council.

In exercising its mandate of enforcing broadcasting standards of a moral nature, the Broadcasting Council typically invokes 'public morality' as the reason for its intervention. In November 2007, Radio Simba, which broadcasts in Luganda, was fined close to US$ 1 000 for what the Council described as offending public morality by hosting a lesbian and two gays on a programme that discussed discrimination against homosexuals and the need for HIV/AIDS services for this group.

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64 *Daily Monitor*, 12 August 2005.

What makes the regulation of broadcasting murky is the absence of clarity on what ambiguous terms like 'public morality' and 'harmony' are supposed to mean. Not only is it difficult to come up with universally acceptable definitions for these standards; they are also open to subjective and parochial interpretation and abuse. Such has been the case with controversies surrounding media coverage of homosexuality. A clampdown on broadcasters who have dared give homosexuals a voice has largely been driven by the protestations of Christian moral advocates.

Perhaps the most drastic move by the Broadcasting Council was the decision on 11 September 2009 to shut down four radio stations – the Central Broadcasting Service (CBS), Suubi FM, Radio Sapientia, and Radio Two (Akaboozi). The closure followed riots that had been sparked off by a political standoff between the Buganda Kingdom, Uganda's most populous region, and the central government.

This requires some background information. Uganda's Constitution recognises kingdoms, which had been abolished in the 1960s, as cultural institutions and their leaders as cultural leaders without 'political' authority. Ever since the kingdoms were reinstated in 1993, Buganda has been pushing for a federal form of government under which the Kabaka (king) would have political authority over his kingdom. The government has resisted this campaign and entrenched in the Constitution a provision creating 'a regional tier of government', a much watered down form of federalism which Buganda opposes.

On 12 September the Kabaka had been scheduled to visit the Buganda district of Kayunga where the kingdom was to hold Youth Day celebrations. The police and the central government had warned in the days leading up to the occasion that the king should not travel to Kayunga as his security could not be guaranteed. This was because the Banyala, a minority group living in Kayunga, do not recognise the Kabaka of Buganda but pay allegiance to their own cultural leader, called Sabanyala, installed with support from President Museveni.

The Buganda government insisted that the Kabaka would travel to Kayunga as scheduled. The political opposition condemned the government for violating the right to freedom of movement and accused the president of attempting to undermine the Buganda king's authority. The standoff over the Kabaka's travel to Kayunga was therefore every inch a political fight between Buganda and the central government.

In the run-up to the disputed event, the airwaves were filled with calls (mainly on talk shows and call-back programmes as well as personal announcements) for the Kabaka to stand his ground and travel to Kayunga, as well as attacks on the president and central government. These calls were mostly aired on the Central Broadcasting Service (CBS), which is owned by the Buganda government and private shareholders, and other Luganda language radio stations.

On 10 September, the prime minister of the Buganda Kingdom and his entourage, who were travelling to Kayunga to ensure that preparations for the Youth Day Celebrations were proceeding smoothly, were stopped by a heavy police and army deployment on the major roads leading to the area. The police maintained that the king would not be allowed to travel to Kayunga. The following day riots broke out in the city and in other towns in Buganda. By the end of the riots on 12 September, 30 people had been reported dead, many of them of gunshot wounds.

This was the context in which the Broadcasting Council announced on 11 September that it had 'in light of the current unrest ... suspended the operations of the Central Broadcasting Services Ltd due to its consistent breach of the Electronic Media Act and particularly of section 8 of the Electronic Media Act which provides for the Minimum Broadcasting Standards'.

In a press statement issued that day, the chairman of the regulator said:

> More particularly, the Broadcasting Council took exception to the role that CBS has been playing in mobilizing and inciting the public to riot around H.H. Kabaka's planned visit to Kayunga District. This has resulted into the escalation of violence leading to loss of life and property and bringing business to a standstill in the city and surrounding areas.

The regulator also announced the suspension of the operations of Suubi FM, Radio Sapientia and Radio Two 'due to their breach of section 8 of the Electronic Media Act and more particularly due to their continued role in inciting the public to violence'.

In a press statement on 11 September, the minister of information and national guidance condemned the riots occasioned by 'groups of marauding thugs' and said the 'violence and lawlessness was preceded by inflammatory and sectarian broadcasts from various radio stations, which systematically incited the listeners to cause chaos and destruction wherever they could'.

Neither the Broadcasting Council nor government cited the specific broadcasts that allegedly incited violence or promoted sectarianism. When the president addressed the nation in the midst of the riots and later MPs from Buganda, he defended the closure, especially of CBS, saying he had radio recordings with messages telling listeners to go to Kayunga 'where [opposition leader Kiiza] Besigye will give you fuel to storm the police stations'.[65] The president is also reported to have said that CBS must stop 'negative campaigns' against the ruling NRM and inciting Baganda against the police.[66]

65 HURINET-U, 'Counting the Human Rights Costs of the September 2009 Riots in Uganda', February 2010.
66 Ibid.

Critics accused the Broadcasting Council of acting on the orders of a government that was besieged and condemned the decision to shut down the radio stations as a gross infringement on freedom of expression. In a statement, Article 29, a coalition of media organisations and associations working to protect press freedom, said:

> We strongly condemn these actions that undermine the independence of journalism, freedom of expression and free flow of information to the public which is critical at this material time. The Broadcasting Council and security agencies should desist from exercising their mandate arbitrarily, excessively and selectively as well as acting outside the constitutional framework and the broadcasting regulations.

In the days following the closure of the radio stations, it became apparent that the Broadcasting Council had been acting on the directives of the government. In fact, Council chairman Mutabazi was quoted in a newspaper interview as saying 'The government took the decision to close [the radio stations] because at that time, two people were already dead.'[67]

The closure of the four radio stations also clearly had a chilling effect on journalists from other media houses, who were reported to be exercising self-censorship.[68] Others claimed receiving orders from their managers or radio-station owners not to focus on the Buganda kingdom and other controversial political stories.[69] Indeed, although commercial television stations carried pictures of police brutality on the first day of the riots, by the second day many of them were playing music, soap operas or live feeds of foreign news from Al-Jazeera and other international stations.

Radio Sapientia, Suubi FM and Radio Two were reopened following negotiations with both the Broadcasting Council and the government. Some journalists and presenters that the government was not comfortable with were dismissed. Suubi FM was also forced to issue an apology and accept self-censorship.[70]

By the end of February 2010, CBS was still off air following unsuccessful negotiations between the Buganda Kingdom and the central government. In January a Cabinet sub-committee formed to address the CBS closure came up with 12 conditions for reopening the radio station. CBS management was required to apologise to the government 'through the Broadcasting Council', relocate its studio from the Kabaka's palace (Bulange), withdraw a pending court case brought by employees against the government, dismiss journalists and presenters who allegedly participated in inciting the September riots, and follow the broadcasting standards. The station was also

67 *Daily Monitor*, 'In Defence of Freedom of Speech', Kampala: September 20, 2009.
68 HURINET-U, op.cit.
69 *The Observer*, 'Buganda Anthem banned on radios', Kampala: September 30, 2009.
70 HURINET-U, op.cit.

required to change its management, delink itself from the institution of the Kabaka and abandon manifestations of ethnicity in its broadcasts.[71] The station swiftly rejected the government's conditions[72] and by the end of February 2010 no progress had been made on its reopening.

4 Complaints and conflict resolution systems

The Press and Journalists Act, Electronic Media Act, and the Uganda Communications Act contain mechanisms for lodging and addressing complaints as well as resolving conflicts among the public, the government, and operators. The Media Council has a standing disciplinary committee. While the Broadcasting Council does have the power to enforce discipline too, the law does not provide for a particular disciplinary committee in its case. In principle, therefore, the Media Council's standing committee plays the same role on behalf of both the Media and the Broadcasting Council (see chapter 2). In practice, however, the Media Council delegates its disciplinary function to the Broadcasting Council on matters that fall strictly within the broadcasting domain.

Unfortunately the public is generally unaware of the existing complaints mechanisms and rarely takes recourse to them, preferring to go to court. Lawyers do not help either. It appears that the prospect of earning lucrative fees from litigation is far more attractive than arbitration through the Media Council's disciplinary committee. The disciplinary committee would be more credible and effective if the government led by example and made use of these civil processes as provided for by the law. But so far the government has tended to resort to criminal courts instead. The other problem is that because the broadcast regulator and the Media Council are not seen as independent, the autonomy of the complaints procedure is questionable.

With regard to complaints about radio frequency interferences, aggrieved parties or persons are required to forward their issues formally in writing to the UCC. The commission will then investigate and take the necessary action to resolve the matter. 'During the whole interference resolution process', the commission has declared, 'the complainant will be updated of the developments regarding that interference case.'[73] The commission does not indicate explicitly what the remedies in a proven case of interference are.

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71 See *The New Vision*, 'CBS Told to Move Out of Bulange,' January 22, 2010; *Daily Monitor*, 'Government sets 12 conditions for reopening CBS radio', January 23, 2010.
72 *The New Vision*, 'Mengo Rejects Government Terms On CBS'. February 1, 2010.
73 http://www.ucc.co.ug/smFAQ.php.

5 Conclusions and recommendations

Article VII of the Declaration of Principles on Freedom of Expression in Africa says: 'Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.' This is not the case in Uganda. Instead, instances of government interference abound. The Broadcasting Council has often taken decisions as a result of political pressure exerted by the government. Besides, even if it were to act independently, the Broadcasting Council does not have the human and financial resources to monitor media performance in a manner that would improve broadcasting standards.

Article VII of the Declaration further states: 'The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.' In Uganda the appointments process of members of the Broadcasting Council and the Media Council is controlled by the minister responsible for information. Even when recommendations are sought from particular interest groups and professional or trade associations, it remains the minister's discretion to appoint the nominees. Moreover, the appointments process is usually conducted out of the public's view.

The ideals spelt out in the broadcasting policy are not captured by existing legislation or practice. In fact, the policy was prepared long after the enactment of the Press and Journalist Act, the Electronic Media Act and the Uganda Communications Commission Act.

Recommendations

Regulatory autonomy and independence

- The Electronic Media Act should be amended to make the Broadcasting Council an autonomous and independent regulatory body that reports to Parliament, and not the minister responsible for information.
- The appointments procedure for members of the Council should be open and transparent, involve the participation of civil society, and should not be controlled by any particular political party.
- The security of tenure of the members and independence of the regulatory organs should be guaranteed to limit the influence of political authorities on their decisions.

Monitoring performance

- The independent Broadcasting Council should be empowered to perform its functions of monitoring the performance of broadcasters, and in particular ensuring that both public and private broadcasters fulfil their local content remits.

One-stop licensing

- The licensing procedure for broadcast operators should follow the one-stop model of business licensing. Therefore, the permission to produce broadcast content and the permission to use the spectrum to transmit that content should be granted together.

Duration of licence

- The government should extend the broadcast licensing period. The current 12 months is too short to allow for proper business planning. The one-year licence is a disincentive as banks may, for example, be less inclined to give a broadcast operator a loan if they cannot predict that the applicant will have a licence in a year's time. Similarly, the one-year licence may discourage long-term investors in the broadcast industry as they may be wary of political interference in the frequent renewals.

Advocacy

- Civil society, beyond a few media and journalism associations, should take more interest in and engage in advocacy for the reform of broadcasting regulation and legislation.

Preoccupation with security

- Civil society and media organisations should propose clear national norms and values for public broadcasting in order to minimise the preoccupation with security in decision-making on broadcast matters.

6
The Uganda Broadcasting Corporation

1 Legislation

1.1 The policy

The National Broadcasting Policy, which was developed by the Broadcasting Council a year before the Uganda Broadcasting Corporation (UBC) Act was passed in 2005 and should therefore have informed the law, identified public broadcasting as one of the key policy areas, aiming 'to introduce a viable, independent, professionally-run public broadcaster accountable to the public to ensure efficiency and quality programming'.[74]

The policy defines public broadcasting as:

> A system of broadcasting that is accountable to the public, and operated on a non-profit basis in order to meet the full range of public information needs in the overall public interest. It may be funded by government grants, licence fees on receivers, loans from government, organizations or persons, donations, proceeds from any of its functions and activities, advertising revenue or a combination of these.

The objectives outlined for public broadcasting in the policy include informing, educating and entertaining the whole country; offering a high proportion of local content; fair and balanced reporting; and programming of a high standard. Other objectives include enriching the cultural heritage of Uganda; contributing to a sense

74 Broadcasting Council, *National Broadcasting Policy: A new Broadcasting Aspiration for Uganda*, September 2004, pp. 18–20. Mr Kagole Kivumbi, the Director of Information, said in an interview in December 2007 that although it was passed by the Cabinet as government policy, the National Broadcasting Policy is supposed to be actualised by the new Electronic Media Act, which is yet to be tabled before Parliament.

of national identity and unity; and offering programming that caters for the poor and vulnerable.

The 'strategies' set out in the policy place an obligation on the public broadcaster to 'report news and current affairs impartially, fairly and in a balanced manner'; 'establish relevant broadcasting facilities for operations across the country'; and 'fulfil universal access in the shortest time possible'. Other strategies include ensuring that 'programming promotes diversity' as well as 'political and socio-economic development'; and that the public broadcaster is 'accountable to the public'.

The policy outlined the following 'strategies' for the government:

- Provide an enabling legislation for the establishment of a public broadcaster;
- Enact laws in tandem with internationally accepted best practices for the smooth and effective operation of the public broadcaster;
- Adequately fund the public broadcaster in a manner that protects it from arbitrary interference with its budgets.

At the same time the policy requires the regulator to ensure that the public broadcaster conforms to the requirements of public broadcasting; and promotes the principle of universal access. The regulator is also expected to ensure that the public broadcaster promotes human rights.

1.2 The mandate

The Uganda Broadcasting Corporation Act 2005 is the founding legal instrument for the public broadcaster. The law was the first attempt to transform Uganda Television (UTV) and Radio Uganda from state broadcasters into independent public broadcasters. However, the purpose of the act does not specify the transformation in those terms. The law was introduced as 'An Act to provide for the establishment of the Uganda Broadcasting Corporation, its functions, powers and its administration; to provide for a successor body corporate to Radio Uganda and Uganda Television and for connected purposes.'

The Act neither defines public broadcasting nor identifies UBC explicitly as a public broadcaster. It is not clear whether the vagueness of the law was a result of innocent omission or a deliberate attempt by the government not to cede full control of the national broadcaster. Indeed, Broadcasting Council Chairman Mr Godfrey Mutabazi says that the government 'still thinks [UBC] is part of it' and blames the law for perpetuating this. 'The Act itself is not a good one. It placed [UBC] in the hands of

the government. And much as the Board has tried to distance itself from government control, it has not yet succeeded in doing so'.[75]

The minister of information and national guidance, Ms Kabakumba Matsiko, went as far as discounting the whole idea of UBC being 'pro-government' in her speech during a validation workshop for this report.[76] 'If you are not pro-government', she asked, 'are you against it?' So she argued:

> There is no such thing as independent media. UBC is autonomous but it is a government parastatal that must defend the national interest. UBC is not a mouthpiece of [the ruling] NRM [party]. Anybody who wants to access UBC facilities is free to do so.

Similarly, in response to concerns that UBC was biased towards the government, the managing director, Mr Mugasa Musinguzi, contended that the role of the public broadcaster was to uphold national norms and values. 'That is what UBC does', he said. 'We should not confuse private and national interests'.[77]

According to the Act, the Corporation shall be 'wholly owned' by the government.

