

**CHALLENGES FACING THE INDEPENDENT MEDIA IN  
UGANDA**

**A CASE STUDY OF THE DAILY MONITOR**

**BY**

**OMONDI VICTOR KEVIN**

**BMC/3275/22/DF**

**A DESSERTATION SUBMITTED TO THE FACULTY OF  
SOCIAL SCIENCES IN PARTIAL FULFILMENT OF THE  
REQUIREMENTS FOR THE AWARD OF BACHELOR OF MASS  
COMMUNICATION DEGREE OF KAMPALA  
INTERNATIONAL UNIVERSITY.**

**MARCH, 2007**

## DECLARATION

I Omondi Victor Kevin, do hereby declare to the best of my knowledge that this research study is my original work and that it has never been submitted to any University or any other institution.

The literature and citations from other people's work have been duly referenced and acknowledged in the text and bibliography.

Signed: .....

Omondi Victor Kevin

Student

Date: 26.03.07.....

Signed: .....

Dr. Ongora Jerome

Supervisor

Date: 26.03.2007.....

78%

## ACKNOWLEDGEMENT

First, I give great thanks to God for the strength, courage and life he has provided to enable me carry out this exercise and for keeping me going.

Heartfelt thanks to my dear parents for their unwavering support, my dear friends Opot, Njoroge, Faith and Ngina. You were there when I needed you most. I appreciate all that you have done for me.

I would also like to extend my sincere gratitude to The Daily Monitor staff who have contributed greatly to this project. The Managing Director Mr. Conrad K. Nkutu, the Managing Editor Mr. Joachim Buwembo and political columnist Andrew Mwenda for creating time to be part of the focus group discussions despite their tight work schedules.

Sincere thanks go to my supervisor Dr. Ongora for his dedicated supervision of this research work and to my lecturer Ronald Kaddu for the foundation on research he gave me.

## DEDICATION

This research study is dedicated to:

My Family; Dad “Buda” ,Mum,Dan,Irene,Chris,Tony and Steve, my niece Vivian and my nephew Moses, and my cousins Vincent,Victor,Timothy and Philip. You are such a blessing and I love you all.

My friends: Opot, Njoro, Deno, Ishmael, Pius, JP, Maxy, Faith, Ngina, Beffine, Lena, Claire, Keshy, Diff, Dantech,Vivian, Nyams and Maureen.

## LIST OF TABLES

Table 4.3.1: Showing the Education Levels of the respondents

Table 4.3.2: Showing Occupation of the Respondents

Table 4.3.3: Income versus Propensity to Consume

Table 4.3.4: Magnitude of the Challenges in form of percentage

Table 4.3.5: Pie Chart Interpretation of table 4.3.4

## TABLE OF CONTENTS

Declaration	i
Acknowledgement	ii
Dedication	iii
List of Tables	iv
Table of contents	v
Abstract	vi
List of Abbreviations	vii

### CHAPTER ONE INTRODUCTION

1.1	Background to the problem.....	1
1.2	Statement of the problem.....	3
1.2.1	The Use of law, Intimidation and Harassment of Journalists.....	3
1.2.2	Economic Blockade.....	4
1.2.3	Propaganda.....	4
1.3	Purpose of study.....	5
1.3.1	Study objectives.....	5
1.3.2	Research Questions.....	6
1.3.3	Research Hypothesis.....	6
1.4	Significance of the study.....	7
1.5	Scope of the Study.....	8
1.6	Area of study.....	10
1.7	Selection of Study participants.....	10

### CHAPTER TWO LITERATURE REVIEW

2.0	Introduction.....	11
2.1	History of the Ugandan media.....	12
2.2	Some History of the independent media in Uganda.....	14
2.3	Challenges of the independent media In Africa: Uganda.....	15
2.4	The Media, Politics and Democracy.....	17
2.5	Challenges in the 21 <sup>st</sup> Century.....	19
2.6	Definition of Terms.....	21

### CHAPTER THREE METHODOLOGY

3.0	Introduction.....	22
3.1	Research design.....	22
3.2	Population sample.....	22
3.3	Area of study.....	23
3.4	Selection of study participants.....	23
3.5	Data collection.....	23
3.6	Data analysis.....	24
3.7	Limitations.....	25

## **CHAPTER FOUR PRESENTATION, ANALYSIS, INTERPRETATION AND DISCUSSION OF FINDINGS**

4.1	Introduction.....	26
4.2	Characteristic of the Sample.....	26
4.3	Social and Demographic Characteristics of the Respondents.....	27
4.4	Challenges Facing the Independent Media in Uganda.....	28
4.5	Political Challenges.....	29
4.5.1	The Use of Law, Intimidation and Harassment of the Media.....	29
4.6	Constitutional/Legal Challenges.....	32
4.7	Economic Challenges.....	37

## **CHAPTER FIVE DISCUSSION OF FINDINGS, CONCLUSION AND RECOMMENDATIONS**

5.0	Introduction.....	41
5.1	Summary of Findings.....	41
5.2	Recommendations.....	44
5.3	Conclusion.....	46
	<b>Bibliography.....</b>	<b>47</b>
	<b>Appendix.....</b>	<b>48</b>
	<b>Appendix A.....</b>	<b>48</b>
	<b>Appendix B.....</b>	<b>52</b>
	<b>Appendix C.....</b>	<b>53</b>

## ABSTRACT

This study considered the challenges facing the independent media in Uganda and in particular *The Daily monitor*. First, the study reviewed the history of the independent media and the obstacles and challenges they faced. It singled out the challenges as being economic, political and constitutional. The paper then presents some evidence on how independent media tackles these challenges and under what circumstances they are experienced.

Collection of data was through interviews, questionnaires and the use of focus group discussion. Primary and secondary data were also incorporated in the study.

Data analysis included quantitative, qualitative and descriptive techniques such as pie chart which were used for graphical representation of data.



## LIST OF ABBREVIATIONS

NRM	National Resistance Movement
LRA	Lord Resistance Army
NIJU	National Institute of Journalists of Uganda
UPDF	Uganda Peoples Defense Forces
C.I.D	Criminal Investigations Department
V.A.T	Value Added Tax

## CHAPTER ONE

### 1.1 Background to the problem

Looking at the media today in Uganda as evidenced by the number of publications out there on the streets, the number of privately owned radio stations and what they publish and broadcast, you get the feeling that indeed in Uganda, media independence is absolute.

But when scrutinized in relation to law and practice, one realizes that this independence is very limited. One has to appreciate that so long as what is printed, telecasted or broadcasted is in favor of the political regime, then it will appear to look like there is absolute independence of the media. However, a free press is not necessarily how many newspapers are circulating at any one given time. It is, much more importantly, what they are able to say. Secondly, the state cannot be a guarantor of free press because the role assigned by the state to the media necessarily prevents the media to be free.

What comes out clearly then is that media independence goes along with political freedom, yet in Uganda political freedom for a long time (until 1995) was limited to one group, The National Resistance Movement (NRM).

The problems of independent media in Uganda can be traced back to the colonial times when a commission was established to look into the possibility of establishing a radio station. This was however mainly meant to cater for the interests of the colonial officials.

Up to the time of independence, radio broadcasting was dominated by the desire to counter nationalist propaganda and to exert influence over the Africans through their chiefs as had been done for a century. The local news was overshadowed by this tendency and no attempt to broadcast news that reflected the aspirations of Africans was ever made.

During Amin's rule, media (television and radio) were the most widely used arms of state machinery. In fact, during Amin's regime, broadcasts started and ended with "the government spokesman" (Amin himself) and all reports in praise of him and his government. But this paranoia although highly characteristic of the regime, was not limited to Amin's regime alone. All regimes which have been in power in Uganda are guilty of manipulating the broadcast media thereby ensuring that it is not independent whatsoever, and using it to enhance their own interests and were also guilty of serving foreign and narrow local interest. As a correspondent to *The New Vision* of 24<sup>th</sup> April 1989 commented, "The press in Africa has mainly been on the side of foreign and local oppressors and exploiters".

When The National Resistance Movement (NRM) came to power in 1986, His Excellency Yoweri Kaguta Museveni promised a lot of fundamental changes. Thus, journalists hoped that independence of the media had received a new surge of life, and at last secured an honest partner in the NRM with whom to build the nation. Indeed a number of newspapers with varying political viewpoints emerged. This was followed by liberalization of electronic media which gave rise to television and Fm stations breaking the monopoly of Uganda Television (UTV) now Uganda Broadcasting Corporation (UBC) and Radio Uganda which had been used by previous governments primarily for propaganda purposes.

In spite of these developments and regardless of the fact that guarantees to media freedom which translates to independence are enshrined in the 1995 constitution of the Republic of Uganda, the NRM has systematically moved towards greater censorship thereby making media independence a myth and consequently a major challenge facing the independent media.

Since 1986, NRM employed various tools designed to essentially kill the press including the use of draconian laws such as sedition and criminal libel. Journalists like Charles Onyango-Obbo and most recently Andrew Mwenda have been subjected to arbitrary arrests, detention, intimidation and harassment. NRM also established a council (media

council) responsible for “regulation” of mass media, which was basically and still is an ammunition by the government to cut on the media’s “horns”.

