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## **UGANDAN RADIO AS A POLITICAL SPACE AND THE REGULATION THEREOF**

The potential of radio as a political space is probably no longer debatable. Radio in sub-Saharan Africa has over the last two decades been dubbed *the people's medium* (van de Veur 2002, Bourgault 1995, Daloz and Verrier-Frechette 2000, Mwesige 2009). The power of radio in Africa in particular comes from the relatively to extremely low literacy rates in most sub-Saharan countries, most print media still being published in the colonial languages and television in most parts of Africa remaining an urban, elite entertainment medium. Radio is relatively affordable, requires no literacy to listen to and transcends the most formidable language barriers. Because of all this, radio has been ideal for enabling the majority rural populations in Africa to participate in public debate on matters relating to their governance.

Harnessing the full political potential of radio, though, has still been elusive because building on the colonial legacy, post-colonial African governments have perceived radio's role in terms of a convenient medium for "disseminating" pre-packaged information rather than as an arena for contestation of ideas, representations and identities. When radio has shown the tendency to "behave" contrary to this,

governments have often responded with hostility, seeing this as a betrayal of the medium's national duty.

While some countries, building on the euphoria of economic liberalization policies that hit the continent in the 1990s, have now opened up the airwaves and with this, expanded the space for political contestation, African governments often manifest a certain nostalgia for those days when government had near absolute control of the airwaves and could determine which viewpoints were given airplay. This nostalgia is evident in both judicial and extra-judicial attempts to "regulate" the medium. Radio has on its part displayed a high degree of resilience, often resisting by going underground or online and continuing to serve as an avenue for political expression for large numbers of citizens.

As Mwesige (2009) observes, the political role of radio has been fundamentally altered by the advent of private radio in many parts of Sub-Saharan Africa in the 1990s, and in particular the emergence of a new type of programming – political call-in talk shows which create an opportunity for ordinary people to challenge the ruling establishment in unprecedented ways on a continent where information on radio typically traveled in one direction: from top to bottom.

In several African countries, opposition politicians and civil society activists now have an opportunity to compete with government leaders to get their message across, in part because of the availability of political talk shows on radio. In addition, and perhaps more importantly, the public has an opportunity to: call in and express their concerns and views; challenge official power; let off steam; listen and learn about political developments and the opinions of other citizens; or simply amuse themselves (Mwesige 2009:217-218).

Governments have in turn had to find new ways to regulate the medium of radio to be able to maintain their positions of power, while at the same time maintaining the appearance of a liberal stance.

### **The evolution of Ugandan radio as a political space**

Since colonial times, the political capacity of radio in Uganda has been noted by different governments. Radio has been regulated by a variety of means including specific media laws, general laws touching on the media, subsidiary legislation such as statutory instruments, administrative acts and licensing conditions affecting journalists as well as media houses. Not only have journalists been held responsible for what they say on air, but also for what their guests say. Ugandan governments have also selectively used provisions in the law about academic qualifications, minimum broadcasting standards, licensing conditions, national security, public morality, public peace etc. to keep journalists in check.

Radio in Uganda was established in 1953 by the British government in response to a perceived rise in political consciousness among the “natives” expressed increasingly boldly in the independent press, particularly in the local languages (Gariyo 1992; Ocitti 2005). The purpose for establishing radio at this time included providing entertainment, particularly for the British nationals, easing communication between the colonial government and the government at home and propagating colonial policies among the natives. At the time of the establishment of Uganda’s first radio station, there was a political crisis resulting from, among other things, Buganda’s resistance to Uganda becoming part of the East African Federation (see Ocitti 2005:19-20).

Most radio content at this time was relayed directly from the BBC, and there was only a handful of Ugandans employed by the broadcasting service, largely in non-editorial roles. At this point in Uganda’s history therefore, though radio served as a political space, it was one that was largely inaccessible to the “native.” According to Prof. Frederick Jjuuko, senior law academic at Makerere University, media regulation in this period was driven by the independence movement and attempts to suppress it (Personal Interview, 4<sup>th</sup> December, 2009). It took the form of government monopoly of the airwaves, as well as the enactment or application of specific laws and statutory instruments including the Penal Code Act of 1950 which criminalized a wide range of media offences.

The few Ugandans who worked for the broadcast media were trained by the British government in the United Kingdom and entry into broadcasting was strictly

controlled. Thus at the height of the independence struggle it was the independent print media rather than radio that the Ugandan elite used to criticize the colonial order and mobilize for change, because government employees were unlikely to “bite the hand that feeds them.”

