

# **The New Press Bills in Uganda: Implications for National Communication Policy and Press Freedom**

by Nassanga Goretti Linda

## **Abstract**

This paper presents the government of Uganda's perspective of professionalization of journalism and the liberalisation of the media in the country. It is apologetic to the restrictions on the freedom of the press in Africa, for some unspecified conditions peculiar to African States.

Some encouraging developments within the media industry, especially the liberalisation of the airwaves and the introduction of a degree course in journalism at the Makerere University, are discussed. However, the author mildly criticizes the suspect Media and Broadcast Councils whose composition are dominated by people handpicked by the Minister for Communications. The Media Council is empowered to license and discipline journalists and the media institutions.

The question raised by many is whether the Councils are not merely a cathartic strategy by the government calculated to pacify an aggressive media that had started challenging the government's continued stronghold on the industry despite its claim that it's democratic. Whatever the case, as a watchdog in a democracy, the media's independence is critical. This is why the author is calling for a more comprehensive communication policy in Uganda.

The paper raises questions over the wisdom of subjecting the Councils to the mercy of a government grant and some obscure

"acceptable sources" for their cash, arguing that this will in the long run thoroughly compromise the independence of the two bodies.

The paper raises the freedom of information provision, albeit with a grain of salt. It points out, for example, that the provision is contradicted by the Official Secrets Act, which make it difficult for government sources to divulge information to journalists.

In conclusion, it ask the government to address the issue of media ownership in Uganda, using relevant statutes, with a view to making them accessible to the poor. To argue this case, the writer adopts the theoretical framework of the dependency theorists, who invites developing (periphery) countries to dissociate themselves culturally and economically from the developed (core) countries as the only means of achieving their true independence.

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# Nouveaux Projets de Loi en Ouganda: Implications sur les Plans Nationalux de Communication et la Libéralisation de la Presse

Par Nassanga Goretti Linda

## Résumé

La communication de Linda donne la perspective de l'Ouganda, en ce qui concerne la professionnalisation du journalisme et la libéralisation des médias dans ce pays. On regrette la restriction de la liberté de la presse en Afrique, pour des raisons qui tiennent à la spécificité de chaque Etat Africain.

L'auteur discute les développements récents dans l'industrie des médias, notamment la libéralisation des ondes et l'introduction d'une licence en Journalism à l'Université de Makerere. Cependant, Linda critique un peu *Media and Broadcast Councils*, constitué des gens qui ne sont là que pour veiller sur les intérêts du gouvernement. Or c'est ce corps qui est chargé de surveiller les activités et la discipline des journalistes ainsi que celles des institutions des médias.

On se demande souvent si ces Conseils ne sont pas un moyen de pacifier les médias qui s'étaient lancés à la recherche d'une véritable démocratisation de la presse. Quoiqu'il soit, l'indépendance des médias s'avère cruciale, dans un Etat démocratique. C'est en raison de cela que l'auteur préconise l'élaboration des plans compréhensifs de communication en Ouganda.

Dans cet exposé, on se demande si c'est sensé que ces Conseils dépendent de la contribution contrôlée par le gouvernement. Selon l'auteur, c'est là une stratégie qui risque de compromettre l'indépendance du corps responsable de la promotion de la presse.

Malgré la bonne parole du gouvernement ougandais, à l'égard de la libéralisation et la promotion de la presse, il subsistent encore des obstacles à surmonter. A cet égard Linda cite le cas de la Loi sur les Secrets de l'Etat, qui empêchent aux agents du gouvernement de divulguer certaines informations aux journalistes.

Bref, la communication de Linda demande au gouvernement de régler la question de droits de propriété des médias en Ouganda. On y préconise le changement des lois, afin d'amener la presse à la portée de tous. L'auteur soutient l'avis que l'indépendance de la presse ne peut se réaliser qu'après l'indépendance culturelle et économique des pays sous-développés, vis-à-vis des pays nantis de l'Occident.

## Introduction

The Government of Uganda like others in developing countries, has had a stranglehold over the media. Till 1990 when there was media liberalisation, the Government had a monopoly of the electronic media, with only Radio Uganda and Uganda Television operating. In the print media, although there were several private publications, the Government owned newspaper always have an edge over them. With media liberalisation, several radio and television stations have opened up. Privately owned newspapers and magazines have also been started.