In fact, independence of the media is merely superficial and does not actually exist in reality. It is regarded as a fallacy, even an oxymoron and viewed in terms of degree rather than absolutes. It is therefore still elitist, urban centered and vertical in nature reducing rural communities into mere spectators. It therefore implies that the independent media (privately owned) face a lot of challenges and problems in an attempt to play its role of being the fourth estate of the government and the people’s watchdog on the executive.

The situation narrated above posed a problem which required a remedy. And it is against this background that the researcher was compelled to find out the challenges and obstacles facing the independent media in Uganda.

## **1.2 Statement of the problem**

### **1.2.1 The Use of the Law, Intimidation and Harassment of Journalist**

In spite of the provisions of Article 29 (1) (a) of the 1995 Constitution, Article 43 (1) provides for a general limitation on the enjoyment of the rights contained in the bill of rights which is contained in Chapter Four of the Constitution. These limitations include non-prejudice of the rights of others and of the public interest. Though the constitution defines the term “public interest”, the definition is neither exhaustive nor objective. The term “public interest” has always been abused by government officials who hide under the interest of national security, defense and public morality as a means to gag the media. Officers from the Criminal Investigations Department (C.I.D) have on numerous occasions subjected editors from “The Monitor” and other critical newspapers to rigorous interrogation. On one occasion, following a visit to *The Monitor*, the C.I.D officers retorted, “there was public concern and a lot of official rage at stories which the government considered false, alarmist and insensitive to the needs of the society”. This list is by no means exhaustive.

### 1.2.2 Economic Blockade

Like any other enterprise, the media requires money for investment and to meet all types of overhead costs. One of the major sources of revenue is advertisements. In Uganda, most of the financially lucrative advertisements traditionally come from the government and government departments. One of the tools employed by the NRM government against the media which it deems acting contrary to its interests is to deny them advertisements and thus the revenue which accrues there from. This tool was applied to *The Monitor* and *The Crusader* newspapers in the form of “a ban” issued against advertisements in these papers. Every department in the government sector was instead directed to advertise only in the government - owned *The New Vision*. Luckily for the readers, this denial of advertising revenue may not have changed the editorial policy of the affected newspapers to provide balanced news. However, it certainly affected the papers financial health and thus the ability to extensively pry into matters of public interest.

### 1.2.3 Propaganda

The term “propaganda” is used in this context to refer to the methods employed by the government to impress the idea on both the citizenry and the international community that Ugandans enjoy all freedoms, especially freedom of the press. The NRM government tactfully allowed the registration and publication of newspapers, magazines and setting up of private radio and television stations to effect this impression. In my view, however, the existence of so many newspapers circulating at a given time is not necessarily an indication that the media enjoys freedom. On the contrary, the NRM regime has put in place tools to curtail such “freedom”. These tools employed by the regime are accompanied by several challenges to the independent media in Uganda. Moreover, a careful scrutiny of the newspapers in circulation today indicates that the majority of them are wanting in quality and limited in circulation. This further limits public debate on vital national issues. In my opinion, what matters is not the number of publications in existence but rather the content of the publications. What is unfortunate is that the government’s use of “propaganda” may not easily be detected by a distant observer

trapped in a double falsehood-that the public feels “comfortable criticizing the government and vociferously so”, and that the media freedom are just red herrings. This is actually feigned display of media freedom by the NRM and consequently, a lot of pressures and challenges keep the media off balance and at a loss on what not to tread on or what to carry on with. It is thus fairly clear that serious problems remain in the way of the protection of media freedom. Therefore, one needs to go further in order to appreciate this situation through an examination of the broader political context in which such challenges have occurred.

### **1.3 Purpose of the study**

#### **1.3.1 Study objectives**

##### **(i) General objective/broad objective**

➤ The broad objective of this study was to examine what challenges the independent media face with regard to the laws of Uganda, the public (consumers of media products) and the government of the day.

##### **(ii) Specific objective(s)**

➤ To discover and bring out the plight of independent media in terms of the obstacles and challenges they faced, whether these challenges are justified or not and if they are not justified, what remedies should be put in place by the concerned authority to help independent media perform its duties with necessary ease, less tension and uncertainty plus a vibrant work atmosphere.

➤ To discover what kind of relationship exists between the privately owned media (independent media) and the authorities since it was introduced in Uganda and to determine whether this kind of relationship brought with it favorable or unfavorable changes to the media.

➤ To examine the phenomenon of challenges and obstacles facing the independent media for better or for worse.

### 1.3.2 Research Questions

1. What provisions of the constitution pose a challenge to the independent media?
2. What challenges does the political regime pose to the independent media?
3. What are the economic challenges facing the independent media?
4. What kind of relationship exists between the independent media and the Government?
5. What challenges does the above relationship pose to the independent media?
6. What are the impacts of these challenges on the independent media?

### 1.3.3 Research Hypothesis

1. The government is likely to pose a challenge to the independent media in the guise of “national security” and “public interest”.
2. The wages, salaries, level of education and employment are all major causes of economic challenges facing the independent media.
3. The flawed political system and the contradictions in 1995 Constitution of the Republic of Uganda pose major legal challenge to the independent media.
4. The uneven political ground and intolerance to different opinion puts the independent media at a fix, whether to go with the official line of the government or face closure.
5. Media independence goes along with political freedom and this is a major cause to greater challenge to the media.
6. Independent media is likely to publish what the government wants to hear rather than what citizens want to know just not to rub the government the wrong way.

#### 1.4 Significance of the study

The importance of this research is that it is going to act as an eye opener to the media, the government as well as the general public.

It will make government realize how it tramples on the rights of independent media, the public's right to information and the media houses of this country.

During the study, recommendations were made. This will help the legislature of this country strike out a better deal with the media in general and independent press in particular.

It was worthwhile to do this study so that proprietors of independent media houses as well as journalists attached to these particular media houses know that the challenges facing them have to be tackled intelligently and that the struggle to overcome these nagging challenges in order to have a vibrant yet so independent media is not yet over.

The media personnel are still pressing for their rights to be granted by the authorities, and make them put in place laws that do not frustrate the media but rather build it, so that the media disseminates information to the public (consumers of their products) impartially as well as without undue strain occasioned by the challenges some of which emanate from the country's constitution. (Law)

The outcome of the study will also enrich people's views on challenges of the independent media over the time period cited. The research is a premise for future study and can be used in universities and institutions of higher learning. In a developing economy like Uganda's, where relative economic stability is being realized, it is important to examine what challenges the independent media face.



## 1.5 Scope of the study

The media in general and the independent media in particular, have a lot of guarantees that are enshrined in the constitution; articles that provide the media with absolute independence and free from any manipulation from within or without. The same constitution has some articles that tend to curtail this media independence as well as freedom thereby posing a grave challenge to the independent media.

For instance, the press needs to be free in order to independently look for information, investigate probable scandals that the public need to be informed about and publish this information. This freedom is provided for in Article 29

(1) “every person shall have the right to freedom”

(a) Freedom of speech and expression which shall include freedom of the press and the media.

The challenge confronting the media comes in Article 43 (1) which provides for a general limitation on the enjoyment of rights and freedoms contained in the Chapter on bill of rights. These pose a challenge to media practitioners in the privately owned media houses basically from the law. It leaves the independent media “gaping” since they do not know exactly where this limitation commences from and exits.

In what sense can the independent media freely publish information they have and believe that it is news worthy? Can you have a free, vibrant and independent media when the people you are under, like every one of us have their own dislikes and likes and their own ideas on what they would like to see happen in a given country? Who should the independent media be responsible to; the government or the society?

Personally I feel that the media should face challenges from the public quarters and from the government only if it is necessary. It should therefore be free from state intervention as these pose a grave challenge to the media’s role of being a watchdog on the executive.

In an orderly and civilized society, media independence cannot be absolute and this brings up crucial issues of permissible limits of restriction on the operations and general functions of the independent media; this is where grave challenge is experienced.

Generally, it's the judiciary which performs the task of reconciling problems associated with the media independence with certain imperatives of public interest such as national security, public order, public health or morals and individual rights such as right to reputation and right of privacy. The crux of the matter is, are the challenges the independent media face, ever justifiable and if so in what circumstances.

This study was conducted among residents of Kampala District. Kampala District was chosen purposely and specifically because of the relatively high level of literacy, social status and employment and the group of Uganda's elite which implies the existence of high wages and salaries and consequently highest circulation numbers of each day's newspaper edition.

In short Kampala district was chosen due to the fact that a large number of people have the capability of buying newspapers and also have easy access to newspapers. This is unlike in upcountry like Gulu, Pader and Nebbi districts where prevalence for illiteracy is high and access to newspapers is limited.

Sixty (60) respondents were chosen to participate in the study using random sampling method.

Ten (10) key informants were also chosen by means of purposive sampling and who constituted a focus group discussion. Key informants included three journalists from "The Daily Monitor", two members of the Uganda Human Rights Commission, political science professional and two university students.

## **1.6 Area of study**

The study was conducted in Makindye, Kawempe, Kiira and Kamukya divisions of Kampala district in Central Uganda. The district is relatively dense in terms of population and comprises of a conglomeration of different people, tribes, preferences, occupation and social status. However, levels of poverty are also to a significant extent realized.