The objectives of UBC as established by the act are to:

- Develop the broadcasting bodies into a public national broadcasting centre of excellence, for the purpose of providing electronic media and consultancy services that educate and guide the public;
- Achieve and sustain comprehensive national radio and television coverage; and
- Achieve and sustain a common carrier status.

Among the key functions of UBC established by the act are the following:

- Provide radio and television broadcasting services and programmes that contribute to social development with emphasis on national unity in cultural diversity;
- Reflect the government vision regarding the objective, composition and overall management of broadcasting services;
- Ensure a sustainable system of gathering, analysing, storage and dissemination of information to the public;

75 Personal interview, Kampala, December 2007.
76 Public Broadcasting in Africa Series: Uganda Report – Round Table Discussion, Kampala, 3 December 2009.
77 Ibid.

- Establish autonomy of management in rendering public broadcasting services;
- Carry out signal distribution as a common carrier;
- Ensure quality indigenous programming and to adapt foreign programmes to suit indigenous needs;
- Establish systems of accountability and enhance profitability in running public broadcasting services;
- Maintain a responsible editorial independence and set national broadcasting standards through exemplary performance;
- Ensure protection of the public interest in rendering broadcasting services;
- Provide electronic media and consultancy services that educate and guide the public;
- Operate an efficient and self-sustaining corporation;
- Achieve and sustain comprehensive national radio and television coverage throughout the country; and
- Ensure accurate, timely and reliable reporting of events and presentation of programmes.

Several of these functions are couched in ambiguities and some appear patently contradictory. For instance, what is the message sent by the idea that UBC shall 'reflect the *government vision* regarding the objective, composition and overall management of broadcasting services'? Does it mean that UBC shall be a mouthpiece of the government's vision, or merely that it will not betray the principles the government has set out in the broadcasting policy? UBC board chairman Mr Chris Katuramu, while arguing that the broadcaster is independent, at the same time proposed that because it is 'owned 100 per cent by the government, we are supposed to reflect the vision of the government'.[78] As Mr John Bosco Mayiga of the Uganda Media Development Foundation has noted, the lack of clarity here leaves room for government interference in UBC operations.[79]

And what does the function of ensuring the protection of the 'public interest' entail? Public interest is not defined anywhere in the act. The minister of information could easily use the cover of 'public interest' to stop UBC from broadcasting programmes that are critical of the government or that offend the sensibilities of some leaders.

Similarly, it is not clear what is meant by maintaining 'a *responsible* editorial independence'. In post-independence Uganda as in many parts of Africa, *responsible* has often been equated to not being critical of the government. Indeed, as the Uganda

78 Personal interview, Kampala, December 2007.
79 John Bosco Mayiga, 'A critical look at the Uganda Broadcasting Corporation Act', Paper presented at EAMI Workshop on Public Broadcasting, Jinja, Uganda, 1–4 August 2006.

Media Barometer points out, 'Responsible' could be interpreted as journalism which does not antagonise the government'.[80]

Among the key functions are both the imperative of 'enhancing profitability' on the one hand and maintaining an 'efficient and self-sustaining' corporation on the other. This appears contradictory as public broadcasters are generally not expected to focus on profitability. However, the current management at UBC sees nothing wrong with making a profit. In fact, the acting UBC managing director Musinguzi has made the question of profitability a major plank of his vision.[81] Others in management also see UBC as a 'commercial entity that has to deliver a public mandate'.[82]

Another UBC function that is not clearly defined in the act is to do with the provision of 'electronic media and consultancy services that educate and guide the public'. These services are not defined anywhere in the act. It appears, however, that the framers of the law included such functions, however vaguely stated, in order to make it possible for the public broadcaster to engage in commercial activities while at the same time delivering a public service.

The UBC Act provides that in the performance of its functions, UBC shall be subject to the same laws and regulations that apply to private broadcasters. Thus, the act places the public broadcaster under the regulatory authority of the Broadcasting Council, which is supposed to, among others, ensure adherence by broadcasters to the country's 'minimum broadcasting standards'.

1.3 Governance

UBC is governed by a board of directors appointed by the minister of information. Section 7(2) of the Act provides that the directors shall be appointed by the minister 'from among prominent Ugandans of proven integrity by virtue of their qualifications, expertise and experience in the fields of broadcasting, technology, media law, business management, finance, and journalism'.

The qualifications set by the law appear to focus more on technical expertise and experience and not on equal representation of diverse interests or a cross-section of the public. For instance, as it is, nothing in the law stops the minister from filling the board with members of the same political affiliation or gender.

The functions of the board include the formulation and review of corporation policy; approval of annual budgets and action plans; and 'appoint[ing] and disciplin[ing]

80 African Media Barometer: Uganda 2007, Windhoek: Media Institute of Southern Africa & Friedrich Ebert Stiftung, p. 19.
81 Mr Musinguzi told a meeting between media owners and the President in April 2007 that UBC's mission was to serve the country 'in line with government policy' while at the same time delivering a profit.
82 Personal interview with acting UBC TV manager Mark Walungama, Kampala, 10 June 2007.

members of staff'. The law does not specify the categories of staff that the board appoints or disciplines. As a result, the current board has tended to involve itself in the appointment of staff down to the lowest levels, including the discussion of individual performance targets. A senior manager at UBC TV blamed the board's involvement in day-to-day management on the fact that UBC had not had a substantive managing director for nearly 18 months.[83] The chairman of the board has defended this practice on the grounds that the '[UBC] Act is very clear that one of the functions of the board shall be to recruit members of staff'.[84]

The chief executive of UBC is a managing director appointed by the board with the approval of the minister of information. Section 11(2) provides that the managing director shall be appointed from 'among persons of proven integrity who possess the necessary qualifications, vast broadcasting experience and competence to manage efficiently and effectively the affairs of the Corporation'. Section 11(6) provides that the board may remove the managing director from office 'for inability to perform the functions of his or her office arising out of infirmity of body or mind or for misbehaviour or misconduct'. Misbehaviour or misconduct are not defined.

The governance structure established by the UBC Act presents one of the most potent means of state interference in the editorial independence of the public broadcaster. According to the Declaration of Principles on Freedom of Expression in Africa, 'Public broadcasters should be governed by a board which is protected against interference, particularly of a political or economic nature.' In Uganda, the law gives the minister of information almost unchecked powers in appointing the board. In the absence of any external oversight, it is not even clear whether in exercising the appointment powers the minister follows the narrow criteria defined in the Act. Moreover, it appears there are cases where the minister has been unduly influenced in naming members of the UBC board. Towards the end of 2007, for instance, the president is reported to have directed that a then resident district commissioner, Abdul Nsereko, join the board of UBC regardless of whether the board had a vacant position.

The UBC Act does not insulate the broadcaster from interference by the governing body in its management affairs. Section 8(c) gives the board powers to appoint and 'discipline members of staff', which some see as an open invitation for the board to meddle with UBC's editorial independence and programming. Moreover, the board's powers to dismiss the managing director for undefined 'misbehaviour and misconduct' place the incumbent in a very vulnerable position and are likely to induce blind subservience.

83 Personal interview, Kampala, June 2008.
84 Personal interview, Kampala, December 2007.

Unless warranted by some extreme situation, the governing body should confine itself to setting policies and directions. However, UBC board chairman Katuramu has reportedly assumed extensive executive powers amidst the instability in management since the inception of the Corporation. Over a period of less than three years, from November 2005 to August 2008, UBC had three managing directors, the last two in an acting capacity. Whereas the board sought to seek a replacement by advertising the job after the first managing director, Mr Edgar Tabaro, quit in early 2006 under unclear circumstances, strangely, the results of the interviews were never released. The corporation secretary then, Mr Mugasa Musinguzi, was acting managing director for nearly two years, having 'taken charge' in January 2007. He was only confirmed at the end of 2008 following another round of interviews. Such administrative instability clearly undermines the operations of the Corporation and the morale of staff.

Another avenue for enhancing the transparency and accountability of public broadcasters is the legal requirement for them to submit their annual reports to Parliament and make them public. Section 24 of the UBC Act requires the board to send to the minister a report on its activities, within three months after the end of each calendar year. The minister is required to lay the report before Parliament. There is nothing in the law that requires the broadcaster to account for its performance; to show, for instance, whether and how it fulfilled its mandate, including adhering to local content quotas, if any. Moreover, UBC's annual reports have so far not been widely available to the public.

It is apparent that the UBC Act gives the minister of information a lot of power over the operation of the broadcaster. The minister appoints the board of directors and approves the appointment of a managing director as well as the corporation's annual budget and decisions such as the acquisition of property and borrowing. In addition, Section 5 provides that the minister 'may, by statutory instrument, make Regulations generally for the better carrying out of the provisions of this Act' – a very sweeping way of giving the government legal powers to intervene when it may see fit.

As the Uganda section of the Africa Media Barometer points out, UBC is 'still locked in the structures of the old state broadcaster, with the minister interfering directly ... The law may have changed, but UBC has remained the same. In the view of the public, public broadcasting is still part of the state'.[85]

85 African Media Barometer, op.cit., p. 20.

2 UBC profile

UBC's TV and Radio networks cover the widest area of the country compared to their competitors in the commercial sector, but the 'public' broadcaster has not yet reached nationwide coverage. UBC TV, which is entirely terrestrial, reaches at least 60 per cent and the radio network at least 80 per cent of the country, according to the broadcaster's management. But transmission remains unreliable. In fact, as the African Media Barometer points out, 'Even in urban centres, it is sometimes difficult to receive signals or get a clear picture.'[86] The UBC management recognises the need to increase coverage and fulfil the legal and policy mandates of the national broadcaster, but adds that 'to do so, we need to have more money to invest in infrastructure and to upgrade our technical capacity'.[87]

UBC TV has one channel. UBC Radio transmits programmes on five channels: Red, Blue, Butebo, Star FM and Magic FM (which is only being set up). The three main channels (Red, Blue and Butebo) comprise a national network of 18 FM- and MW-based radio stations. Except for Star FM, which broadcasts exclusively in Luganda, the Red, Blue and Butebo channels use 23 different languages grouped by region.

Generally, news, current affairs and documentaries dominate programming on UBC TV. However, a large part of the news and current affairs material is made up of foreign productions from the BBC and Deutsche Welle, while documentaries are almost exclusively foreign.

UBC TV managers and producers blame the paucity of local productions such as documentaries on lack of equipment, editorial staff, and financial resources. The station cannot produce local documentaries when the few cameras available are required for the studio and news teams, they said. As a result, the bulk of UBC TV's local productions are news, music, and talk shows. There are hardly any local productions on topical social, current affairs or developmental issues.

English language material remains predominant on UBC TV, with Luganda and Kiswahili programming limited mainly to the daily evening news bulletins. This means that UBC TV scores very poorly on the principle of universal access as most of its broadcasts can only be meaningfully consumed by people who have some understanding of English.

Unlike private radio stations, which concentrate mainly on entertainment-based programming, UBC Radio also has a very strong news and current affairs component. Unlike UBC TV, UBC Radio's programming is generally dominated by local productions across all programme genres from news, current affairs, talk shows,

86 Ibid., p. 21.
87 Personal Interview with Act. managing director Mugasa Musinguzi, Kampala, December 2007.

music to sports. Part of this difference between the two media may be explained by the fact that local material for radio is much easier and cheaper to produce than it is for TV.

Both UBC TV and UBC Radio target a mass audience. And because they are in direct competition with private broadcasters that are generally popular with younger viewers and listeners, the public broadcasters also offer a lot of programming likely to attract younger segments of the population, especially entertainment and sports.

It emerged during a round table discussion on the draft of this report[88] that UBC was in advanced stages of its plans to launch regional TV stations along the lines of its radio network. The problem with the existing radio model is that all the production and programming decisions are made at the UBC headquarters in Kampala, with transmission the only function controlled locally. The regionalisation strategy would add value to public broadcasting for both radio and TV only if the regional stations operated their own production facilities and were in full control of programming and editorial decisions.

3 Organisational structures

The day-to-day running of UBC is overseen by the managing director, who is assisted by a corporation secretary charged with taking minutes during board meetings and keeping records of all the transactions of the Corporation. Reporting to the managing director are departmental managers in charge of television, radio, human resources, marketing, finance and administration, operations, and engineering.

The TV and radio managers are responsible for the editorial operations. They supervise mid-level staff such as producers and editors, and junior staff such as designers, reporters and cameramen.

UBC does not maintain regional offices. News reports from outside the capital are occasionally filed by Kampala-based reporters accompanying news makers such as ministers and NGO officials on their travels around the country. As a result there is very little independent reporting of events and issues outside Kampala. However, managing director Mr Musinguzi suggested that decentralisation, which would involve the broadcaster opening different regional stations and/or offices, was a major feature of UBC's future plans.[89]

On the face of it, the organisational structure of UBC appears to suggest a separation of roles between the general directorate and editorial management.

88 Public Broadcasting in Africa: Uganda Report – Round Table Discussion, Kampala, 3 December 2009.
89 Personal interview, Kampala, December 2007.

However, there is no written policy on the autonomy of the editorial/news department and its relationship with other departments, including advertising.

The UBC Human Resource Manual, which one manager said was 'not designed to suit the broadcast industry', is also silent on roles and responsibilities especially in relation to the autonomy and independence of the editorial operation. A senior manager put it this way: 'Whereas there is no clearly spelt out editorial policy, the news editors are conscious of who owns the Corporation.'[90] Then TV manager, Mr Mark Walungama, said an editorial policy was being developed that would specify issues such as the separation of news and advertising as well as promotional stories and clearly spell out the autonomy of the news department.[91]

For now, according to staff members who talked on condition of anonymity, UBC editors seemed to be deeply conscious of the political consequences of potentially controversial stories and tried as much as possible to steer their charges to calmer waters. A staff reporter said that often 'there are credible stories that cannot be broadcast on UBC because they are 'controversial''.[92]

There are also indications that top management, including members of the board, keep a very close eye on editorial matters and have been known to hand down directives about preferred programme content with stiff penalties for violations. 'They have powers to sack you at any time,' said a staff member who did not want to be named.[93]

The middle management, however, insisted that all departmental heads had a say in all decisions within their respective area of responsibility. TV manager Mr Walungama pointed to regular appearances of the country's leading opposition figures on some of the UBC talk shows as evidence of the station's commitment to offer independent and diverse programming. Yet, as one manager put it, it appeared that 'editorial independence in a government-owned body only exists as long as you give a fair share of your airtime to issues that do not directly affect the owner'.[94]

UBC employs about 200 staff for both its radio and television operations. Of these 65 are in administration, 125 in production and about 15 in field technical operations (these include people like riggers). By comparison, NTV Uganda, a privately-owned television station that runs just one television channel and only reaches Kampala and two major towns, has about 110 employees.

'We are seriously understaffed if you consider the fact that we are supposed to be a national broadcaster,' said a UBC manager who spoke on condition of anonymity.[95]

90 Personal interview, Kampala, 10 June 2008.
91 Personal interview, Kampala, 11 January 2008.
92 Personal interview with UBC staff reporter, Kampala, 4 September 2008.
93 Ibid.
94 Personal interview, Kampala, 10 June 2008.
95 Personal interview, Kampala, 10 June 2008.

He cited staffing shortages as one of the major causes of the paucity of in-house local productions.