Previously, journalism was an occupation which anyone could join since there wasn't much emphasis on training. The only training institution was the Government owned School of Journalism, which offered a Diploma. This was initially started to offer in-service training for staff of the Ministry of Information, but later the School opened up to other journalists. Annual intake of 20 students could not meet the demand. In 1988, a degree programme in Mass Communication was started at Makerere University. This has gone a long way to improve the image that journalism had as being for school dropouts.

This view is not unique to Uganda's journalism only. In a study of international media systems, De Beer et. al. found that journalists in Africa are often regarded by politicians as naive small boys and girls ready to do one's bidding, provided their hands are oiled with some petty bribes. (Merril, 1995:234)

The government of Uganda decided to expand and professionalize the media industry because of the important role of information in national development. Subsequently, two press bills were passed which were meant to streamline the operations of the press and to repeal the existing laws relating to the press. These were:

1. The Press and Journalist Statute 1995
2. The Electronic Media Statute 1996



## **The Press and Journalist Statute 1995**

### **Overview:**

The aims of the statute are to:

- (i) ensure freedom of the press
- (ii) provide for a council responsible for the regulation of Mass Media
- (iii) establish an Institute of Journalists in Uganda
- (iv) repeal the existing press laws
  - The Newspaper and Publications Act
  - The Press Censorship and Correction Act

The statute is in six parts, relating to:

- (i) publication of newspaper
- (ii) establishment of a Media Council
- (iii) establishment of the National Institute of Journalists in Uganda (NIJU)
- (iv) regulation of public practice
- (v) disciplinary committee and inquiries
- (vi) miscellaneous

The statute guarantees the individual's right to publish newspapers and magazines as long as this complies with other laws. These include prohibition of publishing pornographic and obscene material, false information, or that which violates the individual's privacy.

Access to information is guaranteed except where this may contravene laws relating to national security, secrecy or confidentiality of the information. An editor is required to register his particulars with the Media Council, and has to inform the Council of any change.

A Media Council has been set up with 13 members as follows:

- The Director of Information (Ministry employee)
- 2 Mass Communication Scholars (appointed by Minister)

- 1 Representative nominated by Uganda Newspaper Editors and Proprietors Association (UNEPA)
- 2 Representatives of electronic media (appointed by Minister)
- 2 Representatives of NIJU (nominated by Minister)
- 2 Members of the public (nominated by Minister)
- 1 Member of the public (nominated by UNEPA)
- 1 Member of the public (nominated by journalists)
- 1 Lawyer (nominated by Uganda Law Society)

The Chairman of the Council is elected by the members amongst themselves.

Apart from registration of the newspapers and editors, the Council also has the responsibility of promoting ethical standards among journalists and editors. The Council is responsible for censoring films, videos, or plays meant for public consumption. It is also charged with the exercise of disciplinary control over journalists and editors. Six members of the Media Council, including the Chairman, constitute the Disciplinary Committee.

The Disciplinary Committee has to arbitrate disputes between the public and the media or between the state and the media. Where necessary, the Committee is mandated to take disciplinary action. Penalties that can be given include:

- (i) the journalist apologising to the complainant
- (ii) suspension of the journalist's practising license for not more than six months
- (iii) paying compensation to the complainant

If one is dissatisfied with the Disciplinary committee's decision, one can appeal to the High Court within 14 days after the decision is communicated to the defendant. However, if the Committee has suspended the journalist's licence, then the latter is not allowed to practice while the appeal is pending. The Council can revoke the suspension if new facts relating to the case emerge.

When criminal proceedings have been instituted for an offence, the court may order that the material involved be seized or it can



issue a ban on the publication. The aggrieved party can appeal to a higher court within 30 days of the order of seizure or ban.

NIJU has also been instituted. This aims at establishing and ensuring maintenance of professional standards for journalists. It has to advise on the training and to encourage research in journalism.

An interim executive committee was appointed which has already started on the work of registering journalists. This is composed of a President, Vice President, Secretary General, Assistant Secretary General, a Treasurer and three Committee members. These are elected annually at the Institute's General Assembly.

To qualify for membership in the Institute, one has to have a degree in journalism/mass communication or post-graduate training in journalism. The person should also have practised journalism for at least one year. Others who do not meet these requirements can apply for Associate Membership. This category has however no voting rights. The first registration exercise done in August 1996, showed 67 members and 105 associate members.

After registration, a practising certificate is required. This is issued after payment of 30,000Ush (approximately \$30US) and this is renewable annually. No person is allowed to practice without a "valid" practising certificate, and whoever does so, commits an offence.