When the control of Uganda passed on to local hands in 1962, the *Uganda Broadcasting Service*, later renamed *Radio Uganda* and finally the *Uganda Broadcasting Corporation* (UBC), was seen as a vital tool in furthering the priorities of the post-colonial government, namely, national consolidation and development. Uganda is composed of four major ethnic groups and an estimated 30-35 languages and dialects (<http://www.ethnologue.com/show.language.asp?code=lug>). Unlike Tanzania, Uganda at independence did not have the benefit of a common language, other than English, which was spoken by a negligible percentage of the local population. The issue of a medium to address the majority of Ugandans was foremost on the political leaders’ minds. Even though radio was the best available tool to reach the majority of Ugandans, however, Uganda’s linguistic configuration rendered this quite complicated. Yet, consistent with the modernization thinking of the 1960s, radio was seen as a partner in development and in this, its mandate was clear: to reflect government policy, as much as possible positively. In order to avoid stepping on any ethnic toes, post-colonial governments have side-stepped the language issue, and to date *UBC* broadcasts in 24 languages including English and Kiswahili. This has implications for how meaningful the participation of the less powerful language groups can be.

Between 1962 and 1966, there was a political crisis brewing between the central government and the powerful kingdom of Buganda upon which the independence constitution had conferred a semi-federal status and whose King (the Kabaka) had been guaranteed the position of ceremonial president. The crisis, a result of disagreements over power sharing and resultant mutual distrust is well documented in Karugire (1980); Ocitti (2005); and Tabaire (2007). Suffice it to say that this tension became one of the defining factors of government/media relations in the immediate post-independence period of Uganda’s history. Thus media regulation, which in the immediate post-colonial period had been tempered by the “buoyant mood” of independence, became an urgent concern after the explosion of the “Buganda crisis.”

Government's stance towards the media in general turned more hostile. The media responded by self-censorship. Amidst growing political insecurity, *Radio Uganda* slowly mutated into a government mouthpiece that was used to denounce those perceived as "opposition", who, needless to say, had little access to this channel. According to Kirevu and Ngabirano (2005) and Ocitti (2005), political programming gradually became highly unsafe so radio resorted to parroting government propaganda and patriotic songs, not unlike radio in other African countries during this period. The Obote (I) regime as the first post-colonial government is popularly known, customized or enacted an array of other laws to "deal with" the media. These included: This included The Television Licensing Act of 1963; The Deportation Ordinance; The Press Censorship and Correction Ordinance of 1964; The Emergency Powers Act of 1966; The Official Secrets Act and The Public Order and Security Act of 1967. These laws had far-reaching consequences for access to information, for the freedom of journalists who worked for the government media to exercise full editorial freedom, and for the general exercise of media freedoms of both local and foreign journalists. They were frequently invoked to discipline and sometimes harass, intimidate or silence journalists (See Chibita 2010, upcoming).

When Amin took over power from Obote in a military coup in 1971, he suspended the constitution paving the way for ruling by decree. One of the first decrees he issues suspended political party activity. Amin proceeded to invest heavily in the development of radio, establishing new transmitters to cover all the major regions of the country and increasing the number of studios at radio Uganda's headquarters in Kampala. He also took complete charge of the medium, employing military people to head the Ministry of Information and Broadcasting, hiring and firing editorial staff at will and interfering, sometimes physically, in editorial policy and content. In 1973, he established the Presidential Press Unit to ensure that his movements and activities were covered regularly, in detail and under his strict control. Under Amin, therefore, although the physical infrastructure of radio grew at an unprecedented rate, radio as a political space shrunk and was closed to the majority of Ugandans that were not directly associated with the military government. Ugandans turned to the BCC, Deutschewelle and other foreign media to get accurate information about turbulent events at home. However, Amin had even less tolerance for the foreign press variously labeling them "confusing agents," "imperialists" and "Zionists" and

frequently expelling foreign correspondents (see Gariyo 1993; Ocitti 2005). Political activity was severely curtailed under Amin. The Suspension of Political Activities Decree (1971) prohibited the organization or participation in any public meeting or procession for propagating or imparting political ideas or information, formation of political parties, wearing, uttering or displaying any party name, symbols or other paraphernalia. According to Mwesige (2004:51), citizen participation during this period was reduced to attending meetings called by government representatives. *Radio Uganda* and its sister the *Uganda Television* remained the only two players in the broadcast sector. All independent print media were banned. At the worst moments of this military regime, even being caught listening to a foreign radio station like the BBC was criminalized.

