6 - The Uganda Broadcasting Corporation

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1 Legislation

1.1 The policy

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

The policy defines public broadcasting as:

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

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

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

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

The policy outlined the following ‘strategies’ for the government:

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

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

1.2 The mandate

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

The Act neither defines public broadcasting nor identifies UBC explicitly as a public broadcaster. It is not clear whether the vagueness of the law was a result of innocent omission or a deliberate attempt by the government not to cede full control of the national broadcaster. Indeed, Broadcasting Council Chairman Mr Godfrey Mutabazi says that the government ‘still thinks [UBC] is part of it’ and blames the law for perpetuating this. The Act itself is not a good one. It placed [UBC] in the hands of
the government. And much as the Board has tried to distance itself from government control, it has not yet succeeded in doing so.75

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

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

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

According to the Act, the Corporation shall be ‘wholly owned’ by the government. The objectives of UBC as established by the act are to:

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

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

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

75 Personal interview, Kampala, December 2007.
76 Public Broadcasting in Africa Series: Uganda Report – Round Table Discussion, Kampala, 3 December 2009.
77 Ibid.
• Establish autonomy of management in rendering public broadcasting services;
• Carry out signal distribution as a common carrier;
• Ensure quality indigenous programming and to adapt foreign programmes to suit indigenous needs;
• Establish systems of accountability and enhance profitability in running public broadcasting services;
• Maintain a responsible editorial independence and set national broadcasting standards through exemplary performance;
• Ensure protection of the public interest in rendering broadcasting services;
• Provide electronic media and consultancy services that educate and guide the public;
• Operate an efficient and self-sustaining corporation;
• Achieve and sustain comprehensive national radio and television coverage throughout the country; and
• Ensure accurate, timely and reliable reporting of events and presentation of programmes.

Several of these functions are couched in ambiguities and some appear patently contradictory. For instance, what is the message sent by the idea that UBC shall ‘reflect the government vision regarding the objective, composition and overall management of broadcasting services’? Does it mean that UBC shall be a mouthpiece of the government’s vision, or merely that it will not betray the principles the government has set out in the broadcasting policy? UBC board chairman Mr Chris Katuramu, while arguing that the broadcaster is independent, at the same time proposed that because it is ‘owned 100 per cent by the government, we are supposed to reflect the vision of the government’.

As Mr John Bosco Mayiga of the Uganda Media Development Foundation has noted, the lack of clarity here leaves room for government interference in UBC operations.

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

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

78 Personal interview, Kampala, December 2007.
Media Barometer points out, ‘Responsible’ could be interpreted as journalism which does not antagonise the government’.  

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

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

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

1.3 Governance

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

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

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

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81 Mr Musinguzi told a meeting between media owners and the President in April 2007 that UBC’s mission was to serve the country ‘in line with government policy’ while at the same time delivering a profit.
82 Personal interview with acting UBC TV manager Mark Wahungama, Kampala, 10 June 2007.
members of staff’. The law does not specify the categories of staff that the board appoints or disciplines. As a result, the current board has tended to involve itself in the appointment of staff down to the lowest levels, including the discussion of individual performance targets. A senior manager at UBC TV blamed the board’s involvement in day-to-day management on the fact that UBC had not had a substantive managing director for nearly 18 months.\(^8\) The chairman of the board has defended this practice on the grounds that the ‘[UBC] Act is very clear that one of the functions of the board shall be to recruit members of staff’.\(^8\)

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

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

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

\(^{8}\) Personal interview, Kampala, June 2008.
\(^{8}\) Personal interview, Kampala, December 2007.
Unless warranted by some extreme situation, the governing body should confine itself to setting policies and directions. However, UBC board chairman Katuramu has reportedly assumed extensive executive powers amidst the instability in management since the inception of the Corporation. Over a period of less than three years, from November 2005 to August 2008, UBC had three managing directors, the last two in an acting capacity. Whereas the board sought to seek a replacement by advertising the job after the first managing director, Mr Edgar Tabaro, quit in early 2006 under unclear circumstances, strangely, the results of the interviews were never released. The corporation secretary then, Mr Mugasa Musinguzi, was acting managing director for nearly two years, having ‘taken charge’ in January 2007. He was only confirmed at the end of 2008 following another round of interviews. Such administrative instability clearly undermines the operations of the Corporation and the morale of staff.

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

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

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

85 African Media Barometer, op.cit., p. 20.
2 UBC profile

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

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

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

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

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

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

86 Ibid., p. 21.
87 Personal Interview with Act. managing director Mugasa Musinguzi, Kampala, December 2007.
music to sports. Part of this difference between the two media may be explained by the fact that local material for radio is much easier and cheaper to produce than it is for TV.

