

REALITY CHECK



REVISITING THE MEDIA FREEDOM DEBATE AT UGANDA'S INDEPENDENCE GOLDEN JUBILEE

Michael Kakooza



Konrad
Adenauer
Stiftung



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Written by Dr. Michael Kakooza



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The views expressed in this publication do not necessarily reflect the views of Konrad-Adenauer-Stiftung and Uganda Media Development Foundation but rather those of the author.

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Foreword

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and impart information and ideas through any media regardless of frontiers." These words are noted down in one of the most influential and most translated documents of all times – the Universal Declaration of human rights.

There is consensus across the globe that democracy and press freedom go hand in hand. And this is not only because the freedom of expression and the freedom of the press are fundamental rights that every democratic society is expected to uphold and protect. The relationship between the democratic system and the free media is much deeper. Indeed both elements are inter-related and mutually dependent. It is hard to imagine a truly free and independent press in a non-democratic environment. And it is equally difficult to think of a strong democracy that does not feature press freedom as one of its key ingredients.

The media - regardless of whether in a printed, broadcasted or online form - provide reliable and up-to-date information for the citizens. And only an informed citizenry can effectively engage in social, political and economic decision-making processes and thereby promote democratic development.

Since free and independent media are a core element of any democratic system, their promotion is part of the mission and responsibility of the Konrad-Adenauer-Stiftung (KAS) worldwide. In Uganda, KAS has been working together with the Uganda Media Development Foundation (UMDF) for several years with the aim of professionalising journalists and raising awareness on the importance of press freedom in the country.

This study is yet another milestone in the fruitful cooperation between KAS and UMDF. And it comes at a very timely moment:

2012 marks Uganda's „Golden Jubilee“ – the anniversary of 50 years of independence. This provides an occasion not only for celebrations but also for reflections about what has been accomplished over the last 50 years and a critical assessment of the status quo.

Looking at the last two decades, there have been remarkable achievements in the areas of peace and stabilisation, democratisation and economic development. However, recent assessments by Freedom House and Reporters without Borders have pointed out remaining challenges in regard to press freedom and its protection. Thus, continuous efforts are required on all sides: on the side of the media itself, but also from relevant actors in politics and civil society to promote press freedom and raise awareness on its importance for democracy.

This publication, written by the outstanding media and communication expert Dr. Michael Kakooza, provides a significant input for the debate on the freedom and independence of the media in Uganda. In a systematic and analytical manner it goes beyond the superficial discussion of the current challenges. Instead, it places the issue of media independence in a historical context and connects it to the discourse on governance and power politics.

I am convinced that this study can provide an excellent reference not only for media experts and scholars but for stakeholders from all spheres of society. It enables us to understand how the independent press in Uganda has evolved over time, which challenges it continues to face and where to find the causes. Knowing the causes helps meeting the challenges – and improves our joint efforts towards a free and independent media in Uganda.

Dr. Angelika Klein
Country Representative
Konrad-Adenauer-Stiftung Uganda

Preface

Current debate on the media independence has focused much attention on the paradox of governance whereby existing global, regional and national legislation guarantees of media freedom are countered by restrictive legislative, administrative and strong-arm measures on the part of the Government of Uganda. The transition from the Movement system of governance to multipartyism has not been accompanied by any significant change in the state of media restrictions. Although the media may claim incremental victories for its independence, won through rulings delivered by the Judiciary, the current debate suggests that media independence as practised in Uganda has reached crisis levels.

At the dawn of Uganda's political independence in 1962, the infectious catchword in the air was freedom. The *Uganda Argus* (predecessor to today's *The New Vision*) captured this new experience by publishing the independence speech of the then Executive Prime Minister, Apollo Milton Obote, in which he declared among others, "the freedom of the individual". Media freedom in post-independent Uganda, however, has run a chequered and complex course, in keeping with the general political, economic and social fortunes of the modern nation state that is Uganda. When newly-independent Uganda became a signatory to the Organisation of African Unity Charter, she by consequence assented to the Universal Declaration of Human Rights which in Article 19 states,

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.

In effect, media independence in Uganda became part of the discourse on good governance, inseparable from other facets of governance

including political leadership, community responsibility, and socio-economic development.

What explains the chequered and complex path that media freedom has undertaken over the past 50 years of Uganda's political independence? Why is it that 50 years on since 1962, the heady refrain of freedom, has metamorphosed into a defensive environment betokening the crisis of independence in which the media appears to find itself in today?

What has been insufficiently appreciated in the growing body of scholarly contributions to the media independence debate in Uganda is that 1962 was for the media truly a year of paradox. The reality on the ground was that restrictive legislative, administrative and strong-arm measures against the media had been inherited wholesale by the newly-independent nation state from its colonial past. An objective exploration of the growth and development of the media in Uganda's colonial past reveals the relationship between state power as the then reigning governance model and the media. The substance of this relationship continues to date. State power was anchored in supremacy of political authority. From a historical perspective, therefore, the debate on media independence has been about the media negotiating its freedom between two competing governance models; the one anchored in power domination by the political authority, and the other proposed as guarantor of human and other fundamental rights and freedoms. The danger with sidelining the lessons from Uganda's history in the media independence debate is the tendency to be a historical and fixated with contemporary analysis, as has very frequently become the norm.

Celebrating 50 years of the media in post-independent Uganda, should provide a sobering opportunity for the media to soul search and become historically articulate. The media should progressively extricate itself from simply obsessing with episodic legal victories,

cumulative restrictions, lists of imprisoned or tortured members of the media fraternity, and above all, with Presidential term limits or the vexed question of the successor to the incumbent president.

The future for media independence debate lies in its contribution to demystifying the concept and practice of power in Uganda. Further, for the media to be truly independent, it should anchor its relevance as a critical stakeholder in the political, socio-economic transformation of Uganda.

Uganda Media Development Foundation (UMDF), in partnership with the Konrad-Adenauer-Stiftung (KAS), is conducting an ongoing project on 'Media and Democracy'. The chosen theme for 2012 is 'Media and Governance'. Under this theme, various trainings, workshops, a dedicated media journal and a commissioned research study have all been organized to further debate among media scholars, managers and practitioners on the role played by the media in promoting good governance. This book is offered to media scholars, and managers, policy makers and political actors as a contribution towards informing debate on a new way ahead for the media in governance.

Mathias Mulumba Mayombwe
National Coordinator, UMDF

Profile of the Author

Michael Kakooza, holds a Ph.D in Communication and Ideology from the University of Wales in the United Kingdom. He possesses over 25 years of a rich and varied experience as a professional communicator. He has worked in Public Service, in Academia, and in Corporate Management as a consultant and top executive. He was Head of Uganda's oldest Journalism Training School, the School of Journalism and Media Management at the time of its closure, at the Uganda Management Institute.

Michael Kakooza commands executive expertise in corporate communication dynamics and strategic change communication. He is interested in exploring the strategic role played by communication in the evolving governance paradigms, in particular across the African Continent. Michael believes leadership that is knowledgeable, historically-conscious, cross-culturally literate, globally-informed and accountable is a key driver in effectively harnessing the dynamic of emerging democratic, entrepreneurial and corporate energies progressively abundant, not only in Uganda but also in the greater African region.

Acknowledgements

I wish to acknowledge and thank the Konrad-Adenauer-Stiftung and Uganda Media Development Foundation for the commissioning and funding the undertaken research study.

My personal gratitude goes to Moses Sserwanga who drew my attention to the existence of a wealth of literature on the early days of the media in Uganda's Colonial past.

Abbreviations

ACHPR	African Charter on Human and People's Rights
BBC	British Broadcasting Corporation
BC	Broadcasting Council
CBS	Central Broadcasting Corporation
DP	Democratic Party
EAC	East African Community
MC	Media Council
NRM	National Resistance Movement
OAU	Organisation of African Unity
UBS	Uganda Broadcasting Services
UCC	Uganda Communications Commission
UDHR	Universal Declaration of Human Rights
UPC	Uganda People's Congress

Introduction

Contemporary Debate on Media Freedom in Uganda

Debate on governance in Africa is frustrating because we focus on the procedures of democracy instead of its substance. For example, Freedom House has a check-list of indicators for democracy: Press freedom, multiple political parties, regular elections etc. Although these are important aspects of democracy, their mere presence does not mean that a country is democratic.

Andrew Mwenda¹

Contemporary debate on media freedom in Uganda has focused much attention on legislative, administrative, and strong-arm measures Government has undertaken or is contemplating to limit the independence of the media. Press ink has also gone into documenting the instances of human rights abuses perpetrated against individual journalists and media managers. Media Watchdog institutions have exposed the falling global ranking of Uganda on the Press Freedom Indices. All indications are that the relationship between the media and the Government is deteriorating.

Globally, media freedom has been recognized to be an indispensable part of the discourse on governance and a democratic political dispensation. Debate on media freedom in Uganda has in effect become a running commentary on the current state of political and other aspects of democratic governance in Uganda.

At the heart of governance are values, beliefs and ideals that reflect the collective aspirations of the governors and the governed. The 1995 Constitution of the Republic of Uganda (as amended in 2005) provides the national framework for the country's exercise

¹ Andrew Mwenda, The Trouble with Democracy in Africa, posted on his blog Tuesday, 26 October 2010 23:12, <http://andrewmwendasblog.blogspot.com/2011/04/trouble-with-democracy-in-africa.html> (accessed 13/06/2012)

of democratic governance. It guarantees to protect and promote fundamental and other human rights and freedoms. However, the progressive divergence between the Constitutional guarantees of media freedom on the one hand, and restrictions on media independence on the other highlight a paradox in governance that media scholars are engaging with. The media freedom debate brings to centre-stage the centrality of politics and political power in the national life of Ugandans. For example, much debate in the media is currently focusing on the restoration of Presidential term limits and the succession question to the current incumbent of the Presidency, Yoweri Kaguta Museveni.

On the occasion of Uganda's independence golden jubilee, the author is of the view, however, that the debate on media freedom needs to be revisited and a comprehensive soul-searching exercise undertaken. The media freedom debate appears to have limited itself to documenting and lamenting about currently-experienced restrictions imposed by the Government, listing victimization suffered by members of the media fraternity, and celebrating incremental wins for media liberties achieved through Court processes. In short, the media freedom debate has narrowed down its focus to the relationship of the media with the current Government.

50 years of independence should make us pause from our contemporary preoccupations and look back to our lived history as a modern sovereign state and the lessons arising from it. Okello Oculi, in his review of Baganchwera Barungi's book, *Parliamentary Democracy in Uganda: The Experiment that Failed* concludes as follows: "... But most of all, Barungi helps us see that 50 years of Uganda's independence cannot be understood as such; the country's history only makes sense if understood as a story of 120 years."²

The author believes there is an insufficient appreciation of critical lessons arising from Uganda's historical past that would provide a big picture perspective to critically inform the way ahead on the media freedom debate.

² The Review appeared in *The East African* (August 25-31, 2012), Magazine VII

The History of the Media in Uganda

Modern mass media was introduced and developed its peculiar characteristics during British Colonial rule in Uganda. Colonial media legislation was enacted to control and monitor the power of the media, and this influenced the direction of media development in Uganda into two broad traditions. The first was the emergence of an activist media encompassing a broad spectrum of militancy. This ranged from engagement with socio-economic issues of the day to political activism. The second was an anodyne media tradition of not crossing the line set by Government and lulling the feared 'monster' of media control and censorship to sleep. For this tradition, the focus was on celebrating the status-quo and engaging in issues that were diversionary, such as social gossip or religious news, and not touching the Government policies and procedures.

Both traditions were essentially two sides of the same coin because they each engaged with state power either through head-on confrontation or studied avoidance, which was in effect passive collaboration. These two traditions in the historical media development in Uganda are still discernible at the present day.

When Uganda attained political independence, the raft of Colonial media legislation bequeathed to the new sovereign state remained essentially unchanged on the statute books throughout the 1960s. The paradox of governance, engaged in by media scholars like Peter Mwesige, emerged at this time and described the divergence of the discourse on independence from that of the spirit of Colonial media legislation. The narrative on media independence was suspended during the regime of Idi Amin in the 1970s when rule was by military decree and Constitutional development was arrested. Compensation for the lost opportunities for media independence in the immediate aftermath of the Idi Amin period appeared to be realized with the coming to power of the National Resistance Movement (NRM). However, as

highlighted in the two quotations above, the contradiction between the Constitutional guarantees of media freedom and the documented situation of media limitations indicates that media independence is part of a paradox of governance and remains a work-in-progress.

The Thesis

It is important to keep in mind that the British Colonial regime introduced a centralized model of political governance in which all interests, including the power and influence of the media, converged in state power. This governance model was about the privileging and protection of state power. The characteristics of this model were exclusiveness, privilege, and intolerance of opposition to difference and divergence from the interests of the Colonial Government. Essentially, this model of state power was anchored in fear and mistrust of the colonized Ugandans. It is within this environment that the relationship between the media and Government was cultivated.

The author differentiates between the externalities of state power and its substance. In practice, British Colonial rule in Uganda was supported by the externalities of an unequivocal adherence to the interests of the British Crown, that is the British Government in London, legislation that privileged and protected those interests, including media legislation, a quasi-religious attachment to the person of His/Her Majesty, in other words, a personality cult, the muscle of military supremacy in the King's African Rifles and the Colonial Police, a British-oriented formal education, and the spectacle of state pageantry as a visual display of Colonial power and superiority. Beyond the externalities of state power was its substance. The substance of state power as already highlighted above was characterized by monopoly, domination, exclusiveness, privilege, and intolerance of non-compliance with the interests of state power.

Colonial rule and its governance responsibility for the newly-independent State of Uganda ended in 1962. Since 1962, Uganda is

a proudly-independent modern nation-state. It is my thesis that the substance of the Governance model introduced by the Colonialists which embodied state power has never been fundamentally reviewed by Ugandans. It has continued to exercise an abiding fascination for subsequent generations of national leadership. This thesis does not seek to blame the colonial government, but to point out a shortcoming on the part of Ugandans in the national process of engaging with independence. Further, and most importantly for this study, the author posits that the substance of the inherited Governance model of state power continues to define and direct the relationship between the media and Government on the one hand, and within media industry itself. It is the continuance of this Governance model that explains the centrality of politics and political power in the Ugandan national life and also the paradox in governance that informs the debate on media freedom.

The history of media independence in Uganda is thus a discourse on the politics of power and governance that highlights a continuum of conflict between the media and Government on the one hand, and within media on the other. The study, therefore, sets out to revisit the historical narrative of media independence, not only to seek to understand the origins of the media freedom debate in Uganda and understand the causes of the current media situation, but also to contribute to charting a new way ahead for the media freedom debate.

Methodology

The study is wholly a library research. For reasons of accessibility and flexibility, the author has consulted on-line resources, such as archival material, articles from official websites, e-books, web-based articles including newspaper articles, media empirical studies, laws and other statutes, and blogs.

Structure of the Study

The study is divided into five chapters. The first chapter sets out the intellectual framework for the ensuing discussion in subsequent chapters by engaging with the concept of press freedom and making an overview of legislation on this concept at the global, regional and national levels.

In the second chapter, the author explores the growth and development of the media under Colonial rule. It is during this period that the two broad traditions of the media discussed above emerged. The chapter sets forth the case that lessons on political power and governance from the Colonial period cannot be divorced from the current debate on media freedom.

The third chapter deals with media impendence during the first 23 years of Uganda's Independence, 1962-1985. The author highlights the emergence of the paradox of governance during this period, which is important for understanding the discussion on media debate in the following chapter.

Chapter 4 treats the independence of the media under the NRM Government. The longevity of the NRM rule has brought to the fore the deepening consequences of the paradox of governance, that first emerged at the time Uganda attained its political independence. Uniquely for this period, the gains achieved through the unprecedented liberalization of the media have been significantly cut back by the consolidation of legislative, administrative, and strong-arm measures on the part of Government. Further, also the unprecedented commercialization of the media has added a critical dimension to the ongoing debate on media freedom.

In the Conclusion, the author makes proposals on a new way ahead for the future of the media independence debate in Uganda.