## **1.7 Selection of study participants**

### **Sampling method**

#### **Population**

Random sampling method was used to choose 60 participants who were obtained from households from the district area local councils. This was done due to the large population of the study area. Not everybody was included.

Purposive sampling strategy was used to choose 10 respondents each for every key informant and focus group discussion members. This was done purposively because I as the researcher believed that these people had sufficient knowledge of the situation facing the independent media by nature of their occupation.

A research guide and a conceptual framework were developed with sufficient room for clarification and probing. I as the researcher guided and controlled the discussions to avoid misconception, misunderstanding and disagreement, use of inappropriate language and generally directed the course of the discussions.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.0 Introduction

The late eighties saw some major changes taking place in the African political landscape and almost everywhere the younger generation began to voice their opinions on democracy and respect for human rights. The independent media, especially newspapers and magazines, have borne much of this expression but have struggled against great odds to maintain their democratic right to freedom of the press.

The general consensus among theorists, journalists and academicians writing on the subject of the African media is that a free press is a pre-requisite for the functioning of democracy. Gitobu Imanyara, the editor of *Nairobi Law Monthly*, seems to be one of the many who regard Africa as a continent which still demeans universal values and feels nothing for insulting those who have paid a prize for their commitment to these values (Imanyara, 1992:1). The lost decade symbolizes much of the despair that characterized the previous decade where Africa suffered in the global economy and post colonial governments displayed incompetent, corrupt and inhuman forms of power. The Mass media, including newspapers, magazines, journals, radio and television all have vital role to play in increasing public participation in development. The media should be able to speak out against coercive state measures and inform people of their rights. Simultaneously, they have the responsibility of news coverage of their own continent and don't have to rely on mottled international coverage. But as Martin says (1992:335), there is a long-standing tradition of the media controlled by the state and various forms are still practiced today.

Controls of the media take many forms. They can control content and circulation through taxes. However, let it be known that the independence of the media is a process and as such, it might not come out that we have completely independent media in Uganda.

## 2.1 HISTORY OF THE UGANDAN MEDIA

The print media in Uganda was set up at the start of the 19th century, while the electronic media was established in the 1950s. It has followed a troubled path ever since. The first laws limiting press freedom came in 1910. There was virtually no press freedom worth talking about from independence in 1962 to 1986. At independence in October 1962, the future of the media looked rosy. The leading daily – *Uganda Argus*, owned by Lonrho – had a circulation of over 120 000 copies. People were richer and there was very good transport so papers reached the whole country. Between 1962 and 1966, a reasonable degree of press freedom existed until the Mengo crisis in 1966 when Obote, then Executive Prime Minister, toppled President Kabaka (King) Edward Mutesa II, abrogated the 1962 Constitution and declared Uganda a Republic with himself as President. Obote's idea of the presidency was that the first citizen controlled everything. In 1967, Obote introduced the "pigeon hole" constitution which gave the president sweeping powers. Numerous deterrent detentions without trial ensued. The mood in the country was that if the Kabaka could be deposed, the constitution changed and five ministers detained, who were you to talk against the mastermind of all this? Timidity set in and the Ugandan media started on a fast track down the sewers. Even journalists became party activists – operatives of the ruling Uganda People's Congress (UPC). There were no schools of journalism. One had to go to Britain or learn on the job – learning by making mistakes. But many did not live long enough to make enough mistakes to learn sufficiently to make the grade. Idi Amin's take over in 1971 made a bad situation even worse. *The Argus* was nationalized in December 1972 after the expulsion of the Asians. It became the *Voice of Uganda (VOU)*, a department of the Ministry of Information, with the ministry's under-secretary as administrator. *VOU* became part of the political system and took on a purely propagandist identity. In Idi Amin's regime one could not say anything other than what the regime wanted to hear. Like every other dictatorship, Amin's government was built and revolved around himself. For eight years – the longest eight years in the country's history – Uganda was in the hands of a megalomaniac whose word was the law and whose dreams, hallucinations and mood swings determined and shaped government policy. If Idi Amin did not feature on the front page, editors would be summoned to explain why. Maliyamungu, Idi Amin's hatchet man, was always nearby to pose

unpleasant questions to the unfortunate editor: “What issue was so important that it could eclipse the life president? And just who do you think you are, to disregard the man whom God has so meticulously chosen to lead this great country? Do you think we do not know you are an Obote apologist? Did you think you were going to get away with it? Watch out, bwana, we are watching. And when we finally decide to deal with you, you will see.”

### **When Amin “raped” Nyerere**

In early 1975, a typing error nearly cost the editor of the *VOU* his life: “Life President, VSO, CBE, VC, etc, Idi Amin yesterday raped President Julius Nyerere of Tanzania,” began the lead story. What the story actually meant to say was that Amin had rapped his enemy, Julius Nyerere, over something or other. No harm meant no malice aforethought. Ironically and unfortunately, this scandal came in the wake of Idi Amin’s regular declarations that if Nyerere were a woman, he (Amin) would have married him (her?). The conclusion was therefore obvious: His Excellency had at long last made good his word. The editor, Ilakut Ben Bella, was picked from his bed early in the morning, as soon as the paper hit the streets. He was tortured in the President’s office but later released. Knowing Amin’s pattern of releasing his “prey”, only to kill them later when all was thought safe, Ben Bella fled to Kenya (on foot). Army officers would wait patiently for erring journalists. Even if one had spent the whole day in the field, one would find them waiting back at the office. And then ... the crocodiles of the Nile River are in a better position to complete this story. Many journalists jumped ship, fleeing the country and/or the profession. The return of Milton Obote, following “liberation” by a combined force of Ugandan dissidents and the Tanzanian army, was expected to restore the country to sanity, but it failed to impress. The situation of abuse against journalists continued to exist until 1986 when some semblance of civilized governance graced Uganda’s State House. The Museveni administration subscribed to a liberal press theory for two reasons: to run the country in an ideal manner and as a reward to journalists who had been supportive during the bush war. At that time the press was not seen as a threat. It was small, journalists were few and most of these were freelance, poor and untrained. The broadcast media was the monopoly of government and both Uganda Television and Radio Uganda – which were no more than a government public relations division – were seen to be a joke. The media therefore presented no serious threat – or so Museveni

thought. Part of Museveni's idea was that if people chose to speak against government, they should use the newspapers rather than resort to forming political parties – Museveni's greatest nightmare. In 1991, even the electronic media was liberalized in a wave of liberalization engineered by the World Bank and the International Monetary Fund (IMF). But the introduction of the Mass Communication degree at Makerere University, the improvement of the Uganda Management Institute School of Journalism and a general media revival basking in the new found freedom, produced amazing results. For the first time, the Ugandan media started taking the ideal path. Newspapers started delving into analysis of political issues. Corruption was exposed, in most cases involving high ranking government officials and resulting in many resignations. Although the press in particular has never really recovered in terms of circulation to the level it was at independence (combined circulation does not reach 120 000), Uganda today has a wider media spectrum. There is more freedom and better quality reporting and analysis of issues, as well as relatively wide latitude in which to operate. But the media was rowing against a mighty tide: with time, the new found media vitality began to be seen as a danger to the political establishment of the day. The crisis then began.

## **2.2 Some history of the independent media in Uganda**

Emergence of the independent media in Uganda came up with the liberalization of the economy, the markets were opened up and private companies emerged to do big business. The media also jumped into the bandwagon with numerous advantages of liberal market structure (*lazier faire*) as opposed to state ownership and nationalization systems, efficiency and competition and better products.

From 1992-1993 onwards, the opening up of markets was conditionally by World Bank and the IMF alongside Structural Adjustment Programs(SAPs), Uganda picked a leaf from and as a result we witnessed :Radio; Sanyu (1994), Capital (1994),CBS, Radio One, Simba and Radio Maria, Television; WBS, LTV and Newspapers ;The Monitor, Financial Times and Red Pepper e.t.c.

Independent media face a myriad of challenges during the course of their duty. For instance, what did the editors of *The Monitor* pay for publishing the story about the nude picture and the UPDF? They were taken to court, charged and they are still carrying on with the trauma. The journalists themselves are kept in a compromising situation for fear of being dragged to court again. So it really calls for extra ordinary zeal to work in an independent media.

Remember what happened to Mulindwa Muwange of CBS when he aired the views about the opposition to VAT in 1997? He was taken to court but prior to that he was kept in police cells for several hours. To be able to ask those questions that may at times not go down well with those in power is indeed a challenge.

### **2.3 Challenges of the Independent Media in Africa: Uganda**

The latest decade of the 20<sup>th</sup> century promised a lot for the media in Africa in general. With the winds of political change blowing across the continent, African regimes exercised some tolerance of the critical independent media.

With less of the censorship that characterized the post independence era, newspapers sprung up by the day. Africa seemed to be on the rise from the abyss once again. The media which used to operate under threats of closure of publications, arrests of journalists, seizure of publication found itself confronted more with economic than political dilemmas.

While newspapers perished due to censorship at the hands of post independence governments, this time around many ended up in newspaper graveyards courtesy of market forces.

