

2

Indigenous Language Media and Freedom of Expression in Uganda

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Since the liberation of Uganda's broadcast media sector two decades ago, the sector has seen considerable growth. The number of channels has multiplied and the programming menu has taken on a more global and commercial(ized) character as local media houses have had to compete for audiences with regional and global media. At the same time, there has been significant growth in the volume of programming in the indigenous languages across the broadcast spectrum as most media owners acknowledge the need to be relevant to local audiences. Information and Communication Technologies (ICTs), and particularly the mobile phone, have flourished, notwithstanding persistent urban–rural disparities in access. In this context, it is pertinent to evaluate the performance of the electronic media in enhancing freedom of expression.

Media freedom, typically characterized by freedom of the media to operate without undue interference from government, big business or other powerful forces, is central to the media's democratizing role as it makes it possible for a variety of voices to be heard in and through the media. Media freedom is closely linked to media diversity. In summarizing the concept of media diversity, van Cuilenberg (1999, p. 183) relates it to media content, and in particular to (i) reflection of population preferences and (ii) openness and equal, uniform media access for divergent population preferences. Media diversity pre-supposes a degree of media freedom. Therefore, in this chapter media freedom and diversity refer to evidence of tolerance of difference in the media. Freedom of expression on the other hand simply refers to the freedom to communicate or exchange information through a variety of channels. These all relate to the proper functioning of a democratic polity.

Scholars have long debated the extent to which the liberalization of media spaces equals expanded opportunities for diversity and freedom

of expression(Curran 1991, pp. 29–30; van Cuilenberg1999; Goldsmiths Media Group 2000, p. 22, pp. 53–54; Article XIX 2003, p. 3; see also White 2008; Meadows 2013). In particular, critical political economy scholars underscore the media's democratic potential while also arguing that people's capacity to participate freely in public debate through the media is typically constrained by a number of obstacles, some structural and some symbolic.¹ Critical political economy literature relates socio-economic conditions, and particularly poverty, to the capacity to access the democratic benefits that the modern media bring and emphasizes the need to look not just at the global factors affecting access to the media, but also local ones (Murdock and Golding 1989, pp. 192–193; Verstraeten1996; Goldsmith Media Group 2000, pp. 24–25; Wasko 2012; see also Golding 1990, p. 85).

Therefore, while the liberalization of the media in Africa has been hailed for ushering in a new wave of democracy (Hyden, Leslie and Ogundimu 2003), empirical inquiry into specific contexts is useful in pointing out public perceptions of the extent to which this outcome is actually being realized.

Common denominators in defining democracy

Diamond and Morlino (2005, pp. ix–xliii) have identified six useful markers of democracy, namely: greater equality of opportunity; strengthening the rule of law; greater citizen participation in all aspects of government decisions; freedom of competitive political proposals; vertical and horizontal accountability to reduce corruption and greater public control over elected officials.

Norris (2009) argues that the media play three key roles in attaining the above and therefore contributing to democratization and good governance: being a watchdog over those in power (see also Curran 2000; Leibman 2005; Cooper 2006); providing a civic forum for political debate (Garnham 1995; Mwesige 2004; Nabunya 2009; Meadows 2013); and setting the agenda for policy-makers (McCombs and Shaw 1972; Scheufele and Tewksbury 2007). For the media to play these roles optimally, it is important that they permit the expression of diverse political and cultural perspectives. However, in this regard, White (2008, p. 270) contends that although this relationship between the media and democracy is considered a given in elite discussions about the democratizing role of the media in the African context, there has been little research relating the media to the enhancement of these key markers of democracy in the African context where access to the media cannot be

taken for granted. What research there is on the relationship between the media and democracy has taken a broader, continental or regional perspective as opposed to a more local one. Examples include Ocitti (1999); Tettey (2001); Hyden, Leslie and Ogundimu (2003); Nyamnjoh (2005); Nisbet (2008); Wasserman (2010); Wasserman (2011); and Blankson and Murphy (2012).

The empirical findings presented from Uganda help illuminate in a specific way the close connection between a free media, a diverse media and freedom of expression. They also help point out hindrances to media freedom and freedom of expression that ordinary people in contexts like Uganda's encounter in the context of a liberalized media environment.

