9 - Broadcasting Reform Efforts

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1 Previous reform efforts

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

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

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

- There was need to clearly state what ‘wholly’ owns the Corporation. Is it the government or the public? The Bill vested whole ownership of the Corporation in the hands of the government. A public broadcaster is owned by the public, not government. The government only acts as a trustee of the public. This is because if it is wholly owned by the government, it would be accountable to the same government, not the public, which would be a contradiction of the principles of public broadcasting.
- The purpose of the act was merely to establish the Uganda Broadcasting
Corporation as an entity to succeed Radio Uganda and Uganda Television. The ‘public’ was not mentioned in the purpose. The purpose should have been to establish an independent public broadcaster to replace the current state broadcaster

- Giving UBC ‘common carrier status’ was unfair given the Corporation was one of the players among the different tiers of broadcasting as specified by the broadcasting policy. There was need for an independent body to have the common carrier status. Similarly, signal distribution should be given to a different entity to allow UBC to concentrate on content provision.

- UBC was required to reflect ‘the government vision regarding the objective … of the broadcasting services’. The role of a public broadcaster is not to reflect government vision, but to reflect diversity and the national vision.

- It was unfair to provide for UBC funding in the form of licence fees and government grants and at the same time allow the Corporation to compete for advertising with private broadcasters.

- Having the minister appointing both the board of directors and managing director of the Corporation violated the principles of public broadcasting. An independent board should be appointed through Parliament, and the managing director should be appointed by this board.

- The hand of the minister should be removed from matters directly related to the running of the Corporation such as appointments, removals and budget control.

- The role of Parliament in overseeing the Corporation should be increased.

- The public should be in the process of legislation through public hearings.

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

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

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

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

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

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


\(^{158}\) Personal interview, November 27, 2009, Kampala.
The second is the decision to form the Independent Media Council of Uganda as a voluntary regulator that was envisaged to operate side-by-side with the statutory regulators. Although the IMCU, which is chaired by former Prime Minister Kintu Musoke, is now in place, it is yet to arbitrate any major disputes between the media and the government or between the public and the media. The government has also not yet heeded calls to allow this self-regulation mechanism to override the statutory regulation mechanism led by the Media Council and Broadcasting Council. In fact, the information and national guidance minister has signalled her displeasure with the IMCU as, in her view, it seems intended to undermine the statutory Media Council.

2 Current reform efforts

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

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

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

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

Recommendations

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

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