The analysis of media freedom in the last half of the 20<sup>th</sup> century was limited to its key variable: Censorship. Media ownership was mostly limited to state owned media or the ruling party. The journalists busied themselves with the news the state wanted to hear, not



what the citizens wanted to hear. Whether they ran profitably or not was a no-issue. Subsidies from the state or the ruling party were the form of the day.

In a few cases where the independent media was granted, its independence was curtailed by the state. Arrests, imprisonment and exile became the order of the day.

Journalists left their homes with their passports in their pockets not knowing whether they would have fled to exile by the end of the day.

The exit of the type of Malawi's Hastings Kamuzu Banda, Zambia's Kenneth Kaunda, Ethiopia's Haille Mengistu and Ghana's Ignatious Acheampong ushered in a new pluralism in a previously one party state of Kenya and Tanzania. Newspapers sprung up, FM radio stations sprung out much without hindrance.

But soon they were to discover another gigantic challenge; media marketing. It is interesting to note that the NRM rule prides itself in allowing media freedom which led to the start of many publications. More newspapers have folded up under their rule than in the past regime i.e. *Munno* and *Weekly Topic*.

The media in Africa, waking up from the jaws of censorship realized that they were confronted with yet another crucial challenge: Media marketing as part of an independent media. "A financially failing newspaper cannot shine light in the dark corners; a newspaper out of business cannot be a defender of people's right to know".

Unfortunately, many publications have not woken up to the challenges and where they have done so, they have responded with blind shots. The mistake news publications have made is also compounded by the sloganeering aspect, which often obscures the sensitizing function of the media in the democratic process. Many news publications in Africa have committed the sin of anchoring the watchdog role. This partly explains the dismal performance of the partisan press in Africa, which tends to ignore the fact that objective news is more marketable across the diversified partisan audience.

## 2.4 The Media, Politics and Democracy

As the media grapples with this economic threat, the media has come to realize that the new breed of leaders is not delivering fast on the promised democracy. Media activism, which has been the measure of state tolerance, has not been matched with political activism, courtesy of the transitional regimes which are increasingly proving not to be much different from the post independent dictatorships.

As we ushered in 21<sup>st</sup> century, the media is still confronted with uneven political ground. The challenge is compounded further by the increasingly harsh economic environment which continues to dwindle newspaper readership.

While newspapers like *The Uganda Argus* and *The People* used to sell about 70,000 copies each day in 1970, today the combined circulation of all newspapers in Uganda hardly reaches that figure.

In order to understand the challenges of the independent media in the 21<sup>st</sup> century, we need to ask ourselves “*What exactly went wrong?*” Writing about rulers is like trying to scrub the back of someone who hates to take a bath. The politicians instead often turn the media into a punching bag for trying to make them clean.

The critical and independent media, keeping in line with its character often goes for rulers with lots of cynicism and criticism. Not because it hates the rulers but because it is duty bound to draw their attention to certain shortcomings. Take the case of his Excellency Yoweri Kaguta Museveni; he cuts for the independent media, his words and those of his cronies is nothing but “unfriendly” or not balanced. Newspapers like *The Monitor* have been branded enemies of the government because of their independent critical stand. For reasons like this, the publication suffered a four year ban prohibiting all government departments and public companies from advertising in it.

To many politicians whether in government or opposition, anything “unfriendly” about their opponents is “friendly” and balanced. If a scribe does not go with much ferocity against the opposition as it goes for the leadership, then that is unfriendly journalism which is of course misleading. There is no genuine critical independent scribe with his gain who will deliberately divide up his focus between government or a president and the opposition. It just doesn’t even conform to practical sense.

The watchdog role of the media empowers the media to a full exercise of power i.e. the state and the presidency. Inevitably, the two often find themselves in a media’s firing line most of the time. It even makes matters worse for an incumbent president candidate. He enters the race with the entire presidential candidates.

But in so doing, he also drags along with him critical eye of the independent media. Because he is president, he is bound to come under more media scrutiny. First, his agenda is too known and people’s expectations of him are spiced with lots of cynicisms. His campaign is publicly viewed as a public trial of some sort. Clearly an incumbent like Museveni must be a dreamer to think that the critical media will give the opposition a comparable shake like it does to him. He has more to account for than the opposition rival candidates who are merely making promises.

Smart leaders never get mad with critical media if anything because they never in the first place expect a fair “shake” from it as long as they are on the front benches. Sometimes you have to leave power to appreciate the value of critical media. The issues raised by the media against those in power are often quickly picked up by the multiparty opposition who use them in their battle to see any line between the two-critical media and opposition.

Besides, the other function of the media is to generate debate. The opposition is doing creative think pieces which attract the media’s attention, while as cynics say “movement people are busy eating” they then turn around and blame the critical media for their own shortcomings: *Who is fooling who?*

Interestingly, however, the same regimes critical of the media have been too eager and quick to use the liberalized media and its activism to demonstrate how democratic their regimes are.

Critics contend that the truth of the matter is that media activism is often undermined by a couple of setbacks. Chief among them is the flawed political system in place. Despite the winds of pluralism blowing across the continent, there is practical dispute between the regimes declared democratic principles and the way they function. The regimes while moving fast on economic liberalization are fast dragging on political liberalization.

The problem has been compounded by the west's attitude to the inevitable swing with the end of the cold war; plus a degree of freedom of the press has massaged the west into tolerance of the regimes. Unfortunately for the media, while the regimes have permitted reasonable degrees of the media freedom the motive of which it is to win the west's approval, the gestures are proposed by tactical maneuvers than any conviction of the declared abstract principle.

In such still distorted environments, my critical observation of the challenges facing the independent media is that the critical media has often fallen into the temptation of filling in for opposition vacuum. This has in the regime's eye undermined the media's objectivity in a strict theoretical sense being branded as agents of opposition, enemies and elements of doom etc.

## **2.5 Challenges in the 21<sup>st</sup> Century**

The basic edition mission for the critical independent media in Africa, like elsewhere in the world will be to offer an independent critical inquiry, analysis and exposition of public issues. Its successes will however depend on its strong editorial policy and strategy.

In its search for sustainable management strategies, independent media will have to recognize that a financially limping newspaper cannot shine light in the dark corners of vital social aspects such as democracy.

The newspaper will have to recognize the need to constantly search for both additional and marketing strategies for both will protect their independent critical stance which has been instrumental in increasing circulation. This will ensure edition independence, critical to newspapers role in fostering democracy and development in the country.

The other major challenge is the flawed political system which will continue to exert tremendous inertia on the media action or responses to the critical public issues, especially the political ones.

For a great part of its time, the critical independent media will continue filling in for opposition and battling the state on the issue of pluralism and political freedoms. In response, they will have to deal with rude responses from the government; such as occasional censorship. In the ensuing battles, the concepts of objectivity will suffer a great deal as the media continues to focus its guns on the struggle to bring about multiparty rule.

In a nutshell, the major challenge in the 21<sup>st</sup> century will still remain political and economic until the uneven political ground is leveled. We cannot talk of freedom of expression for instance until when the country attains a genuine economic progress which will bring about realistic wages and salaries, the media will continue to suffer from sales. All these will undermine its role of advancing in the 21<sup>st</sup> century.

## 2.6 Definition of terms

The following terms were used during this study;

**Independent:** This term refers to not being influenced and controlled in any way by the state or other institutions. A state of being self driven.

**Media:** These refers to those channels of mass communication; channels through which messages are passed onto large audiences simultaneously. They are normally mentioned in plural and they include; newspapers, magazines, radio, television, internet, books etc.

**Independent media:** An independent media refers to those channels of mass communication that are not controlled by the state and they normally publish contents without fear or favor.

## CHAPTER THREE

### METHODOLOGY

#### 3.0 Introduction

This chapter shows how the researcher carried out the research on the topic “Challenges facing the independent media in Uganda-a case of *The Daily Monitor*.”

#### 3.1 Research design

The use of both qualitative and quantitative methods of data collection and carry out analysis of the information was employed by the researcher. Since one research methodology alone was not sufficient to produce an authentic and a more balanced scientific report.

#### 3.2 Population sample

This study was conducted among residents of Kampala District. Kampala District was chosen purposely and specifically because of the relatively high level of literacy, social status and employment and the group of Uganda’s elite which implies the existence of high wages and salaries and consequently highest circulation numbers of each day’s newspaper edition.

In short Kampala district has been chosen due to the fact that a large number of people have the capability of buying newspapers and also have easy access to newspapers. This is unlike in upcountry like Gulu, Pader and Nebbi districts where prevalence for illiteracy is high and access to newspapers is limited.

Sixty (60) respondents were chosen to participate in the study using random sampling method.

Ten (10) key informants were also chosen by means of purposive sampling and who constituted a focus group discussion. Key informants included four journalists from “The

Daily Monitor”, two members of the Uganda Human Rights Commission, political science professional and two university students.

### **3.3 Area of study**

The study was conducted in Makindye, Kawempe, Kira and Kamukya divisions of Kampala district in Central Uganda. The district is relatively dense in terms of population and comprises of a conglomeration of different people, tribes, preferences, occupation and social status. However, levels of poverty are also to a significant extent realized.

### **3.4 Selection of study participants**

#### **Sampling method**

#### **Population**

The researcher used random sampling to choose 60 participants who were obtained from households from the district’s local councils. This was done because of the large population of the study area. Not everybody was included.