CHAPTER ONE: FREEDOM OF THE PRESS

1.1 The Fourth Estate or Fourth Branch of Government?

Thomas Carlyle, the nineteenth-century Scottish cultural historian, in his book, *The French Revolution*, titled one of his sections, the Fourth Estate, referring to the dynamic phenomenon of print journalism in his day. The term, Fourth Estate, is an analogous reference to the stratification of pre-Revolutionary French society into the three estates, namely, the Clergy, the Aristocracy, and the Commoners. By Carlylean extension, the term, Fourth Estate, institutionalized the power and growing prestige of the media as a politico-social and cultural force to reckon with. Carlyle was celebrating the independence of the media and its ability to influence public opinion and events.

In his lecture, 'The Hero as Man of Letters', delivered on 19 May 1840 Carlyle declared:

While there was no Writing, even while there was no Easy-writing or Printing, the preaching of the voice was the natural sole method of performing this. But now with Books!—He that can write a true Book, to persuade England, is not he the Bishop and Archbishop, the Primate of England and All England? I many a time say, the writers of Newspapers, Pamphlets, Poems, Books, these are the real working effective Church of a modern country.³

The Church of England enjoys the prestige and privilege of a state institution. By appropriating this prestige and privilege for the media in his day, Carlyle was testifying to the power of the media.

The United States, unlike Europe, never had a historical feudal tradition and the description of the press as the Fourth Estate did not gain popularity. In the various discourses on the US system of political governance, the alternative phrase of the Fourth Branch of

³ Thomas Carlyle, *On Heroes, Hero-Worship, and the Heroic in History* (London: Chapman & Hall, 1840), pp. 143-80 (pp. 150-51).

Government, to which the press belongs, is more current. The US Constitution is celebrated worldwide as the prototype for modern democratic constitutions. It was born out of the ideals upheld in fighting and defeating British imperialism. The US Constitution distinguishes between the three arms of Government, and delineates the separation of powers as providing for a fundamental constitutional framework. Though the US Constitution at the time of its adoption in 1787 did not specifically pronounce on the media, the First Amendment, which is part of the Bill of Rights incorporated in the Constitution in 1791, states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; **or abridging the freedom of speech, or of the press**; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances [boldened for emphasis].⁴

While both phrases, the Fourth Estate and the Fourth Branch of Government, celebrate the power and independence of the media, the latter phrase clearly highlights the Governance relationship between media and Government. This relationship evokes what is known as the watchdog role of the media. In this role the power of the media is harnessed to exercise an educative, restraining and corrective influence on the Government and other areas of governance in the society. The media seeks to uphold constitutionality through a robust investigative journalism. It is of interest to note that William E. Jackson Jr., a former Whitehouse functionary, in engaging with the watchdog role of the media, alternatively describes the press as the First Branch of Government.⁵

⁴ A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875, <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=144> (accessed 21/06/2012)

⁵ William E. Jackson Jr. posted his article January 3, 2006 11:03 PM See http://www.huffingtonpost.com/william-e-jackson-jr/the-press-as-the-first-br_b_13233.html (accessed 08/06/2012)

1.2 Freedom of the Press: The Concept

The concept of Freedom of the Press is anchored in the dignity of the human person with the rights and freedoms inherent to that dignity. Following the cataclysmic upheavals of World War II and the defeat of Nazi Ideology and Japanese Imperialism in the Far East, the still-infantile United Nations adopted the Universal Declaration of Human Rights (UDHR) in 1948. In its preamble the UDHR recognized, among others, that

... Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, ...

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.⁶

⁶ See <http://www.un.org/en/documents/udhr/> (accessed 13/06/2012)

The initial Article 1 of the UDHR recognized and upheld the inalienable dignity and essential brotherhood of humanity. In the spirit of the 1st article, Article 19 stated as follows:

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.⁷

The UDHR was the first formal proclamation for media freedom on the global stage. It held up the desired vision for every modern nation state, but at the same time was paradoxically a work-in-progress given that some of its signatories, for example, the United Kingdom and France, still held peoples under Colonial subjection. British Colonial Africa was not privy to the momentous global happenings at the United Nations, and continued to chafe under restrictive media legislation.

Though the UDHR was never cast as a binding statutory document, its claim to being a landmark document was in the ideals for democratic governance it proposed to the world. The influence in the USA in the formulation of the UDHR was unmistakable. Seven years earlier, in 1941, at the height of Second World War, the US President Franklin Delano Roosevelt had delivered his famous 'Four Freedoms' Speech in which he declared:

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression -- everywhere in the world. ...⁸

⁷ Ibid.

⁸ See <http://americanrhetoric.com/speeches/fdrthefourfreedoms.htm> (accessed 14/06/2012)

International statutory instruments of a binding nature on human rights and freedoms were to follow in due course.⁹

1.3 The Framework for Press Freedom in Independent Africa

The Charter of the Organisation of African Unity (OAU) adopted in 1963 affirmed its faith in the provisions of the UDHR. It stated in Article 2 (Purposes):

1. The Organization shall have the following purposes:
 - (a) To promote the unity and solidarity of the African States;
 - (b) To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;
 - (c) To defend their sovereignty, their territorial integrity and independence;
 - (d) To eradicate all forms of Colonialism from Africa; and
 - (e) *To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights [italicised for emphasis].*¹⁰

It is significant to note for this study's discussion that newly-independent Uganda was a signatory to the OAU Charter.

⁹ For the core international human rights instruments and their monitoring bodies, See <http://www2.ohchr.org/english/law/> (accessed 14/06/2012)

¹⁰ See http://www.au.int/en/sites/default/files/OAU_Charter_1963_0.pdf (accessed 14/06/2012)

The convention on 'The African Charter on Human and Peoples' Rights' (ACHPR) adopted by the OAU member states on June 27, 1981, pronounced itself on the right to access information and the right of expression. In Article 9 the ACHPR stated:

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.¹¹

Signing and ratifying the ACHPR was done by the NRM Government as one of its regional Governance responsibilities in the first year of its rule. The African Commission of Human and People's Rights was established in 1987. On June 09, 1998 the African Union adopted the Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights. This came into force on January 25, 2004. Uganda signed, ratified and deposited the instrument of ratification of this protocol in Addis Ababa in 2001.

As a founder partner state of the East African Community (EAC), Uganda was a contracting party to the EAC Treaty of 1999 (as amended on December 14, 2006 and August 20, 2007), which in Article 6 (Fundamental Principles of the Community) states:

The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States shall include:

- (a) mutual trust, political will and sovereign equality;
- (b) peaceful co-existence and good neighbourliness;
- (c) peaceful settlement of disputes;

¹¹ See <http://www1.umn.edu/humanrts/instate/z1afchar.htm> (accessed 14/06/2012)

- (d) good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples rights in accordance with the provisions of the *African Charter on Human and Peoples' Rights [italics for emphasis]*;
- (e) equitable distribution of benefits; and
- (f) co-operation for mutual benefit.¹²

The 1995 Constitution of the Republic of Uganda in Chapter 4 on the Protection and Promotion of Fundamental and Other Human Rights and Freedoms declares in Article 29 (1)(a):

- (1) Every person shall have the right to—
 - (a) freedom of speech and expression which shall include freedom of the press and other media; ...¹³

This Constitution, the fourth in the political history of independent Uganda (the first was the 1962 Constitution, followed by that of 1966, and then the first Republican Constitution of 1967), was the first to explicitly pronounce itself on media freedom and thereby firmly anchor media freedom in the national discourse on governance.¹⁴ This is important to keep in mind for the discussion in the fourth Chapter because it highlights the paradox in governance that currently dominates the debate on media freedom.

¹² See <http://www.eac.int/> (accessed 14/06/2012)

¹³ See http://www.ugandaemb.org/Constitution_of_Uganda.pdf (accessed 14/06/2012)

¹⁴ The Republican Constitution of 1967 pronounced itself on the recognition of human rights in Chapter 3.

1.3 Summary

The above overview has highlighted the power and influence of the media, and the role it can play vis-à-vis the operations of Government. Media Freedom is located within the discourse on democratic governance. The freedom of the media is guaranteed legislatively at the international level, and regionally within Africa and East Africa. As demonstrated above, Uganda is a signatory to the international and regional protocols on human rights, including media freedoms. Uganda's compliance with the dictates of democratic governance is further reinforced under the framework of the 1995 Constitution. Clearly, the debate on media freedom is not so much about the absence or ignorance of Constitutional guarantees, supported by the wider international and regional framework on human rights. Rather the media freedom debate emerges from the conflict of power and politics between the media and Government on the one hand and within the media industry on the other.

CHAPTER TWO: MEDIA IN THE UGANDA PROTECTORATE

2.1 British Colonial Rule

The creation of the British Protectorate of Uganda in 1894 was satirically captured in *Punch*, the then leading British humorous weekly.¹⁵ The *Punch* cartoon portrays Uganda as a helpless orphaned baby abandoned on the doorstep of a necessarily large-hearted Mr. Bull, personifying the proverbial Englishman. Mr. Bull discovers the orphan and exclaims: "What, another!! - Well, I suppose I must take it in!!!"

The mindset of Colonial rule is given expression in the patronizing attitude of Mr. Bull. Colonial Rule is projected as beneficial to a vulnerable Uganda. The cartoon is a classic example of how British Colonial rule obscured the historical reality by self-servingly presenting Uganda as passive and vulnerable, and universalizing the 'saving' mission of Great Britain. In 1894, Uganda was already a hotbed of agitated political, economic, cultural and religious strife engulfing the native rulers, Arab merchants and European bureaucrats, traders and missionaries.

The opening stanza taken from Rudyard Kipling's poem, 'The White Man's Burden' leaves the reader in no doubt about the ideological mindset of British Colonialists, like Sir Gerald Portal, Sir Fredrick Lugard and Sir Harry Johnston (he signed the 1900 Uganda Agreement), who came to Uganda to impose British Colonial rule:

Take up the White Man's burden—
Send forth the best ye breed—
Go, bind your sons to exile
To serve your captives' need;
To wait, in heavy harness,
On fluttered folk and wild—

¹⁵ See <http://punch.photoshelter.com/image/I0000F4DSGX7zpwA> (accessed 04/06/2012)

Your new-caught sullen peoples,
Half devil and half child.¹⁶

Further, the non-negotiability and supremacy of British Colonial rule was clearly articulated in the Uganda Agreement of 1900, which in Article 6 stated:

So long as the Kabaka, Chiefs, and people of Uganda shall conform to the laws and regulations instituted for their governance by Her Majesty's Government and shall co-operate loyally with Her Majesty's Government in the organization and administration of the said Kingdom of Uganda, Her Majesty's Government agrees to recognize the Kabaka of Uganda as the native ruler of the province of Uganda under Her Majesty's protection and over-rule [boldened for emphasis].¹⁷

Andrew Roberts observes:

Indirect rule was by no means a doctrine of laissez-faire; it often involved meddling with African societies to make them conform more clearly to British notions of the ideal 'traditional society'.¹⁸P.51

The myth behind indirect rule is exposed as strategic posturing. Traditional societies, ostensibly left to their own way of life, were reinvented to fit into the power preoccupations of British Colonial rule. This should be borne in mind when discussing the fortunes of the native-owned media during the Uganda Protectorate.

¹⁶ Rudyard Kipling (1865-1936) was an English poet and short story writer. His poem, 'The White Man's Burden' was first published in 1899.

¹⁷ See <http://www.buganda.com/buga1900.htm> (accessed 06/06/2012)

¹⁸ Andrew Roberts, 'The Imperial Mind', *The Cambridge History of Africa*, Vol. 7 (c.1905-c.1940), Cambridge:1986, p. 51

To maintain and protect Colonial rule by imposing the external semblance of unity, the Colonial power also relied on military force. This should not be forgotten when discussing the strong-arm measures successive Governments in post-independent Uganda have used to address what is deemed to be a non-compliant media.

Mathieu Deflem discusses the type of policing Great Britain used in its oldest colony, Ireland, and notes that it was militarized to keep rebellion in check. He argues that it was this type of policing that was used in the British colonies in Africa to militarily prop up the Colonial regime. He writes:

The Royal Irish Constabulary (RIC) was formed in 1836 to deal with the disturbances in British occupied Ireland. This police force was organized like a military force: ... The RIC was primarily formed to uphold British political rule in occupied Ireland rather than to enforce the law. ... It was ascertained that the semi-military RIC police force was better suited to establish, maintain, and secure the enforcement of British imposed Colonial laws.¹⁹

As long as Uganda remained a British Protectorate, all activities, including those of the burgeoning media, had to converge with the interests of the Colonial Government. The protection and preservation of Colonial power was paramount. Again, the above background discussion should be kept in mind when discussing the relationship between the media and Government during the Colonial period.

2.1.1 Media Legislation in the British Empire

The following selection of Colonial media laws enacted across the British Empire help put into context the governance mindset of

¹⁹ Mathieu Deflem, 'Law Enforcement in British Colonial Africa: A Comparative Analysis of Imperial Policing in Nyasaland, the Gold Coast, and Kenya', *Police Studies*, 17(1):45-68 (1994), pp. 58-61. See also <http://deflem.blogspot.com/1994/08/law-enforcement-in-british-Colonial.html> (accessed 13/06/2012)

Colonial Great Britain and the coercive nature of its imperial power ²⁰:

Seychelles.

Penal Code (Ordinance No. 10 of 1904).

Bahamas.

28 of 1919—Seditious Publications Prohibition Act

Gambia.

1 of 1888—Publications Ordinance. (Revised Edition, 1916.)

Gold Coast.

8 of 1894—Newspaper Registration Ordinance. (Revised Edition, 1910.)

14 of 1897—Book and Newspaper Registration Ordinance. (Revised Edition, 1910.)

Sierra Leone.

1 of 1887—Publications Ordinance. (Revised Edition, 1909.)

21 of 1910—False Publications Ordinance.

Hong Kong.

6 of 1914—Seditious Publications Ordinance.

6 of 1915—Seditious Publications (Possession) Ordinance.

2 of 1909—Newspaper Surety Ordinance.

4 of 1910—Newspaper Surety Amendment Ordinance.

Dominica.

89 of 1848—Printing and Publishing of Newspapers Act

3 of 1909—Newspaper Surety Ordinance.

Nigeria.

40 of 1917—Newspaper Ordinance.

16 of 1918—Newspaper Amendment Ordinance.

2.1.2 Media Legislation in the Uganda Protectorate

In 1910, the Newspapers Surety Ordinance No. 9 of 1910 was introduced which stated inter alia:

²⁰ For the detailed list of Colonial media legislation, see http://hansard.millbank-systems.com/written_answers/1920/nov/24/crown-colonies-peace-regulations (accessed 13/06/2012)

no person or company shall print or publish or cause to be printed or published within the protectorate unless executed and registered in the office of the Registrar of Documents under the Registration of Documents Ordinance a bond in the sum of shs.6000 with one or more [surety].²¹

At the height of the Great War (known afterwards as World War I) in 1915, the 2nd Governor of the Protectorate, Sir Frederick Jackson, introduced the Press Censorship Ordinance No. 4 of 1915 to protect British information. The Press Censorship and Publications Act was passed in 1949, following the riots that had almost brought the Colonial economy to its knees, fueled in no small part by a number of radical native-owned newspapers. What was to become the mother of all Colonial media legislations in the Protectorate, with implications for post-independent Ugandan media the Colonialist may possibly never have conceived, was the passage of the Penal Code in 1950.

In light of the centrality of the legislation in the media freedom debate, sections 39, 40 of the Penal Code Act are reproduced below ²²:

39. Seditious intention.

(1) A seditious intention shall be 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;

²¹ For a useful introduction to the press in Colonial Uganda see Zie Gariyo, 'The Press and Democratic Struggles in Uganda, 1900-1962', Centre for Basic Research [Kampala], Working Paper No. 24, 1992; also George Lugalambi & Bernard Tabaire, 'Overview of the State of Freedom in Uganda: A Research Report', African Centre for Media Excellence (2010), pp. 4-7; and Livingstone Sewanyana (Ed.). 'Freedom of Expression: In Defence of Media Freedom in Uganda (Report for the Period 1st June-30th November 2007)', Foundation for Human Rights Initiative, pp. 9-11, <http://www.wmd.org/documents/jan08demnews18.pdf> (last accessed 21/06/2012)

²² See https://www.google.co.ug/#hl=en&sugexp=cish&gs_nf=1&pq=uganda%20penal%20code%20act%201950%20law%20institute&cp=30&gs_id=1cu&xhr=t&q=uganda+penal+code+act+1950+pdf&pf=p&scient=psyab&oq=uganda+penal+code+act+1950+pdf&aq=f&aqi=&aql=&gs_l=&pbx=1&bav=on.2,or.r_gc.r_pw.r_qf,cf.osb&fp=3ab40ad1030bf09c&biw=982&bih=588 (accessed 18/06/2012)

- (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 a district.
- (2) For the purposes of this section, 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 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.
- (3) For the purposes of this section, in determining whether the intention with which any act was done, any words were spoken or any document was published was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his or her conduct at the time and in the circumstances in which he or she was conducting himself or herself.