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

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

### 3 Organisational structures

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

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

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

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

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88 Public Broadcasting in Africa: Uganda Report – Round Table Discussion, Kampala, 3 December 2009.
89 Personal interview, Kampala, December 2007.
However, there is no written policy on the autonomy of the editorial/news department and its relationship with other departments, including advertising.

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

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

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

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

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

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

90 Personal interview, Kampala, 10 June 2008.
91 Personal interview, Kampala, 13 January 2008.
92 Personal interview with UBC staff reporter, Kampala, 4 September 2008.
93 Ibid.
94 Personal interview, Kampala, 10 June 2008.
95 Personal interview, Kampala, 10 June 2008.
He cited staffing shortages as one of the major causes of the paucity of in-house local productions.

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

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

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

4 Attitudes towards public broadcasting within UBC

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

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

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

96 Interview with UBC TV manager Mark Walungama, Kampala, 5 September 2008.
97 Personal interview with a UBC manager, Kampala, 10 June 2008.
Mr Musinguzi also maintained that UBC was independent of the government and the ruling party. ‘Yes we are ... We do not discriminate against anybody when it comes to our programming. Secondly, government does not directly tell us what to do. No, it doesn’t. We have autonomy in decision-making. If you cannot make independent decisions, you cannot be efficient.’

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

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

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

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

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98 Personal interview, Kampala, December 2007.
99 Personal interview, Kampala, 10 June 2008.
100 Personal interview, Kampala, 30 December 2008.
101 Personal interview, Kampala, 30 December 2008.
A former UBC senior editor who now works in a government department said most of his colleagues who stayed on after the restructuring and others recruited since then were more interested in protecting their jobs:

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

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

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

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

102 Personal interview, Kampala, 31 December 2008.
103 Personal interview, Kampala, 30 December 2008.
104 Personal interview, Kampala, 10 June 2008.
5 Attitudes from outside UBC

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

5.1 A public broadcaster?

Respondents from political society and civil society resoundingly rejected the notion of UBC as a public broadcaster. In particular, they took issue with the broadcaster’s lack of independence from the government. According to Mr Mayiga of the Uganda Media Development Foundation, UBC still had the trappings of a state broadcaster. For one thing, its board of directors was not politically independent. Dr Chibita of Makerere University contended that UBC was yet to qualify as a public broadcaster due to the absence of independence from the state and big business.

Mr Bruno Emwanu, the director of Business Affairs of the Uganda Manufacturers Association (UMA), said that although UBC TV had greatly improved the quality of its pictures and signal and had introduced some more attractive programmes, it still fell short of expectations. Not only did it fail to reflect the political diversity of the country in the views it aired, he said, it also did not give enough time for the airing of controversial issues and stories that were critical of the government. The chairman of the Broadcasting Council, Mr Mutabazi, has in the past said also that UBC was not yet a genuine public broadcaster:

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

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

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105 Personal interview, 30 July 2009, Kampala. UMDF is a non-government organisation.
106 Personal interview, 30 July 2009, Kampala.
107 Personal interview, 30 July 2009, Kampala.
109 Personal interview, 31 July 2009, Kampala.
only loose control over UBC, he said. Although it was funded by the government, the national broadcaster could still be independent just like other quasi state-owned agencies like the Vision Group in Uganda and the Voice of America. He said UBC could position itself as an independent broadcaster without contradicting the policies of the government.

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

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

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

5.2 Quality of programmes

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

110 Personal interview, 31 July 2009, Kampala.
111 Personal interview, 31 July 2009, Kampala.
MP Baliddawa noted that although UBC had done a good job of ‘raising awareness levels of the population’, it did not have enough relevant content and its programming was not as interactive as it should be. He also faulted UBC’s journalism, especially the absence of investigative reporting. Stories needed to be followed up to give the public a full and better understanding of national issues, he said.

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

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

### 5.3 Geographical reach

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

### 5.4 Diverse languages

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

### 6 Conclusions and recommendations

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

Whereas UBC is in principle a public broadcaster, it is wholly owned by the government which, ironically, expects it to compete in the market on the same terms.
as commercial operators and to sustain itself financially as well.

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

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

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

**Recommendations**

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

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

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

**Legal framework**

- The public broadcaster should be an independent corporation established by law, not a national broadcaster owned by the state. Therefore, the Act should clearly state that UBC is owned and funded by the public to whom it is accountable.
The UBC Act should be changed such that the mission of UBC is to serve the ‘public interest’ and not the ‘government vision’.

Public broadcasting should be defined according to international standards.

The UBC Act should have specific provisions to protect the independence of the UBC against influence from the executive arm of government.

The board of UBC should report to Parliament and not to the minister.

**Governance of UBC**

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

**Public oversight and accountability**

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

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

Professionalism

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

Public interest programming

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