Purposive sampling strategy was used to choose 10 respondents each for every key informants and focus group discussion members. This was done purposely because the researcher believed those people automatically by nature of their work had sufficient knowledge and experience of the challenges facing the independent media.

### **3.5 Data Collection**

Data collection process included both qualitative and quantitative methods

## **QUANTITATIVE**

### **Questionnaires**

Structured questionnaires were used to collect information from respondents who are educated. Similarly, structured questionnaires were also used to gather information from key informants who are equally educated. The researcher also gave room for probing during interviews where necessary and to clarify on understanding. Comments were



recorded at the margins and transcribed consistently to improve on the final research report.

### **QUALITATIVE**

The researcher also used focus group discussions to collect data and seek clarification from respondents. These results helped improve the quality of the final results.

Further, a research guide was developed with adequate room for clarification and probing. The researcher guided and directed the discussion to avoid quarrelling, use of inappropriate language and directing the good course of the discussions. Also, a tape recorder was used for further clarification after discussion.

### **3.6 Data Analysis**

Quantitative and qualitative methods were used. Data collected was continually transcribed and analyzed right from data collection to presentation stage.

Qualitative data was presented by the use of statistical method graphs and charts. This was aimed at making the result easy and simple to comprehend. Quantitative data was analyzed and results presented according to themes for example constitutional inconsistencies, economic blockade and propaganda. The researcher analyzed qualitative and quantitative data carefully to make sure respondent's opinion and views were not misrepresented during the writing of the final research report. This was ensured by reviewing the notes written during discussions and a fulltime research assistant was employed during the entire time of the research.

### 3.7 Limitations

As anticipated the following were the setbacks encountered during data collection.

- There was a problem of non-response whereby many respondents frankly said that they had no time to read through and answer the questions due to their tight working schedules. This was experienced mostly in newsrooms of various publications' offices.
- There was also lack of adequate funds to finance the entire research study and make up follow ups of non response, and provision of logistics were also limited.
- Another setback was the unavailability of some respondents whom I had scheduled the time for meeting (interview/questionnaires) with the excuse of having commitments elsewhere.
- Lastly, the load shedding currently being carried out in power was a major setback in computation of the data collected and this made the report writing drag on.

## CHAPTER FOUR

### PRESENTATION, ANALYSIS, INTERPRETATION AND DISCUSSION OF FINDINGS

#### 4.0 Introduction

This chapter gives presentations, analysis, interpretation and discussions of the research findings on the topic “Challenges facing the independent media in Uganda (A case for *The Daily Monitor*)

The presentation reflects the relationship between variables of interest and characteristics of respondents.

From each presentation, the researcher subsequently gives the analysis, interprets and discusses the data presented based on the background to the topic, other studies conducted on the subject, generally held views, literature on the subject, expectation of the target group and other respondents.

#### 4.1 Characteristic of the Sample

The study was conducted in Kampala city council, Kampala district. Four divisions in two sub counties were covered. Thirty people were reached through interviews that included local people and leaders. Then in the interest of time, twenty people were selected and given questionnaires to fill in (these are journalists, university students and some few educated people like teachers).

Two focused group discussion were held. Each group comprised of two journalists, one editor, a university student and a member of the Uganda Human Rights Commission per group totaling to ten (10).

The overall total number of respondents in the sample was sixty (60), that is 30 through interviews, 20 through questionnaires and 10 in the focus group discussions.

## 4.2 Social and Demographic Characteristic of the Respondents

Table 4.2.1 Education Levels of the Respondents

Education	Number	percentage
P1-P4	–	–
P5-P7	--	--
Ordinary Level	6	10
Advanced Level	18	30
Tertiary Level	36	60
Total	60	100

N/B: Sample size (n) = 60 respondents, percentage 100%

Source: Adopted on the field by the researcher

The table 4.3.1 illustrates the data collected were from a cross section of people in the district of the four divisions covered by the research. Almost all the targeted groups of respondents of diverse educational levels were reached, implying that balanced views were instilled in the process of data collection.

The education levels of the respondents as indicated in the table 4.3.1 shows that 60 % of the respondents reached tertiary level (University and college) level. Those who graduated from Advanced level contributed to 30 % of the total respondents while those who graduated from Ordinary level were only 10 %. No respondent below ordinary level in terms of education was included in the sample. This table therefore, shows the intellectual capacities of the respondents and consequently their ability to coherently and reasonably respond to questions in the interview and the questionnaire.

Table 4.2.2 Occupation of the respondents

Occupation	Number	Percentage
Business	6	10
Media	18	30
Law	6	10
Civil Service	12	20
Others	18	30
<b>Total</b>	<b>60</b>	<b>100</b>

Source: Adopted from the field

Table 4.3.2 illustrates the occupation of the respondents who formed part of the sample. Particularly, it emphasizes the professional levels of the respondents thus implying that the sample was drawn from a cross section of people who understood the dynamics of the study and were equally informed on the subject of research.

#### 4.3 CHALLENGES FACING THE INDEPENDENT MEDIA IN UGANDA-A CASE OF THE DAILY MONITOR

During the field work, the researcher tried to identify some of the challenges facing the independent media in Uganda. According to the researcher, methodologies like questionnaires, interviews and the application of focus group discussion were used to obtain the data. The researcher identified the following challenges and obstacles faced by the independent media with reference to *The Daily Monitor*. These challenges included; economic, constitutional/legal and political.

## 4.4 Political Challenges

### 4.4.1 The Use of Law, Intimidation and Harassment of the Media by the State

The level of intimidation by the state was realized first of all, by the fact that the government has always been edgy about certain issues published in a section of the press in this case *The Daily Monitor*. From a focus group discussion, it emerged that the collapse of communism was a blessing to the independent media. Western attention on the third world turned to good governance with press freedom high on the agenda. The development finance therefore was made contingent on a free press and the NRM had to watch itself.

Although the government started a crackdown on the media, it could not indulge in brutal methods and therefore resorted to subtle means of repression.

The NRM sometimes contends that under its regime, the Uganda media has been the freest in Africa. The evidence, they contend, is in the numerous publications on the streets. It emerged from a focus group discussion that the NRM knows that these numerous publications do not circulate beyond certain boundaries and that both their significance as a forum for public debate and influence on matters of national importance remains limited. What matters is not the number of publications on the street but rather the content.

The Museveni administration allows the media much freedom, but it is adamant and has refused to abolish the notorious sedition law which gives government sweeping powers including closure of the offending medium if provoked. It frequently calls on the sedition law to arrest journalists. The media is left to wonder what “provocation” to government means since there are a lot of alluding definitions and innuendos to the term “provoked”.

*The Daily Monitor* has unfortunately borne much suffering and challenge occasioned by “provoking the government”. In 2002 November 23<sup>rd</sup>, Kampala and Uganda as a country woke up to rude shock when there were no *Daily Monitor* newspapers on newspaper stands for that day. Why? The offices of *The Monitor* were raided and staff harassed and

some detained over an article about the UPDF chopper that crashed somewhere in the North with leading innuendos to the fact that Lord Resistance Army (L.R.A) had a hand in it. The truth might have been that the helicopter actually crashed and was not necessarily gunned down. The government was swift in its action and the blow was quite visible.

Both the police and the army have always been used as tools of repression. Journalists are regularly threatened not to write "ill" about the army. This brings with it queries about how the army will be kept in check if it is not evaluated by the tax payer. A case in point is that of *The Daily Monitor* having published the article about the nude picture and the UPDF. The journalists were taken to court, charged and are still carrying on with the trauma. Journalists are therefore kept in a compromising situation for fear of being dragged to court again.

In spite of the provisions of Article 29 (1) (a) of the 1995 Constitution, Article 43 (1) provides for a general limitation on the enjoyment of rights and freedoms contained in the bill of rights and which is contained in Chapter Four of the Constitution. These limitations include non-prejudice of the rights of others and of the public interest. Though the constitution defines the term "public interest", the definition is neither exhaustive nor objective. The term public interest has been abused by the NRM government by hiding under the interest of national security, defense and public morality as a means to intimidate the independent media. When the former Vice President of Sudan, the late Dr. John Garang perished in a presidential helicopter after his first official visit as vice president, this accident led to various opinions which were very distant. The *Daily Monitor* political editor Andrew Mwenda on his show *Andrew Mwenda Live* talked about serious allegations and even insisted that the NRM was responsible for the plane crash. K Fm had its license withdrawn, Mwenda got himself behind bars and was charged under the notorious sedition law. In a focus group discussion, it was revealed that officers from the Criminal Investigations Department (C.I.D) have on numerous occasions subjected editors from *The Monitor* and other critical newspapers to rigorous interrogation. At one such occasion, the C.I.D officers retorted; "there was a public concern and a lot of official

rage at stories which the government considered false, alarmist and insensitive to the needs of the society". This list was considered to be by no means exhaustive.