According to the Statute, the practice of a journalist is defined as one who is, "paid for gathering, processing, publication or dissemination of information." This includes freelance journalists. Foreign journalists are also supposed to operate after getting an accreditation card.

Protection of the sources of information, who want to remain anonymous, is catered for. A journalist can only be forced to disclose the source by an order of a court of law. A Code of Ethics all registered journalists are expected to observe.

NIJU's sources of funds include: a government grant, the annual subscription fees, grants/gifts/donations/loans from sources acceptable to the Institute.

## **The Electronic Media Statute 1996**

This provides for the regulations governing the installation of private radio and television stations. These have to apply for a license from the Broadcasting Council, which licence is renewable every year. Once given the licence, the station has to register with the Media Council. The proprietor has to ensure that what is broadcast does not contravene other laws.

The Broadcasting Council consists of 12 members:

Chairman (appointed by the Minister)

2 Representatives of TV and Radio Operators (appointed by the Minister)

1 Representative of Video and Cinema Operators (appointed by the Minister)

2 Members of the public (appointed by the Minister)

1 Lawyer (appointed by the Minister)

The Director of Broadcasting (ministry employee)

1 Representative from the Ministry of Culture

1 Representative from the Ministry of Communications

1 Representative from the Ministry of Education

1 Representative from the Uganda Revenue Authority

The Broadcasting Council is responsible for coordinating, controlling and supervising the broadcasting activities. It has to ensure observance of ethical broadcasting standards, and arbitrate, in consultation with the Media Council, on disputes between the stations and the public.

The Council is entitled to get a grant from the Government and a percentage of the licence fees. The Council can also get donations/gifts or grants from sources acceptable to the Council.

Video and Cinema Operators as well as video libraries have to register and obtain a license from the Council before they can operate. Television owners are required to pay a viewer's licence. Dealers and repairers are also required to have a licence issued by the Council.



## **Implications for National Communication Policy and Press Freedom**

In the International Commission for the Study of Communications Problems, the MacBride Report recommends that, "every country should develop its communication patterns in accordance with its own conditions, needs and traditions, thus strengthening its integrity, independence and self-reliance." (MacBride, 1980:254)

In Uganda, the two Statutes are a step towards the streamlining of our communication patterns which are geared towards meeting the country's needs. Previously, the communication patterns followed were designed by the colonialists, and the structures continued long after independence. This ended in 1990 when the government started licensing private broadcast stations. This created the need for new legislations to govern the media.

Although these legislations were seen by many as a form of curtailing press freedom, on the contrary, these were made to ensure that journalists operate as professionals, who should exercise press freedom responsibly. Like in other professions, it was necessary to set criteria and standards. Unfortunately, there weren't many journalists who met this criteria, so the statutes were not well received among the journalists.

Nevertheless, they have motivated journalists to undergo training thus lifting the status of journalism in Uganda. Many journalists, who were already in the field, have enrolled for evening classes for a degree in Mass Communication at the Makerere University. The worry, however, is that since the practising licences are renewable every year by the NIJU, the system can be used to manipulate journalists, such that there is much self-censorship for fear of not having one's licence renewed. This infringes on the journalist's freedom.

Another area of concern is the composition of the Media and Broadcasting Councils. The Broadcast Council has 12 members, out of which seven are appointed by the Information Minister and one member, the Director of Broadcasting, who is an employee of the Ministry. For the Media Council, out of the 13

members the Minister appoints eight plus one member, the Director of Information, who is a Ministry employee. This is likely to have undue influence on Council's decision. Members will try to please their appointing authority, particularly if a dispute is between the media and the State.

Looking at the sources of revenue for the Broadcast Council and NIJU, it is noted that apart from the Government grant, these bodies can also receive donations, grants or gifts from "sources acceptable" to the bodies. There is need to give a criteria to guide the bodies in deciding which sources are acceptable, i.e. those giving help with no ulterior motive of influencing the work of these bodies. Short of this, these bodies may find it difficult to work independently after accepting donations from say media houses they are expected to supervise. For transparency in the operations of these bodies, such a donation, grant or gift should be made public.

For the penalty of compensation to the complainant, the range or ceiling should have been clearly spelt out, e.g. not exceeding five million Uganda shillings. Heavy penalties indirectly infringe on press freedom as they encourage self-censorship. Relating to the court issuing an order for the seizure or ban when criminal proceedings have been instituted, it is not clear whether the ban applies to that particular issue or a total ban on the newspaper.