The culture of reporting presidential and ministerial speeches verbatim and reproducing press releases unedited was entrenched. Prior to the Amin regime, media offenses had been handled largely through the law. With Amin, intimidation, arbitrary arrests and extra-judicial killings became the norm. Because he ruled by decree, it was impossible for journalists, even those who worked for the government, to know the limits of media freedom or predict the repercussions of crossing the line. Many therefore either quit the profession or played safe.

Because Amin had no respect for professionalism in journalism or management, his government's heavy investment in radio infrastructure was badly mismanaged. By the time he lost power through another military coup in 1979, the radio infrastructure across the country was in a dilapidated state. What was left of it was destroyed by looters and plunderers during the 1979 war (Kirevu and Ngabirano [sa]).

It should be noted though that at the height of Amin's dictatorship, Ugandans in exile operated a radio station out of Dar-es-salaam that broadcast a steady flow of anti-Amin propaganda and that was immensely popular in the Central, Western and Southern parts of the country where his support was the lowest. This radio station played a key role in keeping Ugandans abreast of the progress of the war that eventually ousted Amin, even as he encouraged Ugandans to stay calm because the situation was "under control."

Amin's military regime was followed by a period of near anarchy. Between his ouster in 1979 and 1986 when the NRM government took over power, Uganda had four changes of government, most of them spearheaded by the military. Under these circumstances, a democratic space for debate on issues of common concern seemed like a luxury. According to Abu Mayanja, the first minister of information under the NRM government of Yoweri Museveni, their first priority as far as radio was concerned, was simply to get it to work again (Mayanja 2005). This they did, but despite the rhetoric of restoring fundamental freedoms, Radio Uganda continued to operate as a government mouthpiece right through the 1980s. With no private media to challenge radio Uganda, it is the print media that carried the critical voices in the earliest years of the NRM Government's reign, and most efforts at regulating, or as some would argue, muzzling the media in the first decade of the NRM's rule were directed at the print media.

#### **A new radio environment: Radio goes political**

Because right up to the end of Gen. Tito Okello's reign in 1985, government had monopolized the ownership of the broadcast media, all local broadcast journalists were government servants. The resultant culture of silence that engulfed them was reinforced by the fact that opposition political party activity had effectively been banned since the mid-1960s, and by the existence of the Official Secrets Act of 1964 which compelled government servants to vow to protect all information that came to them in the course of duty, or face up to 14 years in jail. This and the absence of any access to information laws had made it extremely difficult for the one existing radio outlet to serve as a forum for the expression of divergent political views. Furthermore, since radio had been used to announce every coup d'état since independence, governments were extremely protective of it. Both the physical premises and the content of Radio Uganda were heavily guarded to keep out elements of "subversion."

Global economic events in the 1990s combined with internal lobbying to bring about the liberalization of the broadcast sector (Ogundimu 1997). Thus in 1993, *Radio Sanyu* was licensed as Uganda's first privately owned radio station, followed by *Capital Radio* in 1994. Some accounts have it that the owners of the two stations made a pact with government not to broadcast politics. This was evidenced in the content they initially aired which was dominated by Western music and other

entertainment, with little programming of an overtly political nature. In the first decade after liberalization of the airwaves, government licensed over 100 mostly privately owned FM radio stations operating in various parts of the country.

However, within a year, *Capital Radio* introduced the first participatory political talk show, the “Capital Gang.” The show had a host and four regular guests called the “gangsters.” Listeners were free to call in and comment and they did, especially since the mobile telephone was hitting the market around the same time. Although the “gangsters” came from slightly different political affiliations, they were good friends outside the studio, and sophisticated enough to prevent the discussion from getting too politically incorrect. Government tolerated it. The show became so popular that *Radio Sanyu*, the other private radio station at the time, and nearly every radio station that was subsequently licensed introduced at least one such talk show. On some stations the show went from being weekly to daily.

### **Enter *ekimeeza***

*Radio One* took radio talk show genre up one notch when they introduced the now famous “*ekimeeza*,” (loosely translated: “the round-table”) genre. *Ekimeeza* was a live talk show held in an open drinking space with a self-selected group of participants. The show had a moderator who, with the group, determined what topical issues to tackle each Saturday afternoon. If you could afford to get into *Club Obligatto*, you were welcome. Initially the shows were extremely orderly and well moderated. There were ground rules that the participants observed, mostly related to minimizing personal attacks and reducing the chances of the station’s liability for libel. While *Radio One*’s *ekimeeza* which was conducted in English mostly attracted elite town-dwellers, the other stations localized the genre. The genre gradually gained immense popularity and was widely emulated, particularly by stations such as the *Central Broadcasting Service (CBS)*, which mostly operated in the indigenous languages and were therefore able to draw into the public domain people that had previously been closed out by language, accessibility to telephones and other socio-economic constraints. Soon rural folks, hitherto unheard in the media except when they announced the death of a loved one or sent a “listeners favourite,” were calling in to give opinions on a range of issues, policies and positions affecting them. For the first



time in Uganda's history ordinary Ugandans dared to challenge the policies and decisions of the reigning government on radio. The culture of *ekimeeza* spread rapidly to the rural areas where the NRM's strongest political base lay. Suddenly the tightly controlled space of radio was politically charged, and government moved to contain the situation.