An overview of the media landscape in Uganda

Uganda's broadcast sector has been influenced by changes in the sector at the global level. The liberalization of the broadcast sector in Uganda starting with the early 1990s reduced the influence of government and introduced a range of private players who have established radio stations, TV stations and internet service provision facilities in the different regions of the country (Broadcasting Council 2004; Kibazo and Kanaabi2007; Mwesige and Tabaire2010). Between 1992, when the broadcast sector was liberalized, and 2004, the channels of broadcasting grew from one television and one radio station to nine television stations and over 80 radio stations broadcasting in English, French and Kiswahili, as well as various indigenous Ugandan languages, to different parts of the country.

Today, according to the Uganda Communications Commission (www.ucc.org), there are over 270 licensed FM stations, with 192 of them on air. There are 55 registered television stations, including 35 that are operational. While most television programming is in English, the majority of radio airtime is shared between Luganda, the language spoken by the largest number of Ugandans (17%), and English. There are approximately 34 other languages. Of these, four are designated regional languages along with Luganda. They include Runyakitara for Western Uganda, Luo for Northern Uganda and Ateso and Ngakarimojong for North-Eastern Uganda. The Uganda Broadcasting Corporation (UBC) broadcasts in 24 of the languages of Uganda. The privately owned stations, however, choose what language to broadcast in, apart from the predominant regional language, based on commercial viability.

There has been great growth in the mobile telephony sector as well, with a significant increase in mobile phone service providers and mobile telephone lines reported. According to the Commissions website (www.ucu.ac.ug) by June 2013, there were approximately 17 million mobile telephone subscribers in a country of 34 million inhabitants. While this growth has been phenomenal, it has not been systematic, and, as the discussion following will show, neither has it been perceived by the majority of Ugandans as significantly increasing their chances of freedom of expression in English or the indigenous languages.

The regulatory context for the broadcast media in Uganda

Article 29 (a) of the Constitution of the Republic of Uganda (Uganda 1995) states: "Every person shall have the right to—(a) Freedom of speech and expression which shall include freedom of the press and other media." Article 41 of the constitution further guarantees the right of access to information in the possession of government departments.

These constitutional provisions are guided by international instruments including the Universal Declaration of Human Rights (UDHR), whose Article 19 states:

[E]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Related provisions are found in the International Convention on Civil and Political Rights as well as in the African Charter on Human and People's Rights.

The enjoyment of the right of access to information and communication is, for critical political economy, fundamental to the appreciation and enjoyment of civil and political rights in particular (Murdock and Golding 1989, pp. 183–184; Skoufias, Narita and Narayan 2014; Wasko 2014). Civil rights include freedom of speech and opinion, the exercise of which is closely linked to the media, while political rights include the right to participate in the exercise of political power, hence holding public office, voting, and participating in the making of the laws by which one consents to be governed. Access to adequate information and to a diversity of debate is a basic pre-condition for the effective functioning of a democratic polity and for the full exercise of citizens' rights. Thus, communication systems (and therefore

the media) should provide people with access to the information, advice and analysis they need to know and pursue their rights and provide the broadest possible range of information, interpretation and debate in areas related to political choice. This would enable them to choose, or to dissent and propose alternatives (Murdock and Golding 1989, p. 183; Golding and Murdock 1991, pp. 21–22; see also Chibita 2006, p. 36, White 2008).

The freedoms promised by the broadly liberal provisions in Article 29 (a) and Article 41 of the Constitution of the Republic of Uganda (Uganda 1995) are to be read in the context of Article 43 of the same document, which sets the parameters within which freedom of expression and the right of access to information should be enjoyed. It states: "In the enjoyment of the rights and freedoms enshrined in the constitution, no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest." Constitutionally, therefore, the boundaries for freedom and regulation of the media in Uganda appear well laid out. However, it is also at the intersection of Articles 29 (a) and 41 and Article 43 that most debates about freedom of expression in Uganda have occurred, as the media's attempt to expand the boundaries of their freedom have collided with government's efforts to reign them in "in the public interest".

The major and most current piece of legislation with regards to the regulation of the electronic media in Uganda is the Uganda Communications Act (2013). The Act affirms the convergence of the sector, lays out the modalities for the appointment and constitution of the regulator, and provides for the regulation of radio, television, data/internet, video and cinematography and postal services. It lays out licensing conditions, provides for fair competition and provides for dispute resolution. It should be noted, however, that according to Section 7 of this Act, the line Minister may give "policy guidelines" to the Commission regarding the execution of its responsibilities and the Commission "shall be obliged to comply", even though Section 8 purports to grant the Commission autonomy.