40. Seditious offences.

(1) Any person who—

- (a) does or attempts to do or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;

- (b) utters any words with a seditious intention;
 - (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; imports any seditious publication, unless he or she has no reason to believe, the proof of which shall lie on him or her, that it is seditious, commits an offence and is liable on first conviction to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand shillings or to both such imprisonment and fine, and for a subsequent conviction to imprisonment for a term not exceeding seven years.
- (2) Any person who, without lawful excuse, has in his or her possession any seditious publication commits an offence and is liable on first conviction to imprisonment for a term not exceeding three years or to a fine not exceeding thirty thousand shillings or to both such imprisonment and fine, and on a subsequent conviction to imprisonment for five years.
- (3) Any publication in respect of a conviction under subsection (1) or (2) shall be forfeited to the Government.
- (4) It shall be a defence to a charge under subsection (2) that if the person charged did not know that the publication was seditious when it came into his or her possession, he or she did, as soon as the nature of the publication became known to him or her, deliver the publication to the nearest administrative officer or to the officer in charge of the nearest police station.

In 1960, despite the fact that the Colonial regime was in advanced stages of departure from the Ugandan scene, the Colonial Government did not deem it inopportune to pass the Newspaper and Publications Ordinance No. 33 of 1960, which increased the licence fees for newspaper publication from Shs. 5,000 to Shs. 10,000.²³

²³ Lugalambi & Tabaire, *op. cit.*, p.7

2.2 Emergence of the Media

The dominant form of mass media in the Colonial era was print journalism. During the Colonial period, four distinct categories of newspapers emerged in terms of ownership, and ideological allegiance. Admittedly, any categorization tends to simplify and generalize, but its purpose in this study is to provide a systematic overview of media growth and development in the Colonial era.

The first category was the religious newspapers that were the voice of the Christian missionary enterprise. The second category was of natively-owned newspapers, whose proprietors were either members of the Colonially-created landed aristocracy or products of missionary education. The study will explore the currents within the natively-owned press that either sought to preserve or undermine the Colonial order. What is significant is that the natively-owned newspapers adopted an activist approach to issues of the day, transforming progressively from addressing socio-economic grievances in the 1920s to the 1940s to engaging in political activism in the 1950s. Papers owned by the Colonial regime were the third distinct category and these inevitably played out a propaganda role. The last category was of newspapers owned by foreign entrepreneurs.

One periodical that defies placement in any of the above categories is the *Transition Magazine*, which first saw the light of day at the tail end of the Colonial period in 1961. It will be discussed in more detail in the next chapter covering the first 23 years of post-independent Uganda.

It should not be forgotten that Broadcast media also began in the Colonial era.

2.2.1 The Religious Newspapers

The dominant religious groups at the time Great Britain declared the Uganda Protectorate were the Anglicans and the Roman Catholics. In

sharp contrast with today's ecumenical cooperation that is evident in the Uganda Joint Christian Council, the relationship between the two groups at the time was hostile and divisive. The inter-denominational animosities carried over from the time of the Reformation in Europe in the sixteenth century, exacerbated by the historical rivalries between France and England, had been played out already in Buganda at the time Colonial rule was formally established.

Reflecting the privileged position of the Anglican Church in the formal Colonial order, the first newspaper to be published was a monthly newsletter, the *Mengo Notes*, produced by the Church Missionary Society in 1900. The title of the newsletter unambiguously focused attention on the centre of native royal power and highlighted the supremacy of the Anglicans over the Catholics. *Mengo Notes* (rechristened) *Uganda Notes* in 1902) was followed by another Anglican periodical, *Ebifa mu Buganda* in 1907.²⁴ The Anglicans also later published the English language *Upper Nile Magazine* and the *New Century*.

The Roman Catholics produced their first paper, *Munno*, in 1911. In addition to *Munno* there was the Luganda language newspaper *Mutabaganya*. The Catholic Church in the Colonial era also started regional newspapers to reach out to its adherents throughout the Uganda Protectorate and these included *Lobo Mewa* in Luo for Acholi and Lango, the *West Nile Catholic Gazette*, in English, Madi, Alur and Lugbara for the West Nile region, *Erwon K'Iteso* in Atesot for Teso, and *Ageterine* in Runyankitara for Ankole and Kigezi. The periodicals, the *African Ecclesiastical Review*, and the *Leadership Magazine*, both published in English, also appeared on the Colonial scene for the first time.

The religious publications were part of the Colonial dispensation. The Missions received support from the Colonial Government. What is important to keep in mind is that these religious publications did not

²⁴ Ibid. p.4

set out to rock the boat of British Colonial Rule but essentially served as journalistic vehicles for proselytism, communicating partisan news, and promoting a sense of identity among the slowly-growing educated mass of the native adherents. Having said this, however, the *Munno* newspaper, as will be revealed below, was to engage in political activism.

2.2.2 The Native-Owned Publications

Ssekanyolya, ggwe muwanvu; mbuulira eby'ekibuga ...
[Grey Heron, you are tall, tell me what is going on in the city ...]²⁵

The first native newspaper to appear on the Colonial scene was *Ssekanyolya* in 1920, a year after the hostilities of the World War I had been concluded in Europe. *Ssekanyolya* was owned by Serwano Kulubya, a landed Muganda aristocrat and a product of Anglican missionary education at King's College Budo. Kulubya, who was later to become the Omuwanika (Treasurer) of Buganda Kingdom, has been described as an early anti-Colonialist protestor. The author's considered position, however, is that this label, is misleading in that it suggests Kulubya was a radical revolutionary. The truth was rather different. Much as Kulubya's native newspaper questioned and even challenged aspects within the Colonial order, it did not preach upheaval of the existing political arrangements. It wished instead to see internal realignments within the order it accepted as a given. The ultimate test of this paper's radicalness would have been if it had fallen foul of the prohibitive Colonial legislation limiting media freedoms.

Ssekanyolya was emblematic of an early spirit of African regionalism. It was printed in Nairobi, with a Swahili version, and edited by Zefaniya. K. Sentongo, one of a growing breed of admired educated

²⁵ Quoted from Michael Twaddle, 'Z. K. Sentongo and the Indian Question in East Africa', *History in Africa*, Vol. 24 (1997), pp. 309-336 (p.313), African Studies Association, <http://www.jstor.org/stable/3172033> (accessed 15/06/2012)

and articulate missionary-educated Baganda in Nairobi. *Ssekanyolya* represented the fruits of missionary education and the nascent consciousness of black identity cutting across ethnic divides.

Issues the paper dealt with in its initial numbers were Black nationalism, the fairness of remuneration for natives under Colonial employment and the question of the growing Indian control of the business economy.

The treatment of these issues by a native-owned newspaper at such an early stage in the Colonial period reflected the growing political maturity of the emerging educated African elite. It also exposed the inherent instabilities of the macro-economic arrangements legislated into the Colonial order by the Uganda Agreement of 1900 and other subsequent statutes.

The Colonial establishment was not oblivious to *Ssekanyolya*'s existence. Michael Twaddle, quoting from the Entebbe State Archives, reports that in March 1921, three months after the paper's first publication, the Chief Secretary of the Uganda Protectorate wrote to the Intelligence Officer of the King's African Rifles at Bombo and requested him to commence a subscription to *Ssekanyolya* and to make sure that it was "carefully scrutinized and my attention drawn to any articles of a seditious nature."²⁶

Apart from a failed attempt by the Colonial Government to close down *Ssekanyolya*, following an article by its editor, Sentongo, criticizing the use of police brutality in Buganda, *Ssekanyolya* was accorded the latitude to engage with a variety of topical issues in the Protectorate and beyond.

Given that *Ssekanyolya* was the first native-owned newspaper, the author believes a brief exploration of the issues it treated is merited.

²⁶ Ibid., p. 316

David Basudde became quite a celebrity writer for *Ssekanyolya* and later was an activist in the Buganda (Bataka) Peasant Movement. He spent eleven days in England in September 1921. The following excerpt was taken from an interview Basudde held during his England sojourn, which appeared in the January 1922 release of *Ssekanyolya*:

"The progress of the Blacks, especially in America and West Indies, astonishes the people and causes those in Europe and other countries everywhere, to fear. They have now their own ships on the sea, and the man who formed the steamship company of the Blacks is called Marcus Garvey, who is praised very much these days. ... It has under consideration the question of Africa for the Blacks and is called "Universal Negro Improvement Association. ... When I left he was about to visit in England & in Paris in France."²⁷

Zefaniya Sentongo, writing in Nairobi, confronted head-on what was to become the Indian Question and to take on an international twist in the Amin era in a special supplement of *Ssekanyolya* of July 01, 1921 released in English and Luganda. He declared:

We the educated Natives of this country view with alarm the fact that an Indian deputation is going to England to lay their claims before the responsible authorities. We say with alarm because in the excitement caused by the situation we, the natives of the country, are rendered inarticulate and our interests are likely to be ignored. Owing to the limited space at our disposal we can only briefly state on our side that the Indians have done nothing in the way of native education, and, though the deputation can be called

²⁷ This excerpt is quoted in 'The Marcus Garvey and the Universal Negro Improvement Association Papers', *Africa for the Africans, June 1921-December 1922*, Vol. IX, Robert A. Hill, Editor-in-Chief, University of California Press, 1995, http://books.google.co.uk/books?id=Ka3gefc7Ec8C&pg=PA228&lpg=PA228&dq=sekanyolya+newspaper&source=bl&ots=sbyLdkOMRb&sig=d7Ad5dPM_ajEMmOjxagdrOVMRVI&hl=en&sa=X&ei=iwvbT8mKNSQ4gSL_OG2Cg&ved=0CE0Q6AEwBDge#v=onepage&q=sekanyolya%20newspaper&f=false (accessed 15/06/2012)

educated, the mass of Indians are illiterate and inferior in education to the natives. ... Our education and training has been carried out on western lines as being the best for our advancement with a view[,] according to the modern right of self- determination of, when sufficiently advanced, taking a share in the Government of our country, as well as filling the position of clerks, trained and manual workers, earning and spending, thus keeping the money in the country for the benefit of our people. Can this be possible under two opposing civilisations, one Eastern and the other Western, leading to a confusion of ideas on conduct, morals etc? ... ²⁸

The two issues highlighted above consolidate the view that early on into the Colonial period there was an emergent, socially-conscious and engaged native-owned media. David Basudde and Z.K. Sentongo anticipated the more radical nationalist newspapers of Ignatius Musaazi and E.K. Mulira in the 1940s and 1950s.

More pertinent to the debate on media freedom in this study is why the Colonial Government showed such tolerance that appeared to contradict the spirit of its media legislation. The author's position on the matter is that *Ssekanyolya* was essentially a conservative paper that did not fundamentally undermine the power and privilege of British Colonial Rule. The paper was an avenue for the emerging missionary-educated native elite to articulate their aspirations and fears within a world order they did not challenge but in which they wished to profile themselves.

Twaddle observes: "On the whole, British protectorate officials were happy to see older Baganda chiefs being discomforted by *Ssekanyolya* at just the time they themselves were beginning to want to replace them with younger, better-educated Africans." ²⁹

²⁸ Twaddle, op.cit., pp. 321-322

²⁹ Ibid., p. 327

While *Ssekanyolya* did not fundamentally rock the Colonial boat, other more radical native-owned newspapers emerged in the 1920s and 1930s to challenge the experienced inequities of the Uganda Agreement of 1900, particularly the landed privilege of the Buganda Establishment. Some of the most notable newspapers were *Munyonyozi* (1922), the monthly *Gambuze* (1927) and *Ddoboosi lya Buganda*.

All these papers championed the struggle against what was experienced as unjust Colonial taxation, for example, *Kasanvu* (compulsory cheap paid labour) and *Busuulu* (land rent), and the exploitative privileges of the Buganda's landed aristocracy.

The Buganda Establishment also saw the power of the media in influencing opinion and protecting its interests. Apolo Kagwa, already in the twilight of his long tenure as Katikkiro of Buganda Kingdom, started the short-lived *Njuba Ebireese* in 1923. There was also the royalist newspaper, *Agafa e Mengo*.

The 1940s saw the press becoming progressively more militant and radicalized as the educated native elite became ever more exposed. *Emmambya Esaze*, *Uganda Voice*, *Tula Nkunyonyole*, *Uganda Commonwealth*, *Buganda Nyaffe*, and *Munyonyozi* were among the most representative of this trend. Issues ranged from opposing the forced recruitment of Ugandans into the armed forces to protests against the exploitation of Africans, forced labour or championing the Bataka Movement Cause.

Predictably, the Colonial press control machine went into overdrive during the Second World War (1939-1945) and independently-owned vernacular papers that did not fall in line with officialdom were censored.

Fred Guweddeko, in one of his series on the life of the late former President Godfrey Binaisa published in the *Daily Monitor*, captures the reality of Colonial censorship during World War II:

When World War II broke out, a war public information office was located at Makerere and the students received one of the first radio sets in Uganda for official British war news. Students including Binaisa tampered with the radio and secretly monitored German war information news deep in the time. It happened that in 1940, Germany was winning the war. Binaisa engaged in counteracting official British war news with the truths. He was dismissed at the end of 1940 for, according to him, supporting Germany in the war.³⁰

Following the end of the World War II, the simmering socio-economic agitations that had occasionally caused mini-outbreaks boiled over. The return of native war veterans who had seen the 'light' of exposure contributed in no small way to the fast-moving tempo of events. Following the 1945 general strike, Daudi Mukubira, the president of the Uganda Growers Co-operative Union and proprietor of the native newspaper, *Buganda Nyaffe*, was deported to Northern Uganda under existing legislation such as the Removal of Undesirable Natives Ordinance (1907) and the Deportation Ordinance (1908). The explosive 1949 Riots were responded to by the Colonial regime with further media legislative restrictions, as already highlighted in Section 2.2.2 above. The *Uganda Star*, *Mugobansonga* and *Munyonyozi* fell victim to the Press and Censorship Publications Act of 1949. Such were the times that even the editor of the grandly-named, *Ddoboosizi ya Buganda*, had to face arrest and conviction for leveling criticism of the Kabaka. That incident alone reveals the degree to which the native institution of the Kabakaship had been transformed into part of the Colonial order.

Deterrent Colonial legislation notwithstanding, the native press continued to play an activist role in articulating the deep-seated dissatisfactions of the people. The major issues that dominated the native press in the 1950s were the position of Buganda and the

³⁰ Fred Guweddeko, 'Uganda: Tracing the Life of Fallen Former President Binaisa', *Daily Monitor*, 6 August 2010, <http://allafrica.com/stories/201008060131.html> (accessed 14/06/2012)

Kabakaship, and political nationalism, with the looked-for demise of Colonial rule. Political partisanship became descriptive of the native press in those times. The *Uganda Post*, the *Uganda Express* and the *Uganda Eyogera* newspapers came to be identified with the Uganda National Congress. Eridadi. K Mulira started *Uganda Empya* as a voice for his Progressive Party. The *African Pilot* of the Sapoba Press, the same press that was to become celebrated for the *Weekly Topic* in the future, was openly sympathetic to the more radical wing in the Uganda People's Congress (UPC). In this climate of partisanship, even *Munno*, the Catholic newspaper decided to come out and nail its political colours to the mast. It threw in its support for the Democratic Party (DP), a party established to offer a platform for politically-engaged Catholics. Charges of sedition, arrest of editors, outright banning and levying of fines were the predictable response from the Colonial regime. This was a lively manifestation of the Colonial governance model protecting the exclusiveness and privilege of its power base through the use of legislative, administrative and strong-arm measures.