Like other freedoms, press freedom is not absolute. This has to be exercised within the law. The Statutes spell out the journalists area of operation or the "dos" and "don'ts". So in a way, the Statutes ensure press freedom.

The provision guaranteeing journalists access to information is commendable. This is an area that often impedes press freedom. If one cannot have access to sources of information, then one cannot do the work of informing others well. Unfortunately, in practice, access to government sources of information is not easy. Many claim they cannot disclose information as per the Official Secrets Act whereby government officers take an oath prohibiting them to disclose information



that comes to them by virtue of the offices they hold. Officially, the Minister is supposed to talk on behalf of his ministry, but we know how busy these people are. Normally, it is not easy to get information from them. Taking into consideration the pressures of deadlines and competition in the media, this is a big obstacle to press freedom.

Although there has been media liberalisation, the government should not totally disclaim responsibility in the distribution of the resource of information. As has been observed, in Third World, the free market mechanisms for the production and distribution of information have not been able to satisfy the basic needs of these countries. It is recommended that the systems of ownership, administration and regulation must respect this public and social purpose of information in order to fulfil the people's right to information and to be informed. The systems should also avoid serving the needs of only the privileged class. (Hamelink, 1988:111)

Governments have a responsibility to ensure that different sections of the population have access to information and communication channels. Under total liberalisation of the media industry, commercial interests tend to overshadow other values like news values or the obligation to inform the public.

This view is confirmed in any analysis of media economics in Nigeria by some staff of the State Security Services (1994:200). They noted that the press in Nigeria has proved an unattractive area for investment especially for those who wanted quick returns. That in the struggle to stay afloat, the press sometimes becomes too concerned with its corporate interests to the utter neglect of national considerations, objectives and aspirations. In hunting for readership, some newspapers and magazines indulge in journalistic practices that are inimical to national security.

Another study on Kenya's communication policies had similar findings. Privatisation and liberalisation are identified as factors that militate against national communication policies. This comes as a result of opening doors to foreign capitalist interests,

whose profit considerations override public interest. (Muteere, 1988:49)

On the other end of the continuum, government control of the media hinders press freedom. Perhaps the balancing theory is necessary. The poor should be given priority in buying the state owned media.

In their study of media systems in Africa, De Beer et. al. point out that although Africa is often seen as a continent without press freedom, the situation should be put into context whereby specific circumstances of a society are taken into account. They rightly observed that press freedom does not only refer to the right of journalists to publish news without interference, but it also means the right of the people to express themselves in the media of public communication without being curtailed by those who wield political, economic or other powers. We know that the press does not operate in a vacuum, so it is difficult to run away from the influence of the existing political-socio-economic structures. What should be put in place are safeguards to ensure minimum influence.

Apart from providing for media access to different groups, governments in developing countries still need some channel where they can keep the people informed about government activities. What is happening is that with more private media to choose from, most people tend to go for entertainment like soaps, sports, etc. just like the Western countries. For broadcast, the news also gets a big audience, but again this is cluttered with commercial spots.

For the private media, just like any business enterprise, they have to tailor their products according to the needs of the consumers, i.e. what will sell. So if people are mainly interested in entertainment, this is what media will focus on at the expense of their other roles of informing and educating the people.

The Statutes should have had some provision guiding allocation of time to programmes and also with respect to local and foreign sources. A good example is Sanyu Television, which air local news daily for fifteen minutes This has one local programme of



news daily of fifteen minutes and a discussion programme once a week, *The Sanyu Forum*. Much of the other time is devoted to foreign news, movies and sports.

Much as it is appreciated that making local films and programmes is more expensive than importing, we should also recognize that different countries have different needs. These needs should be given priority by the law.

Another issue not adequately addressed in the Statutes is that of media ownership. What is mentioned is that such a person who wants to open a station or a newspaper should be a resident of Uganda. They do not define well the degree of national control of ownership. Senghaas in his Cultural Dissociation Theory stresses the importance of ownership and control of information. He argues that states should develop self-reliance which necessitates sovereign control of resources, including information. That only then can a state become independent not only culturally but also economically and politically. (Hamelik, 1988:99)

In Uganda, the Statutes in place offer some guidelines on communication in the Country, but they are not detailed enough and hence the need for a more comprehensive communication policy.

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