### **Making examples of “naughty” radio stations**

To this point, with a few exceptions, government action against the media had been targeted at the print media. With the advent and immense popularity of the interactive, open air radio talk show genre, government took an even keener interest in the medium of radio. In 2005 the Minister of Information, Basoga Nsadhu, pronounced a ban on *ebimeeza* (plural for *ekimeeza*) citing the fact that they operated in unlicensed locations. (There were elections scheduled for 2006 and the first credible challenger to President Museveni, Rtd. Col. Dr. Kizza Besigye, had emerged). The ban elicited widespread public criticism and was lifted shortly afterwards. It however served to warn the broadcast media that this could happen again.

In 1995, Uganda's constitutional assembly passed the Constitution of the Republic of Uganda (1995), billed as the most forward looking in Uganda's history with regards to the aspect of media freedoms. Article 29 (1) (a) reads: “Every person shall have the right to freedom of speech and expression, *which shall include freedom of the press and other media.*” Unlike previous constitutions, this one specifically mentions the media alongside “speech” and “expression” and does not contain claw back clauses, even though article 43(1) sets the limits for the enjoyment of all freedoms. With regards to the media, 43 (1) c is significant. It states that there will be no limitation to the rights and freedoms guaranteed by the constitution “...beyond what is acceptable and demonstrably justifiable in a free and democratic society.” This is as close as Uganda has ever come to the equivalent of America's First Amendment. Article 2 also states that the constitution “shall be the supreme law of Uganda.” Finally Article 41 guarantees access to information and provides for the enacting of enabling laws.

The regulation of the media in Uganda in the last 15 years, though, in some ways, seems to have assumed a life apart from this liberal constitution. In 1995, shortly

before the passing of the constitution, the Constitutional Assembly had passed the Press and Journalists Statute (1995)<sup>1</sup>. The Act establishes the Media Council as the custodian of professional standards in the media. It guarantees the right of access to information, subject to other provisions relating to “*national security, secrecy or confidentiality of information.*” While these are important provisions they leave a lot of room for arbitrary interpretation. The bill further sets the minimum qualification for being registered to practice as a journalist at a degree in Mass Communication, or a degree in any other field, with a postgraduate qualification in Mass Communication, plus one year’s experience. This law also provides that every journalist should be registered with the National Institute of Journalists of Uganda (NIJU), a statutory body established by the same law, and this license will be renewable every year. Few journalists have complied with the requirement to be licensed and renew the practicing license every year and enforcement has been poor. However, government has on several occasions used this provision to check-mate “errant” journalist. The Press and Journalists’ law has as one of its schedules, a code of ethics for journalists. This according to many journalists runs counter to the ideal of self-regulation.

The Electronic Media Statute of 1996<sup>2</sup> is the main law governing the broadcast media in Uganda. The law seems to have been developed as an afterthought to the Press and Journalists’ Statute which it cross-references in some instances (for instance on issues of ethics, professionalization and discipline). This law for the first time establishes a Broadcasting Council, laying out its composition and functions. One notes, though that the composition of the Broadcasting Council is strategically dominated by government appointees. The law also stipulates minimum broadcasting standards, but these focus more on protecting public morals than on, for instance, promoting diversity. It gives immense powers to the Minister of Information to intervene in the operations of the Council.

Thus the Electronic Media Act is on the whole a weak law with regards to broadcasting. Its motivation seems to have been to legitimize the liberalization of the media rather than to regulate their operation which according to Ogundimu (1996,

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<sup>1</sup> This later became the Press and Journalists’ Act of 2000.

<sup>2</sup> Now known as the Electronic Media Act (2000)

p.165-166), had been influenced by pressure from entrepreneurs rather than concerns for freedom of expression or diversity and pluralism.