There has also been deliberate attempt by government officials to deny journalist access to information on the pretext that it is classified or has national security implications. This applies even when one is investigating abuse of public office; something which as everybody knows is supposed to be transparent. The constitution stipulates freedom of access to information, but this is subject to an act of parliament to determine the modalities, including classifying what is releasable. But government has shown a lot of disinterest in expediting the relevant procedures to allow Ugandans access to information. These sentiments were echoed during an interview with a media manager who further said that the independent media should be a challenger and a critic of the government. That they should move from merely imparting information to providing a thorough understanding of the issues at hand. Reporting the news is not much help if it does not go hand-in-hand with analysis. By answering not just the "what" but more importantly the "why", and submitting the "why not". Essentially, the government's relationship with the independent media has been one of struggle and more specifically, the struggle by the former to exist. What happens here is what French Philosopher Voltaire's parabolic sentiments reflect, that; "A goat tethered by a long rope may graze further than many others, but it cannot be called free. That there is a rope firmly on its neck-however long-kills any pretence to freedom". It therefore follows that a journalist works with the knowledge that he or she cannot afford to rub the government the wrong way too often. And it is very dangerous to be right when the government is wrong especially when these opinions are from an independent publication.

This worrying trend of the government hardening its attitude towards independent media was seen as a major challenge to the media. In an interview with an editor of a local daily, he attributes this hardened attitude towards independent media to the undemocratic culture which is characterized by the intolerance of opposing views and the need by the NRM regime to cover up its failures in performance-corruption, the inverted foreign



policy, mass poverty and the general lack of appropriate physical and social infrastructure.

In lieu of these damning facts, NRM still claims and contends that under its regime the media has leaped in bounds in terms of independence. However, it emerged from a focus group discussion that the NRM claims to guarantee press freedom and independence yet it goes ahead to prosecute journalist for publishing articles critical of aspects of the movement's policies and cannot therefore claim such magnanimity.

The NRM has basically employed various tools carefully designed to kill the press including the use of draconian laws as mentioned above. Journalists have been subjected to arbitrary arrests and detention, intimidation and harassment. The NRM's attitude towards *The Monitor* has been hardened and this protracted war and stand-off between the independent media and the government has brought with it unlikely consequences that pose a lot of challenges to the activities of the independent media.

#### **4.5 Constitutional /legal challenges**

The constitution of the Republic of Uganda comes along with various challenges to the independent media as it emerged from the proceedings of a focus group discussion.

There is a wrong notion about the situation of the media in Uganda. Although there are a number of privately owned publications out there on the streets, there are a number of constraints these publications go through. The government deliberately licenses their operation but they actually do not live up to their objectives. When scrutinized in terms of practice, what comes out is that the independent medium is actually tethered by a lurid of laws which curtail almost every freedom they enjoy in the constitution.

A lot of inconsistencies and contradictions in the 1995 Constitution pose several legal challenges to the independent media.

Respondents argued that these laws were specifically designed to “check” on the media. This implies that the government was very jittery about the independent media.

It was appreciated that the media plays a vital role being a watchdog on the government. An outsider would have the feeling that as evidenced by the number of publications out there on the streets, the number of privately owned radio and television stations, that Uganda’s media is quite vibrant and free for that matter.

But when scrutinized in relation to law and practice one realizes that this freedom is actually limited .One has to appreciate that as long as what is printed, telecast or broadcasted is in favor of the NRM regime, then it will appear to look like there is absolute freedom of the media.

The constitution of the Republic of Uganda has what was basically referred to as technical contradictions by a respondent. Although there are provisions of media independence, protection and freedom, there are also contradictions to these provisions.

The problem is therefore following the 1995 constitutional provisions, one article grants the media freedom while other articles in the same constitution tend to curtail it posing serious legal challenges to the independent media (in this case the *Daily Monitor*)

Article 29 (1) (a) provides for freedom of speech: “Every person shall have the right to freedom.

(a) Freedom of speech and expression which shall include freedom of the press and other media.

Article 43 (1) provides for a general limitation on the enjoyment of rights and freedoms contained in the chapter on the bill of rights.

The limitations include “non-prejudice of the rights of others and public interest.” Although the constitution defines public interest, the definition is neither exhaustive nor objective. This has always been abused by government officials who hide under the so

called interest of the national security, defense and public morality in their bid to gag the media.

There are also other laws reminiscent of the colonial era which can and were used to thwart the efforts of independent media to inform as well as that of political dissent generally. The NRM government in the past used the offence of sedition which forbids the uttering, publication, selling, reproduction and distribution or importation of any seditious materials as a toll for activity that would result in political agitation.

As Frederick Jjuko once observed, “sedition is an outrageous contradiction of the constitutional freedoms and rights in liberal democracies and should be scrapped from law books”. It emerged from an interview with a constitutional lawyer that the law of sedition presents the greatest danger to independent media and free flow of information in Uganda today.

This draconian and obnoxious law poses the greatest social, economic and political insecurity nationally and internationally. Because it is in direct conflict with the current government policy on modernization, globalization, liberalization, privatization and democratization.

While the law of sedition is a “dead horse” not worth flogging anymore in modern states, in Uganda, the law is a “deadly horse” symbolizing a sleeping giant with the full might to unpredictably pounce on its prey.

It also emerged that the law is too presumptuous to assume that the entire reading public does not only discern what they read but also act like robots and hence, it criminalizes their basic freedom and rights to information access guaranteed by the constitution.

The objective of the law contradicts the basic democratic principles and constitutional guarantees as it gags the press, intimidates freedom of speech and denies the public the

right to information especially the embarrassing truths about some of their leaders and prominent public figures.

Such is the magnitude of the contradictions in the 1995 constitution that are a challenge to the lifeline of the independent media in Uganda. The antiquated sedition law was hence preferred to be a good museum evidence for archive with a potential to earn the country some revenue.

Another contradiction that is cushioned by legal challenge to the independent media is "The Press and Journalists Statute, 1995". In a focus group discussion with participants in this study, it emerged that Uganda's media does not need or deserve this law because its provisions are unconstitutional and directly violates and contradicts the fundamental democratic principles of press freedom and human rights enshrined in the 1995 constitution.

The codes of ethics for journalists are essential and genuine requirements for the media practitioners in Uganda but the present ones need to be made more specific and precise.

The law gives the responsible government minister the authority and powers which are *ultra-vires* (the constitution). The conditionality imposed on the journalist are not only arbitrary but also contradict the basic principles of the national constitution.

The statute violates Human and Peoples Rights Charter (signed and ratified by Uganda) to freely enjoy gainful employment, arbitrary suspensions from work/muzzling the principle of press pluralism and outright intimidation of journalists by the licensing procedures.

The statute provides an "*inter alia*" for the supervision and control of the media. In this way, it contradicts the opening words of the preamble to the statute that the law was aimed at ensuring the freedom of the press. The statute establishes a council responsible for regulation of mass media which is basically an ammunition by the NRM government to impinge on activities of independent media.

By an act of parliament, government raised the minimum qualifications for practicing journalism .One must have a University degree in journalism or any degree with a post-graduate qualification in journalism. Plans were underway to issue journalists with practicing certificates. The statute established The National Institute of Journalists of Uganda (N.I.J.U).This should have been a good move as it constitutes and recognizes journalism as a profession and bestows honour upon it. However, NIJU is answerable to the media council which partly comprises of government nominees .This kills any pretence to the activities and goals of independent media.

The penal code also contains other clauses that are directed to the media in contradiction to the provisions in the constitution and are tools to suppress independent media as well as opposition politics. A number of chapters and sections are quite restrictive and include section 37-40 on importation of any publication, section 49(A) on boycotts ,section 50 on publication of "false news", section 50(A) on incitement to violence, section 51 on defamation of foreign dignitaries and Chapter IX on unlawful assemblies of societies and chapter XVIII on criminal defamation.

The above sentiments and presentation reflect the extent to which a lot of inconsistencies and contradictions in the constitution pose real tough challenges to the independent media since several interpretations and alluding meanings put the media at a fix and basically they do not want to rub the government in the wrong way since it is assumed that if you are right and the government is wrong then that is a very dangerous stand.

#### 4.6 Economic challenges

Table 4.2.3 Income versus Propensity to Consume

Salary scale in Uganda shillings	Frequency	Buy newspapers daily	Buy newspapers occasionally
200,000-300,000	24	No	Yes
301,000-400,000	15	No	Yes
401,000-500,000	12	No	Yes
501,000-600,000	3	No	Yes
601,000-700,000	3	yes	No
701,000-800,000	3	yes	No
801,000-Above	-	-	-
<b>Total</b>	<b>60</b>	<b>-</b>	<b>-</b>

**Source:** Adopted by the researcher from the field

The above table shows the relationship between income of an individual and his/her capability of buying newspaper throughout the week. The fact that 90 % of the sample buys newspapers occasionally and only 10% buy them on a daily basis, it clearly shows that there is a direct relationship between high pay and daily purchase of newspapers and vice versa which has implications on the financial health of that particular publication due to reduced readership.

Economically, independent media have borne much of economic hardships through economic blockades imposed by the government albeit through enacting of acts of parliament or straight bans.

Like any other enterprise, the media requires money for investment as well as to meet all other overhead costs. One of the major sources of revenue is advertisements. In Uganda, most if not all of the lucrative advertisements traditionally come from government and government departments. One of the tools employed by the government against the

media which it deems to be acting contrary to its interests is to deny them lucrative advertisement deals and thus the revenue which accrues from advertising.