2.3 The Colonial Establishment Newspapers

The Colonial Government strategically published a number of free newspapers in the local languages to disseminate the gospel of agrarian and infrastructural development. Much as this development agenda was laudable, it is not to be forgotten that it was necessary not only to maintain the financial base of the protectorate but also ensure a steady flow of raw material exports to the metropolitan economy in the United Kingdom. The natives would be kept busy and have less time to focus on the increasingly-shrill voices of the native press. Examples of the local language Colonial establishment newspapers were *Khodeyo*, written in Lusoga, and *Bushesiire* written in Runyankole.³¹

³¹ Development Initiatives Africa: A Communication Approach to Development, Part I, <http://developmentinitiativesafrica.blogspot.com/2012/02/authoritarianism-in-uganda-media.html> (accessed 15/06/2012)

2.4 The Foreign-Owned Press

The first foreign-owned newspaper was the *Uganda Herald*, started in 1912 by a Colonial settler and businessman, Michael Moss. It was "aimed purely at the British population-one of its regular columns, significantly called "Home News", was about Britain- ...".³² *Matalisi* was established in 1924 as its sister Luganda paper. *Uganda Herald* went on to become a commercial success. In 1954, when a state of emergency had been declared over Buganda and the Kabaka deported a year earlier to England, the *Uganda Herald*, with mystifying indifference to the political realities on ground was happy to cover the Queen's Visit and ran the following headline in its issue of April 29: 'Uganda Welcomes Her Majesty and The Duke'.³³

The *Uganda Herald* folded in 1955, being replaced in its niche by the *Uganda Argus*, which, however broadened out its target audience to all races whose educational credentials made them part of its target audience. Writing about the *Uganda Argus*, Daniel Nelson notes that one of the conditions set by the Colonial Governor at the inauguration of the *Uganda Argus* was that the editor had to come from England. He goes further to state of the *Uganda Argus*:

Although it was careful not to engage in sensationalism or slickness, preferring a straight-forward approach, it was not afraid, in the early days, to express its opinions strongly and clearly. One important reason for this was that it knew that in the event of trouble with the Colonial authorities on the spot, it had access to influential policy-makers in Britain. When Independence came it lost this protection, and nervousness and uncertainty showed immediately.³⁴

³² Daniel Nelson, 'Newspapers in Uganda', *Transition*, No. 35 (Feb.-Mar. 1968), p.29, <http://www.jstor.org/stable/2934685> (accessed: 19/06/2012)

³³ Reproduced by Bamuturaki Musinguzi in special report, *Weekly Observer*, May 22, 2008, <http://www.observer.ug/new/features/spec/spec200805011.php> (accessed 22/06/2012)

³⁴ Ibid.

Uganda Argus, together with *Taifa Leo*, *Taifa Uganda*, and *Taifa Empya* (these were owned by the Aga Khan, whose media interests were not to die) represented the capitalist face of media in the Colonial period. They anticipated the two media conglomerates that exist in Uganda today. The foreign-owned newspapers had no stake in the partisanship of the native press.

2.5 Emergence of Broadcast Media

The Colonial regime established the Uganda Broadcasting Services in 1953, a significant year on two fronts. This was the year when the Buganda Question assumed a heightened emotional dimension with the deportation of the Kabaka to England. It was also the year when at the Imperial Metropolis, Elizabeth II was crowned queen of the United Kingdom and “of Her other Realms and Territories”.

The establishment of State Broadcasting was one strategic and political tool of British cultural imperialism to ‘neutralise’ local dissatisfaction through diversionary entertainment and propagation of Colonial policies. The Colonial state broadcaster would also complement the Colonial establishment newspapers in reinforcing the message of agrarian and infrastructural development. The radio content was necessarily obtained from the British Broadcasting Corporation (BBC), and the only natives on the UBS staff, serving in non-managerial roles, were those who had been trained in the United Kingdom.

So at the time of political independence, the broadcast media was still an elite establishment, with a limited outreach compared to that of print journalism.³⁵

2.6 Summary

The above discussion has located the emergence of the modern media within the discourse of Colonial power and its governance

³⁵ Monica B. Chibita, ‘Ugandan Radio as a Political Space and the Regulation thereof’, http://www.iese.ac.mz/lib/publication/proelit/Monica_Chibita.pdf (accessed 11/06/2012)

underpinnings. Media legislation was a critical tool of control and power preservation used by the Colonial regime. Print journalism was the dominant manifestation of the modern mass media. The native-owned press was from the outset an engaged media. The tone of the native-owned press began with addressing socio-economic issues within the Colonial order of the Protectorate to open political partisanship towards the tail end of Colonial rule. It is no wonder that it was the native press that suffered the full brunt of the Colonial power through prohibitive licensing fees, imposed fines, arrest of culprit editors, including the deportation of some of them, censorship and outright banning of newspapers. Even the minority portion of the native press that was Establishmentarian in outlook adopted an engaged approach in defending the status quo. Newspapers that were tolerated did not reflect a democratic nor a democratizing disposition on the part of the Colonial Government. Rather, the tolerated newspapers did not constitute a subversion of the Colonial order. Radio was introduced as a state broadcasting monopoly to further the Colonial purpose.

Colonial rule was not a discourse in democratic governance. Human Rights and Freedoms were alien to it. British Colonialism in Uganda was about the politics of power monopoly, power domination, and power preservation. This was the reigning political environment in which the media operated at the dawn of Uganda's independence in 1962.

CHAPTER THREE: MEDIA IN THE POST INDEPENDENCE YEARS, 1962-1985

" At the turning-point in the history of Uganda, I hope that all our friends will join with me in bestowing upon the new, independent Uganda our prayers and hopes for peace, prosperity and a growing strength in her new role in international affairs. ... One of our first needs must be national unity. ... First, we require political stability. My Government will seek to maintain that stability, by the strict maintenance of law and order, by retaining the confidence of the voters, and *by upholding the freedom of the individual.*" [italicized for emphasis]

"Uhuru Message from the Premier", the Hon. A.M. Obote
Special Independence edition, *Uganda Argus* ³⁶

"Oh Uganda! The land of freedom. ..."

Opening line of 2nd stanza, Uganda National Anthem,

"Freedom is not necessarily the handmaiden of independence; nor is democracy its natural heir. Independence merely makes freedom and democracy possible; it does not automatically ensure it."

Colin Legum ³⁷

3.1 Media in the first Obote Administration (1962-1971)

The post-independence years in Uganda were to witness the emergence of what was to become a sustained paradoxical situation. This paradox was played out in increasingly-experienced situations whereby official Government rhetoric on media freedom was pitted against heavy-handed, if not at times, clumsy moves by the same Government to restrict the freedoms of those sections of the media deemed hostile.

³⁶ See <http://www.ugpulse.com/Government/1962-obote-and-uganda-s-independence/173/ug.aspx> (accessed 15/06/2012)

³⁷ Colin Legum, 'The Dangers of Independence', *Transition*, No. 6/7 (October 1962), pp. 11-12, <http://www.jstor.org/stable/2934776> (accessed 19/06/2012)

Freedom was the watchword at the dawn of political independence. It was for this ideal, inclusive of media freedom, that many editors and journalists of the native-owned newspapers during the Colonial regime had braved fines, bans, censorship, incarceration, and deportation.

Independent Uganda's first executive prime minister, Apolo Milton Obote, captured and gave national expression to this heady sense of freedom in his 'Uhuru Message' in the *Uganda Argus*, an excerpt of which is quoted above. Further, in May 1963 in Addis Ababa, Mr. Obote joined African leaders of towering stature like the host, Emperor Haile Selassie of Ethiopia, and Kwame Nkrumah of Ghana to adopt the OAU Charter, which as we have seen above, assented to the UDHR. By becoming a signatory to the OAU Charter, and by extension to the UDHR, debate on media independence in Uganda was re-directed and re-contextualised from being about an unequal combat with a dominant Colonial power, as highlighted in the discussion in the previous chapter, to a discourse on governance, grounded in human and other fundamental rights and freedoms.

Potentially subversive of the new post-independence order and media independence, however, was the Colonial media legislation that the new independent Government inherited and, as history has made evident, retained largely unchanged. The buoyant mood of freedom and independence was contradicted by the continued existence of the media legislation, harking back to a different governance environment, on the statute books of the new sovereign state.

Dominating the political discourse in the 1960s, the call to national unity came to mask Government's paranoid intolerance of criticism and unmask a continuity in substance with the governance model grounded in power monopoly, power domination, and power preservation. Government doublethink on media freedom became characteristic of the Obote Government and came to exercise a pernicious influence on editorial independence.

Daniel Nelson describes the general tone of print journalism during the 1960s:

It is incidentally interesting that today it is the “committed” newspapers which are the most out-spoken, while the commercial papers are the dullest. The commercial papers are, of course, afraid. They were set up to make money rather than risk controversy leading to a possible ban. The “committed” papers on the other hand have to advocate their cause as forthrightly as possible or they will do more harm to their cause than good. ... ³⁸

However, Nelson’s view is challenged by Salvatore Yoanna Olwoc, another contemporary who writes:

Perhaps the saddest remarks one can make about the committed papers are what they avoid saying for whatever excuse. It is for example considered both honourable and fashionable for these papers to make smug, pious appeals to sink the ship carrying the forces of divisionism and anti-nationalism. This they do in the garb of service to a nationalist cause. But this contrasts sharply with their silence on nefarious activities fanned and encouraged by their paymasters. ... ³⁹

Despite the cross-regional pretensions of its origins in the Colonial past as discussed in the previous chapter, the essentially-conservative but “committed” *Ssekanyolya*, which had become a mouthpiece for the Buganda royalist cause in the 1960s, was banned by the Obote Administration. Another “committed” paper that however earned the approbation of Government was *The People*, which was started to

³⁸ Nelson, op. cit., p. 30

³⁹ Salvatore Yoanna Olwoc, ‘The Press in Uganda’, Letters to the Editor, *Transition*, Vol. 37 (1968), p. 6, <http://www.jstor.org/stable/2934294> (accessed 19/06/2012)

support the Uganda People's Congress, and tended to err on the side of editorial caution.

The dominant paper in the 1960s was the English daily, the *Uganda Argus*, which, without ever becoming a Government mouthpiece, progressively perfected the dubious art of editorial circumspection over the years. Government also established its own newspapers, more in continuance with previous Colonial, policy to disseminate information on development issues. The most successful of these was the Luo, *Dwon Lwak*.

Many newspapers were started during the era but folded for any combination of reasons ranging from lack of trained staff, poor management, decline in readership leading to weakened financial base, and/or earning the wrath of Government.

In addition to the inherited Colonial media legislation, Government passed the following laws that had a bearing on the media and its independence: The Television Licensing Act of 1963; The Deportation Ordinance (1963); The Press Censorship and Correction Ordinance of 1964; The Official Secrets Act (1964); The Emergency Powers Act of 1966 (subsequently renewed by Parliament every six months); and The Public Order and Security Act of 1967.

With a remarkable indifference to historical irony, deportation, which the Colonial Government had energetically enforced against the perpetrators of the 1945 and 1949 Riots, was employed by the independent Government as a punitive measure. In 1966, the fateful year of political upheaval when the 1962 Constitution was abrogated, a free-lance reporter, Ted Jones, and a reporter with the Kenyan *Daily Nation*, Billy Chibber, were both deported. The only detail that had changed in deportation from the Colonial era to the post-independence period of the 1960s was that whereas in the former, the law addressed removal of undesirable natives, the spirit of the new post-independence law appeared to have in mind the removal of

undesirable foreigners. A Uganda Government reporter paid for his historical indiscretion with suspension when he inquired from visiting President Mobutu of Congo (soon to be renamed Zaire, now the Democratic Republic of Congo) about the whereabouts of President Kasavubu, forgetting the 'ex' prefix in his enthusiasm.

3.1.1 The Broadcast Media under the first Obote Administration

It is important to note that broadcasting remained an exclusive State monopoly during the first Obote Administration.

The outreach of the State Radio (named Radio Uganda after independence) as a powerful agent of socio-economic development was broadened after independence with the direct injection of Government investment. A second broadcast channel was created. Programming was increased to include thirteen languages and over 100 hours of weekly broadcast, and was eventually split into four regional programmes.⁴⁰

Uganda Television (UTV) service was established in 1963 as another state broadcasting monopoly. Like Radio Uganda before it, Government saw UTV's fundamental mission as being an agent of national development under close Government control.

The following letter written in 1964 by a German national living in Uganda to her relative in Europe provides an illuminating insight into her experience of TV broadcast control by Government:

As far as the TV program is concerned: It perhaps could be better. ... Apart from the news, there is at least one programme every evening that interests me. ... TV is governed by the state. Also the sale of TV receivers is ruled by the Government. There is only one model in two different

⁴⁰ Jacob Matovu, 'Mass Media as Agencies of Socialization in Uganda', *Journal of Black Studies*, Vol. 20, No. 3, March 1990, pp. 350-352

sizes on the market. Other TV receivers are not allowed to be imported into Uganda. It is a simple TV receiver from Japan, ...⁴¹

3.1.2 Silencing the Critical Voice of Print Media Objectivity

The '*Transition* Affair' of 1968-69 was to become a cause célèbre in local, regional and international media circles and earn Uganda the international notoriety of an autocratic state inimical to media independence.

The *Transition* magazine, a Journal of the Arts, Culture & Society, had been started in the run-up to political independence in 1961 by Rajat Neogy, a Ugandan of Asian descent. In contrast to the radicalized partisan spleen of much of the native-owned press that was characteristic of the last years of the Colonial period, the *Transition*, in its opening number, declared that it wished to "provide an intelligent and creative backdrop to the East African scene, to give perspective and dimension to affairs that a weekly or daily would either sensationalise or ignore."⁴² *Transition* was on the Ugandan journalistic scene what Higher Journalism had been to nineteenth-century London, a reference to the distinctly high-brow form of journalism that targeted the educated middle-classes. The profile of contributors to *Transition* included Nadine Gordimer, Wole Soyinka, Chinua Achebe, Ngugi wa Thiongo Mwalimu Julius Nyerere, Ben Mkapa, Abu Mayanja, Paul Theroux, James Baldwin, and Martin Luther King.

The seeds of the '*Transition* Affair' were sown in the ample coverage of debate on the 1967 Constitution in the *Transition* Magazine, to

⁴¹ Sonja Winklmaier, 'Letters from Sonja: Aunt Gudrun and Ugandan Television in 1964', First published: April 15, 2007, <http://www.ugpulse.com/people/letters-from-sonja-aunt-gudrun-and-ugandan-television-in-1964/631/ug.aspx> (accessed 18/06/2012)

⁴² *Transition*, No. 1 (Nov. 1961), 'Introductory Offer', <http://www.jstor.org/stable/2934698> (accessed 19/06/2012)

which Abu Mayanja, a former minister in Buganda Kingdom and member of the Uganda People's Congress, actively contributed. In his contribution to the 1967 Constitutional debate in the *Transition*, Mayanja had stated bluntly:

The key-note of the Government proposals is the concentration of all powers of Government-legislative, executive, administrative and judiciary-into central Government institutions and the subjection of those institutions to the control of one man-the President. The result is the creation-not of a republic, but of a one-man dictatorship, ... The people of Uganda, must summon all their courage and make it clear to our Government that when we fought for freedom we meant just that-that we believed all men, by reason only of the fact that they are human beings, are entitled to freedom and government by consent, freely given in free elections. Neither more nor less. A dictatorship by black-men has no objective advantages whatsoever over a dictatorship by whitemen: it may even be less efficient and less impartial.⁴³

In October 1968, Felix Onama, the then Defence Minister used the forum of a UTV debate on Press Freedom organized by Akena-Adoko, Head of the Security Council and Cabinet Secretary, to declare that the *Transition* was a subversive publication and ominously threaten Government action. True to Onama's threat, the editor, Rajat Neogy and Abu Mayanja were soon arrested, together with another *Transition* contributor, Davis Sebukima.