While the intent to control the media and media professionals is clear in both laws, it is hard to see how, particularly the Electronic Media Act enhances radio as a political space. The law makes no mention of the different tiers of broadcasting, secures neither the space of the public broadcaster, nor of community broadcasters, both of which are regarded as essential for democratizing the space of radio, particularly in a politically polarized context such as Uganda's.

Furthermore, critics see the spirit of the two laws as incompatible with the liberal provisions of the constitution and have called for their revision or repealing (see, for instance, Oloka-Onyango 1999). It is important to note also that these laws were passed in the absence of a coherent and publicly known media or broadcast policy.

In 2002 the NRM government passed the Anti-terrorism Act. The Act contains sections that restrict the freedom of journalists to contact persons that government suspects of being terrorists. Contravention of this law carries a maximum sentence of death. Even though government has rarely invoked this provision, its mere presence serves to restrain radio journalists and their media organizations in what they cover and who they interview. This has been particularly delicate as the NRM has dealt with an insurgency in Northern Uganda since they came into power, and has on different occasions linked opposition figures and their parties to terrorism, signaling that this law could be applied in the event of the media "collaborating" with them.

In 2004, following a survey entitled the National Electronic Media Performance Study (2004), and a series of public hearings, a draft National Broadcasting Policy was discussed and passed by cabinet. In this policy, government admits that the Electronic Media Act (CAP 105) of 2000 which is still the principal legislation for the regulation of the electronic media, is 'not in tandem with modern concepts of holistic broadcast management.' Therefore, the draft policy goes on, '... a clear and comprehensive broadcasting policy is essential for the preparation of new legislation to effectively address sectoral concerns' (2004, p.16).

The Draft Broadcasting Policy's objectives are noble and largely in tandem with international best practices in broadcast policy. They include promoting liberalisation, ensuring a balance between profit and the fulfilment of public service obligations, establishing a framework that takes into account the convergence of technologies, ensuring that the broadcasting system contributes to unity and patriotism by safeguarding, enriching and strengthening the cultural, social and economic fabric of Uganda, and ensuring pluralism and diversity in the provision of news, views and information (2004, p.17).

With regard to diversity, the Draft Broadcasting Policy proposes specific regulation to address the establishment of three distinct tiers of broadcasting and to promote community broadcasting. It also proposes to regulate ownership and content in the interests of diversity. The policy further seeks to harmonise the role of the broadcast regulator and the telecommunications regulator with regard to the management of the broadcast frequency spectrum.

Although the draft policy highlights the importance of all stations, and particularly the public broadcaster offering substantial amounts of local content, however, it steers clear of any discussion on language and its use in the media *per se*. It only states that license holders will be required to be "linguistically relevant" to their areas of operation. This for radio, which is the leading mass medium of the majority of Ugandans, is significant. It is difficult to see how radio can be a meaningful and inclusive political space unless the language issue is addressed satisfactorily. It is also unclear whether government does not deliberately side-step dealing with the language issue to avoid stepping on some "toes."

The Draft Broadcasting Policy has most of the essential elements required to secure radio as a political space and to create the necessary diverse atmosphere for political expression that Uganda's radio has lacked since colonial times. However, for unclear reasons, this policy has not been made a public document since cabinet discussed it more than five years ago.

In 2005, Radio Uganda and Uganda Television were merged to form the Ugandan Broadcasting Corporation. A recent study commissioned by AfriMap (Lugalambi

2009), finds that the public broadcaster still operates like a state broadcaster on most counts.

Critics have argued that while the 1995 constitution is progressive, there are laws on the books that have no place in a democratic dispensation and have singled out sedition and criminal libel. Their presence maintains a level of ambiguity which allows government to constrain media freedoms in arbitrary ways. Therefore while in some ways, the Museveni government appears to have gone the furthest towards securing the media, and specifically radio as a viable political space, they do not seem to be willing to go far enough and sometimes give the appearance of reversing the gains they have so far made.

Matsiko wa Mucoori (<http://www.independent.co.ug>, 20<sup>th</sup> November, 2009), muses about Museveni's relationship with the Ugandan media. Museveni, he says has,

...baffled observers with his relations with the Ugandan media. He has simultaneously been the strongest promoter of press freedom and its biggest threat. He has jailed and prosecuted as many journalists as he has dined with. He has contributed to the creation of an atmosphere of free expression and also contributed to the one of fear and intimidation and self-censorship that now pervades the Ugandan media.

President Museveni has on at least one occasion stated publicly that journalists must stop purveying "rubbish" on radio or "they will be stopped." Unfortunately, neither the constitution, nor any of the laws on the books throw any light on what constitutes "rubbish" in the practice of journalism. It depends on the political mood of the moment. It also not clear by what means these journalists will be "stopped."