UBC has entry level requirements for its journalists, who must have at least a degree in journalism or mass communication. Following the voluntary or forced retirement of staff after the restructuring of the national broadcaster, UBC now employs mostly university graduates in its different departments. A senior manager said deliberate efforts were being made to recruit qualified and skilled staff for all key positions in the Corporation.[96]

In-house training based on 'user requirements' is conducted for different categories of staff. This is especially critical for UBC's young cadre of journalists. While the managers are generally experienced, many of the journalists are 'fairly young in terms of experience'.[97] The average job experience for reporters at UBC TV is about six years.

The starting monthly salary for staff reporters at UBC ranges from Shs 300 000 to 900 000 (about US$ 150–475), while managers earn between Shs 3 500 000 and Shs 5 000 000 (about US$ 1 750–2 500) and the managing director earns Shs 7 000 000 (about US$ 3 500). Although these salaries are inadequate, according to UBC employees interviewed, they are generally competitive when compared to both industry and national standards.

4 Attitudes towards public broadcasting within UBC

It appears there is neither clarity nor shared understanding on the meaning of public broadcasting within UBC. Three distinct strands of opinion emerged from interviews with different categories of staff: that UBC is in fact a commercial broadcaster with a public mandate; that it is a public or state broadcaster owned by the government; and that it is a national broadcaster to the extent that it covers a big part of the country.

Managing director Musinguzi came up with an unequivocal answer to the question whether he saw UBC as a state or public broadcaster:

> UBC is supposed to be a public broadcaster but the state owns 100 per cent shares in the Corporation and appoints the board. But the day-to-day management of the Corporation is run by the managing director within the framework of government

96 Interview with UBC TV manager Mark Walungama, Kampala, 5 September 2008.
97 Personal interview with a UBC manager, Kampala, 10 June 2008.

> policy. Here at UBC, we do not micromanage. We want people to play their roles and to be innovative and empowered to take decisions.[98]

Mr Musinguzi also maintained that UBC was independent of the government and the ruling party. 'Yes we are ... We do not discriminate against anybody when it comes to our programming. Secondly, government does not directly tell us what to do. No, it doesn't. We have autonomy in decision-making. If you cannot make independent decisions, you cannot be efficient.'

But other managers and junior employees differed. '[UBC] is a public broadcaster with the state looking over its shoulder,' said a senior manager.[99] Reporters gave a harsher verdict. One reporter, who declined to be identified for fear of losing her job, had this to say:

> To a certain extent people within UBC do appreciate that it is supposed to be a public broadcaster but our bosses are more inclined towards satisfying those in government than the public. When we are in meetings they try always to remind us that UBC is a public broadcaster, but their actions speak differently. As reporters we would like to do what is required of us but we find ourselves constrained by outside forces and the resources to do our work are scarce. We still pay much attention in our coverage to government officials and functions. I think we fall short of a true public broadcaster. We did not even go for re-orientation to tell us what our role as UBC is towards the public.[100]

Another reporter said UBC was not a public broadcaster 'in the true sense of a public broadcaster':

> We are more of a national broadcaster than a public broadcaster. We still lead with the president's stories followed by the prime minister and down as the hierarchy goes. However long the story of the President might be it has to lead. As much as I would like people to speak freely on my show which I host I find that I am restricted. I have to caution my guests not to go beyond a certain limit because I want also to protect my job.[101]

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98 Personal interview, Kampala, December 2007.
99 Personal interview, Kampala, 10 June 2008.
100 Personal interview, Kampala, 30 December 2008.
101 Personal interview, Kampala, 30 December 2008.

A former UBC senior editor who now works in a government department said most of his colleagues who stayed on after the restructuring and others recruited since then were more interested in protecting their jobs:

> There is lack of creativity and originality and the focus is still on government, not the people. The employees feel that as long as you can keep your job by satisfying the powers that be then you have done your work. They are still stuck in the old mentality that UBC is a national broadcaster and a propaganda machine for those in power. I think you must have observed the by-elections in Kyadondo recently. UBC failed completely to give balanced overage of the candidates. The focus was mainly on the candidate of the NRM, the party in power. UBC is not yet a forum for democratic debate and neither is it a reference standard for broadcasting in this country.[102]

Some employees evaluated the broadcaster positively. One reporter said UBC was trying to achieve its objectives in spite of severe challenges:

> We are not yet there but I believe we will achieve these objectives. We are the leading broadcaster in terms of covering the whole country. On quality I want to be honest; we are not above the mark. There are several challenges which need to be addressed. But as a forum for democratic debate we have tried to give coverage to different views and all sorts of opinions. We have an open debate on radio and TV and everybody is welcome to participate and no one is restricted to say whatever he or she wants to say. It is not the perfect way I would say but at least we are trying. In terms of radio, I think no one beats us because we have different channels that take care of all the regions. For radio especially I think we are really doing our job as a public broadcaster.[103]

The one area where there appeared to be agreement across the board was on the perceived need for UBC to make a profit. In most of his public statements, managing director Musinguzi has made it a point to emphasise the fact that UBC was a profitable corporation. And his staff agrees: 'We are a commercially driven broadcaster with a public mandate', said one manager. 'In whatever we do it is always at the back of our minds that we have to make ends meet.'[104]

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102 Personal interview, Kampala, 31 December 2008.
103 Personal interview, Kampala, 30 December 2008.
104 Personal interview, Kampala, 10 June 2008.

5 Attitudes from outside UBC

Various key players from civil society, the regulator, the government, and political society were asked about their perceptions of UBC. They were also asked about the broadcaster's role and what they expected from UBC.

5.1 A public broadcaster?

Respondents from political society and civil society resoundingly rejected the notion of UBC as a public broadcaster. In particular, they took issue with the broadcaster's lack of independence from the government. According to Mr Mayiga of the Uganda Media Development Foundation,[105] UBC still had the trappings of a state broadcaster. For one thing, its board of directors was not politically independent. Dr Chibita of Makerere University contended that UBC was yet to qualify as a public broadcaster due to the absence of independence from the state and big business.[106] Mr Bruno Emwanu, the director of Business Affairs of the Uganda Manufacturers Association (UMA), said that although UBC TV had greatly improved the quality of its pictures and signal and had introduced some more attractive programmes, it still fell short of expectations.[107] Not only did it fail to reflect the political diversity of the country in the views it aired, he said, it also did not give enough time for the airing of controversial issues and stories that were critical of the government. The chairman of the Broadcasting Council, Mr Mutabazi, has in the past said also that UBC was not yet a genuine public broadcaster:

> By law, it is supposed to be a public broadcaster, and independent. But in my judgement, it is not yet up to the standard of a public broadcaster. It is still trying to find its own feet. Government still thinks it's part of it ... And, much as the Board has tried to distance itself from government control, it has not yet succeeded in doing so.[108]

But others blamed UBC management. Mr Edward Baliddawa, the member of parliament for Kigulu North County and former chairman of the committee on information and communication technology, said UBC needed to be more professional in its affairs and stop blaming government influence for its failures.[109] The government exercised

105 Personal interview, 30 July 2009, Kampala. UMDF is a non-government organisation.
106 Personal interview, 30 July 2009, Kampala.
107 Personal interview, 30 July, 2009, Kampala.
108 Peter G. Mwesige & David Ouma Balikowa, 'A Long Way to Go: A Study of the Uganda Broadcasting Corporation Evaluated Against the Public Broadcasting Model', November 2007.
109 Personal interview, 31 July 2009, Kampala.

only loose control over UBC, he said. Although it was funded by the government, the national broadcaster could still be independent just like other quasi state-owned agencies like the Vision Group in Uganda and the Voice of America. He said UBC could position itself as an independent broadcaster without contradicting the policies of the government.

Respondents also cited lack of financial autonomy as another factor that undermined UBC's claim to public broadcaster status. Ms Rosemary Kemigisha of the Uganda Human Rights Commission (UHRC) said UBC had been forced to sacrifice its mandate in order to make profits for its survival.[110] Mr Mayiga said UBC lacked the financial autonomy that would make it a genuine public broadcaster. It competed for resources in the market like other private broadcasters, which deprived it of the uniqueness one would expect of a public broadcaster, he said. Mr Mayiga said the revival of the TV tax as provided for in the Electronic Media Act would guarantee UBC direct public funding and move it closer to the ideal situation for a public broadcaster.

Mr Mutabazi said UBC had failed to meet public broadcasting obligations largely on account of funding limitations. After paying staff salaries, there was barely any money left to invest in the production of good quality programmes and to facilitate wider coverage; which was why government must increase funding for the national broadcaster. UBC management, on its part, should be innovative by devising a business model that would bring in more resources to supplement the government subsidy, he added. UBC could, for example, intensify the leasing of its transmission masts to private broadcasters, a strategy that would guarantee a steady inflow of revenue.

But the chairman of the National Association of Broadcasters, Mr Francis Babu, said for all its funding woes, UBC, being a parastatal organisation, was in a privileged position and had better access to financing than any other broadcaster in Uganda.[111] He said the Corporation had upgraded its technology and equipment, but it was still saddled with inefficient management. Mr Babu even proposed that one solution to UBC's problems would be to contract out the management of the Corporation.

5.2 Quality of programmes

Respondents acknowledged 'improvements' at UBC (when compared to its predecessor UTV and Radio Uganda), but decried the poor quality of its programmes. Mr Mutabazi said although the quality of pictures and programme content had improved, the standard of UBC's programme presentation was relatively lower when judged against that of the private stations.

110 Personal interview, 31 July 2009, Kampala.
111 Personal interview, 31 July 2009, Kampala.

MP Baliddawa noted that although UBC had done a good job of 'raising awareness levels of the population', it did not have enough relevant content and its programming was not as interactive as it should be. He also faulted UBC's journalism, especially the absence of investigative reporting. Stories needed to be followed up to give the public a full and better understanding of national issues, he said.

UMA's Emwanu agreed, arguing that many business people tended to watch private television stations, especially NTV, that tended to dig deeper into issues unlike UBC, which covered a wide range of issues but without depth.

Mr Babu faulted UBC's programming and content, saying they were not as diverse as would be expected. He said the national broadcaster operated more as a follower than as a pace setter. UBC should invest in extensive research for programme development, he said.

5.3 Geographical reach

One of the areas where respondents gave credit to UBC was its wide geographical reach. UHRC's Kemigisha said this wide reach improved the national broadcaster's potential. Emwanu said for business, UBC's countrywide reach offered great opportunities.

5.4 Diverse languages

UBC was also credited for offering programmes in diverse languages. Makerere's Chibita singled out UBC Radio, which she said deserved credit for maintaining broadcasts in as many as 24 languages, and thus ensuring that all major ethnic groups could be reached in their mother tongues.

6 Conclusions and recommendations

Legislation for public broadcasting in Uganda falls short of requirements in the African Declaration of Principles on Freedom of Expression to transform state into public broadcasters. In particular, the process of appointing the UBC board and managers as well as the statutory monitoring and supervisory mechanisms do not guarantee the broadcaster's independence and autonomy as well as accountability to the public as the principles of public broadcasting require. Indeed, the government continues to control and direct or have undue influence on the operations of UBC.

Whereas UBC is in principle a public broadcaster, it is wholly owned by the government which, ironically, expects it to compete in the market on the same terms

as commercial operators and to sustain itself financially as well.

So is UBC a public broadcaster? None other than Broadcasting Council chairman Mutabazi says it is not. The UBC Act of 2005 falls short of providing a conducive environment for public broadcasting. Moreover, the post-independence political outlook of treating the national broadcaster as a tool of the government continues to hold sway. While the journalists at UBC are no longer employed as civil servants, as was the case in the past, the existing conditions at the broadcaster tend to encourage acquiescence and obedience rather than creativity and innovation on their part.

Also, the fact that the management sees UBC as a commercial entity, admittedly with a public service mandate, may well pose a threat to its already shaky public service commitments as the pressures of competition may push it to more ratings-driven programming with little originality and innovation.

Due to lack of awareness of the UBC mandate, failure to appreciate the role of public broadcasting, and lack of confidence in the broadcaster and the regulator, the opposition, civil society and citizens generally appear to have accepted the status quo. This is a situation largely characterised by biased and unbalanced coverage in favour of the ruling party especially during election campaigns and heated political moments.

Recommendations

There is a need for an urgent review of the Uganda Broadcasting Corporation Act looking into, among other things:

- the definition of public broadcasting and UBC;
- the ownership structures of UBC;
- the appointment procedures for the board of UBC;
- the accountability of the board.

UBC should be transformed into a genuine public broadcaster that serves the public interest. The UBC Act must outline clear governing structures which shield the broadcaster from political interference and interference from other powerful forces in society that seek to influence it unduly.

Legal framework

- The public broadcaster should be an independent corporation established by law, not a national broadcaster owned by the state. Therefore, the Act should clearly state that UBC is owned and funded by the public to whom it is accountable.

- The UBC Act should be changed such that the mission of UBC is to serve the 'public interest' and not the 'government vision'.
- Public broadcasting should be defined according to international standards.
- The UBC Act should have specific provisions to protect the independence of the UBC against influence from the executive arm of government.
- The board of UBC should report to Parliament and not to the minister.

Governance of UBC

- The UBC board should be appointed in a way that makes the public broadcaster truly accountable to the public. Therefore the appointment procedures for the UBC should be open, transparent and free from political interference.
- The UBC board should represent a broad cross-section of the Ugandan population. Therefore, the act needs to be more specific in defining the criteria for appointing members to the board to guarantee representation of diverse interests and a cross-section of society.
- Persons who are office bearers with the state or political parties or have business interests in the media industry should not be eligible for UBC board membership.
- The role of the UBC board should be clearly set out in law.
- The main responsibility of the UBC board should be to ensure that the public broadcaster is protected against undue political or commercial influences and that it fulfils its mandate in the public interest.
- The UBC board should not interfere in the day-to-day decision-making of the broadcaster especially in relation to broadcast content and respect the principle of editorial independence.

Public oversight and accountability

- Civil society should take a more active interest in monitoring the operations of UBC and engage in advocacy to ensure that UBC meets its public service obligations. In particular, more awareness is needed among all stakeholders on the principle that a public broadcaster is supposed to be accountable to the public and not the government or ruling party.
- An independent Broadcasting Council should be empowered to perform the functions of monitoring the performance of all broadcasters.
- UBC should take immediate steps to increase transparency in accounting for its public broadcasting mandate. Such steps could include publishing and widely disseminating its annual reports.

Resources for the public broadcaster

- The government should commit more resources to ensure that the public broadcaster reaches all corners of the country.
- The government should provide funds to enable the fast-tracking of the plans to decentralise UBC through regional TV and radio stations serving local needs and interests.

Professionalism

- UBC should be supported to enhance ongoing efforts to create conditions that would improve the professionalism of its journalists. Partnerships for sharing expertise and joint programme production with successful public broadcasters should be developed and supported through public and donor funds.
- UBC should make public its editorial policy, code of ethics, and guidelines for all programmes. The guidelines should clearly spell out the responsibilities of the broadcaster and UBC journalists in the coverage of all matters of public interest, including elections.
- UBC should strengthen its in-house training programme and the capacity of the training editor in order to spearhead consistent improvements in all key areas including news reporting, editing, camera work, and production.

Public interest programming

- UBC should resist the pressures of competition and ratings-driven programming. In particular, UBC should, to the extent that funds allow, encourage local productions across all programme genres.
- To localise content, especially for radio, there is a need to decentralise the current technocratic broadcasting structure at UBC where programmes meant for the rural audiences are packaged and originated from the capital Kampala.