Other legislation that affects the operation of broadcasting in Uganda includes the Access to Information Act (2006), which provides for access to information in the hands of government officials, the Penal Code Act (Amendment) 2007, which criminalises media offences including libel and defamation, and the Public Order Management Act (2013), which proscribes the right of journalists to cover "undesirable" political gatherings. Others are the Official Secrets Act (1964), the Anti-Terrorism Act (2002), the Uganda Broadcasting Corporation Act (2005), the

Referendum and Other Provisions Act (2005), the Presidential Elections Act (2005), the Parliamentary Elections Act (2005) and the Interception of Communications Act (2012).

There are other forms of subtle regulation imposed via government departments and operatives such as the Uganda Media Centre, the police, and local political and security officials. Each of these pieces of legislation is intended to cure some perceived ill and safeguard the public interest, but aspects of the same laws also have a bearing on the free operation of the media. In some cases, such as, for instance, the Anti-Terrorism Act, where the maximum penalty for being associated with perceived “dissidents” could be death, or the Public Order Management Act, which has the potential to proscribe otherwise legitimate gatherings, the sanctions for any breach are so severe as to place a degree of restraint on the exercise of freedom of expression. This in turn has a bearing on the ability of Ugandans to fully enjoy their freedom of expression. Hence, Tabaire’s observation that the contradiction between perceptions of freedom of expression and the experience of media organisations is related to the state’s desire to appear liberal before the international community in an era where it is no longer “honourable” to openly repress the media. Tabaire adds that the Ugandan executive has taken advantage of International Instruments “in order to maintain a positive reputation with Uganda’s international friends”. However, he notes that “in terms of domestic politics this is a strategy that carries risks for [President] Museveni, and so he has been quick to clamp down on the press when the need arises” (Tabaire 2007, p. 204).

Attempts at self-regulation have not been very successful. There exists the Independent Media Council (IMC), a non-statutory body that represents an attempt by the journalism fraternity to regulate itself. However, the IMC, established in 2010, has not secured the necessary buy-in from its principal stakeholders to have any significant effect on the regulation of the sector, and is considered moribund or even dead by many media practitioners.

There was a National Broadcasting Policy passed by cabinet in 2007. However, this policy has never been fully implemented. Ernst and Young (2012) in their evaluation of the National Broadcast Policy (2004) argue that whatever its legal status, as it stands now, this policy has been overtaken by events. As such, it is limited in its potential to guide the regulation of the media in its execution of its many mandates, including that of providing a platform for the expression of diverse political opinions.

Chibita 2006 has observed that the contribution of language is often ignored in discussions of policy to enhance freedom of expression. In this regard, Chibita (2006, p. 42) says:

Communication policy is often not specific on the roles that different languages may play in the media. This has a bearing on which people are able to participate in the political (and cultural) process and with what degree of ease through the media. It is important for people to recognise themselves and their aspirations in the range of representations offered within the major communication sectors as well as to contribute to the development of these representations.

Thus, from the above context it is clear that although the framework for the operation of a liberalized media is in place, there is also great potential for constraint to the free operation of the media as well as to the full enjoyment of freedom of expression. The degree of control the state wields over the media also remains a potential obstacle.

The following section discusses findings obtained as part of a larger study, the National Electronic Media Performance Study (NEMPS) (2014), on the broadcast media's capacity to provide a platform for the enjoyment of freedom of expression in Uganda, and the Ugandan public's perception of key obstacles to the fulfilment of this role.

Methodology of the National Electronic Media Performance Study (2014)

The NEMPS (2014) was commissioned by Uganda's converged regulator, the Uganda Communications Commission. The current author was the Principal Investigator and was assisted by a co-researcher/statistician. This level of involvement in the study provided the Investigator an opportunity to closely observe perceptions of media diversity in Uganda among a cross-section of Ugandan citizens. At the same time, she acknowledges that because of her direct involvement in the said study, there was a risk that this could blunt her critical edge. In order to mitigate this risk, the findings of the NEMPS are, as far as possible, related to findings from related recent studies and literature on the Ugandan and other media.

The objectives of the NEMPS(2014) were to solicit the public's views on the general performance of the broadcast media in Uganda and to establish to what extent the media are perceived to be meeting the needs of the Ugandan public. The study also sought to identify gaps in

broadcast policy, regulation and performance and to draw conclusions to inform ongoing policy review and regulation processes.