A few examples, documented by the Committee for the Protection of Journalists (CPJ) (2008, 2009) with specific reference to radio serve to illustrate the ambiguity under which radio journalists in Uganda operate. On 10<sup>th</sup> August, 2005, Andrew Mwenda, a journalist and talk-show host with the "Andrew Mwenda Live" show on *KFM Radio* argued that the NRM government had through neglect, caused the death of Sudanese Vice President, John Garang. Mwenda was arrested and held for three days for inciting violence, and charged with sedition. President Museveni, addressing

journalists hours before Mwenda's arrest, had said: "If they want to continue doing business, they must stop interfering in the security matters of the region." Mwenda was subsequently released, and the station was re-opened. Mwenda claimed that he was not intimidated by this incident. However, it should be noted that his release followed protracted negotiations between government and the Nation Media Group which owns majority stake in KFM radio. Many argue that the *Andrew Mwenda Live* show was never the same since this incident. In any event, Mwenda eventually stopped working for the Nation Media Group citing collusion between the Aga Khan and government in curtailing his freedoms. The *Andrew Mwenda Live* show changed names and character. Whether or not Mwenda was justified in making the statements he did about the death of Garang remains debatable. What is clear is that government action was swift and decisive, because Mwenda had crossed what Oloka-Onyango has called "the invisible line."

In October 2008, Ibrahim Ssemujju Nganda was charged with promoting sectarianism and inciting violence and faced a possible eight year sentence. Nganda had suggested, on "Mambo Bado" ("you ain't seen nothin' yet" in Kiswahili), an open air talk show, that government had been unwilling to offer protection to the Kabaka of Buganda on his visits to his territories, and that this was linked to the fact that the security forces were dominated by people from Western Uganda where the president comes from. On several occasions, journalists and callers had made similar statements with no incident. In the same year, *CBS* journalists were questioned by police at least twice for statements regarding the impasse between the Buganda government and the central government over a proposed land bill that the Buganda government was vehemently opposed to. Nganda and the *CBS* journalists had crossed the invisible line. They had gone too far in their scrutiny of the NRM government's relations with the Buganda Kingdom, ethnic relations between Western and Central Uganda, and the highly delicate land policy that threatened to disadvantage sections of the powerful Baganda ethnic group at a time when the debate on land in Uganda was closely associated with the discovery of natural resources.

Geoffrey Ssebagala, a commentator on *Metro FM* was arrested and roughed up by security personnel for suggesting that government still maintained detention centres where they tortured people. Ssebagala was later released and he briefly went into

exile. Ssebagala had crossed the invisible line in his scrutiny of the activities of security organs.

In September 2009, following riots triggered by government's stopping Buganda government officials from visiting one of the Buganda king's contested territories, a number of radio journalists and presenters were arrested, suspended or restrained. These included Kalundi Robert Serumaga (Radio One); Peter Kibazo (Radio Simba and WBS TV); Peter Ndawula and Charles Ssenkubuge (Radio Simba); Charles Odongtho (Uganda Radio Network and Vision Voice); Mark Walungama (Uganda Broadcasting Corporation); Aloysius Matovu, Irene Kisekka and Ben Mutebi (Radio Sapientia); Moses Kasibante (CBS) and Basajjamivule Nsolonkambwe (Radio Two). Again, these had in different ways and to varying degrees, crossed the invisible line. They had ventured into the no-go area of the central government's relations with the Mengo government, debate regarding which had at this point acquired heavy ethnic undertones and resulted in riots and loss of life and property.

One would be forgiven for concluding that perhaps because of its perceived mobilization power, radio as a medium for free and diverse expression on matters of a civic-political content has not been fully accepted by even the more liberal of Uganda's governments. However, as Jjuuko argues, "audiences are political things", so it is not easy to eliminate political programming from radio. It is perhaps because of this that Ugandan governments have devised means, judicial and extra-judicial, of keeping the media on notice. This has resulted in what Oloka-Onyango (1999:16) refers to as "the invisible line beyond which free expression is simply not tolerated."

Unfortunately, Oloka-Onyango adds, -and this is the basic problem-the exact positioning of that invisible line is arbitrary and unknown. All we can say with the benefit of precedent, is that the invisible line comes into play once the government feels threatened by the grievances being articulated. Once the line is crossed, the government...literally 'goes native.'

This, he concludes, leaves the state of media freedoms in an uncertain situation, and to a great extent at the mercy of those that govern.