The arrest drama not only had all the hallmarks of a paranoid police state, but is to the contemporary reader an astonishingly familiar case. The author believes it pertinent to briefly describe the arrest

⁴³ Abu Mayanja, 'The Government's Proposals for a New Constitution of Uganda', *Transition*, No. 32 (Aug.-Sep. 1967), pp. 20, 25, <http://www.jstor.org/stable/2934618> (accessed 19/06/2012)

and trial saga as a running commentary on the substance of the political governance model, its relationship to media independence and the paradox of governance it dramatically highlights.

Rajat Neogy and Abu Mayanja were individually arrested on sedition charges in a pre-dawn operation at gunpoint by heavily-armed Special Forces, Neogy's home was raided three times in search of seditious materials, the two arrested persons were physically assaulted, they were taken to Court by guards carrying machine guns, the Courtroom was surrounded by a cordon of police, the two persons were bundled into police vans and returned to prison shortly after they left the Courtroom after being granted bail, and lastly, they were re-arrested and taken to prison shortly after the Chief Magistrate had acquitted them on all counts of sedition. Even the grim comedy of earlier arresting the Editor of *The People* arising out of mistaken identity only intensified the unedifying spectacle of Government flexing muscular power.⁴⁴

As the international community followed the unfolding assault on media independence in Uganda, President Obote exhibited a remarkable degree of double speak. In a press conference he gave in January 1969 when in London to attend the Commonwealth Conference, the President declared:

I have always read *Transition* very, very religiously and there is not a single criticism of the Government of the nature reported in the British Press.⁴⁵

The observations of the Chief Magistrate in his landmark judgment of February 01, 1969 on sedition in the '*Transition* Affair' are significant

⁴⁴ Notes in *Transition*, 'A Matter of Transition' (by a special correspondent), *Transition*, No. 38 (Jun. - Jul., 1971), pp. 44-46, <http://www.jstor.org/stable/2934311> (accessed: 20/06/2012); see also Bernard Tabaire, 'The Press and Political Repression in Uganda: Back to the Future?', *Journal of Eastern African Studies* (2007), 1: 2, pp.193-211

⁴⁵ *Uganda Argus*, January 18, 1969, quoted in *Transition*, Ibid., p. 45

because they are a forward pointer to the Constitutional Court Ruling on sedition in our own times:

The Chief Magistrate observed:

The essence of the crime of sedition consists in the intention with which the language is used ... Such intention must be gathered from a fair and generous reading of the whole of the article and not from isolated or stray passages here and there. ... It should be dealt with 'in a spirit of freedom' and 'not viewed with an eye of narrow criticism.' The fact is that after Independence all the previous laws became the laws of the Independent Sovereign State of Uganda overnight. Some of those laws are perhaps not in keeping with the spirit and aspirations of an independent State and it is idle to suggest that the Government did nothing about them. The laws of a country also are a matter of public importance. ... Mayanja is in effect drawing attention to certain laws and gives one instance thereof which, according to him, has vestiges of the old Colonial era... I refuse to believe that this represents a slur on the independence of the country which, according to Mr. Binaisa, is thereby rendered a 'sham.' If at all, it goes a long way in emphasising that Independence by reasserting that the Independent Parliament is now capable of amending the laws as it thinks fit and in the interests of the country by doing away with even the slightest vestiges of a bygone era. I am of the opinion that this is how the reasonably intelligent readers of *Transition* must have understood this passage to mean in the full context of the letter and, as such, I find that it does not disclose any intention of exciting feelings of hatred, contempt or disaffection against the Government. ⁴⁶

Four days after the re-arrest, Government announced that Neogy had been stripped of his Ugandan citizenship. He, together with

⁴⁶ Notes on *Transition*, 'The Judgment' [in the *Transition* Sedition Case] delivered by M. Saied, Chief Magistrate, *Transition*, No. 38 (Jun.-Jul. 1971), pp. 48-49, <http://www.jstor.org/stable/2934311> (accessed: 20/06/2012)

Sebukima, was released from prison on March 27, 1969. Abu Mayanja was released in August 1970, barely half a year before Obote was toppled in a coup by his Army Chief of Staff, Idi Amin.

The mileage that the Obote Government would have exploited from having an internationally-acclaimed high-brow periodical market its media freedom credentials was squandered in a crude display of brutalising power. The '*Transition Affair*' debunked the Government's pretensions to Constitutional rule and unmasked an evident continuity in substance with the governance model anchored in centralized power monopoly, power domination and power preservation of the bygone Colonial regime.

3.2 Media under Idi Amin, 1971-1979

Critical to the success of Idi Amin's military coup in 1971 was the securing of control of Radio Uganda and UTV by the military. The military regime clearly recognized the propagandistic power of the State-monopolised broadcasters. The same pattern was to be followed in subsequent military take-overs, till 1986.

Captain Aswa (was killed during the regime), who proclaimed the new military Government, cited 18 grievances for the change of Government, among which was "*the lack of freedom in the airing of different views on political and social matters.*"⁴⁷

At the time of Idi Amin's coup, the tone of the newspapers that still prevailed reflected minimal or sanitized editorial comment and this testified to the progressively claustrophobic political environment of the toppled Obote regime. Philip Short writing in the infectious popular excitement of the first months of Amin's Government observed:

⁴⁷ Matthias Mugisha reproduced a transcription of the radio proclamation of the coup in the *Sunday Vision*, January 24, 2009, see <http://www.sundayvision.co.ug/detail.php?mainNewsCategoryId=7&newsCategoryId=10&newsId=669191> (accessed 15/06/2012)

Amin has been encouraging freer debate in the Ugandan Press, but so far with little success. A combination of timorousness on the part of the reporters and pusillanimity on the part of those who occupy the editorial chairs has resulted in depressingly little criticism, constructive or otherwise, appearing in Ugandan newspapers.⁴⁸

Idi Amin issued the Newspaper and Publication (Amendment) Decree in 1972. The decree gave the Information minister the discretion to proscribe publication for a specified timeframe or indefinitely, citing the public interest. A wide swathe of privately-owned newspapers were banned, including foreign ones, whose owners were labelled "confusing agents," "imperialists" and "Zionists".⁴⁹

Voice of Uganda became the heir to *Uganda Argus*, but unlike its predecessor, it assumed an openly propagandistic direction as the Government mouthpiece. Speeches and other pronouncements of Idi Amin and his ministers were reproduced verbatim. While the Obote Government had made cynical concessions to the Constitutional framework to address real or perceived media crimes, for the Amin Government arbitrary arrests, imprisonment, physical torture and murder were the typical response.⁵⁰

In 1973, Idi Amin established the Presidential Press Unit to ensure that all presidential activities were given optimal prominence in the state broadcast agencies. This media outfit has continued to be cultivated by Idi Amin's successors in political office and with time the distinction between presidential and personal has become blurred. He also proceeded to modernize the state broadcasters by importing

⁴⁸ Philip Short, 'Amin's Uganda (A Half-Yearly Report)', *Transition*, No. 40 (Dec. 1971), pp.48-55, <http://www.jstor.org/stable/2934129> (accessed 20/06/2012)

⁴⁹ Sewanyana (ed.) 'Freedom of Expression', op. cit. p. 11; Chibita, 'Ugandan Radio', op. cit., pp. 5-6

⁵⁰ See 'Amin's Death Roll', *Transition*, No. 49 (1975), pp. 17, 21, 27, <http://www.jstor.org/stable/2934890>

sophisticated broadcasting hardware. The reach of Radio Uganda was extended further throughout the regions of Uganda. For UTV, he imported Outside Broadcasting Vans from Germany and established what was then Africa's largest and most modern earth satellite station at Ombaci in the West Nile region of Uganda. Colour television made its first appearance during his regime. Events of a global nature like the annual pilgrimage to Mecca and the funeral mass of Pope Paul VI in 1978 were telecast live to what was still an elite audience of Ugandan television owners, via the Ombaci satellite station transmitter.

The commendable modernising of media hardware under Idi Amin notwithstanding, it should be recalled that broadcasting fully remained a state monopoly. Chibita observes that "although the physical infrastructure of radio grew at an unprecedented rate, radio as a political space shrunk and was closed to the majority of Ugandans that were not directly associated with the military Government".⁵¹ Further, in keeping with the regime's military character, the staff of the Ministry of Information and Broadcasting were subject to the unpredictable whims of the rulers. During Idi Amin's regime, any pretensions of editorial independence were swept away and both the management and staff employed in the State Broadcasting organs and *Voice of Uganda* became in effect presidential court reporters.

Listening to foreign media to mitigate the influence of the Amin propaganda machine increasingly became a death risk, if found out.

An example that highlights the level to which state media had been debased into a propaganda arm of Government and *masseur extraordinaire* of the presidential ego was Idi Amin's wedding to Sarah Kyolaba. In 1975, during the 12th Summit Meeting of the OAU held in Kampala, at which Idi Amin was elected Chairman, he theatrically staged his wedding in the International Conference Centre, the Summit venue. The assembled African Heads of State

⁵¹ Chibita, op. cit. pp. 5/6

became the de facto wedding guests. UTV telecast what was dubbed "State Wedding" in repeat showings for about a week, due to what the UTV Management called "public demand".

State propaganda channeled through Radio Uganda and UTV was at its highest during the last and ultimately successful military offensive from Tanzania to force Idi Amin from power.

Right up to the climax of the military effort from Tanzania to oust Idi Amin from power, Radio Uganda doggedly maintained the big lie about the continued supremacy of the Uganda Army, and the total annihilation of the invaders. Contemporaries will recall the favoured idiomatic expression used on the news bulletin in Luganda to extol the claimed victory of Idi Amin and his army over the foe, *yabagobye ne bateekako kakokola tondeka nnyuma* [he chased them (the enemy) and they showed a clean pair of heels]. Such propaganda anticipated to a degree what Mohammed Saeed al-Sahhaf, (more popularly known by the nickname, Comical Ali), Information Minister in the Saddam Hussein Regime during the 2003 Iraqi war raised to as yet-unprecedented levels.

Ironically for Idi Amin and significantly for media scholars, radio which had become his preferred propaganda medium became his nemesis. Tanzanian state radio, Radio Tanzania Dar es salaam became a formidable war broadcaster. It broadcast in Ugandan languages in the areas of Uganda that had been occupied by the military forces from Tanzania and countered the Amin propaganda of invincibility with the propaganda of liberation.⁵² For the first time in Uganda's modern media history, the monopolizing of Ugandan airwaves by Radio Uganda had been subverted from within. Ugandans were empowered with the knowledge that the Amin regime was not unconquerable and had collapsed.

⁵² G. Moshiri, 'The Role of Radio Tanzania Dar es Salaam in Mobilising the Masses: A Critique', pp. 27-28, <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol4no3/jamr004003003.pdf> (accessed 20/06/2012)

3.3 The Media in the Immediate Post-Amin Period, 1979-1980

Having been subjected for years to the brute power of a despotic military regime, the immediate post-Amin era resurrected hopes for media independence. The 1967 Constitution was restored after a fashion, with amendments to accommodate the new political dispensation under the Uganda National Liberation Front.

Newspapers like *Ngabo*, *The Star*, *The Weekly Topic*, *The Economy*, *Agafa e Buddu*, *Mulengera*, and *Saba Saba* were immediately started. The partisanship of old, last experienced in the earlier years of the Obote Government, came to characterize much of print journalism. This partisanship was also reflective of the political turbulence of the times, in which the different political wings jostled for power and influence. Three Governments in quick succession were to be formed in the space of just over eighteen months. *Saba Saba* belonged to the army, *The Citizen* [*Munnansi*] was seen as pro-DP, while the proprietors of *Weekly Topic* were sympathetic to the Uganda People's Movement.⁵³

Despite the substantial partisanship colouring the print media environment, two newspapers came to embody the literary and intellectual aspirations of an independent media targeting the educated readers, and evocative, in a way, of the *Transition* magazine. These papers were *The Weekly Topic* and *Forward*.

In its first editorial the *Weekly Topic* pontificated:

The "WEEKLY TOPIC" is born now to ensure that the blood of the martyrs of our liberation was not shed in vain and that the mistakes we made in the past which opened the door for Amin's army of occupation making a liberation war necessary are not repeated to necessitate yet another war.

⁵³ Solomon Bareebe, 'The History of the Print Media in Uganda', *Chapters in the Rise and Rise of The Monitor*, <http://tutajua.com/?p=18> (accessed 21/06/2012)

After we have been territorially liberated, we shall have to liberate ourselves mentally: get rid of the prejudices we inherited from the Colonial era, disabuse ourselves of the bankrupt and unpatriotic legacy of Amin's rule and equip ourselves with the right outlook to the task of national reconstruction and recognition so clearly set before us. For that purpose, we invite you to the "WEEKLY TOPIC" as a reader, contributor or critic.⁵⁴

The *Weekly Topic* lent a certain gravitas to the print media scene with its well-thought out articles debating topical issues of the day. *Forward* was soon to become a thorn in the flesh for the second Obote Government when it took on a watchdog role regarding its excesses.

The Government paper was given a name-change to purge it of the Amin legacy and became *Uganda Times*.⁵⁵ However, despite the lively developments in media during this period, time-tested muscular approaches of using state power to deal with troublesome journalists were always at hand. Oyite Ojok, the Army Chief of Staff, arrested a number of journalists, including James Namakajjo, Presidential Press Secretary in the Binaisa Government, and Roland Kakooza, the editor of the *Economy*, on suspicion of having leaked intelligence information that was published in the *Citizen* and *Economy*. The State House became embroiled in the intelligence leakage saga, which eventually cost Godfrey Binaisa his presidency.

3.4 The Return and Second Fall of Obote, 1980-1985

An ominous note for the future of media independence during the second Obote Government was sounded when the then Chairman of

⁵⁴ 1st Issue of the Weekly Topic, 11th May 1979, quoted in Solomon Bareebe, The Sapoba Company, *Chapters in the Rise and Rise of The Monitor*, <http://tutajua.com/?p=29> (accessed 21/06/2012)

⁵⁵ Given the periodic non-appearance of the Government daily, some Kampala wags nicknamed it *Uganda Sometimes*.

the Military Commission, Paulo Muwanga, following the 1980 elections, banned the State broadcasters from announcing the election results and appropriated that role to himself.

Never in the modern media history of Uganda had a political ruler appropriated the role and function of broadcasting in a personal capacity. Paulo Muwanga was to become Vice-President under Obote. Though the Commonwealth Observers Report was to conclude that despite deficiencies, 'the electoral process cohered and held together even if some of its individual strands were frayed', the atmosphere in the second Obote Government was dominated by a siege mentality.⁵⁶

The second Obote Government passed The Newspaper and Publications (Prohibition) Order, 1981, No. 4 (March 11, 1981), No. 5 (March 25, 1981), and No. 48 (September 18, 1981). Seven newspapers were banned in the first year in power of the second Obote Government. Papers which had emerged in the immediate aftermath of Amin's downfall such as *Mulengera*, *Weekly Topic*, *The Champion*, and *Weekend Digest*, among others, were banned. The editor of the Government mouthpiece, *Uganda Times*, was dismissed over an article that appeared in the newspaper pointing to the complicity of the Government army in civilian deaths.

Journalists continued to be thrown in jail.⁵⁷ To paraphrase what was said of the Bourbons restored to the French throne after the defeat of Napoleon Bonaparte, Obote in his second Government, had learnt nothing and forgotten nothing.

Some papers, however, survived, for example, the DP organ, *Munnansi*. It has been argued that the survival of *Munnansi* was a ploy

⁵⁶ 'Uganda Election, December 1980: The Report of the Observer Group', London: Commonwealth Secretariat, 1981, quoted in Patricia M. Larby and Harry Hannam, *The Commonwealth*, Vol. 5, p. 51, Transaction Publishers (1993), http://books.google.co.uk/books?id=7jtmAMwh1lwC&pg=PA51&lpg=PA51&dq=commonwealth+observers+uganda+elections+report+1980&source=bl&ots=MnNDm4njUw&sig=qUmLncM348kptXGn3TF3SA1k_go&hl=en&sa=X&ei=Ev_pT7X0LY_1sgbl3oSjDg&sqi=2&ved=0CE4Q6AEwBA#v=onepage&q=commonwealth%20observers%20uganda%20elections%20report%201980&f=false (accessed 22/06/2012)

⁵⁷ Lugalambe & Tabaire, op. cit., p. 9; Sewanyana (ed.), 'Freedom of Expression', pp. 11-12

by the ruling UPC Government to gain legitimacy as a parliamentary democracy with a viable opposition.⁵⁸ The author's position is that the 1980 elections, the first since 1962, were legitimacy enough for the Obote Government. Further, for all the verbal gymnastics in the conclusion of the Commonwealth Observer Report, the validity of elections had not been fundamentally questioned.