The study investigated station and programme preferences, perceptions of the role of the media in promoting freedom of expression; met and unmet needs and satisfaction with the volume and quality of local content. The study focused mostly on radio and television although it also explored awareness, access to, and use of the internet and mobile phones along with the traditional media. This chapter specifically focuses on findings on public perceptions of media freedom and the media's role in enhancing freedom of expression.

In order to ensure national representativeness, the country was divided into four regions: North, Central, East and West. Three districts² were purposively selected from each of the four traditional regions of Uganda (i.e. Northern, Eastern, Western and Central). The main criteria for selecting the three districts from each of the regions for the study were the district population sizes and representation of ethnic diversity within that region. Based on these criteria, the districts of Lira, Zombo and Moroto were selected from Northern Uganda; Iganga, Mbale and Katakwi from Eastern Uganda; Kibaale, Mbarara and Kasese from Western Uganda; and Kampala, Masaka and Nakasongola from the Central region. The sample for the household survey was 1,440. Two-thirds of the sample respondents were drawn from the rural areas and one third from the urban areas, in keeping with the population patterns.³ A multi-stage stratified cluster sampling design was used to select the study areas as well as the households that were included in the study. To the extent possible, the researchers ensured that 50% of the respondents to the survey were female, although this was not always possible to attain with the Focus Group Discussions (FGDs). Half of the respondents consisted of younger people (15–29 years) and the other half older people (30 years and above). At household level, only one respondent falling in the above specified categories was selected for inclusion in the survey sample.

Key informant interviews

In each study district, in-depth interviews were conducted with district officials, media owners, managers and practitioners, local content producers, religious leaders and representatives of the disabled on the obligations, roles, performance and regulation of the electronic media. In order to further clarify, triangulate and supplement data from the districts and obtain a national position, additional in-depth interviews were conducted at national level with key policy-makers,

technocrats and various categories of electronic media service providers. The key informant interviews at the national level targeted top officials in the ministries of Information and National Guidance and of ICT, members of parliament, media trainers, artists, journalists and managers of major media outlets that have a national reach, media regulators, sports officials and representatives of the disabled. In all, there were more than 175 key informant interviews conducted for the study.

Focus Group Discussions

From each study district, four to six FGDs were conducted among people 15–29 years old and four to six with people 30 years and above in each of the study districts. All FGDs were held in one urban and two rural sub-counties per district. As much as possible, there was an attempt to have equitable representation by age, gender and location across the board. In total, 68 FGDs were conducted.

Findings

Media ownership and its implications for freedom of expression

The literature of critical political economy extensively addresses the link between media ownership and media freedom. Relevant to this discussion, the central argument is that the current media environment dictates that those who are politically connected also tend to control the media (McChesney 2000 Wasko, Murdock and Sousa 2011, pp. 1–10). The literature further posits that due to an overriding desire to remain profitable, media owners tend to influence their stations' programming priorities in a direction that filters out all controversial or commercially non-viable programming thus stifling diversity and potentially interfering with freedom of expression (Jenkins 2004; Baker 2006). A key constituent of so-called "commercially non-viable programming" is programming in numerically smaller indigenous languages. Considering that Uganda, like many African countries, has more of these than the larger language blocs constituting their population, this tends to produce a degree of uniformity in programming and to stifle diversity, and, most importantly, to marginalize indigenously produced content that would otherwise enable people to participate more actively in important mediated discourse and generally exercise their freedom of expression.

The findings of the NEMPS (2014) suggest that the predominant public perception among Ugandans is that the prevailing ownership

patterns are not conducive to the maximum exercise of freedom of expression. A similar study, conducted approximately ten years after Uganda's broadcast sector had been liberalized, indicated that the media in Uganda were owned by "the rich and/or politically connected, private business individuals or entities, and, to a certain degree, NGOs [non-governmental organizations] /religious organisations" (Broadcasting Council 2004, p. 24). The findings of the NEMPS(2014) confirm this as they suggest that media are still largely owned by business people, politicians sympathetic to the ruling party, and religious leaders or organizations, most of whom also openly support the ruling party.

