1 Media legislation/regulation in general

1.1 Media law reform

- The government should review the legal regime governing the media in light of the landmark ruling by the Supreme Court annulling the law on publication of false news and remove from the statute books all those laws that the courts have declared unconstitutional. Parliament should ensure that such a review is informed by the need to actualise constitutional guarantees of press freedom and free expression and not by the government’s unease with criticism and dissent. With a clear signal coming from the courts, the government need not wait to be pressured into action.

- If the government does not take the initiative, journalists should campaign, lobby, and canvass government, Parliament, and civil society to push for a comprehensive media law reform which is guided by the constitution.

- The government should withdraw the proposed amendments to the Press and Journalist Act, which seek to create new licensing conditions for newspapers, and to provide for new criminal offences related to publications.

- Parliament should amend the Interception of Communications Bill, and in particular remove the powers to regulate communication from the minister of security. The power to authorise telephone tapping should be vested in a judge, not a government minister.

- Journalists should campaign for the enactment of a shield law to protect their sources of information.

- Media and civil society organisations should study success stories and best practices in media law reform, such as the experiences of countries especially
in the Commonwealth that have decriminalised sedition, and bring them to the attention of legislators and media policy-makers/ regulators.

1.2 Non-statutory media regulation

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

1.3 Public education and advocacy

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

2 Broadcasting landscape

2.1 Resources for the public broadcaster

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

2.2 Media pluralism and diversity

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

3 Digitalisation

3.1 Digital migration policy

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

3.2 Digital signal regulation

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

4 Broadcasting legislation and regulation

4.1 Regulatory autonomy and independence

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

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

4.2 Monitoring performance

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

4.3 One-stop licensing

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

4.4 Duration of licence

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

4.5 Advocacy

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

4.6 Preoccupation with security

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

5 UBC legislation, mandate and operations

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

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

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

5.1 Legal framework

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

5.2 Governance of UBC

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

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

5.3 Public oversight and accountability

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

5.4 Resources for the public broadcaster

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

5.5 Professionalism

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

- UBC should strengthen its in-house training programme and the capacity of the training editor in order to spearhead consistent improvements in all key areas including news reporting, editing, camera work, and production.

### 5.6 Public interest programming

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

### 6 UBC funding

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

7.1 Need for localisation

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

7.2 Editorial policy

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

7.3 Funding for local and public interest programming

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

7.4 Monitoring performance

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

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

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