The *Weekly Topic* was to resume publication in the military coup that toppled Obote in July 1985.

3.5 Summary

The post-independence period began with the heady refrain of freedom and call to national unity. Official Government rhetoric was grounded in respect for human and other fundamental rights and freedoms. This era held untold promise for the growth and development of an independent media in Uganda. However, the unfolding legislative, administrative and extra-judicial interventions to curb media independence under the first Obote Government highlighted the emergence of a paradox in governance. Further, the historical irony was the remarkably-uncritical retention of media legislation from the Colonial era on the statute books of an independent Uganda. New post-independence media legislation did not look forward in time for inspiration but benchmarked with the past. The shock factor for the post-independence Governments' heavy-handedness and brutality against the media was not so much to be found in its excesses but rather in the continuity in spirit with the bygone Colonial era. The evolution of what has been described as the imperial presidency in the post-independence era was not in itself radical, but essentially conservative. The governance model of a dominant centralised power had simply had a change of clothes from those worn by the British Crown to those that were now the rage donned by the Ugandan institution of the presidency, as formally unveiled in the 1967 Constitution. The studied circumspection of

⁵⁸ Uganda Media Development Foundation, 'The State of Media Freedom in Uganda', 2006, p. 3.

the media as a primeval self-preservation strategy under the first Obote Government became a silence louder than that of the grave, a tragic truism, under the military strongman, Idi Amin. The flashes of militarism under Obote that were exposed behind the constitutional veneer anticipated the brutal militarism of the Amin regime when the governance model of a dominant centralised power was stripped bare of all Constitutional pretensions and went muscular. State media became Government's propaganda arm of mass disinformation. The Post-Amin period resurrected hopes for media independence, which remained by and large chimerical.

CHAPTER 4: MEDIA UNDER THE NATIONAL RESISTANCE MOVEMENT GOVERNMENT

4.1 The Movement System or Unipartyism?

At his swearing-in as Head of State at Parliament Buildings in January 1986, Yoweri Kaguta Museveni, the leader of the victorious National Resistance Movement (NRM), declared that his government was ushering in a fundamental change, not a change of guards. The third point of the 10 point NRM Programme stressed the consolidation of national unity and elimination of all forms of sectarianism. Sectarianism was proposed by the NRM to refer to the outcomes of political misrule by previous post-independence Ugandan governments. In other words, the NRM sought moral legitimization for its rule by presenting itself as a discontinuity with what was characterized as the negative past, and a beacon for a positive future.

The Movement System, consciously propagated as the antidote governance model to the sectarian political parties of old, was proclaimed to be a unique all-inclusive political arrangement in which all Ugandans, by virtue of their citizenship, were members. Hence the principle of individual merit which became the leading criterion for aspirants to political office, the 1996 and 2001 Presidential and Parliamentary Elections providing notable case studies.

An emergent governance paradox was confirmed when the Movement legislated itself into the statute books with the passing of the Movement Act in 1997. As the Court Rulings on the Constitutional Petitions 5 & 7 of 2002 established, the Movement, with its political organs, was effectively functioning as a political party.⁵⁹ Rather than fostering all-inclusiveness, the myth behind the Movement was exposed as a façade for uni-partisan political self-interest and self-preservation for the NRM.

What needs to be emphasized here, in keeping with the thread of discussion in this study, is that rather than betoken discontinuity in substance of the post-independence governance model, the NRM, for

⁵⁹ For the Court Rulings on the Constitutional Petitions, see <http://www.ulii.org/ug/judgment/constitutional-court/2003/1> and www.ulii.org/files/ug/judgment/constitutional-court/2004/5/5.rtf

all protestations to the contrary, became part of a continuum of a governance model whose substance was characterized by monopoly, domination, exclusiveness, privilege, and intolerance of non-compliance with the interests of state power.

This fundamentally explains the paradox in which the Media was caught during the Movement System years when the rhetoric of fundamental change from the political past was pitted against a continuity in substance of a governance model that was about the privileging of state power.

4.1.1 Fundamental Change in the Print Media

It has been documented that in the first five years of the NRM government about 50 new publications hit the streets.⁶⁰ The life span of the majority, however, was cut short owing to the high marketing and distribution costs and the price of run-ins with government.

The *Uganda Confidential* started in 1989 and quickly came to epitomize the face of investigative reporting in Uganda in the 1990s.⁶¹ Its fearless exposés of corruption in the highest places, made more credible by the knowledge that its editor, Teddy Ssezi Cheeye, had participated in the NRM struggle, made each released issue a hot property. However, within ten years of its existence, the ceaseless battles with government against charges of sedition and libel had brought it to bankruptcy. It folded in 2002 amidst criticisms that it had by then lost its bite and learnt the problematic art of humouring government. The exposés of the *Uganda Confidential* in the 1990s were reflective of a public campaign against corruption, in which the watchdog role of the media gained a profile it had never before enjoyed in Ugandan media history. In 1996, the institution of the Ombudsman, the Inspector General of Government, provided the

⁶⁰ Monica Nogara, Role of Media in Curbing Corruption: the Case of Uganda under President Yoweri K. Museveni during the “no-party” System, DESA Working Paper No. 72 (January 2009), p. 7, http://www.un.org/esa/desa/papers/2009/wp72_2009.pdf (accessed 18/06/2012)

⁶¹ Ibid., p.8

media with an opportunity not only to collaborate in the investigation of corruption, but also to become the medium through which the public was informed of the investigative findings and the proceedings of Commissions of Inquiry. Through the print media, the public became an interested and participative audience in the unfolding anti-corruption drama.

By 2005, however, the will of the media to be in the vanguard of the corruption fight had progressively waned and was also reflective of growing cynicism about the end purpose of corruption exposés. The media legislative environment and the effects of commercialism contributed largely to this. More about the effects of commercialism in the media will be discussed further in section 4.3 below.

A telling pointer to challenges posed to media independence by the interests of private media owners was seen in the fortunes of the *Weekly Topic*. Its proprietors had been appointed to serve in high office in government. In an environment of dissatisfaction with what was viewed as interference with the *Weekly Topic's* editorial independence, a breakaway group of journalists started the *Monitor* in 1992.⁶² The fresh incisive thrust of the new paper gained it popular recognition and provided a counter-influence to that exerted by the *New Vision*, the paper that speaks for Government. Within one year of its existence, however, the *Monitor* was struggling for its existence when Government decided, as a punitive administrative measure, to stop advertising in it and to only carry its advertisements in the *New Vision*. Thanks to the business acumen of its founders, the *Monitor*, which had started off as a weekly, stayed afloat and by 1996 had gone daily. In 2006, the *Weekly Observer* (now a tri-weekly since renamed *Observer*) was started by a group of journalists formerly in the service of the *Monitor*.

The *New Vision* is the lineal successor to the *Uganda Argus* and *Voice of Uganda*. While definitely not adopting the crude propaganda stance

⁶² Ibid., pp. 9-10

of the *Voice of Uganda* nor the editorial circumspection of the *Uganda Argus*, the *New Vision*, for all its moments of editorial autonomy, reflects Government's interests. Studies on the coverage of the general elections in the *New Vision* highlight this.⁶³ Innovatively, however, the *New Vision* introduced regional newspapers as an outreach promotion. The contemporary print media scene is now dominated not only by *New Vision* with its sister publications, but also the *Monitor* and the *Observer*..

4.1.2 Fundamental Change in the Broadcasting Industry

Changes in the broadcasting industry were the most fundamental manifestation of liberalization of the media. For the first time in Uganda's broadcast history, the role of Radio Tanzania Dar es salaam in the Amin era notwithstanding, the monopolization of the airwaves by state broadcasters was ended with the establishment of privately-owned radio stations.⁶⁴ Radio Sanyu led the way in 1993 to be followed by Capital Radio, a year later. These two radio stations introduced programming formats that were to be broadly reproduced as staples for other private radio stations. The initial programming format was a safe and anaesthetizing mix of news and entertainment, with the latter item being predominant.

⁶³ In its final report the European Union Election Observation Mission on the 2011 General Elections observed: The partially state-owned New Vision did not demonstrate the same willingness to provide Ugandan citizens with the variety of information they needed to make an informed decision on Election Day. The second largest Ugandan newspaper in terms of circulation, the New Vision continually published front page photographs of candidate Museveni almost to the exclusion of the seven other presidential candidates. On 26 January it also published a 32-page supplement on the NRM's 25th anniversary which provided a detailed and uncritical description of the economic progress and infrastructure built under the leadership of President Museveni. Even if this supplement is not factored into the process, the incumbent President enjoyed much greater media coverage than his main challenger (42,201 cm2 against 12,841cm2 for Dr. Besigye)., p. 29 http://www.eueom.eu/files/pressreleases/english/eueom_uganda2011_final_report_en.pdf

⁶⁴ For a general discussion on the changes in Ugandan broadcasting, see Chibita, op. cit.; and George W. Lugalambi et al., 'Uganda, A Survey', Public Broadcasting in Africa Series, by Africa Governance Monitoring and Advocacy Project (AfriMAP), 2010, pp. 43-54, <http://www.soros.org/sites/default/files/uganda-public-broadcasting-20100701.pdf>

The programming innovation of the inter-active talkshow was to become a big success. Capital Gang became the flagship talkshow programme of Capital Radio and earned itself a high reputation for the spirited and no-holds barred debate of its 'Gangsters'. Capital Gang even hosted President Museveni in 2003. A popular variant of the talk-show was the open-air people's debates, the 'ebimeeza', that were innovated by Radio One. Their popularity was quickly exploited by other radio stations that copied the format. Government did not fail to appreciate the implications of popular participation in the 'ebimeeza' which had even spread out to the Ugandan countryside. In 2002 the Information Minister attempted to ban the 'ebimeeza', but a compromise situation was agreed upon and the debates were from then on conducted in studios.⁶⁵ Even the studio versions of the 'ebimeeza' were eventually banned by the Broadcasting (BC) following the September 2009 Riots. As at June 07, 2010, 244 Radio stations, with 45 in Kampala District alone, and 41 TV stations had been licensed.⁶⁶

4.1.3 Emergence of the New Media

Media liberalization was also reflective of global breakthroughs in Information and Communication technologies, from which Uganda could not remain isolated.⁶⁷ This development in ICT was not so much because of the NRM but in spite of it. New Media revolutionized the media work environment by speeding the pace at which information was accessed, shared and disseminated. Also challenged were the parochial boundaries within which State power had always sought to contain and diffuse the power and influence of the media. The

± 'Government curbs live radio broadcasts 9 January 2003', IFEX, The Global Network for Free Expression', http://www.ifex.org/uganda/2003/01/09/government_curbs_live_radio_broadcasts/

⁶⁶ see <http://www.mediacouncil.ug/docs/rADIO%20AND%20TELEVISION%20STATIONS%20LICENSED%20IN%20UGANDA%20AS%20of%20july%202010.pdf>

⁶⁷ For the number of Internet users in Uganda, as last reported in 2010, see World Bank Report on mobile cellular subscriptions, 2011, see <http://www.tradingeconomics.com/uganda/mobile-cellular-subscriptions-wb-data.html> (accessed 20/06/2012)

emergent New Media has created the phenomenon of borderless information and reinforced a globalised dimension to the media freedom debate in Uganda.

4.1.4 Media Regulation Overkill under the Movement System

The paradoxical contrast in Uganda between a vocal and diverse press and the regular arrests and prosecutions of leading media figures results in part from the draconian press laws which remain on the books, despite the constitutionally guaranteed right to freedom of the press. Some of the laws used to prosecute journalists, such as the law on seditious libel, date back to the colonial era.

Peter Bouckaert, Human Rights Watch (1998)⁶⁸

In the face of these momentous developments on the media landscape, the paradox of governance under the Movement System and its implications for media independence continued to be evident. Over and above already existing and inherited media legislation, Government passed legislation that created a number of media regulatory bodies.

Three pieces of media legislation were passed in three years. The Press and Journalist Statute of 1995 (became the Press and Journalist Act of 2000) established the Media Council (MC) as well as the National Institute of Journalists of Uganda (NIJU). A year later, the Electronic Media Statute of 1996 (it became the Electronic Media Act of 2000) created the Broadcasting Council as the body in charge of issuing broadcast licenses and liaising with the Ministry of Information. The Electronic Media Act also tasks the Broadcasting Council with standardizing, planning, managing, and allocating the frequency spectrum dedicated to any broadcasting station.

⁶⁸ Peter Bouckaert, 'Hostile to Democracy: The Movement System and Political Repression in Uganda' (1998), Human Rights Watch, see http://www.hrw.org/reports/1999/uganda/Uganweb-08.htm#P1291_280566 (accessed 17/09/2012)

The Uganda Communications Act of 1997 established the Uganda Communications Commission (UCC).⁶⁹

Media scholars and practitioners have decried the regulation overkill and the overlapping roles between the media regulatory bodies that have become increasingly manifest over the years.

Government established the Media Centre in 2005. It has come under criticism by the media fraternity for its perceived partisanship. The following excerpt from a release by the Media Centre highlights why its objectivity as a government agency has been challenged.

“ ... Actually, in Uganda freedom of expression is so great that it is often abused by certain ‘self-appointed political analysts’ who have made it their personal mission to slander President Museveni openly in the media verbally and through their writings. A certain media house is fond of ridiculing President Museveni in satirical cartoons on a regular basis. Why don’t human rights organizations say anything about that? ”⁷⁰

In the wake of increased terrorist activity globally, the Anti-Terrorism Act, 2002 was passed, to be followed by the Access to Information Act in 2005.

4.2 The Shift to the Multi-Party Dispensation

That the condition of media freedom in Uganda has progressively deteriorated since the return of multi-party politics is not to suggest that the country should not

⁶⁹ For a discussion of the media laws and their implications, see ‘A Report of the Review of the Media Environment in Uganda: 2003-2006’, By Panos Eastern Africa, March 2006, pp. 10-12, <http://www.panos.org/sites/default/files/Uganda%20MRER%20Report.pdf> (accessed 20/06/2012), ‘Uganda, A Survey’, pp. 29-33; Sewanyana (ed.) ‘Freedom of Expression’, pp. 19-27

⁷⁰ See Josepha Jabo, ‘Phony Human Rights Concerns at Amnesty’, June 21, 2012, <http://www.mediacentre.go.ug/details.php?catId=1&item=1419> (accessed 22/06/2012)

have returned to the multi-party system of Government. It's merely to point out what appears to be a disturbing relationship between multi-party politics as it is practised in Uganda and the condition of the media. And of course it confirms that multi-party politics is not necessarily multi-party democracy.

Peter Mwesige⁷¹

The outcome of the referendum of 2005 was a national affirmation for restoration of political parties on Uganda's landscape. While previously under the Movement System the paradox was about the political character of the Movement and the substance of power underlying its self-understanding, a new dimension to the underlying paradox, with fresh implications for the media, was to emerge under multi-partyism.

The 2006 Presidential and Parliamentary Elections were the first such exercise to be conducted in Uganda since 1980 and they highlighted a new paradox. In its final report, the EU Election Observation Mission on the 2006 Elections observed:

The growth of regional commercial radio stations across the country has created a lively and dynamic media system; albeit one that suffers from financial difficulties and at times political pressures. Despite this growth of radio, the relationship between the state and some sections of the media remains one of potential conflict and tension. During the election campaign period this was largely represented in a number of incidents involving the police, visiting radio station to request that they refrained from airing certain content, without adequate respect for the regulatory process. ...