This tool was applied to *The Monitor* and *The Crusader* in the form of a ban. It was revealed during a focus group discussion that between 1993-1996, all government departments were banned from advertising in *The Monitor*, Uganda's leading independent daily at that time, which was a bit "too accurate" and "too frank". Every department in the government sector was instead directed to advertise only in the government owned *The New Vision*. Luckily for the readers, this denial of advertising revenue may not have changed the editorial policy of the affected newspapers to provide balanced news. The idea it emerged was to kill the paper in its infancy. What saved it was that circulation dramatically increased helping it to stay afloat. However, it certainly affected the paper's financial health and thus the ability to extensively pry into matters of public interest.

The introduction in 1996 of value added tax (VAT) was welcomed by the media partly because there was a stipulation that education materials would not be taxed. Government however refused to classify the press as educational and has been especially keen on ensuring they pay their taxes. Slight delays have earned newspapers threats of closure. Under the pressure of high taxation, media practitioners contend that newspapers have been pressurized to increase cover prices and advertising in order to stay afloat. It implies that the infant mortality rate for newspapers has become incredibly high, partly due to taxation. In a focus group discussion it was suggested that a tax holiday would have been in order to allow the media to get on their feet. If foreign investors are granted tax holidays despite the fact that they repatriate their profits to their home countries, why not media which is here to stay and on which democracy is highly contingent.

Through the government, the judiciary is always influenced to punish the press. The Newspaper *Mulengera* was ruined by a prohibitive fine imposed by the High Court in a libel suit brought by a cabinet minister. On several occasions, journalists were charged exorbitantly for bail like in the case of Andrew Mwenda of The Monitor Publications.

Such magnitude of economic blockade plus the existing and increasing harsh economic environment which continue to dwindle newspaper readership is quite a hard blow on the financial strength of publications. As portrayed in the table, 4.3.3 above few people in Uganda can afford to buy newspapers everyday. Respondents affirmed that many prefer to buy only the Sunday issue, making the Sunday paper the country's best selling. During week days most Ugandans must chose between having lunch and buying the day's paper.

#### 4.2.4 Table Showing Magnitude of the Challenges Presented Above in Form of Percentages

Form of Challenge	Respondents Vote	Percentage %
1. Economic	12	20
2. Political	30	50
3. Constitutional	<u>18</u>	<u>30</u>
Total	<u>60</u>	<u>100</u>

N/B: N= sample size = 60      M = vote tally

$$\text{Vote percentage} = \frac{M \times 100}{N} \therefore \frac{12 \times 100}{60} = 20 \%$$

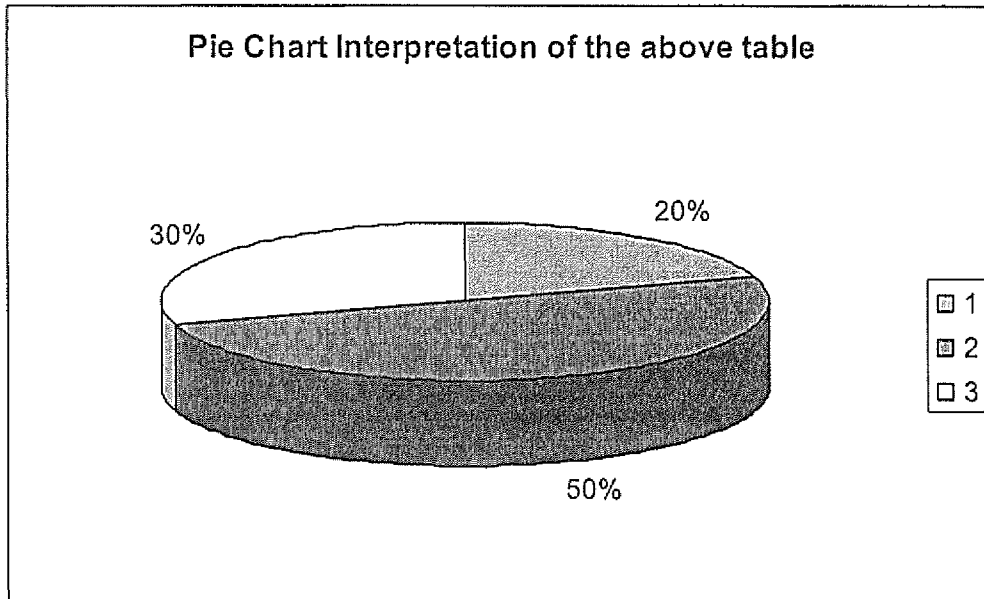
$$\frac{30 \times 100}{60} = 50 \%$$

$$\frac{18 \times 100}{60} = 30 \%$$

Source: From the field



#### 4.2.5 Pie chart representing the above table



Source: From the field

The table 4.3.4 represents the magnitude of the challenges facing the independent media according to respondent's sentiments on which comes first. It shows that political challenges are the most dominant followed by the constitutional and lastly the economic. Figure 4.3.5 shows a graphical representation of the magnitude of the various challenges that the independent media face in their day to day activities. It also shows that political challenge is the most dominant followed by constitutional and lastly economic.

## CHAPTER FIVE

### DISCUSSION OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### 5.0 INTRODUCTION

This chapter presents a brief summary of the main findings of the study and it attempts to find out the extent to which objectives were achieved. It further presents the conclusions drawn by the research from the findings of the study, recommendations and suggestion to future researchers.

#### 5.1 SUMMARY OF FINDINGS

This study was conducted in Kampala district, central Uganda, on the challenges facing the independent media (a case study of the *Daily Monitor*). The research study was guided by certain objectives and these were:

- To examine what challenges the independent media face with regard to the Laws of Uganda, the public (consumers of media products) and the government of the day.
- To discover and bring out the plight of independent media in terms of the problems and challenges they face, whether these challenges are justified, what remedies should be put in place by the concerned authority to help independent media perform its duties with the necessary ease, less tension and uncertainty plus a vibrant work atmosphere.
- To discover what kind of relationship exists between the privately owned media (Independent media) and the authorities since it was introduced in Uganda and then determine whether the kind of relationship brings with it favorable or unfavorable changes to the media.
- To examine the phenomenon of challenges facing the independent media for better or for worse.

A total sample size of 60 respondents was chosen for the quantitative study. This was done by the use of random sampling technique.

A total of ten key informants were interviewed. They were mostly journalist, lawyers, editors and lecturers who directly felt the effects of these challenges and were quite important in giving relevant data through interviews. Data collection was done by use of office-door step delivered questionnaires to the respondents and in-depth interviews to both key informants and respondent who have an obligation and thorough knowledge of the dynamics of these challenges facing the independent media.

This study was generalized in themes. According to the study findings, the key informants revealed that the challenges facing the independent media were economical, political and constitutional.

Economically, it emerged that although the Monitor continued to operate, it was in dire need of economic props. These were occasioned by the famous three year economic blockade between 1993 and 1996 when government departments were banned from advertising in *The Monitor*. This was due to the fact that the NRM regime was not contended with the way it was operating basically due to the fact that it was seen as being too frank and accurate for its time. The governments aim was to kill the paper in its infancy. However this did not happen because dramatically, its circulation increased and thus it was kept afloat despite these turbulent economic times.

The study also revealed that through such economic blockades, newspapers were forced to increase cover charges as well as advertising fees to enable them cover their overhead costs. This situation was further worsened by the restrictions and keen check on whether the independent media paid their taxes which were considered to be exorbitant. They were threatened with closure incase they delayed in paying the taxes. Through thick and thin they had to continue operating though on tight economic strands.

Independent medium also faced another form of economic challenge inform of hefty fines and exorbitant bail amounts that either kept them out of business or left them financially limping with minimal chances of ever recovering.

Further findings reveal that insurmountable economic challenges due to the existing harsh economic times led to low sales of daily newspapers as many people chose between lunch and buying the daily paper. Also, many Ugandans preferred buying the Sunday newspaper thus making it the best selling paper.

Politically, it emerged that the independent newspapers faced a lot of challenges from the government and political regime in form of harassments, intimidation and the government's use of the law to muzzle the media. The *Daily Monitor*, it was revealed had a lot of difficult stints with the government due to its nature of being right when the government was wrong, a truly dangerous position to be in especially if the regime in power claims to uphold media independence and freedom yet it uses its security agencies to harass journalists over articles in their publications.

Politically, independent media also earned what was referred to as official rage at stories which the regime considered false, alarmist and insensitive to the needs of the society. Thus the government went ahead and hardened its attitude towards publications which were not towing the official line of the government. It came out clearly from a focus group discussion that this hardened attitude and official rage from the government was as a result of intolerance to opposing views and the need for the regime to cover up its failures in performance-corruption and the inverted foreign policy and general lack of physical and social infrastructure.

Constitutionally it emerged that a lot of provisions to media democracy, independence and freedom are enshrined in the 1995 constitution of the republic of Uganda. The same constitution has other articles that tend to curtail the enjoyment of these rights and freedoms of the independent media and the press in general.

It was revealed that despite the existence of various publications on the streets of Uganda, the notion that media independence in Uganda is a living reality is in fact a myth and true

to itself exists only superficially. Specifically, the article 43 (i) of the constitution provides for a general limitation of the rights contained in the bill of rights.