7
Funding of the Uganda Broadcasting Corporation

1 Main sources of funding

Article 6 of the Declaration of Principles on Freedom of Expression in Africa 2002 stipulates that 'Public broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets.' Indeed, among the strategies proposed in Uganda's Broadcasting Policy 2004 is for the government to 'adequately fund the public broadcasters in a manner that protects them from arbitrary interference with their budgets'.[112]

Unfortunately, this principle is not fully developed in the broadcasting policy, and it is not mentioned at all in the UBC Act. Section 14(1) of the act simply provides that funding for the Corporation shall consist of 'grants' from the government, 'loans' from the government; organisations or individuals; revenue 'generated in the discharge of its functions and commercial activities'; donations; TV viewing licence fees and advertising.

Funding through government grants was based on the assumption that UBC would soon become a financially viable and self-sustaining institution through its own revenue streams, notably television viewing licence fees and income from advertising.[113] In other words, the government grants were envisaged for only a few years of operation following the creation of UBC. Afterwards, it was assumed that UBC would be able to support itself in the same way the government's newspaper corporation, the highly successful New Vision Printing and Publishing Corporation, has managed to do.

In 2004, long before the creation of UBC, the minister of information introduced

112 National Broadcasting Policy, p. 19.
113 P.G. Mwesige & D.O. Balikowa, 'A long way to go': A Study of the Uganda Broadcasting Corporation (UBC) against the public broadcasting Model. Unpublished study, Kampala, 2007

the TV viewing licence fee in the hope that it would generate enough income to sustain the state broadcaster. A South African company was contracted to collect an annual fee of Shs 10 000 (about US$ 5) from each Ugandan household and entity in possession of a TV set. However, the move attracted wide condemnation from the public, with the government-owned newspaper, *The New Vision*, and the private *Monitor* both describing it as ill-thought.

The BBC reported at the time that the unpopularity of the licence fee stemmed from the fact that UTV was seen as a government broadcaster 'unashamedly subservient to the interests of ruling parties or military juntas'. It quoted an editorial in *The Monitor* which argued that 'UTV remains an electronic bulletin board for officialdom. It spends a disproportionate amount of time on the activities of government officials, and all sorts of endless (and sometimes useless) workshops.'[114] In its editorial, *The New Vision* argued that given that UTV competed for commercial advertising, it 'should not be eligible for subsidy through a television licence fee'.[115]

In 2005, President Museveni decided to stop the implementation of the TV licence fee system ahead of the 2006 presidential elections. This was even before the ministry of information had tested the administrative ability to collect the fee. So by the time UBC was created at the end of 2005, the licence fee idea had been shelved, at least temporarily.

In the last three financial years (2006/07, 2007/08, and 2008/09), the government has provided UBC with a grant of about Shs 1bn (about US$ 500 000) each year. The amount, which is disbursed in quarterly instalments, was determined by the ministry of information in conjunction with the ministry of finance. According to a senior UBC manager, the annual government grant, which is 'not sufficient', constitutes about 10–15 per cent of the broadcaster's budget.[116] The grant is not insulated, secure, nor transparent. According to the manager, the final figure and the timing of the disbursements 'depend on the mood of the finance ministry officials'.[117] He said lengthy bureaucratic delays often mean that the money is released too late to channel it into developing and producing programmes that address the needs of the public.

Although the manager said the government grant 'has no bearing on editorial independence', it is perhaps not lost on the management that the law provides no guarantees about what percentage of its funding UBC will receive from the government and the manner in which it will be disbursed. Conceivably, it would not be beyond influential government officials to withhold this grant if the broadcaster was

114 'TV licence plan turns off Ugandans', BBC Online, 25 March 2004 from http://www.news.bbc.co.uk/1/hi/world/africa/3564225.stm (retrieved on 30 December 2008).
115 Ibid.
116 Personal interview, Kampala, 10 June 2008.
117 Personal interview, Kampala, 10 June 2008.

perceived as pursuing an 'anti-government' agenda, which is how independent critical reporting is often interpreted by officialdom in Uganda.

For now, UBC generates about 85 per cent of its revenue from advertising (spot advertising as well as programme sponsorship) and rentals on its masts.[118]

One downside of this reliance on advertising revenue is that UBC has gone into direct competition with private broadcasters by providing the same entertainment-heavy content that attracts viewers and thus can be easily sold to advertisers instead of innovative and unique programming that would justify public funding.

Another major problem with reliance on advertising, especially in an environment where there is no clearly laid down editorial policy, is the potential influence of advertisers on programming and editorial independence. The government, therefore, has an obligation to fund UBC through grants and licence fees, with commercial revenue only supplementing the other sources. But, in any case, the law establishing UBC should have specified the proportion of funding that should come from commercial adverts to avoid compromising the national broadcaster's public service mandate.

Besides, as industry observers note, the TV advertising market in Uganda is lean and highly competitive, to the extent that even a normal market share would not provide sufficient revenue for UBC to provide innovative and unique programming that meets the demands of public broadcasting.[119]

Surprisingly, the fact that UBC competes for advertising revenue with commercial broadcasters has not been the subject of any serious public debate. But Peter Kabba, the head of radio at the Monitor Publications Ltd, the owner of KFM Radio, was unequivocal in his views on this issue during a public broadcasting round table discussion: 'If UBC takes taxpayer money, it should not take commercial advertising at the same time. It is unfair for them to compete for the small advertising revenue with private broadcasters who do not get government cash.'[120] The advocacy work of the National Association of Broadcasters is still confined among industry players and policy makers. And perhaps the ambivalence of the political class, civil society, and the public at large on this issue has only reinforced the current management's ambitions to commercialise UBC even further.

While UBC continues to compete for revenue, the boundaries between advertorial and editorial content are getting blurred, undermining not just the programming quality of the broadcaster, but also the professional credibility of staff/journalists.[121]

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118 Management declined to divulge the specific revenue percentages from advertising.
119 Personal interview with journalist and media consultant David Ouma Balikowa, Kampala, 12 December 2007.
120 Public Broadcasting in Africa: Uganda Report – Round Table Discussion, Kampala, 3 December 2009.
121 A show producer at UBC told our interviewer that his job was partly 'to find guests who were willing to pay to appear on the show'.

UBC staff interviewed said a lot of content considered damaging to major advertisers was routinely left out or glossed over, which has inevitably watered down the quality of programming and compromised the credibility of the Corporation.[122] 'In most cases promotional stories about the major advertisers, especially beer manufacturers and mobile phone operators, are passed off as business news. In a nutshell, we cannot antagonise Celtel,' one manager said.[123] Then UBC TV manager Mark Walungama for his part said, 'At times you have to sell, so business also counts.'[124]

It has now become standard practice for NGOs and sometimes government agencies to pay for talk shows which focus uncritically on their activities. In most cases, viewers are not warned that the talk shows have been paid for by the very people who appear on them as guests.

Up to now, the future of UBC funding remains unclear and continues to affect the broadcaster's ability to offer diversified, creative, and unique programming. The absence of parliamentary or any other form of systematic public oversight over UBC also ensures that there is no regular or transparent accountability for its grant and advertising income.

2 Spending

According to Section 19 of the UBC Act, the audited annual accounts of the broadcaster and the Auditor General's report on them are supposed to be delivered by the board to the minister, who in turn is supposed to present them to Parliament. Thus far no such accounts have been tabled before Parliament or made public in any other form, making it impossible to independently scrutinise UBC's expenditure.

According to one manager, UBC spends 40 per cent of its budget on 'technical' areas, 35 per cent on administration, 15 per cent on programming and 10 per cent on local programmes.[125] In the absence of a rigorous policy and accountability mechanism, it is impossible for the broadcaster to explain whether such a breakdown provides value for money. For instance, it is unclear whether there is a ceiling for expenditure on administration.

Sections of UBC staff interviewed complained that too much money was spent on sitting allowances for board members. According to the UBC Act, the board is supposed to meet at least once every three months. However, the current board meets at least every month and sometimes twice a month. Some staff members felt the

122 Personal interviews with several UBC staff members, Kampala, September 2008.
123 Celtel, the mobile phone operator, has since been renamed Zain and is one of UBC's major advertisers.
124 Personal interview, Kampala, September 2008.
125 Personal interview, Kampala, 10 June 2008.

frequency of the meetings was a backdoor method of the board members rewarding themselves.

Conceivably, the minister of information can use the powers of the office to determine how much money UBC is to spend on specific areas. Section 16(1) of the UBC Act provides that the board shall within a period of three months before the end of each financial year submit to the minister for approval the estimates of income and expenditure of the Corporation for the ensuing year. Section 16(2) provides that 'No expenditure shall be made out of the funds of the Corporation unless the expenditure has been approved by the minister under the estimates for the year in which the expenditure is to be made or in any supplementary estimates.'

Managers interviewed said they had so far not felt any pressure from the government on the broadcaster to spend funds on activities outside its mandate or budget. Incidentally, one manager reported that during the repairs to the complex that houses the broadcaster, management was forced to change the colours of the wall fence as the blue that they had chosen was the official colour of the opposition Forum for Democratic Change (FDC).

3 Conclusions and recommendations

The lack of streamlined funding mechanisms has left UBC exposed to the vagaries of the market, competing with private stations for advertising while at the same time getting public funds for its operations. The competition has also meant that UBC has tended to adopt too much popular programming that attracts audiences but does not necessarily promote its public service mandate. In fact, in some cases, UBC's public mandate has been compromised by commercialisation. Major advertisers continue to get a free pass on both UBC TV and UBC Radio, while programme sponsorship has reached levels where the boundaries between advertorials and editorial programming are blurred.

Moreover, as a result of insufficient funding, UBC editorial staff numbers remain too low, there are too few cameras and recorders, often of poor quality, some studio and transmission equipment is obsolete, and the news and programming budget remains inadequate. In the circumstances, it is inconceivable that UBC can produce the creative, innovative and diverse programming that public broadcasting demands.

Recommendations

- The basic precondition for any successful reform of funding is the review of the UBC Act with the goal of transformation the Corporation into a credible public broadcaster offering quality programming designed to meet diverse audience needs.
- UBC should be funded by a healthy mix of government grants, licence fees, and income from advertising/sponsorships. Before deciding on the mix, a proper audit should establish the actual financial needs of UBC.
- The funding of UBC needs to be addressed urgently if the broadcaster is to fulfill its public service mandate.
- If licence fees are to be levied on TV sets as envisaged in the UBC Act, there should be broader public and stakeholder consultations.
- Among many issues, a debate is needed on whether a broadcaster that is supported by public funds should be allowed to engage in commercial advertising and, if so, to what extent.
- In order to uphold the principle that the public broadcaster should be adequately funded in a manner that protects it from arbitrary interference with its budget, the UBC Act should be amended to specify the percentage of funding that should come from government grants. Also, the disbursement of these grants should not be left to the discretion of the ministry of finance.

8

Programming

1 Programme formats

1.1 Radio

UBC operates six radio stations, namely, Red Channel, Blue Channel, Butebo, Star FM, Magic FM, and Mega FM. The formats of Red Channel, Blue Channel, and Butebo emphasise public interest programming that is supposed to cater to the country's social and cultural diversity by targeting specific language/ethnic groups.[126] Most of the programmes on these four stations aim at educating and informing the public, but with a significant dose of light/entertainment programming. For example, Red Channel runs programmes for the youth (*Arado*), on health (*Lugbara Alata*), on culture (*Our Heritage*), on employment opportunities (*Job Scan*), and on lifestyle (*Ladies Corner*).

- Red Channel primarily targets audiences that use the indigenous languages of northern Uganda as well as English. These audiences are resident either in the north of the country or in the central region particularly in and around the capital city Kampala. The station therefore broadcasts in English, Swahili, Alur, Kakwa, Kinubi (or Nubian), Lugbara, Madi, as well as Luo and transmits on different regional frequencies.
- Blue Channel focuses on audiences that use the indigenous languages of southwestern Uganda as well as English. These audiences live either in the southwest region of the country or in the cosmopolitan central region especially in and around Kampala. The station broadcasts in the following

126 http://ubconline.co.ug/radios.php/.

languages: Runyoro-Rutooro, Luganda, Rwamba, Rukonzo, Urufumbira, and Ruruli. It transmits on ten different frequencies covering parts of central, south, western, and eastern Uganda.

- Butebo Radio targets audiences for the indigenous languages of eastern and northeastern Uganda in addition to English. The speakers of these languages are largely found in the northeast of the country and in the ethnically diverse central region. The station's languages are: Lusoga, Nyakarimojong, Ateso, Kumam, Lumasaba, Lunyole/Lusamia, Lugwe, Adhola, Kupsabiny, and Lugwere.
- Star FM broadcasts only in Luganda and its audience is concentrated in the central region.
- Magic FM is a purely sports station and broadcasts entirely in English. The station broadcasts primarily to the Acholi community of northern Uganda and was particularly influential in the peace settlement between the government and the Lord's Resistance Army rebel group.

Compared to private radio stations, UBC has more diverse programme formats ranging from news and current affairs, documentaries, drama/comedy/serials, music shows, chat shows, educational programmes, to children, religious, youth, and sports programmes. And it also offers programmes in a wider range of local languages. Capital FM, which was selected to represent private radio, is by and large a music station. Its other major formats include news and current affairs, talk shows, magazine shows, and educational programmes. The station broadcasts mainly in English, but also carries news and a few other programmes in Luganda or a mixture of both English and Luganda.

Yet, according to results of audience research conducted by the Steadman Group, now Synovate, in early 2009,[127] it appears that UBC Radio does not enjoy its edge in diversity of programme formats in the eyes of many Ugandans. Asked about diversity of programmes, 71 per cent of respondents[128] agreed that state/public radio broadcasters 'offer a wide variety of programmes'. In contrast, 81 per cent said the same about private radio stations. This disparity could in part be a result of the higher awareness and popularity enjoyed by the private radio stations over UBC as more audience survey results discussed later will show. As Table 12 shows, private radio stations outscored the state/public broadcaster as well as community radio stations on all diversity indices.

Similarly, slightly more respondents (80 per cent) agreed with the proposition that

127 The Steadman Group, *Audience Research Survey Final Report – Uganda*, March 2009.
128 The Steadman Group survey was based on a random sample of 1 210 Ugandans from all over the country.

private radio stations 'provide enough programmes in local languages understood by the audience'. For UBC radio stations, 79 per cent agreed with the proposition. This could also be in part because the proliferation of private radio stations in the countryside in recent years has increased the number of local/regional broadcasters that offer programming predominantly in the main local language of the community.

Table 12: Level of listener agreement on diversity of radio programmes

Diversity index	Percentage saying strongly or somewhat agree in relation to State/public radio broadcasters	Percentage saying strongly or somewhat agree in relation to private radio broadcasters	Percentage saying strongly or somewhat agree in relation to community radio broadcasters
Provide enough programmes in local languages understood by the audience	79	80	76
Offer entertainment for all kinds of people	72	84	70
Offer a wide variety of programmes	71	81	70
Provide adequate programmes to cater for children	69	74	69
Provide programmes not only for the general public but also for minority audiences	63	72	66

Source: The Steadman Group, Audience Research Survey Final Report – Uganda, March 2009

Part of the justification for having public broadcasters that enjoy public or state funding is that they are able to offer diverse programmes that cater to audiences that are often ignored by the private broadcasters who are said to care more about profits. In Uganda, however, UBC's diverse formats and languages do not appear to have given it a meaningful edge in the public mind.