⁷¹ Peter Mwesige, 'Press Freedom In Uganda: The Ugandan Paradox', posted on his blog Thursday, 09 June 2011 17:10, <http://www.acme-ug.org/component/k2/item/105-press-freedom-the-uganda-paradox> (accessed 21/06/2012)

Although the coverage of the elections in the mass media was extensive, particularly on commercial radio and in newspapers, the financial situation of the media houses makes them vulnerable to a number of practices, which whilst within the law, work to the detriment of the media's independence.⁷²

Multi-partyism per se represents a broadening of political space in which various political shades of opinion, enshrining the Constitutional guarantees of freedom of expression and freedom of association, are each lent a voice through institutionalized structures. It is important to keep in mind that each political party is, at least potentially, a government-in-waiting, and as such represents an alternative and competitive power base. In a multi-party dispensation, given that governance is premised on competitiveness, occupation of state power is not exclusive.

However, the new aspect of the paradox under the introduced multi-party dispensation was the emerging contradiction between the form of multipartyism, as an external Constitutional and political reality on the one hand, and the substance of the governance model perpetuated in the privileged position of the NRM. Much as the shift to multipartyism marked a significant Constitutional and political change, the substance of the governance model in which state power was vested continued to be characterized by monopoly, domination, exclusiveness, privilege, and intolerance of difference. This explains the paradoxical situation under multi-partyism in which the media continues to experience a continuity of reversals and restrictions.

⁷² The European Union Election Observation Mission on the 2006 General Elections, pp. 27-28, see 'Restrictions on the Right to Free Expression', *In Hope and Fear: Uganda's Presidential and Parliamentary Polls*, Human Rights Watch (No.1: Feb. 2006), pp. 19-21, <http://allafrica.com/download/resource/main/main/idatcs/00010772:85836b4afb16af1abbbda39735eef9b2.pdf> (accessed 17/09/2012)

4.2.1 The More Things Change, the More They Remain the Same

The media is also another corrupt, irresponsible and unprofessional group. ... It is the duty of every Media House (radio, TV or newspaper) to ensure that they give balanced and objective coverage of any story. It is an obligation on them and not a favour to the public. Any Media House that does not do it will lose out. I will show you how if they continue. ... The power of licensing belongs to the State. The State of Uganda has got a historical mission: Nationalism, Pan-Africanism, Socioeconomic transformation and Democracy. It is the duty of every Media House to further these aims.

**President Yoweri Kaguta Museveni,
State of the Nation Address, 2012 ⁷³**

The Paris-based *Reporteurs Sans Frontières* (RSF) World Press Freedom Index 2012 ranks Uganda at the 139th position out of 179 assessed countries. ⁷⁴ In 2002 when the World Press Freedom Index was first conducted, Uganda was given the 52nd position out of 139 evaluated countries. It is paradoxical, just as Peter Mwesige observed, that Uganda shows weaker credentials on media freedom under the political dispensation of multi-party democracy than ten years before under the Movement system.

This section briefly engages with a selection of episodes that highlight the effects of legislative, administrative and strong-arm measures meted out by the Government on the media, its managers and staff.

Even before media liberalization began in earnest in the 1990s, writing in the media about military affairs was criminalized and

⁷³ The presidential address was given at the opening of the 2nd session of the 9th Parliament on June 07, 2012 at the Uganda International Conference Centre, see <http://www.statehouse.go.ug/files-and-media/files/presidential-statements/state-nation-2012.pdf> (accessed 20/06/2012)

⁷⁴ See <http://en.rsf.org/> (accessed 13/06/2012)

incorporated into the Penal Code in 1988. The significance of this lies in the continued retention of this piece of punitive legislation by Government.

It has been documented that in the first eighteen years of the NRM government over 24 journalists were charged in Court on offences listed under the Penal Code, particularly on sedition, false publications and defamation.⁷⁵

The rhetoric on fundamental change notwithstanding, the NRM Government did not shy away from deploying time-tested administrative measures that had readily been employed right from Uganda's political past. In March 2006, Blake Lambert, a Canadian journalist, earned the notoriety of being the first journalist to be deported under the current Government.⁷⁶

Riots broke out in Kampala and surrounding areas in September 2009 following media reports that the Government had stopped the Kabaka of Buganda from making a royal tour in Kayunga District, citing security concerns. In the aftermath of the riots, the following four radio stations were shut down by the BC, namely, the Central Broadcasting Service (CBS), Radio Suubi, Radio Sapientia, and Akaboozi ku Bbiri. Closure of radio stations was not unprecedented under the current Government as it had already been carried out in the past, examples being the closure of a Catholic radio station, Radio Kyoga Veritas in June 2003⁷⁷ and KFM Radio in August 2005.⁷⁸

⁷⁵ Lugalmi and Tabaire, op.cit., pp. 11-12

⁷⁶ 'Uganda expels Canadian journalist', <http://news.bbc.co.uk/2/hi/africa/4793500.stm> (accessed 15/06/2012); for Government's position see "Booted scribe irked three departments", *Sunday Vision* p.1, March 12, 2006

⁷⁷ 12Police close church-owned radio station, http://www.ifex.org/uganda/2003/06/26/police_close_church_owned_radio/ (accessed 20/06/2012)

⁷⁸ Police raid offices of independent newspaper "The Monitor" 11 October 2002 http://www.ifex.org/uganda/2002/10/11/police_raid_offices_of_independent/ (accessed 20/06/2012)

The letter of the Chairman of the BC to the General Manager, CBS on the closure of the Radio Station reveals the mind of media regulatory officialdom. It stated in part:

... The Broadcasting Council has taken exception to the role that CBS has been playing in mobilizing and inciting the public to riot around the Kakaba's planned visit to Kayunga District. This is evidenced by the escalation of violence which resulted in lose [sic] of life and property and brought business to a standstill in some parts of the city on the 10.09.09 ... Note that CBS is also required to comply with other provisions of the law. The programmes in question [sic] the contravention of sections 39 and 40 of the Penal Code Act Cap 120 which provide for seditious intention and seditious offences. ...⁷⁹

The following observation by the European Union Election Observation Mission provides an insight into the editorial climate reigning in CBS after its restoration:

..., while the popular Kingdom of Buganda-owned CBS dedicated the least amount of airtime to the elections of all the broadcasting media monitored by the EU EOM [Election Observation Mission]. This extreme caution could be the result of CBS being one of three [sic] radio stations suspended from broadcasting by the government in September 2009.⁸⁰

It was during the heightened political environment following the September 2009 Riots that Kalundi Serumaga, who had, among others, created a profile for himself as host on the Radio One talkshow, 'Spectrum', was arrested and assaulted by unidentified

⁷⁹ Indebted to Daniel Kalinaki who reproduced in his blog, September 14, 2009, see <http://kalinaki.blogspot.com/2009/09/here-is-letter-closing-cbs-radio.html> 9accessed 22/06/2012)

⁸⁰ European Union Election Observation Mission on 2011 Elections, p. 29

security operatives. He was charged with sedition for the views he aired on 'Kibazo on Friday', a talkshow on WBS TV.⁸¹

The Internet was to prove a problematic medium for regulation. Timothy Kalyegira, the editor of the online *Uganda Record*, was arrested in 2011 on accusations of criminal defamation. Though an attempt had been made in the past to muzzle a popular website, Radio Katwe⁸², Kalyegira's arrest was a first in Ugandan media history for an online editor.

With the unfolding of political-social upheavals in North Africa in the first months of 2011, what is now referred to as the Arab Spring, an animated debate among Ugandan netizens was generated, especially on the role played by the social media platforms.

Different sections of the Ugandan public and members of civil society debated the rationale for and the developments around the April and May 2011 protests on various social networking sites, particularly on Facebook. Media regulators took a keen interest in the direction of the debate. The authorities attempted to block the use of social networking internet sites, such as Facebook and Twitter citing the potential for widespread violence, even though there was no evidence that the protest organizers were or had been using the various sites to organize the protests in any way.

A letter addressed to ten internet service providers by the UCC is illuminating:

⁸¹ For what Serumaga said, see http://www.observer.ug/index.php?option=com_content&view=article&id=5126:what-serumaga-said-on-wbs-tv&catid=34:news&Itemid=114
What Serumaga said on WBS TV
News (accessed 20/06/2012)

⁸² See 'Critical website Radio Katwe blocked on eve of presidential election', February 23, 2006, http://www.ifex.org/uganda/2006/02/23/critical_website_radio_katwe_blocked/ (accessed 22/06/2012)

"We have received a request from the security agencies that there is need to minimize the use of the media that may escalate violence to the public in respect of the ongoing situation due to demonstration relating to "Walk to Work", mainly by the opposition in the country...You are therefore required to block the use of Facebook and tweeter [sic] for 24 hours as of now, that is: 14 April 2011 at 3.30 p.m. to eliminate the connection and sharing of information that incites the public..."⁸³

A newspaper report that appeared in the foreign press in August 2011 indicated that Government claimed to have unearthed a plot by the Opposition to use the social networking sites to prepare for a military coup.⁸⁴

In June 2012, the media and civil society organizations, especially human rights groups, focused on remarks attributed to the Inspector General of Police that have made headline stories. The first concerned an apology he extended to media.⁸⁵ The second was the lead story in the *Daily Monitor* issue of June 18, 2012 whose headline was 'Police to use military tactics, says Kayihura'.⁸⁶ This ongoing debate on the implications of the statements attributed to the Police Chief continues to emphasize the centrality of the state power as the dominant governance model, in continuity with Uganda's political past in any engagement with media independence.

⁸³ Quoted in 'Stifling Dissent: Restrictions On the Rights To Freedom of Expression and Peaceful Assembly in Uganda', Amnesty International (2011) p. 23, <https://doc.es.amnesty.org/cgi-bin/ai/BRSCG1/STIFLING%20DISSENT?CMD=VEROBJ&MLKOB=30059731515> (accessed 6/06/2012)

⁸⁴ See, "Uganda anger at opposition twitter insurrection", The BBC, August 11, 2011, <http://www.bbc.co.uk/news/world-africa-14491135> (accessed 22/06/2012)

⁸⁵ 'Police apologise for attacks on media, promise reforms', June 13, 2012, http://www.ifex.org/uganda/2012/06/13/police_press_unit/ (accessed 23/06/2012)

⁸⁶ For a refutation of the reported story in the monitor, see Response to the Daily Monitor lead story on the alleged Kayihura directive for the Police use of military tactics, see <http://analisesdomjoker.blogspot.com/2012/06/re-uah-igps-response-on-monitors-lead.html>; 'Militarisation of the Uganda Police force is Unconstitutional', <http://hurinet.blogspot.com/> (both accessed 23/06/2012)

4.3 Media Ownership, Public Interest Vs Self-Interest

Today, another existential transition looms for Uganda and it would seem incumbent that the Monitor will be at the heart of defining its character. ... One has to be watchful of the convergence of political and commercial interests that can dampen an introspective and intellectually adventurous journalistic spirit critical at this juncture in Uganda's history.

John Githongo (speech given on the twentieth anniversary of the *Monitor's* founding)⁸⁷

The emergence of privately-owned media as a business investment and the reality of commercialism has raised a further dimension to the ongoing debate about media independence. As will be discussed below, tabloidization as one aspect of a commercialised media is driven by the profit motive. Media ownership, and underlying it, media management, have arisen as contemporary issues that are inseparable from the debate on media independence today. These questions ultimately engage with what the role of media is fundamentally all about. To what extent can the privately-owned media address the common good, while driving the profit motive as a business and entrepreneurial enterprise.

The 2004 National Broadcasting policy⁸⁸ articulated by the Broadcasting Council states seven objectives to provide the operational framework for broadcasters:

1. To continue promoting the liberalisation of the airwaves;
2. To ensure that a balance is struck between making profit and the fulfilment of public service obligations as will be laid down in the regulations;

⁸⁷ See *Daily Monitor* (07/09/2012), John Githongo, 'Monitor's Two Decades', p. 10

⁸⁸ The National Broadcasting Policy, The Republic of Uganda, pp. 25-26, [http://www.dondave.com/ucc/images/ucc/broadcasting/The National Broadcasting Policy.doc](http://www.dondave.com/ucc/images/ucc/broadcasting/The%20National%20Broadcasting%20Policy.doc) (accessed 20/06/2012)

3. To establish a framework that takes into account the convergence of technologies;
4. To ensure that the broadcasting sector contributes in a sustainable manner to economic growth and development;
5. To ensure that the broadcasting system contributes to unity and patriotism by safeguarding, enriching and strengthening the cultural, social and economic fabric of Uganda; and
6. To ensure pluralism and diversity in the provision of news, views and information;
7. To ensure that a fair and systematic procedure for handling complaints from the industry and the public is in place.

The realization of these noble objectives is subject to the interests of the media entrepreneurs. Published findings on radio station ownership in Uganda indicated, that in 2008 “75 per cent of registered FM stations were owned by politicians, and 75 per cent of these were members of the ruling party.”⁸⁹ These findings challenge the basis of the quantification argument for justifying the existence of media independence in Uganda. The quantification argument may be crudely summarized as follows: ‘In the past there was only one radio station and there was no democracy. At present there are very many radio stations and so there is democracy.’

The coverage of presidential and parliamentary elections, particularly in the broadcast media, also highlights the restrictive influence of politics of power and the instinct for self-preservation on media and its independence. In its final report, the European Union Election Observation Mission on the 2011 General Elections observed:

Overall, FM radio coverage of the presidential candidates was slanted in favour of the incumbent at 50.7 per cent against

⁸⁹ Quoted in European Union Election Observation Mission Report on 2011 Elections, p. 26, ft. 52

16.4 per cent for Dr. Besigye. There were consistent reports that a number of radio station owners refused or were reluctant to cover the activities of opposition parties for fear of retaliation by members of the NRM and local authorities. These reports also reveal that some editors-in-chief asked their journalists to avoid critical reports of NRM candidates and that many journalists submitted themselves to self-censorship for fear of harassment or loss of employment.⁹⁰

One empirical study has shown that commercialism in the privately-owned media houses has taken a toll on sound journalistic and media management practice, with entertainment becoming the preferred commodity of choice on account of its low investment value.⁹¹ Entertainment is certainly therapeutic but has an evanescent value. In the media regulatory climate, entertainment is also a safe investment. Privately-owned broadcasters are complicit in upholding the status-quo of the NRM political dispensation by an imposed self-censorship, expressive of a self-preservation ethos.

The point is that contemporary debate on media independence must not only address the 'inter' angle, that is the relationship between the media and government, but should also engage with the 'intra' dimension, and cause an in-house examination of conscience among media houses, media managers, and individual journalists.

The New Vision Printing and Publishing Corporation and the Nation Media Group (of which the Monitor Publications is part), in which the Aga Khan is a major shareholder, represent the face of corporate media. While the former's core interests are known, given that Government is the majority shareholder, questions about the editorial independence of the latter have raised an ongoing discussion.

⁹⁰ Ibid., p. 30

⁹¹ 'Media Liberalisation in Uganda: Threatening Journalists Rights and Freedoms', Human Rights Network for Journalists-Uganda (May 2012), http://www.hrnjuganda.org/reports/liberalisation_and_media_book.pdf (accessed 21/06/2012)

Conducted research has shown that there was a shift from the early days of the *Monitor* as a watchdog of government to a market-driven journalism, with a preference for lighter reporting and increased use of press releases.⁹² Further, the 'founding fathers' of the *Monitor* came to be replaced by a second generation of journalists for whom the watchdog role did not readily possess market value, coupled with the instinct for self-preservation in a restrictive media environment. At the same time, reports of journalists seeking bribes to quash or run controversial stories gained currency.

Following the suspension of his column in the *Daily Monitor* and the *Sunday Monitor* in 2007, Andrew Mwenda wrote a letter to the Managing Director of Monitor Publications Ltd [MPL] severing his relationship with the company, in which, among others, he stated:

... The founders of *Monitor* did not begin the newspaper for money. They did so to create a platform through which Ugandans could freely and openly debate public issues. ... , I was saddened to learn that the major shareholder, Mr. Karim Al-Hussaini (commonly known as The Aga Khan) unilaterally suspended my articles from being published in *Daily* and *Sunday Monitor*. ... I have consulted widely and thought deeply about Mr. Al-Hussaini's arbitrary directive and reached a conclusion that the editorial environment at *Monitor* is no longer conducive to free and unfettered debate of public issues in the country especially the presidency. ... In sending his directive, Mr. Al-Hussaini was abusing his powers as a major shareholder. Media shareholders are not supposed to deliberately undermine the professional independence of media organisations.