Further, draconian laws like the sedition law presented greatest danger to the independent media and was considered as the greatest social, economic and political insecurity nationally and internationally. It further was revealed that the sedition law was presumptuous to assume that the entire reading public does not only discern what they read but also act like robots and hence it criminalizes their basic freedom and rights to information access guaranteed by the constitution.

The Journalists Statute, it emerged, provides an *inter alia* for the supervision of and control of the media, through the media council that it established and which was basically an ammunition by the NRM to impinge on the activities and rights independent media.

Other constitutional challenges that were revealed include the penal code which is quite restrictive. Such was the magnitude of the contradictions and inconsistencies in the constitution that pose grave challenge to the lifeline of the independent media in Uganda.

## 5.2 RECOMMENDATIONS

This research has tried to show challenges facing the independent media in Uganda, a case study of *The Daily Monitor*, and in line with this the researcher recommends the following:

- The sedition law is both outmoded and lethal. It is among the pieces of legislations that deserve express remedial action before it is too late.
- The government should leave journalism business to the journalists and their professional organization to handle.
- The journalists statute requires a major legal surgery in order to align itself with the current government political aspirations for achieving a democratic and constitutional system of the government in Uganda.

- The Media Council and its Disciplinary Committee should cease to be an appendage of government. It should be independent of any direct government influence. It should have clear procedures and guidelines within the ambit of the rule of law for the exercise of their functions.
- There should be an independent National Press Council (NPC) to act as a bridge or link between the government and the society or the public.
- Ugandan journalist do not need license for practicing journalism. Press cards may be issued to the members and renewed periodically on payment of membership fees.
- The right to information access and news gathering by journalists should become a statutory provision in Uganda as a legal guarantee to press freedom in the country.
- The Official Secrets should be delineated and published. There must be a compelling evidence that the information in question affects an overriding state interest
- The criminal nature of defamation offence should be abolished and its civil counterpart revisited because it (civil law aspect) is one of the most hazardous press laws in Uganda.
- Ugandan journalist must uphold the high esteem of the profession of journalism by strictly adhering to their professional ethics or code of conduct clearly spelt out on the wall.
- The government should stop its heavy-handedness against the media and the body *politicks* in general and realize that a free, vibrant and vigilant press is a good partner in the development of the country.
- The press being a bona fide development partner, should be granted a tax holiday to enable them get on their feet financially.

### 5.3 CONCLUSION

The study was carried out in Kampala district of central Uganda in four divisions of Kiira, Kamokya, Makindye and Kawempe. The researcher aimed at the challenges facing the independent media in Uganda and more specifically *The Daily Monitor*. The researcher used different methods in collecting the data and these included questionnaires, interviews and focus discussion groups. Primary and secondary data were also used to compile this research report.

These methods proved beyond reasonable doubt that there are indeed challenges facing the independent media and which require immediate need to counter if not to do away with.

It has been evident that the government's crackdown on the media has succeeded to an extent. The independent media in Uganda today is less bold, less vibrant and less vociferous than it was in the early days of the NRM. It has become frustrated. The media practices unwarranted self-restraint which amounts to self-censorship. They have therefore avoided anything that may invite the wrath of the government.

Also notably is the fact that the NRM government has created a hostile environment towards the media and has in the final analysis become an enemy of the press thereby turning into a vicious snake ready to pounce on its unsuspecting prey. It thus follows, that the government should open up and learn to tolerate, if not encourage the media to do its work without interference since the media is a critical partner in the development of the country. Parliament on the other hand should revisit the constitutional provisions curtailing the freedom of the press and media, repeal them so as to avoid the contradictions and inconsistencies that are accompanied by such limitations.

The media on the other hand must strive to not only be an informer but an aptitude watchdog on the government, let the populace be aware of the government's normative role and generally keep the government on its toes.

## BIBLIOGRAPHY

Article 19, Freedom of Expression Manual August 1993 Pg 3

Article 43 (2) of the Constitution of the Republic of Uganda

Balaba S.T., Press Freedom and the Law in Uganda Today, The Alpha and Omega-Paper presented to MUMCA Seminar On 20<sup>th</sup> July 1990, Kampala

Burton F., The press in Africa, London Macmillan Press Ltd, 1979, pg 175

Gariyo Z., The Media, Constitutionalism and Democracy in Uganda, Working paper number 32, CBR Publications

Imanyara G., Introduction In The Press In Central and Southern Africa, Writers and Scholars International Ltd, London, 1992

Johnson-Ocan O., A concise Course for "A" level general paper, S101, First Edition, April 2002

Maja-Pearce A., The Press In East Africa, Oxford University Press, 1992

The Press and Journalist Statute No.6 of 1995

Twinomugisha-Shokoro B.K, How Free is The Media In Uganda, East African Journal of Peace and Human Rights Vol 42, pg 171

[www.afrol.com](http://www.afrol.com)

[www.cpj.org/news/2005/uganda.com](http://www.cpj.org/news/2005/uganda.com)



## APPENDICES

### APPENDIX A

#### KAMPALA INTERNATIONAL UNIVERSITY QUESTIONNAIRE FOR COLLECTION OF DATA

Dear Respondent,

I am a student of Kampala International University, Faculty of Social Sciences, and taking Bachelor of Mass Communication. This is to kindly request you to spare sometime for your highly required contribution on the ongoing study about the challenges facing the independent media (A case of *The Daily Monitor*).

Your unreserved participation will be of great academic value and thus a major determinant to the success of this study. All participation will be treated with the utmost confidentiality.

Thank you in Advance.

#### QUESTIONNAIRE FOR KEY INFORMANTS

Basic Information

Educational level (Tick where appropriate)

Ordinary level

Advanced level

Tertiary Education (College, University etc)

Occupation (Mark where applicable)

Business  Civil Service

Media  Law

Other

Salary Scale In Ugshs (Please tick where appropriate)

- |                 |                          |                 |                          |
|-----------------|--------------------------|-----------------|--------------------------|
| 200,000-300,000 | <input type="checkbox"/> | 301,000-400,000 | <input type="checkbox"/> |
| 401,000-500,000 | <input type="checkbox"/> | 501,000-600,000 | <input type="checkbox"/> |
| 601,000-700,000 | <input type="checkbox"/> | 701,000-800,000 | <input type="checkbox"/> |
| 801,000- Above  | <input type="checkbox"/> |                 |                          |

1. Is the independent media in Uganda really independent? If so why?  
 .....

2. What are some of the challenges facing *The Daily Monitor* as an independent publication?.....

3. What constitutional/legal challenges does the *Daily Monitor* face?.....

4. What economic challenges does the *Daily Monitor* face?.....

5. What are the causes for the above economic obstacles?.....

6. What challenges does the NRM regime pose to the independent publications like the *Daily Monitor*?.....

7. What is the relationship between the government and the media?.....

8. What challenges and obstacles does the above relationship pose to the independent media?.....

9. What are the major impacts of these challenges to the independent media?.....

10. What do you suggest should be done to put a stop or check on these obstacles and challenges?.....

11. Do you buy newspapers daily or occasionally? Why?.....

**GENERAL QUESTIONNAIRE**

**Basic Information**

**Educational level (Tick where appropriate)**

Ordinary level

Advanced level

Tertiary Education (College, University etc)

**Occupation (Mark where applicable)**

Business	<input type="checkbox"/>	Civil Service	<input type="checkbox"/>
Media	<input type="checkbox"/>	Law	<input type="checkbox"/>
Other	<input type="checkbox"/>		

**Salary Scale In Ugshs (Please tick where appropriate)**

200,000-300,000	<input type="checkbox"/>	301,000-400,000	<input type="checkbox"/>
401,000-500,000	<input type="checkbox"/>	501,000-600,000	<input type="checkbox"/>
601,000-700,000	<input type="checkbox"/>	701,000-800,000	<input type="checkbox"/>
801,000- Above	<input type="checkbox"/>		

1. What do you understand by the term independent media?.....
2. Is the *Daily Monitor* an independent publication?.....
3. What are some of the challenges facing the *Daily monitor* as an independent publication?.....
4. What constitutional/legal challenges does the *Daily Monitor* face?.....
5. What economic challenges does the *Daily Monitor* face?.....
6. What challenges does the NRM regime pose to the independent publications like the *Daily Monitor*?.....
7. What in your opinion is the relationship between the government and the media?.....
8. What challenges and obstacles does the above relationship pose to the independent media?.....
9. What are the major impacts of these challenges to the independent media?.....
10. Are the above challenges justified? If so why?.....
11. What do you suggest should be done to put a stop or check to these obstacles and challenges?

.....  
12. Do you buy newspapers daily or occasionally?  
Why?.....

**FACULTY OF SOCIAL SCIENCES**

To... WHOEVER IT MAY CONCERN .....

.....

.....

This is to introduce to you Mr/Miss DMONDI VICTOR KEVIN [BMC/3215/22/DF] who is a bonafide student of Kampala International University. He/She is working on a research project for a dissertation, which is a partial requirement for the award of a degree. I here by request you, in the name of the University, to accord him/her all the necessary assistance he/she may require for this work.

I have the pleasure of thanking you in advance for your cooperation!

Yours sincerely,



Dr. Ongora . J  
*Associate Dean*