1.2 Television

UBC TV targets the entire spectrum of Ugandan viewers with programmes distributed among a wide cross-section of formats/genres. Major genres include news, current affairs, documentaries, music shows, movies, drama/comedy/serials, talk shows, chat shows, children's programmes, sports, and religious programmes. English is the dominant language of programming on UBC TV, although news and a few other programmes are also carried in Luganda and Kiswahili.

Private television stations also tend to target a broad spectrum of viewers with programmes distributed among pretty much the same major formats/genres. English is also the predominant language on most private television stations, which also carry news and a few other programmes in Luganda and Kiswahili. But there are some differences. NTV, which was selected to represent private television stations, offers a wide selection of genres for the mass audience but it also specifically targets educated youth, particularly students in tertiary institutions and young professionals or young employed people. It tends to have more entertainment-based formats such as drama, comedies, serials, movies, music shows, and game shows.

Yet, as with private radio stations, the results of Synovate's audience research reported in Table 13 suggest that significantly more people (77 per cent of the respondents) believe that private televisions stations offer a wide variety of programmes compared to UBC TV (66 per cent). But as the findings show, UBC TV was rated better or just about the same as private television stations on other measures of diversity such as local language programming, and programmes for minority audiences, including children. These findings suggest that the advantages that UBC is supposed to enjoy over private television stations have not necessarily translated into better perceptions of the national broadcaster among the audience.

Table 13: Level of viewer agreement on diversity of television programmes

Diversity index	Percentage saying strongly or somewhat agree in relation to State/public broadcaster	Percentage saying strongly or somewhat agree in relation to private television broadcasters
Provide enough programmes in local languages understood by the audience	67	61
Offer entertainment for all kinds of people	70	74
Offer a wide variety of programmes	66	77
Provide adequate programmes to cater for children	70	69
Provide programmes not only for the general public but also for minority audiences	64	62

Source: The Steadman Group, Audience Research Survey Final Report –Uganda, March 2009

2 Programme/editorial policies and guidelines

In general, UBC programming is guided by the UBC Act of 2005. Section 22 of the Act specifies seven provisions that form the foundation of UBC's editorial policy. The policy aims to:

a) Establish effective machinery for a wide coverage of events all over the world and Uganda in particular.
b) Voice public opinion and criticism of a given public policy in a fair and objective manner.
c) Uphold the integrity of the Republic of Uganda and promote harmonious relationships among people, its neighbours and the world at large.
d) Collect, process, analyze and propagate news and comments truthfully, honestly and fairly without jeopardizing peace and harmony in the country.
e) Respect and uphold the sovereignty and unity of Uganda and to come out firmly on the side of Uganda on matters affecting such sovereignty and unity without affecting the truth, which must at all times be the guiding line and governing principle of television and radio broadcasts.
f) Ensure that the Corporation does not broadcast any material which is indecent, obscene or offensive to public morals, religious convictions or is likely to prejudice the safety of the state or public order between sections of the population.
g) Ensure that the Corporation's broadcasting is in line with the code of conduct prescribed by the Broadcasting Council.

The language of the Act is in some cases couched in ambiguities that can be exploited by the authorities to whom the national broadcaster is answerable. For instance, what does it mean to 'come out firmly on the side of Uganda on matters affecting [its] sovereignty and unity'? The country's history is replete with many examples where ruling parties and military juntas have considered their own policies, pronouncements, and actions as being on 'the side of Uganda' while those of their critics and the opposition are considered unpatriotic and criminal.

UBC's editorial policy is premised on eight editorial and professional principles, namely: objectivity, fairness, integrity, credibility, privacy, sensitivity, good taste and credibility of sources of information. It emerged during a round table discussion on public broadcasting that the policy was still in draft form and was yet to be ratified by either the UBC management or the board.[129]

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129 Public Broadcasting in Africa Series: Uganda Report – Round Table Discussion, Kampala, 3 December 2009.

In any case, the editorial guidelines generally resonate with some widely held principles of public broadcasting. One such principle is to 'empower and inspire citizens, especially the poor and marginalised, in their quest to improve the quality of their lives'.[130] Accordingly, UBC's guidelines on education broadcasting state that, 'All educational programmes should be informative, aim to promote a culture of learning and teaching and support the drive for life-long learning'; and that, 'All educational programmes must aim at promoting the culture of learning and impart knowledge and skills that will help the audience achieve sustainable development'.

Another mandate of public broadcasting is to 'promote and develop local content, among other means through adherence to minimum quotas'.[131] In line with this principle, 'UBC as a national broadcaster strives to have 70 per cent local programming on radio and television,' according to the organisation's editorial policy.

However, it is notable that the editorial policy is either silent or does not come out unequivocally on key principles of public broadcasting such as editorial independence (reporting on news and current affairs in a manner that is not influenced by political, commercial or other special interests), holding those in power accountable, reflecting as comprehensively as possible the range of opinions on matters of public interest, and promoting the principles of free speech and expression.

As far as credibility is concerned, the editorial guidelines direct that:

> a) UBC as a national broadcaster must at all times ensure that all reports/programmes are credible.
> b) UBC journalists should avoid situations that could cause reasonable apprehension that a journalist or the Corporation is biased or under the influence of a pressure group. On-air personnel, editors, presenters and reporters must avoid publicly identifying themselves in any way with partisan statements or actions on controversial matters.

The guideline on fairness states that:

> UBC journalists must always present stories in a fair and balanced manner. When exceptional circumstances make it impossible to achieve fairness and balance, or when a damaging critique of an individual or institution is broadcast, those criticized should be given a right of reply.

130 Based on: African Charter on Broadcasting 2001; Declaration of Principles on Freedom of Expression in Africa 2002; 1995 policy document 'On The Move' and 2007 draft policy paper 'Now is the Time' by the Southern African Broadcasting Association, a document in which state/public broadcasters in Southern Africa commit themselves to the aim of public broadcasting.

131 Ibid.

However, in practice, as vindicated by the evidence already presented regarding the public broadcaster's coverage of the 2006 elections, UBC hardly respects this guideline especially as far as the opposition is concerned. On numerous occasions, the president has criticised the opposition, describing their leaders in all manner of derogatory terms. Rarely do UBC stations give these leaders an opportunity to respond in the same stories.

The provisions related to how UBC journalists should handle sources of information are quite elaborate in detailing the factors or precautions that ought to be taken into account. These factors focus on: identifying and protecting sources; dealing with anonymous sources; covering grief, suffering, and children; reporting on violence, kidnapping, terrorism, hijacking, warnings, threats, hoaxes, and bomb alerts; reporting on HIV/AIDS, suicide, and victims of sexual offences; and use of embargoed information.

The UBC editorial policy entails a host of other specific guidelines for journalists. These relate to: stereotyping; the watershed (prime time); parliamentary, educational, and religious broadcasting; talk shows and phone-in programmes; covering campaigns and elections; reporting election results and opinion polls; using PR and library material; editing of material in general and interviews in particular; dealing with mistakes; covering designated national events; local content; screening programmes; promoting East African regional cooperation; and copyright issues.

UBC's editorial policy as a whole attempts to guide journalists on general reportorial and ethical issues. The provision relating to election results reporting provides that: 'Close consultations must be made with the Electoral Commission of Uganda where announcement[s] for elections are to be made for eventual broadcast.'

The calling of elections by the media, especially the instantaneous relaying of results by broadcasters as they are received from polling stations, has always been a source of friction between government and journalists. There are legitimate worries about unofficial results fuelling tensions in the electorate; yet a case can be made for real-time announcement of results by the media as it can bring a measure of transparency to the electoral process and insure against ballot fraud.

UBC's editorial guidelines on opinion poll reporting state that:

> a) The name of the polling organisation must always be named when reporting opinion polls;
> b) Great care must be taken when conducting online polling so as to avoid accusations of bias. Online polling where users are invited to register their opinion by clicking 'yes' and 'no' is vulnerable to manipulation.

Opinion polling is a relatively new phenomenon on the Ugandan political scene and poll results often cause jitters on all sides of the political divide. It could be argued that many journalists, politicians, and citizens are yet to develop a sophisticated appreciation of the methods, outcomes, purpose, and substance of opinion polls. It is common for reporters to report poll results out of context, while politicians tend to intuitively discount poll results when they do not favour their candidate or party. Citizens, on the other hand, tend to take poll results at face value.

According to UBC's editorial guideline on religious broadcasting, 'Contributors to religious programmes should not make claims of exceptional powers (for example healing) unless these can be substantiated.' The guideline does not, however, say explicitly whose onus it is to authenticate the claims of such powers.

UBC has established standard operating procedures to deal with more predictable complaints. When a programme with graphic content is to be aired, viewers are warned at the outset and all through the programme with a scroll at the bottom of the screen. UBC's editorial guidelines also require that programmes are edited as appropriate and screened to ensure that they do not cause controversy among the viewing public. However, such cautionary measures are applied in such a way as to maintain the flow and essence of the programme's story. A music video with too much nudity would be blacklisted outright.[132]

In contrast, very few private broadcasters in Uganda have comprehensive editorial policy guidelines.[133] NTV, which is bound by the editorial policy guidelines and objectives of its parent company NMG,[134] is one of the notable exceptions. Some of the company's 'core' editorial values include the following:

1) The Group's news and information outlets must remain independent of vested interests or external influences. The Nation Media Group is publicly quoted, its structure and ownership known to all. Its news and information outlets are committed to being comprehensive and accurate in content and their commentaries fair and considered. Their constant objective is to ascertain and verify the truth of what they publish in so far as this can be established.
2) Veracity in reporting is an integral part of editorial policy and editors will only publish that which they believe to be true, fair and accurate. Every effort will be made to ascertain the factual accuracy of articles through, for instance, the mandatory use of tape-recorders or other recording devices.
3) All editorial content will be selected for its inherent news value and not to

132 Mr Mark Walungama, then acting manager UBC TV, personal interview, 29 July 2009.
133 Peter G. Mwesige and others 'SWOT Analysis Report for 10 Radio Stations in the Acholi Sub Region' prepared for the Northern Uganda Transition Initiative (NUTI), March 2009.
134 The Nation Media Group Limited Editorial Policy Guidelines and Objectives.

> appease or augment political, commercial or any other interests. In this respect, all advertisements and advertising-related material will be sign-posted as such.

The NMG editorial policy guidelines also specifically acknowledge the 'responsibilities and influential power of a free press in a modern society'. Accordingly, NMG recognises that:

- Freedoms of Speech and of the Press are basic elements of a democracy. A free, independent Press is among the most important institutions in a democratic country.
- As a social institution, the Press discharges crucial duties by carrying information, debates and critical comments on society. The Press is, therefore, particularly responsible for allowing different views to be expressed.
- The Press protects the Freedom of Speech and of the Press and it cannot yield to any pressure from anybody or any institution that might want to prevent the free flow of information, free access to sources and open debate on any matter of importance to society.
- It is the duty of the Press to publish information on what goes on in society and to uncover and disclose matters that ought to be subjected to debate or criticism.
- It is the duty of the Press to protect individuals against injustices or neglect committed by public authorities and institutions, private concerns and others.

An official of Capital FM, which was chosen to represent private radio stations in this study, said they had a programme policy that catered for the editorial content of their programming. However, he declined to share any relevant documentation and could not commit to an interview either.

In their study of ten radio stations in northern Uganda, Peter Mwesige and others noted that 'a majority of the stations studied do not have fully fledged editorial policies to guide newsroom operations and journalism practice. The few that do have flimsy documents that do not provide adequate detail on editorial principles and ethics.'[135] They cite the example of one private FM station whose editorial policy is a one-page document that contains the following:

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135 Peter G. Mwesige and others 'SWOT Analysis Report for 10 Radio Stations in the Acholi Sub Region' prepared for the Northern Uganda Transition Initiative (NUTI), March 2009.

1) No article would go on air without the consent of the news editor.
2) All articles from fields should be submitted in time (an hour to new [sic] schedule time)
3) Reporters must not ask for money (Bribe) from the news sources to either run or kill the story.
4) All reporters must submit balanced articles.
5) No defamatory story will be run.
6) Continuous absenteeism from duty without notification is liable to punishment.
7) Staff should be in the work place by 8:00am.

NB: Please you should ensure that you abide by the above policy.

'Although it is obviously better than nothing, such a policy arguably contributes very little to cultivating a professional culture in the newsroom,' the study authors argue. 'The principles outlined require a context that talks about the big picture. Similarly, ethical principles such as not taking bribes from news sources and "balance" require a rationale. Their value is not self-evident.'

Another station that they studied had the 'News Guidelines' below, which suffered from similar inadequacies:

- Search news from the internet and other reliable sources.
- Reporters should report news from the confirmed sources only.
- All the reporters must report news to the news editor for editing and airing.
- Most of the political stories must have sound bits [sic].
- All the news bulleting [sic] each time must be recorded for evidence.
- The news editor in case of no reporter at the station must respond for news searching [sic].
- News meeting done every day at 8:00 am to 8:30am.
- News bulleting [sic] should be on time.
- All the news readers must be in the news room 15 minutes before time for news.
- In case of any interruption, the news editor must be informed by programme manager.
- Review of the top stories for the whole week done once on Saturday evening at 9:00pm.

Mwesige and his colleagues argue thus:

> For instance, why should reporters 'report news from the confirmed sources

> only'? This presumably is about the importance that the radio station attaches to accuracy, but this is not self-evident. Similarly, why are political stories singled out to carry sound bites? This is probably a way of escaping the wrath of politicians and government officials in response to controversial stories. It could also be a way of minimizing partisan or skewed reporting. Whatever the case, the importance of using sound bites on political stories should be explained with sufficient context.[136]

But even where comprehensive editorial policies exist as in the case of UBC and NTV, adherence to them is another matter. Critics have argued for instance that UBC appears to have a selective reading of its own editorial policy when it comes to political news. John Bosco Mayiga, the National Coordinator of the Uganda Media Development Foundation, argues, for instance, that UBC 'does not seem to be at liberty to represent the wide range of views on the political spectrum because of pressure from the government'.[137] He adds that just like commercial broadcasters, UBC also appears to remain vulnerable to pressure from advertisers. In fact, the results of the Synovate audience research discussed in subsequent sections in this chapter show that less than half the respondents believed that UBC and private broadcasters were independent from advertisers.

3 Programme schedules

3.1 Radio

Red Channel radio was selected as a representative case of the national broadcaster for a programme content analysis based on one week's sample.[138] The results show that music shows were the single biggest consumer of air time, with a total of 44 hours and 15 minutes a week. Talk shows were the next most predominant programme genre, consuming ten hours a week. Issues discussed included current affairs, Christianity, politics and social affairs. News came in third with nine hours and 40 minutes. On average, Red Channel aired ten daily news bulletins of about 15 minutes each. Slightly more than half of the bulletins were in English while the other half were in local languages including Luo, Madi, and Kiswahili. This amounted to at least two-and-a-half hours of news per day, though this was especially so from Monday to Friday. On weekends the station tended to carry a far reduced menu of news that was restricted to

136 Ibid.
137 Personal Interview, Kampala.
138 The week of 1–7 June 2009 was sampled.

three bulletins spread out in the early morning, the mid-afternoon, and at night.

With seven hours and ten minutes a week, documentaries/features were the fourth most predominant genre on Red Channel. Women programmes came in fifth, consuming six hours and 45 minutes a week, followed by sports with six-and-a-half hours a week.

Current affairs followed with three hours and 45 minutes a week. The station's flagship current affairs programme is *News Hour*, which airs from Monday to Friday from 20h15–21h00.