Hence Jjuuko (2009)'s comment:

What is liberalized in Uganda is freedom to invest in the media, not freedom of the press. The civic political content has never been liberalized. If you look at the number of stations, you have missed the point.

### **The future of radio as a political space: reading the signs**

The convergence of technologies has made the media more interactive. It has also opened up avenues like mobile text messaging that are capable of by-passing current regulation. In 2008 for instance, environmental activists were able to mobilize thousands of Ugandans to participate in a boycott and a march protesting government's plan to give away a large tract of protected tropical forest to a foreign investor. The campaign dominated the radio airwaves for days. The give-away never did take place.

Technological developments also render irrelevant government's insistence on specific academic qualifications for journalists to be registered to practice. The traditional role of the journalist as the one who gathered, controlled and disseminated information has changed. People with no formal qualification can process and disseminate information. With social networks and citizen journalism, there is more horizontal communication managed by "non-professionals."

Journalists have also demonstrated their capacity to exercise their agency in the midst of confusing or restraining media regulation. As the West African proverb, referring to a vulnerable bird goes, "since man has learnt to shoot without missing, I have also learnt to fly without perching." When the NRM government in 2001 blocked a popular website known as *Radio Katwe* that was actively putting out information that threatened to affect their popularity ratings in the run up to the first multi-party elections since they came into power, people found ways of by-passing the blockade and accessing the website anyway. Government has on several other occasions attempted to control access to information on the internet with limited success.

The NRM government appears to now be refocusing its regulation of the media. Future policy of the NRM government points towards not a more liberal but a firmer stance towards the media, and media freedoms. This seems to have taken on a



particular urgency not only because the political space has become more competitive, but also because of technological developments. The latter make the old approaches that focused on controlling media content futile. Future policy is therefore now more likely to concentrate on controlling journalists.

In this regard, the Minister of Information and National Guidance in March 2010 presented a Press and Journalists' Bill that appears to be the synthesis of the NRM's current media policy. The law it proposes seeks to,

[A]mend the Press and Journalist [sic] Act in order to provide for registration of newspapers; to require that the editor of a newspaper shall ensure that what is published is not prejudicial to national security; to rationalize the composition of the media council; to provide for licensing of newspapers; to increase the membership of the disciplinary committee; to provide for expeditious disposal of complaints before the disciplinary committee; to provide for offences and penalties and to provide for other related matters.

Section 6 in particular places a high premium on ensuring that information released to the public "...is not prejudicial to national security." It should be noted that the Penal Code Act had already been amended to include a similar provision in (section 37) of 1988.

The overall import of the Bills' proposed amendments seems to be to increase the control of government over the composition of the regulator and reduce the likelihood of challenging government decisions. This appears to be consistent with the stance of the NRM government towards the media, print and broadcast, since 1986, notwithstanding the constitutional provisions of Article 29 (1) (a) and 41, the liberalization of the broadcast sector and the enactment of the Press and Journalists' Statute in 1995, as illustrated earlier.

The spirit of the Press Bill seems to take media freedoms several steps backwards, making it extremely difficult for journalists to fully exercise their freedoms. It however seems to be the crystallization of government policy on the media in Uganda as it appears to incorporate most of the restrictions contained in various media laws from colonial times, and from the time the NRM assumed power in 1986. While the

world over, the broadcast media have been subject to more government regulation than their print counterparts, this bill puts the print media in exactly the same position as the broadcast media in terms of government restriction and surveillance, as well as totally disregarding the possibility of self-regulation. Given the trends, it will come as no surprise if government next proposes a more comprehensive and stringent law to control the broadcast media in the run-up to the 2011 elections.

Godfrey Mutabazi, Chairman of the Broadcasting Council, gives a sneak preview: “What we are going to change now in [the] electronic media is to create convergence, whereby we can regulate all content coming via mobile phones and computers.” In this connection cabinet has also tabled the Regulation of Interception of Communication Bill (2007) which is still being debated. If passed it would allow for “lawful interception and monitoring of certain communication in the course of their transmission through a telecommunication, postal or any other related service or system in Uganda” and provide for a Communication Monitoring Centre.

### **Conclusion**

Although radio as a political space in Uganda has gained great ground since the colonial times, it is still a highly contested space. Governments are aware of the medium’s political potential. History dictates that they make legal provisions to secure this potential. However, this is done on one condition: that radio steers clear of “the invisible line beyond which free expression is simply not tolerated.” In the meantime, technology is moving at an unstoppable pace and this favours the capacity of both journalists and audiences to exercise their agency. In the face of such contestation, we are likely to see more governments attempting to “shoot without missing” as journalists and audiences “fly without perching.” Interesting times lie ahead.