Does Mr. Al Hussaini think that only his interests matter and those of other shareholders don't? Does he think that MPL

⁹² Nogara, op. cit., p. 21

employees are not stakeholders in the company - even if they are not shareholders? ... ⁹³

Mwenda went on to start his own periodical for which he, significantly, adopted the title, *The Independent*.

4.3.1 The Phenomenon of Tabloidisation

Any discussion of fundamental changes on the media scene under the NRM Government would be incomplete without a brief engagement with the phenomenon of tabloidization.

Tabloidization describes an essentially hard-nosed and cynical manifestation of commercialism in the media, a case of 'give the people what they want and we make the money'. The tabloid newspapers target consumers rather than citizens. ⁹⁴ The *Red Pepper*, the leading tabloid newspaper in Uganda, holds its readership captive by offering a tantalising mix of purportedly-insider political exposés in bite-size, salacious gossip, borderline feminine nudity, tongue-in-cheek soft-core pornographic stories and sports. The success and popularity of the *Red Pepper* has not only spawned other imitations in English and the local Ugandan languages, but has influenced the content of the *New Vision*'s regional newspapers, which is a sedating mix of political and local news, sports and ephemeral social issues, with a high visual impact. ⁹⁵ Even the *New Vision* has not been averse to occasional flirting with tabloidization. In January 2012, the spectacle of the *New Vision* claiming a scoop on the true identity of the mother of the Buganda baby prince, Ssemakokiro, was a case in point. All run-ins

⁹³ See <http://www.mail-archive.com/ugandanet@kym.net/msg24756.html> (accessed 22/06/2012)

⁹⁴ See S. Elizabeth Bird, 'Tabloidization, What is it and Does it Really Matter?', *The Changing Faces of Journalism, Tabloidization, Technology and Truthiness*, (ed.) Barbie Zelizer, Routledge:2009, pp. 40-50

⁹⁵ For a lively discussion on tabloidization at work in the Ugandan media, see Joel Isabirye, 'Framing the Libyan War in Uganda's Vernacular Tabloid', *Uganda Media Review* (Media and Corruption), 2nd Issue: Nov. 2011, pp. 40-45

of the *Red Pepper* with Government notwithstanding, the point about the tabloid phenomenon is that it celebrates the status-quo and is in that respect, essentially conservative and in effect pro-government by passive collaboration.

4.4 Media Victories in Court

A major step to dismantling the colonial media legislation still being maintained by Government, was achieved through the Judiciary. Two Court rulings that pronounced on the inconsistency of offences in the Penal Code with the provisions of the 1995 Constitution made a landmark contribution to the future of the media independence debate.

On February 11, 2004 the Supreme Court of Uganda reversed an earlier ruling of the Constitutional Court and found Section 50 of the Penal Code on Publication of False News to be inconsistent with Article 29 (1) (a) of the 1995 Constitution. In his lead judgment, Justice Mulenga observed on Section 50 of the Penal Code:

Because the section is capable of very wide application, it is bound to frequently place news publishers in doubt as to what is safe to publish and what is not. Some journalists will boldly take the plunge and publish, as the appellants did, at the risk of suffering prosecution, and possible imprisonment. Inevitably, however, there will be the more cautious who, in order to avoid possible prosecution and imprisonment, will abstain from publishing. Needless to say, both the prosecution of those who dare, and the abstaining by those who are cautious, are gravely injurious to the freedom of expression and consequently to democracy. Additionally, the wide applicability of section 50 has the adverse effect of placing in the state prosecutor correspondingly vast discretion in determining for what publication to institute

a prosecution. The form and degree of fear, alarm or disturbance of peace; the fraction of the public perceived to be likely to incur any of the mischief guarded against; are all aspects of the offence left to the unfettered discretion of the state to determine on individual cases basis. This unfettered discretion opens the way for those in power to perceive criticism and all expressions that put them in bad light, to be likely to cause mischief to the public. ⁹⁶

The second Court Ruling was that of the Constitutional Court on sedition in August 2010. In its judgment on the offence of sedition, the Constitutional Court declared:

It is so wide and it catches every body to the extent that it incriminates a person in the enjoyment of one's right of expression of thought. Our people express their thoughts differently depending on the environment of their birth, upbringing and education. ... We find that, the way impugned sections were worded have an endless catchment area, to the extent that it infringes one's right enshrined in Article 29(1) (a). ⁹⁷

Sections 39 and 40 of the Penal Code were struck out as being inconsistent with the article 29 (1) (a) of the 1995 Constitution. The Constitutional Court declared sections 42, 43 and 44 which also related to sedition redundant.

⁹⁶ Charles Onyango Obbo and Anor v Attorney General (Constitutional Appeal No.2 of 2002), courtesy of Uganda Legal Information Institute, <http://www.ulii.org/ug/judgment/supreme-court/2004/1> (accessed 23/06/2012)

⁹⁷ Andrew Mujuni Mwenda & Anor v Attorney General, courtesy of Uganda Legal Information Institute, <http://www.ulii.org/ug/judgment/constitutional-court/2010/5> (accessed 23/06/2012)

4.5 The future for Media Regulation

In continuity with the media regulating spirit under the Movement System, the controversial Regulation of Interception of Communications (RIC) Act was passed 2010.⁹⁸

Currently, two bills with direct impact on media independence are before Parliament for debate, namely the Press and Journalists (Amendment) Bill of 2010 and the Uganda Communications Regulatory Authority Bill, tabled in March 2012.⁹⁹ The latter seeks to streamline regulations in the Communications industry by creating a Communications Regulatory Authority. A legal analysis on the Communications Regulatory Authority Bill makes the following observation:

Most notably, with the exception of the funding arrangements, it fails to provide any credible safeguards of the Authority's independence from the Government. The powers of the Minister responsible for information and communications technology (ICT Minister) over the Authority will include approving its budget, appointing and dismissing members of its Board, and issuing binding guidelines to them.¹⁰⁰

4.6 Summary

That a fundamental change in the media landscape took place under the NRM Government is indisputable. The liberalization of the

⁹⁸ For a challenge of the Act on governance grounds, see the 'Amnesty International Memorandum on Regulation of Interception of Communications Act 2010', Amnesty International: Dec. 2010, <http://www.amnesty.org/en/library/asset/AFR59/016/2010/en/4144d548-bd2a-4fed-b5c6-993138c7e496/afr590162010en.pdf> (accessed 22/06/2012)

⁹⁹ For a discussion of the Press and Journalists (Amendment) Bill see Lugalambi and Tabaire, op. cit., pp. 19-25; and for a legal analysis of the proposed Communications Regulatory Bill, see Article 19, *Uganda: Communications Regulatory Authority Bill, 2012*, March 2012, <http://www.unhcr.org/refworld/docid/4fa776fc2.html> (accessed 30 June 2012)

¹⁰⁰ See <http://www.unhcr.org/refworld/docid/4fa776fc2.html>.

media has been most pronounced in the broadcasting sector. Online media, especially the social media platforms, like Facebook and Twitter, have also come to be a dominant feature of today's media scene. Concurrently with media liberalization, however, has been an intensification of media regulation. This is on top of the already inherited media laws. As discussed above, documented cases of dealing with real or perceived media crimes indicate that administrative and 'muscular' measures have been used to complement restrictive media legislation. This highlights the continuity of a paradox in governance, revolving around the substance of political power, that, as has been argued above, cuts across the Movement System and the current multi-party dispensation.

Media Liberalisation under the NRM has also brought into closer focus the concept of media as a business or entrepreneurial venture. At the heart of this commercialization and critical to the ongoing debate on media independence is the fundamental question about whether the role of the media is to serve the public interest or drive the profit motive. Evidently, the watchdog role of the media that enjoyed a lively but short spell in the 1990s has waned and been replaced by an anodyne mix of infotainment. The current media situation reflects a pervasive self-preservation ethos, which is tantamount to a passive collaboration with the dominant political authority.

CHAPTER 5: CONCLUSION

5.1 General Summary of the Discussion

The imminent celebration of Uganda's independence golden jubilee provides a unique occasion to revisit the media debate in the country. Contemporary debate on media independence in Uganda focuses heavily on the paradox in governance under the present political dispensation, whereby the exercise of constitutionally-guaranteed freedoms of the press is pitted against a growing arsenal of legislative, administrative and strong-arm restrictions by Government. Central then to the media independence debate is a substantial engagement with analyses of documented wins and losses for the media under the NRM Government. The debate charts the relative highs and lows of media freedoms as guaranteed or tolerated by the current Government. Endangered and marginalized in this focus on the present, however, is the big picture historical perspective and the lessons only it can offer.

Rather than simply assess and propose a way forward on the changing fortunes of media independence in the course of the NRM Government, the author sought to use the occasion of the forthcoming national celebration to seek to identify the root cause behind the paradox of governance. Only in this way, the author was convinced, could a way forward be proposed that could contribute to extricating the Ugandan media independence debate from statistical preoccupations, defeats and incremental wins.

To this end, the history of Uganda from the days of Colonial Rule, when modern mass media was introduced was revisited. The thesis of this study was that the substance of the political governance model inherited from Uganda's colonial past continues in the post-independence period to define the relationship between the media and government on the one hand, and within media industry itself. This governance model was grounded in power monopoly, power domination, and power preservation, with the ensuing characteristics

of exclusiveness, privilege and intolerance of opposition, difference and diversity. State power was not informed by the discourse of good governance nor did it cater for a democratic environment. Legislative, administrative and strong-arm measures were all strategies of power and control that the colonial government deployed to manage a media deemed non-compliant, and thereby maintain and protect the supremacy of its rule. By the same token, the anti-media freedom measures were also an implicit recognition of the power of the press, understood as a subversive threat.

In effect, it could be argued that the relationship dynamic between the media and government was one of a power struggle. Ugandan Media history, as the above discussion in the study highlighted, was shown to be about the emergence of the dual media traditions that revolved around the dominant political authority. One of them was an emerging media tradition of challenge of and protest against the dominant state power, the other being one of accommodation through passive acquiescence to State power. Ultimately both media traditions were about the politics of power and governance.

Colonial rule was replaced with the trappings of a modern independent nation state and a Constitutional framework guaranteeing rights and freedoms, including media freedom. However, the substance of the political governance model did not undergo a fundamental review by Ugandans. The Ugandan Presidency became the heir to the substance of power that had earlier been embodied in the British Crown. Herein lay the paradox in governance about change and continuity, namely the change to the rhetoric of independence and good governance, and at the same time the continuity in anti-media legislation. The raft of colonial media legislation was retained intact by the new independent sovereign state. Although the media independence debate became situated within the discourse on good governance, with human rights and freedoms at its most elemental, the substance of power in the political governance model continued to

manifest itself in domination, exclusiveness, privilege and intolerance of otherness. Legislative, administrative and strong-arm restrictive measures continued to describe the relationship between the media and Government. New post-independence media legislation and other restrictions on the media benchmarked with the past rather than looked forward to the future.

Pretensions to editorial independence were practically a call to fight and predictably earned the wrath of Government. Accommodation through self-censorship became the start of a slide down a slippery slope that reached its lowest point in the debasement of state media into propaganda vehicles, as witnessed during the Idi Amin regime.

Despite the liberalization of the media under the NRM Government, the continuity of the paradox of governance remains a constant. Further, the unprecedented commercialization in the media has generated a discussion about the public interest versus the self-interest. In other words, the media independence debate is not only about the relationship of the media with government within the context of good governance, but also about the media industry looking inwardly to re-examine its role.

5.2 Which Way for the Media Independence Debate?

Arising from the summary above, any honest engagement with the independence of the media should, therefore, be handled at two levels, the first being the external environment where the focus is on the macro-framework within and through which the media operates. The second level is the internal environment prevailing within the media industry, understood either as a profession, or vocation or business. This implies that the preoccupations of power and control are not only the preserve of Government, but also concern the media, whose power and influence over opinion, events and society at large

have earned it the epithet of the Fourth Estate or Fourth Branch of Government.

Media scholars have proposed various recommendations in their studies for the future of media freedom for operationalisation within the status quo under the NRM political dispensation. This study has looked back to history to highlight the limitations that face such well-intentioned recommendations. Even the repeal of the restrictive media legislation, such as that of the two Court rulings discussed above, would not fundamentally change the story of the media in Uganda if the substance of state power as the dominant governance model is not reviewed. Mindful of this, the author's own contribution to the future of the media independence debate is to describe a vision and locate it within the quest for the socio-economic transformation of Uganda and the lives of its people.

The macro-framework for the operations of the media in Uganda goes beyond simply the legislative and regulatory contexts. Debate on media independence in a vulnerable developing country like Uganda must be situated in a bigger debate on what some media scholars have termed as a consensus of values that are held and shared by Ugandans. The debate to which the media would contribute as a stakeholder should engage with essential questions like what is power, how should power be exercised, and what the ends of power in a country like Uganda should be. It is such a nation-wide debate that will ultimately demystify power from being grounded in monopolized State domination to being an enabling force for sustainable socio-economic transformation. A genuinely home-grown national ethos will give the debate on media independence sustainable national relevance.

The author does not envisage the future of the media independence debate to lie in further dissection of the relationship between the media and an elitist governance model that centralizes power in the

State. Nor does the self-absorbed preoccupation of the media with its rights and fights with Government hold the key to the future of media independence.

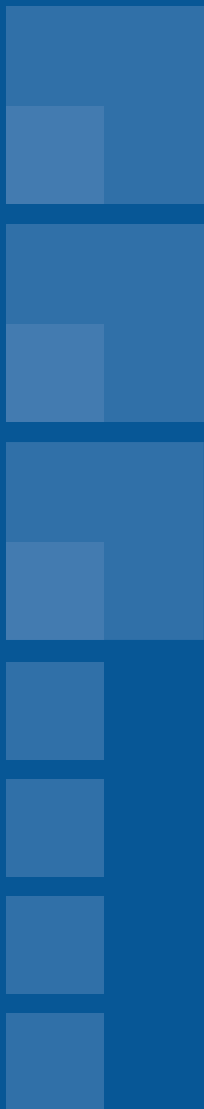
The author believes that the future for the media independence debate in Uganda should lie in articulating a new relationship for the media in governance, that goes beyond the watchdog role and/or accommodation to a centralized dominant political authority. The debate on media independence should recognize that the media is not so much a power as it is a stakeholder among many that complement each other in the shared vision to build a harmoniously-developed Uganda. What is proposed is ultimately a collaboration in peaceful co-existence between centres of diffused power. These centres of diffused power, arising as an eventual outcome of the national debate on a consensus of values, would include Government, but divorced from a notion of power as monopoly, domination, and preservation, and the media, together with other stakeholders such as the religious denominations, the civil society organizations, academics, and the cultural institutions. Such a collaboration would steer clear of the current dilemma the media finds itself in, that is, between the rock of antagonism with Government or the hard place of cohabitation with the same, expressed in a centralized dominant power model of governance.

Among the media scholars and academia generally, the author envisages an open and robust debate on conceptualizations of power and governance models for its exercise that are genuinely empowering of the Ugandan citizenry, participatory and directed towards socio-economic transformation. For the media, understood more as a stakeholder than a power, the author believes it important to explore new models of media ownership. The public private partnership provides an interesting case in point for media owners and managers to study.

The author envisages media establishments whose owners are not simply private entrepreneurs nor corporate press barons but rather a mix of individuals, influential opinion leaders and a representative cross-section of national and cultural institutions.

The media should facilitate the hosting of and its own participation in frank multi-level dialogues to debate governance and the ownership of the governance process with local communities, church and cultural leaders who command respect and veneration, local and central Government authorities, artists like musicians and actors, and business owners. Further, with the opportunities offered by the New Media, innovative platforms should be created for Ugandans in the Diaspora to also engage in this governance process of reviewing the power structure and proposing home-grown models of socio-economic transformation, which, however, profitably learn from global experiences.

Only in this all-inclusive and fully participatory way, the author believes, will the extreme negative consequences of commercialization in the media be mitigated. The media would empower Ugandans in their primary role as citizens who have a direct stake in the governance of their country. Further, the media would then be more relevantly located in the discourse of national development which is the goal of democratic governance.



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