Red Channel's schedule was also dotted with specialised one-hour programmes that were aired once a week on developmental/social topics and public affairs issues such as women/gender, children, health, education, the environment, and employment.

The fact that Red Channel broadcasts in eight languages on a typical day gives all local languages fair representation in terms of the programme count over an entire week. Although the tracking of the broadcasts did not capture all the different language programmes, there is a drawback to this multiplicity of languages. It leaves the station with an audience that is highly fragmented among so many language groups as it tries to offer something for everybody. The same problem applies to UBC's other regionally-oriented stations – Blue Channel and Butebo.

Red Channel's standard programme schedule that was in effect during the first week of June 2009 showed that, measured in terms of cumulative time allocation, English programmes had a greater share of air time. For example, the typical Monday schedule between 6h00 and 23h00 hours had about 38 individual programmes[139] of which 22 programmes (57 per cent) were in English. The English programmes thus accounted for about nine hours or at least half of the regular transmission time between 6h00 and 23h00 (17 hours altogether). The average for the rest of the week was 19 English programmes or 50 per cent of all programmes. Although music shows tended to carry a mixture of foreign and Ugandan music in almost equal measure, Red Channel's schedule consisted predominantly of local productions.

Private radio stations generally had fewer programme genres than the UBC stations. Capital FM is by and large a music station, but also airs arguably the longest running public affairs talk show, *Capital Gang*, which runs for two hours on Saturday from 10h00. The show deals with the topical issues of the week. *Capital Doctor*, a health education chat show, aired on Tuesday for an hour at 9h00 during the sampled week. Music is obviously Capital FM's dominant format, followed by chat shows. The station's flagship morning show, *The Big Breakfast*, takes a magazine format and runs Monday to Friday for four hours starting at 6h00. It offers a variety of banter, humour,

139 Based on a count of programme titles.

news, general information, gossip, sports updates, and occasional serious discussion of topical national and international issues.

Capital FM spends just about half the time (five hours a week) that Red Channel spends on news and slightly more than twice the time that UBC radio stations spend on music.

Red Channel clearly has more diversity in terms of programme genres and language of news. One would think that UBC Radio is, therefore, more likely to address the information and education needs of its audience across a broad spectrum of issues.

However, Steadman's audience research revealed that private stations, including Capital FM, came out on top in terms of listenership. CBS 1 (FM 88.8) led the ratings with 19.8 per cent of the respondents saying they had listened to the station yesterday, followed by Capital FM with 17.4 per cent, CBS 2 (FM 88.2) with 16.6 per cent, and Radio West with 14 per cent. UBC (Red Channel, Blue Channel, and Butebo) came in fifth with 13 per cent. Community stations such as Radio Pacis (4 per cent), Radio Kagadi (2.4 per cent) and Mama FM (1.7 per cent) were at the bottom of the pack.

Table 14: Level of listener agreement on different categories of radio content

Content index	Percentage saying strongly agree in relation to private radio broadcaster	Percentage saying strongly agree in relation to state/public radio broadcasters	Percentage saying strongly agree in relation to community radio broadcasters
Provide adequate local news that is relevant to my information needs	57	45	50
Provide information that is educative	56	49	48
Promote local music	50	45	44
Provide news from all parts of the country, including rural areas	46	40	37
Provide adequate international news that is relevant to my information needs	39	29	29
Promote local drama	35	30	33
Reflect local cultures and way of life	25	22	25

Source: The Steadman Group, Audience Research Survey Final Report – Uganda, March 2009

Of course these results should be interpreted with caution, given that local or regional stations and national broadcasters target different audiences. Local stations may have fewer listeners overall, but those who do tune in are highly dedicated listeners; which is not always the case with listeners of the stations that target national audiences such as UBC and Capital FM. It appears that radio listeners prefer to regularly listen both to a nationally oriented broadcaster and to a local station. This could apply especially to rural listeners who may wish to be informed about national stories and issues or events outside their localities.

Otherwise, listeners also rated private radio broadcasters better than UBC stations in covering various types of content, including entertainment, education, health and wellbeing, local politics, international politics, local sports, national politics, human rights and development. They also rated private radio broadcasters better on provision of local and diverse news, educative information, international news, and the promotion of local music and drama. As Table 14 shows, the only category where UBC radio had the edge over private broadcasters was on reflecting local culture and way of life.

3.2 Television

In general, UBC TV's programmes were distributed among a wide cross-section of genres. Beyond news and current affairs, the station carried at least one programme every week in each of the other major genres: talk shows (e.g. *Policy Matters*), faith (*Islamic Hour*), culture/media/arts (*The Art and Culture of Uganda*), drama/comedy series (*The Gardner's Daughter*), women (*Gender Agenda*), sports (*African Soccer*), and music shows (*Da Beat*).

Content analysis of UBC TV programmes in the first week of June 2009 revealed that news consumed the largest amount of time (25 hours and 20 minutes a week).

In the week sampled, UBC TV aired four major daily news bulletins in the early morning (English), in the mid-afternoon (English), in the evening (Swahili/Luganda), and at night (English). This was about one-and-a-half hours of news every day and was the trend for the station. The time between 00h30–6h00 was usually filled with BBC and Deutsche Welle news and current affairs programmes. Talk shows (on topical political and social issues) followed with 14 hours a week. Music shows and children's programmes came in third on UBC TV, each taking up ten hours a week.

Current affairs followed with nine hours and 50 minutes a week. Documentaries/features took up nine hours and 20 minutes a week. The station's current affairs programming devotes a substantial amount of time to live broadcasts of parliamentary proceedings from Tuesday to Thursday, taking up about two hours each day when the legislature is in session.

Movies took up seven hours and 45 minutes each week, chat shows (mainly on human interest and lifestyle issues) six hours and 50 minutes, faith-based programmes six hours and 25 minutes, and drama/comedy/serials four hours and 45 minutes.

Measured by the number of individual programmes UBC carried over the sampled week, the majority of programmes were either locally produced or were a mix of local and foreign productions. However, foreign productions accounted for a lot more time than did locally produced programmes. For instance, in a 24-hour cycle, BBC programmes alone consumed a quarter of UBC's time although they run during the six-hour slot after mid-night. Also, nearly all the documentaries/features featured on UBC were foreign. UBC managing director Mugasa Musinguzi has in the past conceded that 'in terms of local programming, there is still room for improvement'.[140] UBC managers blamed the disproportionate reliance on foreign productions on lack of equipment, insufficient editorial staff, and financial resources.

UBC managers claim that the station could not produce local documentaries when the few cameras available were required for the studio and news teams. As a result, these researchers concluded, the bulk of UBC TV's local productions were news, music and talk shows, with hardly any productions on developmental issues.[141]

English, Luganda, and Swahili were UBC TV's principal languages, in that order. The station aired more than twice as many programmes in English as it did in Luganda and Swahili combined.

Private television stations are not faring any better as English remains the predominant language of programming while foreign productions also outnumber locally produced programmes. In the week sampled at the end of May 2009, NTV's programming was predominantly entertainment-based, with most of the content consisting of foreign productions including long hours of foreign news. Very little of this content qualifies as public interest programmes, though NTV's prime time news show stands out for its breadth, depth, and focus on genuinely Ugandan public and social affairs.

From Monday through Sunday during the sampled week, the 00h10–10h00 slot was used for Al Jazeera news. The morning hours starting at 10h00 were filled with entertainment fare such as soap operas (e.g. *Ugly Betty*, *Two Sides of Ana*, and *El Cuerpo Del Deseo*) until 13h00 when the news, *NTV At One*, came on. Afternoons and evenings were usually a mix of sitcoms (e.g. *That's So Raven*), game shows (*Zain Africa Challenge*), dramas (*Criminal Minds*), reality shows (*Amazing Race*), and music shows (*The Beat* and *Koona Ne NTV*). The flagship prime time news programmes, *NTV*

140 See Peter G. Mwesige & David Ouma Balikowa, 'A Long Way to Go': A Study of the Uganda Broadcasting Corporation Evaluated Against the Public Broadcasting Model, November 2007.
141 Ibid., p.3.

Tonight and *NTV Weekend*, were aired at 21h00. The station aired its Luganda news bulletin, *NTV Akawungeezi*, at 19h00.

NTV's Thursday talk show, *On the Spot*, was their main current affairs programme on which public figures and other personalities as well as representatives of institutions in the news were hosted to debate topical public issues.

Overall, news took up the biggest amount of time on NTV (53 hours a week: with local news just 13 hours and 25 minutes and the rest foreign news, mainly from Al-Jazeera), followed by drama/comedy/serials (24 hours a week) and music shows (seven hours).

The results of the Steadman audience research suggest that UBC TV competed more favourably with the private stations. WBS TV had the highest percentage of respondents (20.8 per cent) saying they had watched yesterday, followed by UBC TV (19.1 per cent) and NTV (16.5 per cent).[142] GTV[143] was fourth with 9.1 per cent followed by DSTV (7.9 per cent) and NBS (5.1 per cent). Part of UBC's competitiveness arises from the fact that it still has the widest reach of all TV stations in the country. In fact, earlier ratings by the Steadman Group had showed that outside Kampala and Greater Kampala, where WBS was the leader, UBC TV led in all other regions of the country.[144]

Analysis of the demographic profiles of the audiences (see Table 15) shows that WBS and UBC TV had the widest reach across the key demographic dimensions of locale, gender, and age. WBS TV, in particular, was the viewers' favourite channel across all the demographics.

Table 15: Dominant characteristics of regular TV viewers

Station	Locale	Gender	Age
UBC	Urban	Male	35–50
WBS	Urban	Female	31–50
DSTV	Urban	Male	18–35
NTV	Urban	Male/female	18–25

Source: The Steadman Group, Audience Research Survey Final Report – Uganda, March 2009

142 These percentages are based on the total sample of 1,210. Although the percentages increase, the order of the ratings remains the same when the percentages are based on those who have ever watched TV (774). WBS (32.6 per cent), UBC (29.9 per cent), NTV (25.7 per cent), GTV (14.3 per cent), DSTV (12.4 per cent) and NBS (8 per cent).

143 GTV has since shut down.

144 See Peter G. Mwesige & David Ouma Balikowa, 'A Long Way to Go': A Study of the Uganda Broadcasting Corporation Evaluated Against the Public Broadcasting Model, November 2007, p.3.

Slightly more than a quarter of TV viewers (27 per cent) selected WBS as their favourite channel followed by DSTV (18 per cent), UBC (17 per cent), and NTV (8 per cent).[145] All the smaller networks, which had very low viewer numbers, were mentioned as 'favourite' stations by just about 1 per cent of viewers. Eleven per cent of respondents did not mention a favourite channel.

Respondents indicated their level of satisfaction with TV broadcasters based on a scale of 1 (very dissatisfied) to 5 (very satisfied). NTV got the highest mean score of 3.6. WBS and DSTV followed closely with a mean score of 3.4. UBC TV scored a low 2.9.

Local programming seemed to be attracting viewers and broadcasters appeared to be responding, albeit slowly, with more local content. Slightly over one-fifth of viewers (21 per cent) said local news was their favourite programme, making it the most important type of TV programme for the majority of viewers. Moreover, when viewers were asked which types of programmes they wanted to see more of on television, local news (47 per cent) carried the day followed by social talk shows (32 per cent), African sports (27 per cent), and game shows (23 per cent).

The survey results also suggest that viewers rated UBC TV better than private broadcasters on the provision of local news. As Table 16 shows, the national broadcaster was about level with the private broadcasters on most of the other content categories.

Table 16: Level of viewer agreement on different categories of TV content

Content index	Percentage saying strongly agree in relation to private TV broadcasters	Percentage saying strongly agree in relation to state/ public TV broadcasters
Provide adequate local news that is relevant to my information needs	28	47
Provide information that is educative	46	44
Promote local music	44	42
Provide news from all parts of the country, including rural areas	36	37
Provide adequate international news that is relevant to my information needs	34	31
Promote local drama	32	31
Reflect local cultures and way of life	23	24

Source: The Steadman Group, Audience Research Survey Final Report – Uganda, March 2009

145 At the time of the survey, 14 per cent of viewers nominated GTV as their favourite channel.

4 News and current affairs programmes

UBC TV dedicates about three hours per day to locally produced news on weekdays: 6h00–7h00 *Breakfast News*; 13h00–13h30 UBC Today; 18h45–19h00 *News in Kiswahili* 19h00–19h30 *News in Luganda*; and 21h00–21h50 *UBC Tonight*. On weekends the station broadcasts about one and a half hours of locally produced news per day. In total UBC TV dedicates about 18 hours minutes per week to locally produced news.

News bulletins aired on UBC Radio and UBC TV over one week[146] were analysed to determine whether there was a discernible pattern in the selection and presentation of news items. Data was taken from the first and second weeks of June 2009 following the president's state of the nation address and reading of the national budget by the finance minister – stories that would facilitate comparison as they were covered extensively by the media across the board.

The president is a central actor in stories of national significance such as the national budget. This was reflected in the prominence such stories received. Notably, stories in which the president was involved were invariably used as the lead items in UBC's news bulletins.

The analysis of UBC news bulletins shows that overall, UBC's stories during the period reviewed dealt with a diverse range of subjects and featured a variety of sources. The coverage of one particular national event – Heroes' Day (10 June) – suggested that UBC was capable of dispensing with hierarchy as an automatic criterion for judging the worth of a story. Heroes' Day carries special symbolism for the country as it is the day when the president traditionally awards medals to newly decorated national heroes – individuals selected for their contributions to the guerrilla struggle that brought the government to power in 1986 and for other national political accomplishments. Atypically, this story was third on UBC TV's prime time news line-up for the day.

In the weeks sampled, the lead stories on various days dealt with stories that were newsworthy in their own right. There were lead items on conflict over land, on a dispute about the crowning of a king, and on an anti-gay Christian crusade.

On the face of it UBC TV has not shied away from reporting controversial subjects. However, qualitative content analysis also suggests that compared to private broadcasters, both UBC TV and UBC Radio were more likely to carry straight event-based news that lacked depth, analysis and context. Stories on the national broadcaster rarely interrogated pronouncements by public officials. They also showed little attempt at enterprise and investigative reporting.

During the sampled week, NTV devoted a total of about 120 minutes to local news

146 From 4 to 10 June 2009.

per day from Monday to Friday: 20 minutes of *NTV at One* (13h00); 30 minutes of *NTV Akawungeezi* (19h00); 45 minutes of *NTV Tonight* (21h00); and 20 minutes of *NTV Late Night* (23h00). Factoring in the time given over to commercials, actual time spent on news content boiled down to an average of 90 minutes per day. On Saturday and Sunday of the sampled week, there were 25 minutes of *NTV at One* (13h00); 30 minutes of *NTV Akawungeezi* (19h00); and 30 minutes of *NTV Weekend Edition* (21h00).

Capital FM, on the other hand, runs short news bulletins at the top of the hour, which last five minutes on average.

News programmes on both stations were wide-ranging, typically segmented as national, international, business, and sports news. Government officials, MPs, and representatives of the corporate/business sector were the most commonly used sources on NTV and Capital FM (*Capital News Beat*).

But both UBC and private broadcasters generally carried little locally produced current affairs programming. *News Hour* on UBC Radio was one of the exceptions. Private radio stations did not have such programmes beyond news bulletins and talk shows. But private television stations have tried to introduce some local current affairs programming.