### **REFERENCES**

- Bourgault , L. 1995. *Mass Media in sub-Saharan Africa*. Bloomington: Indiana University Press.
- Chibita, M.B. 2010. The evolution of media policy in Uganda. *Africa Communication Research*, Upcoming May 2010.

CPJ. 2008 (Committee for the protection of journalists)

[O] Available: [www.cpj.org/attacks99/uganda.htm](http://www.cpj.org/attacks99/uganda.htm)

Accessed on 2010/3/31

CPJ. 2009 (Committee for the protection of journalists)

[O] Available: [www.cpj.org/attacks99/uganda.htm](http://www.cpj.org/attacks99/uganda.htm)

Accessed on 2010/3/31

Daloz, J. & Verrier-Frechette K. 2000. Is Radio Pluralism an instrument of political change?, in R. Fardon & G. Furniss (Eds.). *African broadcast cultures: radio in transition*. Oxford: James Currey:180-85.

Ethnologue

[O] Available: <http://www.ethnologue.com/show.language.asp?code=lug>

Accessed on 2006/5/01

Gariyo, Z. 1992. The press and democratic struggles in Uganda, 1900-1962. *Working Paper No. 24*. Kampala: *Centre for Basic Research*.

Gariyo, Z. 1993. The media, constitutionalism and democracy in Uganda. *Working Paper No.32*.Kampala: *Centre for Basic Research*.

Jjuuko, F. 2009. Personal interview. December 2009.

Karugire SR. 1980. *A political history of Uganda*. Nairobi: Heinemann.

Kirevu BB & Ngabirano, G. [sa]. The growth and development of media in Uganda.[sl:sn]. [unpublished manuscript]

Lugalambi, G. 2009. *Public Broadcasting in Africa: Uganda Report*. Open Society Institute/AFRIMAP [Draft]

Matsiko wa Mucoori. 2009. Museveni's love-hate relationship with the media

[o] Available.

<http://www.independent.co.ug/index.php/news/news-analysis/79-news-analysis/1967-museveni-love-hate-relationship-with-media>

Accessed on 23.11.2009; 31/3/2010

Ocitti, J. (2005). *Press politics and public policy in Uganda: the role of journalism in democratization*, Queenstown, Ont.: Edwin Mellen Press.

Ogundimu, FF. 1998. Private-enterprise broadcasting and accelerating dependency: case studies from Nigeria and Uganda. *Gazette* 58(3):159-172.

Oloka-Onyango. (1999). The limits of expression under Museveni, *Uganda Journalism Review*, I(1):16-20.

Tabaire, B. 2007. The press and political repression in Uganda: back to the future? *Journal of East African Studies*, 1(2), 193-211.

Uganda. 1950. Penal Code Act. Entebbe: Government Printers.

Uganda. 1971. Suspension of Political Activities Decree. Entebbe: Government Printers.

Uganda. 1995. *Constitution of the Republic of Uganda*. Entebbe: Government Printers.

Uganda. 2002. The Anti-Terrorism Act (2002). Entebbe: Government Printers.

Uganda. 1967. The Official Secrets Act, CAP 302, (1967). Entebbe: Government Printers.

Uganda. 1950. The Penal Code Act, CAP 120. (1950). Entebbe: Government Printers.

Uganda. 2000a. The Press and Journalists' Act, CAP 105. Entebbe: Government Printers.

Uganda. 1964. The Press Censorship and Correction Act, CAP 306, (1964)...Entebbe: Government Printers.

Uganda. 1967. The Public Order and Security Act, (1967). Entebbe: Government Printers.

Uganda. 2007. The Regulation of Interception of Communication Bill, (2007). Entebbe: Government Printers.

Uganda. 2005. The Uganda Broadcasting Corporation Act, (2005). Entebbe: Government Printers.

Uganda. 2000a. The Electronic Media Act. Entebbe: Government Publishers.

Uganda. 2002. Anti-Terrorism Act. Entebbe: Government Printer

Uganda. Broadcasting Council. 2004. *The National Media Performance Study (2004): a Broadcasting Council report*. Makerere University Printery.

Uganda. Directorate of Information. 2004. *A New Broadcasting Aspiration For Uganda: Draft National Broadcasting Policy*. Kampala: Makerere University Printery.

Van de Veur, P. 2002. Broadcasting and political reform, in G. Hyden, M. Leslie and F.F. Ogundimu (Eds.), *Media and Democracy in Africa*. New Brunswick, NJ: Transaction.