An exploratory analysis of news sources and sound bites on UBC TV showed that public officials and figures were the most frequently cited sources. Other studies confirm this and have shown that UBC TV still privileges the president and his cabinet over many other potential news makers.[147] In a content analysis of UBC TV news in September 2007, for instance, it was found that President Museveni was the main news maker in the lead stories for six days in the first week of the month. The researchers also found that the president appeared in 12 of the top 21 'top stories' that week. 'Stories involving the President were also generally significantly longer than other stories on *UBC Tonight*,' they wrote. 'In several cases, press releases from State House were hardly changed, except for minor editing for style.'[148]

Moreover, although there is evidence that UBC TV is more likely to have opposition figures as sources compared to its predecessor, UTV, critics argue that the national broadcaster remains glaringly biased in favour of the ruling party during election campaign periods. As cited earlier, in the survey of election coverage between January and 10 February, 2006, the Democracy Monitoring Group found that UBC TV dedicated 62 per cent of its election coverage to incumbent Museveni, 12 per cent to major challenger Kiiza Besigye of the FDC, while the other three candidates shared the remaining 26 per cent of coverage.[149] It was noted in the final report that both

147 See Peter G. Mwesige & David Ouma Balikowa, *A Long Way to Go: A Study of the Uganda Broadcasting Corporation Evaluated Against the Public Broadcasting Model*, November 2007.
148 Ibid., p. 5.
149 Democracy Monitoring Group, *State of the Electoral Process*, February 2006.

UBC TV and UBC Radio had contravened sections of the Presidential Elections Act, 2005 and the Electronic Media Act, which enjoined public media to provide equal access, treatment and coverage for all presidential candidates.

Synovate's audience research findings reported in Table 17 indicate that radio listeners tended to rate private stations more highly than they rated UBC Radio on questions of independence, impartiality, accuracy and holding those in power accountable.

Table 17: Listener perceptions on independence, impartiality and accuracy of radio broadcasters

Index	Percentage saying strongly or somewhat agree in relation to private radio broadcasters	Percentage saying strongly or somewhat agree in relation to state/ public radio broadcasters
Provide a platform for information and debate on contending viewpoints on public issues	70	63
Are independent from the government	63	42
Are independent of advertisers	45	45
Provide programming that holds those in power accountable to the public		45
Provide accurate information that I believe and trust	60	49
Are impartial in news and current affairs	75	63
Reflect local cultures and way of life	73	55

Source: The Steadman Group, Audience Research Survey Final Report—Uganda, March 2009

Similarly, the results reported in Table 18 show that television viewers tended to rate private television stations more highly than they rated UBC TV on questions of independence, impartiality, accuracy and holding those in power accountable. There was only one notable exception where UBC was rated more highly – 'providing a platform for information and debate on contending viewpoints on public issues'.

Table 18: Viewer perceptions on independence, impartiality and accuracy of television broadcasters

Index	Percentage saying strongly or somewhat agree in relation to private TV broadcasters	Percentage saying strongly or somewhat agree in relation to state/ public TV broadcasters
Provide a platform for information and debate on contending viewpoints on public issues	41	61
Are independent from the government	59	42
Are independent from advertisers	48	41
Provide programming that holds those in power accountable to the public	56	50
Provide accurate information that I believe and trust	72	57
Are impartial in news and current affairs	69	57

Source: The Steadman Group, Audience Research Survey Final Report – Uganda, March 2009

5 The talk show phenomenon

Public affairs talk shows that discuss controversial issues from politics to health and sex education have become a major feature of broadcast, especially radio, programming in Uganda. Some of the most popular talk shows over the years include Capital Radio's *Capital Gang*, CBS's *Palimenti Yaffe* (Our Parliament), Radio One's *Spectrum*, KFM's *Andrew Mwenda Live*, (now the *Hot Seat*, after Mwenda left the station) and Radio Simba's *Olutindo*. A host of indigenous language shows in the countryside, such as Voice of Tooro's *Nokireb'ota*, Radio West's *Katuhurane*, and Mega FM's *Mega Forum* have made political talk shows a nationwide phenomenon. Some of these shows have regular panellists while others have studio guests. Both formats take call-ins from the public.

Quite unique to Uganda are open-air talk shows popularly known as *ebimeeza*[150] (round tables). Diverse groups of people (usually self-selected) gather at public venues every weekend and debate major issues of the day live on air. In the beginning most of the *ebimeeza* were conducted in bars. They are presided over by a host/moderator who is referred to as 'chairman'. Those who are interested in contributing to the day's

150 *Ebimeeza* is the Luganda plural for *ekimeeza*.

discussion register before the programme starts. The shows sometimes have special guests who are invited to make the opening contribution(s), and are allowed more time than the rest of the participants. These guests often include 'authoritative' figures from government, the opposition, and civil society.

The *ebimeeza* were spurred by the success of the *Ekimeeza*, an informal discussion group at Club Obliggato in Kampala that caught the eye of the managing director of Radio One. The idea was copied by CBS, which started *Gakyali Mabaga* at Mambo Bado, a popular bar in the city outskirts, and later on by Simba FM, which started *Simbawo Akati*, both broadcast in Luganda.[151] As with the call-in shows, the advent of local language open-air talk shows increased the popularity of this format. Radio Two, the Luganda language sister station of Radio One, came up with *Saba Saba*. UBC Television and UBC's Star FM then also started their own *ekimeeza* which was conducted in a subway pub every Saturday afternoon.

Rural radio stations also quickly jumped onto the ebimeeza bandwagon. In the war-ravaged Gulu district, Mega FM started *Kabake* (Meeting Point), while Buddu FM in the central district of Masaka came up with *Muteseza Mmeeme* (From the Heart). Unlike other *ebimeeza* that were broadcast from the same venue every weekend, *Muteseza Mmeeme*'s producers took the programme to different parts of the rural district every weekend. They also allowed the community to identify in advance the issues to talk about.

Their supporters argue that the *ebimeeza* afford more ordinary people opportunities to participate in public discourse. But the government soon became uncomfortable with the format and in December 2002 it banned them. Mr Basoga Nsadhu, then the minister of information, said radio station licences did not provide for outdoor broadcasting and, therefore, it was illegal for the talk shows to be conducted outside the studios. However, the opposition and critics argued that the government was trying to stifle dissent. Opposition activists who appeared regularly on the *ebimeeza* drew up a petition signed by 6 000 people opposing the ban while the Uganda Law Society also wrote to the minister saying the ban was illegal and unconstitutional. The government backed down, 'clarifying' that it had not banned the *ebimeeza*, but only streamlined their operations so that they are conducted in the studios.[152]

In the wake of the riots in September 2009 following the standoff between the Buganda Kingdom and the central government, the Broadcasting Council announced that it had indefinitely suspended the broadcast of the *ebimeeza* saying the radio stations that aired them were violating the Electronic Media Act, which requires

151 Peter G. Mwesige, ''Can You Hear Me Now?': Radio Talk Shows and Political Participation in Uganda'. Unpublished Ph.D Dissertation, Indiana University, June 2004.
152 Ibid.

an applicant for a radio station licence to show, among others, evidence of 'proof of existence of adequate technical facilities' and 'location of station and geographical area to which the broadcast is made'. According to the regulator, the law did not grant the radio stations permission for outdoor broadcasting.

The Broadcasting Council chairman Godfrey Mutabazi said: 'It is clearly emerging that *ebimeeza* programmes are increasingly becoming difficult to manage due to the inability of radio stations to manage these programmes adequately.' He added:

> These *ebimeeza* programmes are usually live broadcasts made in a hall and not in a studio. The facilities where the broadcast for these programmes are made are therefore inadequate. The presenters and producers are unable to control the crowd as it would be the case in a studio environment.

The Broadcasting Council therefore instructed all radio stations to suspend the broadcast of *ebimeeza* programmes 'until an adequate legal and technical framework has been provided for them. Therefore, any radio heard airing them will be dealt with'.[153]

Their defenders accused the Broadcasting Council and the government of stifling freedom of expression and denying ordinary people an opportunity to express themselves. They accused the government of creating 'a culture of fear and self censorship'.[154]

6 Feedback and complaints procedures at UBC

According to the then acting TV manager at UBC, Mr Mark Walungama,[155] the Corporation has procedures in place to encourage, facilitate, and deal with complaints or suggestions from the audience. Feedback is received via SMS, through various studio phone lines, via the official UBC website, and by postal mail.

Many of the complaints that UBC receives were programme-based; therefore the programme producer usually gives the immediate response. If a complaint affects UBC as a whole, it would be discussed in detail during the weekly departmental meeting. The sources of the complaints that UBC TV, in particular, receives are varied. Some complaints came from government itself, such as about graphic pictures, nudity, sexually explicit images, and the airing of too few government programmes.

153 Evelyn Matsamura Kiapi, 'Uganda: The Media is not Free', *IPS News*. http://www.ipsenews.net/africa/nota.asp?idnews=48831 (retrieved on 14.10.2009).
154 Ibid.
155 Personal interview, 29 July 2009.

Much of the feedback UBC TV received was in form of suggestions, for example, on the best time to air certain programmes like those with adult content. Viewer inquiries about various programmes also gave UBC feedback about audience needs. The nature and volume of complaints varied from year to year. The complaints were documented too, though the record would not be released to the researcher for review.

UBC reportedly did invest in audience research to determine viewers' content preferences through outsourced and in-house surveys. Details, however, were not available to the researchers for examination.

7 Conclusions and recommendations

In attempting to reach the widest possible audience nationally, UBC has ended up with radio stations serving audiences that are highly fragmented by language. Red Channel, Blue Channel and Butebo target audiences with at least half a dozen primary languages. This, for instance, necessitates broadcasting the same news several times over in short bulletins to satisfy the different language speakers; yet such production and transmission time could have been devoted to longer and in-depth current affairs shows. The challenge is that limiting the number of languages would violate UBC's universal access mandate.

Although UBC TV covers more of the country than any of its competitors, the information needs of the country are too diverse to be satisfied through one channel. Besides, the station is far too centralised to be able to respond to the diverse interests of this audience.

Both UBC and private broadcasters still fall short on local productions, current affairs and public interest programmes. Foreign productions (in English) remain dominant across most genres.

Although UBC and some private broadcasters have fairly comprehensive editorial policies or guidelines, their programming does not always reflect the professional and ethical responsibilities and standards to which they have committed themselves. In particular, UBC still remains vulnerable to political pressure and old habits carried over from its legacy as a state broadcaster, which make it difficult for the national broadcaster to offer a platform for information and public debate on contending view points, to remain impartial, and to hold those in power accountable. The public broadcaster also continues to face both political and commercial pressures that compromise the integrity of its journalism and programming.

Recommendations

Need for localisation

- UBC should adopt a policy that on top of reaching national and regional audiences also focuses on serving the needs of local audiences. This could be through a network of smaller FM stations that are less encumbered by the need to serve the needs of multiple language audiences at the same time.
- UBC should be decentralised through a network of regional stations targeting the major geopolitical divisions of the country.

Editorial policy

- The draft UBC editorial policy and guidelines should be strengthened so that they come out unequivocally on key principles of public broadcasting and good journalism.
- Parliament should amend the UBC Act to guarantee the editorial independence of the national broadcaster, which should follow its editorial policy and not the dictates of the ruling party or government of the day.

Funding for local and public interest programming

- The government should increase the funding of UBC to enable the broadcaster to produce more local programmes that can satisfy the information needs of its diverse audiences.
- The government should establish a public interest programming fund to be managed by an independent board that reports to Parliament for purposes of financing good public interest programming.

Monitoring performance

- The broadcasting regulator should consider introducing quota requirements for local content.
- Media scholars and civil society, especially media advocacy organisations, should establish mechanisms of regularly monitoring the programming of both UBC and private broadcasters so that information about important benchmarks such as local production is available for regulators and Parliament to exert pressure on the broadcasters to improve their offerings.

9
Broadcasting Reform Efforts

1 Previous reform efforts

In several African countries, demands for broadcasting reforms, including the transformation of state broadcasters into public broadcasters, were part of the struggle for multi-party democracy. Conversely, in Uganda both the liberalisation of the airwaves in the early 1990s and the decision to transform the state-owned UTV and Radio Uganda into UBC in 2005 were not the result of any concerted pressure from the opposition or civil society.

As far as the creation of UBC is concerned, opposition and civil society participation in the legislative process was only reactive. In fact, the Uganda Broadcasting Corporation Bill did not attract significant public debate.

The most noteworthy input from civil society came from Panos Eastern Africa and the Uganda Media Development Foundation (UMDF), which mobilised other media associations like the East African Media Institute (EAMI)-Uganda Chapter, the Uganda Journalists Association (UJA) and the National Institute of Journalists of Uganda (NIJU) to come up with a common position on the proposed legislation. They raised the following key problems with the bill:

- There was need to clearly state what 'wholly' owns the Corporation. Is it the government or the public? The Bill vested whole ownership of the Corporation in the hands of the government. A public broadcaster is owned by the public, not government. The government only acts as a trustee of the public. This is because if it is wholly owned by the government, it would be accountable to the same government, not the public, which would be a contradiction of the principles of public broadcasting.
- The purpose of the act was merely to establish the Uganda Broadcasting

Corporation as an entity to succeed Radio Uganda and Uganda Television. The 'public' was not mentioned in the purpose. The purpose should have been to establish an independent public broadcaster to replace the current state broadcaster

- Giving UBC 'common carrier status' was unfair given the Corporation was one of the players among the different tiers of broadcasting as specified by the broadcasting policy. There was need for an independent body to have the common carrier status. Similarly, signal distribution should be given to a different entity to allow UBC to concentrate on content provision.
- UBC was required to reflect 'the government vision regarding the objective ... of the broadcasting services'. The role of a public broadcaster is not to reflect government vision, but to reflect diversity and the national vision.
- It was unfair to provide for UBC funding in the form of licence fees and government grants and at the same time allow the Corporation to compete for advertising with private broadcasters.
- Having the minister appointing both the board of directors and managing director of the Corporation violated the principles of public broadcasting. An independent board should be appointed through Parliament, and the managing director should be appointed by this board.
- The hand of the minister should be removed from matters directly related to the running of the Corporation such as appointments, removals and budget control.
- The role of Parliament in overseeing the Corporation should be increased.
- The public should be in the process of legislation through public hearings.

In 2006, EAMI-Uganda organised a workshop on 'Public Broadcasting – Making it a Success' at which participants again took issue with the legislation governing UBC as well as the corporation's governance and management. One of the presentations at that workshop was 'A Critical Look at the Uganda Broadcasting Corporation Act', which interrogated the same issues that Panos and UMDF had earlier raised.[156]

In 2007, EAMI-Uganda with support from the Friedrich Ebert Foundation in Kampala commissioned a study evaluating the performance of the Uganda Broadcasting Corporation against the public broadcasting model, two years after the creation of UBC. That study concluded:

156 See John Bosco Mayiga, 'A Critical Look at the Uganda Broadcasting Corporation Act', paper presented at EAMI-Uganda Workshop on 'Public Broadcasting – Making it a Success', Jinja, August 2006.

> Although Uganda is a signatory to several international and regional declarations that promote freedom of expression and call for the transformation of state broadcasters into public broadcasters, the legal framework that created UBC fell short in several respects. In particular, the process of appointing the UBC Board and managers as well as the statutory monitoring and supervisory mechanisms do not guarantee the broadcaster's independence and autonomy as well as accountability to the public that public broadcasting requires. Indeed, there are several cases where it was apparent that the State continued to control and direct or have undue influence on some of the operations of UBC.[157]

The UMDF was again involved in some broadcasting reform lobbying activities between July 2008 and January 2009. One of the key issues of the foundation's engagement with key stakeholders including the parliamentary committee on presidential and foreign affairs, the directorate of information in the Ministry of Information, and the Broadcasting Council, was the fate of the national broadcasting policy. Although cabinet had passed that policy in 2006, it was never clear whether it was in fact in force. In any case, the UBC Act contradicted several provisions of that policy. According to the UMDF's Mr Mayiga, both the Ministry of Information and the Broadcasting Council agreed that there was still need for new thinking around the policy, which they said had been overtaken by events.[158] UMDF also proposed to the parliamentary committee on presidential and foreign affairs that Parliament should take the lead on holding both UBC and the broadcasting regulator accountable.

Outside these one-off campaigns, there has been very little sustained effort from civil society, politicians in general or the opposition in particular on broadcasting reform in Uganda. It has now become a tradition for media monitoring groups and the opposition to complain about unfair media coverage of election campaigns during and after the elections. At other times, these groups appear to keep their eyes off the ball, which leaves UBC and the broadcasting regulator with no sustained pressure for reform.

A few other efforts on general media reform, particularly on legislation, are noteworthy. The first is the 2006 decision by EAMI-Uganda to lodge a constitutional petition challenging several pieces of media legislation, which this organisation said violated constitutional guarantees on access to information, freedom of expression and press freedom. That petition is still before the Constitutional Court, where it has been joined by the petition of journalist Andrew Mwenda and others challenging the law on sedition.

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157 See Peter G. Mwesige & David Ouma Balikowa, 'A Long Way to Go': A Study of the Uganda Broadcasting Corporation Evaluated Against the Public Broadcasting Model, November 2007.
158 Personal interview, November 27, 2009, Kampala.

The second is the decision to form the Independent Media Council of Uganda as a voluntary regulator that was envisaged to operate side-by-side with the statutory regulators. Although the IMCU, which is chaired by former Prime Minister Kintu Musoke, is now in place, it is yet to arbitrate any major disputes between the media and the government or between the public and the media. The government has also not yet heeded calls to allow this self-regulation mechanism to override the statutory regulation mechanism led by the Media Council and Broadcasting Council. In fact, the information and national guidance minister has signalled her displeasure with the IMCU as, in her view, it seems intended to undermine the statutory Media Council.

2 Current reform efforts

In August 2009, a coalition of media associations and institutions signed a memorandum of understanding to 'promote and protect and protect the freedom of media in Uganda'. The Article 29 Coalition, named after the article 29(1)(a) of the Constitution, which provides for the right to freedom of expression, includes the East African Media Institute-Uganda, the Department of Mass Communication at Makerere University, the Uganda Journalists Association, the Uganda Parliamentary Press Association, the Uganda Journalists Union, the Editors Forum, the Uganda Radio Network, and the Independent Media Council of Uganda. Others are the Human Rights Media Network, the Uganda Media Development Foundation, the Busoga Media Network and the National Association of Broadcasters. These founding partners hope to persuade similar organisations to join the coalition.

Recent events suggest that the Article 29 Coalition and others interested in the promotion and protection of press freedom and free expression will have a lot to chew on between now and the elections of 2011 when it is feared that the government will increase attempts to rein in the media. There was a taste of things to come in September 2009 when CBS and four other radio stations were shut down by the Broadcasting Council for allegedly inciting violence (see chapter 5).

Other controversial issues which will keep the Coalition busy are the proposed Regulation of Interception of Communications Bill and plans to amend the Press and Journalist Act. The bill would empower the security minister to authorise interceptions of communications for a broad range of vague reasons. The amendments would require newspapers to be licensed annually by the Media Council and create new criminal offences related to publication of information that compromises national security, public morals, and Uganda's relations with her neighbours.

3 Conclusions and recommendations

Uganda's civil society, politicians, and the opposition in particular remain largely reactive when it comes to questions of broadcasting and media reform. By and large, there has been no sustained pressure on the government and Parliament for UBC to be transformed into a true public broadcaster. Similarly, calls for the transformation of the Broadcasting Council into an independent regulator that is not beholden to the government have neither been loud enough nor sustained.

Recommendations

Media advocacy groups, civil society and political society need to increase pressure on the government and UBC by:

- Lobbying and educating Parliament, especially its relevant committees and legislators who care about human rights and good governance, on the essentials of democratic broadcasting reform;
- Initiating public debate on broadcasting issues throughout the country;
- Urging UBC to recognise that principles of public broadcasting and in particular the importance of its editorial independence and autonomy;
- Putting the question of broadcasting and media reform on the public agenda, which should be seen as part of the wider struggle for deepening democracy in Uganda;
- Engaging in more regular monitoring of the performance of UBC and other broadcasters as well as other news media generally;
- Supporting more regular research on media performance and practice in Uganda.

10
Recommendations

1 Media legislation/regulation in general

1.1 Media law reform

- The government should review the legal regime governing the media in light of the landmark ruling by the Supreme Court annulling the law on publication of false news and remove from the statute books all those laws that the courts have declared unconstitutional. Parliament should ensure that such a review is informed by the need to actualise constitutional guarantees of press freedom and free expression and not by the government's unease with criticism and dissent. With a clear signal coming from the courts, the government need not wait to be pressured into action.
- If the government does not take the initiative, journalists should campaign, lobby, and canvass government, Parliament, and civil society to push for a comprehensive media law reform which is guided by the constitution.
- The government should withdraw the proposed amendments to the Press and Journalist Act, which seek to create new licensing conditions for newspapers, and to provide for new criminal offences related to publications.
- Parliament should amend the Interception of Communications Bill, and in particular remove the powers to regulate communication from the minister of security. The power to authorise telephone tapping should be vested in a judge, not a government minister.
- Journalists should campaign for the enactment of a shield law to protect their sources of information.
- Media and civil society organisations should study success stories and best practices in media law reform, such as the experiences of countries especially

in the Commonwealth that have decriminalised sedition, and bring them to the attention of legislators and media policy-makers/regulators.

1.2 Non-statutory media regulation

- Journalists should support the formation of a non-statutory media council that is credible among the public and within the industry. It should be funded by a combination of institutional membership fees and donor grants.
- Journalists should form non-statutory professional associations that are universally acceptable. Their role would be to propose and monitor professional standards for education, training, and performance, and to build a common platform for tackling industry-wide issues.

1.3 Public education and advocacy

- Civil society should engage in public education and advocacy efforts that send a clear message that the struggle for media freedoms is part of the wider struggle for democracy and good governance.
- Media advocacy groups and news organisations should retain the option of going to the Constitutional Court, and if need be to the Supreme Court, to challenge draconian media legislation.

2 Broadcasting landscape

2.1 Resources for the public broadcaster

- The government should commit more resources to ensure that the public broadcaster reaches all corners of the country.

2.2 Media pluralism and diversity

- Civil society should take a more active interest and engage in advocacy on the question of media pluralism and diversity, especially given the fact that the mainstream media are unlikely to push for a reform agenda that compromises the interests of their owners.
- Parliament should ensure that any review of media laws comprehensively addresses and protects the principle of pluralism and diversity without

necessarily undermining the confidence of entrepreneurs who have invested heavily in the media sector.

3 Digitalisation

3.1 Digital migration policy

- The government urgently needs to come up with a fully elaborated policy on digital migration.

3.2 Digital signal regulation

- The government should appoint an independent body to manage the distribution of digital signals, as opposed to the present policy whereby the distribution of the signals is overseen by UBC who has a vested interest in the matter. This violates the rules of fair competition.
- The government should involve the public in critical decisions on digitalisation.

4 Broadcasting legislation and regulation

4.1 Regulatory autonomy and independence

- The Electronic Media Act should be amended to make the Broadcasting Council an autonomous and independent regulatory body that reports to Parliament, and not the minister responsible for information.
- The appointments procedure for members of the Council should be open and transparent, involve the participation of civil society, and should not be controlled by any particular political party.

The security of tenure of the members and independence of the regulatory organs should be guaranteed to limit the influence of political authorities on their decisions.

4.2 Monitoring performance

- The independent Broadcasting Council should be empowered to perform its

functions of monitoring the performance of broadcasters, and in particular ensuring that both public and private broadcasters fulfil their local content remits.

4.3 One-stop licensing

- The licensing procedure for broadcast operators should follow the one-stop model of business licensing. Therefore, the permission to produce broadcast content and the permission to use the spectrum to transmit that content should be granted together.

4.4 Duration of licence

- The government should extend the broadcast licensing period. The current 12 months is too short to allow for proper business planning. The one-year licence is a disincentive as banks may, for example, be less inclined to give a broadcast operator a loan if they cannot predict that the applicant will have a licence in a year's time. Similarly, the one-year licence may discourage long-term investors in the broadcast industry as they may be wary of political interference in the frequent renewals.

4.5 Advocacy

- Civil society, beyond a few media and journalism associations, should take more interest in and engage in advocacy for the reform of broadcasting regulation and legislation.

4.6 Preoccupation with security

- Civil society and media organisations should propose clear national norms and values for public broadcasting in order to minimise the preoccupation with security in decision-making on broadcast matters.

5 UBC legislation, mandate and operations

There is a need for an urgent review of the Uganda Broadcasting Corporation Act looking into, among other things:

- The definition of public broadcasting and UBC;
- The ownership structures of UBC;
- The appointment procedures for the board of UBC;
- The accountability of the board.

UBC should be transformed into a genuine public broadcaster that serves the public interest. The UBC Act must outline clear governing structures which shield the broadcaster from political interference and interference from other powerful forces in society that seek to influence it unduly.

5.1 Legal framework

- The public broadcaster should be an independent corporation established by law, not a national broadcaster owned by the state. Therefore, the Act should clearly state that UBC is owned and funded by the public to whom it is accountable.
- The UBC Act should be changed such that the mission of UBC is to serve the 'public interest' and not the 'government vision'.
- Public broadcasting should be defined according to international standards.
- The UBC Act should have specific provisions to protect the independence of the UBC against influence from the executive arm of government.
- The board of UBC should report to Parliament and not to the minister.

5.2 Governance of UBC

UBC should be governed by a board established and acting according to the following principles:

- The UBC board should be appointed in a way that makes the public broadcaster truly accountable to the public. Therefore the appointment procedures for the UBC should be open, transparent and free from political interference.
- The UBC board should represent a broad cross-section of the Ugandan population. Therefore, the act needs to be more specific in defining the criteria for appointing members to the board to guarantee representation of diverse interests and a cross-section of society.
- Persons who are office bearers with the state or political parties or have business interests in the media industry should not be eligible for UBC board membership.

- The role of the UBC board should be clearly set out in law.
- The main responsibility of the UBC board should be to ensure that the public broadcaster is protected against undue political or commercial influences and that it fulfils its mandate in the public interest.
- The UBC board should not interfere in the day-to-day decision-making of the broadcaster especially in relation to broadcast content and respect the principle of editorial independence.

5.3 Public oversight and accountability

- Civil society should take a more active interest in monitoring the operations of UBC and engage in advocacy to ensure that UBC meets its public service obligations. In particular, more awareness is needed among all stakeholders on the principle that a public broadcaster is supposed to be accountable to the public and not the government or ruling party.
- An independent Broadcasting Council should be empowered to perform its functions of monitoring the performance of all broadcasters.
- UBC should take immediate steps to increase transparency in accounting for its public broadcasting mandate. Such steps could include publishing and widely disseminating its annual reports.

5.4 Resources for the public broadcaster

- The government should commit more resources to ensure that the public broadcaster reaches all corners of the country.
- The government should provide funds to enable the fast-tracking of the plans to decentralise UBC through regional TV and radio stations serving local needs and interests.

5.5 Professionalism

- UBC should be supported to enhance ongoing efforts to create conditions that would improve the professionalism of its journalists. Partnerships for sharing expertise and joint programme production with successful public broadcasters should be developed and supported through public and donor funds.
- The public broadcaster should make public its editorial policy, code of ethics, and guidelines for all programmes. The guidelines should clearly spell out

the responsibilities of the broadcaster and UBC journalists in the coverage of all matters of public interest, including elections.
- UBC should strengthen its in-house training programme and the capacity of the training editor in order to spearhead consistent improvements in all key areas including news reporting, editing, camera work, and production.

5.6 Public interest programming

- UBC should resist the pressures of competition and ratings-driven programming. In particular, UBC should, to the extent that funds allow, encourage local productions across all programme genres.
- To localise content especially for radio, there is a need to decentralise the current technocratic broadcasting structure at UBC where programmes meant for the rural audiences are packaged and originated from the capital Kampala.

6 UBC funding

- The basic precondition for any successful reform of funding is the review of the UBC Act with the goal of transformation the Corporation into a credible public broadcaster offering quality programming designed to meet diverse audience needs.
- UBC should be funded by a healthy mix of government grants, licence fees, and income from advertising/sponsorships. Before deciding on the mix, a proper audit should establish the actual financial needs of UBC.
- The funding of UBC needs to be addressed urgently if the broadcaster is to fulfill its public service mandate.
- If licence fees are to be levied on TV sets as envisaged in the UBC Act, there should be broader public and stakeholder consultations.
- Among many issues, a debate is needed on whether a broadcaster that is supported by public funds should be allowed to engage in commercial advertising and, if so, to which extent.
- In order to uphold the principle that the public broadcaster should be adequately funded in a manner that protects it from arbitrary interference with its budget, the UBC Act should be amended to specify the percentage of funding that should come from government grants. Also, the disbursement of these grants should not be left to the discretion of the ministry of finance.

7 Programming

7.1 Need for localisation

- UBC should adopt a policy that on top of reaching national and regional audiences also focuses on serving the needs of local audiences. This could be through a network of smaller FM stations that are less encumbered by the need to serve the needs of multiple language audiences at the same time.
- UBC should be decentralised through a network of regional stations targeting the major geopolitical divisions of the country.

7.2 Editorial policy

- The draft UBC editorial policy and guidelines should be strengthened so that they come out unequivocally on key principles of public broadcasting and good journalism.
- Parliament should amend the UBC Act to guarantee the editorial independence of the national broadcaster, which should follow its editorial policy and not the dictates of the ruling party or government of the day.

7.3 Funding for local and public interest programming

- The government should increase the funding of UBC to enable the broadcaster to produce more local programmes that can satisfy the information needs of its diverse audiences.
- The government should establish a public interest programming fund to be managed by an independent board which reports to Parliament for purposes of financing good public interest programming.

7.4 Monitoring performance

- The broadcasting regulator should consider introducing quota requirements for local content.
- Media scholars and civil society, especially media advocacy organisations, should establish mechanisms of regularly monitoring the programming of both UBC and private broadcasters so that information about important benchmarks such as local production is available for regulators and Parliament to exert pressure on the broadcasters to improve their offerings.

8 Broadcast reform efforts

Media advocacy groups, civil society and political society need to increase pressure on the government and UBC by:

- Lobbying and educating Parliament, especially its relevant committees and legislators who care about human rights and good governance, on the essentials of democratic broadcasting reform;
- Initiating public debate on broadcasting issues throughout the country;
- Urging UBC to recognise that principles of public broadcasting and in particular the importance of its editorial independence and autonomy;
- Putting the question of broadcasting and media reform on the public agenda, which should be seen as part of the wider struggle for deepening democracy in Uganda;
- Engaging in more regular monitoring of the performance of UBC and other broadcasters as well as other news media generally;
- Supporting more regular research on media performance and practice in Uganda.

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