The UBC is officially *the* public broadcaster, but several studies (Kibazo and Kanaabi 2007; Lugalamby, Mwesige and Bussiek 2010) conducted to assess its performance as a public broadcaster have found it wanting. There are a few community radio stations, which struggle to stay afloat amidst competition from the commercial broadcast sector. Government also owns majority shares in the Vision Group, whose stable includes five newspapers, three magazines, five radio stations, three television stations and a printing press. Two of its papers, one in English and the other in Luganda, each have the highest circulation in their respective markets. Together, the Vision Group's media outlets cover all the regions of Uganda in the country's five major languages (Ateso, English, Luganda, Luo and Runyakitara).

The Nation Media Group controls *The Monitor*'s weekly and weekend newspapers; also, NTV, and KFM radio which broadcast predominantly in English; and Dembe FM, a youth radio station broadcasting in Luganda. Other privately owned print media include the *Red Pepper* (daily), the *Observer* (tri-weekly) and the *Independent* (weekly).

The products of the Vision Group and the Nation Media Group together command the largest portion of the Ugandan audience in the newspaper, radio and television sector. NTV, according to Uganda All Media Products (UAMPS) (2013), commands the largest share of viewership across the country (71%) followed by the UBC (the state broadcaster) and the Vision Group's Bukedde TV, a lower-market Luganda-language station. These are followed closely by Urban TV (an English-language youth-oriented station, which also belongs to the Vision Group). These results are confirmed by those of the NEMPS (2014). The Nation Media Group and the Vision Group thus command a lion's share of television. Most other media are private commercial ventures, and their listenership/viewership is highly fragmented.

Because of the scale of investment required in the telecommunications sector, there is more foreign ownership here than in the traditional

media sector. There is significant foreign investment in internet service provision, and none of the five major mobile telephone service providers (Mobile Telephone Network (MTN), Orange, Airtel and Uganda Telecommunications (UTL) are controlled by Ugandans.

There has been no regulation of mergers and acquisitions in the electronic media sector, and both the Vision Group and the Nation Media Group have expanded across the country unhampered by any laws over the last decade. When interviewed, a spokesperson for a government communication agency, whose docket covers the media, expressed concern about this as well as the rise of what he referred to as media "cartels", warning that they negatively affect diversity. He cited the Vision Group and the Nation Media Group, but also mentioned that media owners have learnt to beat broadcast radius regulations by linking up with friendly media to cover as much of the country as possible, even though on the surface the stations look discrete, each with a limited reach.

This informant added that because of the nature of media ownership, there is limited concern about the quality of content, provided it promotes or conforms to the owners' ideology. Several key informants shared these views, arguing that the ideology question relates to politics, religion or ethnicity, and sometimes to a combination of these.

While several other key informants acknowledged a link between unregulated ownership and diversity, there were varied responses to the question of whether or not it is necessary or prudent to regulate particular aspects of media ownership such as foreign ownership and cross-media ownership at this point in the growth of the industry. It emerged that media owners in particular see a delicate balance between promoting media diversity and preserving Uganda's national cultural sovereignty on the one hand, and attracting much-needed investor capital on the other. One Corporate Affairs Officer for a large media house noted that capital is a particularly important consideration as there are increasing demands on media houses for sophisticated technology to catch up with the rest of the world. Several media managers who were interviewed argued that what is important is to have clear but broad regulation objectives before adopting specific regulation measures in this area. One senior manager at the Vision Group put it this way:

I think the thing people should worry about is not ownership regulation; it is content regulation, irrespective of who the owner is. Once you have put those rules in place and you can enforce them equally,

then the ownership won't matter. The problem is failure to impose order in the house. If there was order, the question of dominance would not arise.

The majority of respondents in the NEMPS (2014) both at the household and the national level said they did not think the private media were diverse enough either in terms of ownership or content. A number of key informants, for instance, thought there were deliberate efforts by government to block the opposition from owning private media, which they argued impacted negatively on the diversity of the sector. This view was echoed in FGDs in all four regions of the country. Asked whether he thought an opposition person with the means would be allowed to set up a station, one manager had this to say:

It will be complicated and there are incidences that can be quoted to that effect. It is said (and I am sure that it is very true) that for example Garuga James Musinguzi who was once a very active politician in FDC [Forum for Democratic Change—the strongest opposition party] wanted to put a radio station in Kinkizi West and he was not allowed so it may be hard for an opposition [person] to put up a radio station.

Other opposition leaders have publicly made this allegation, though the Executive Director of the Uganda Communications Commission denies that there is a policy barring people from owning stations based on their political affiliation. Nonetheless, government and its supporters are perceived by many key informants to have an advantage over media owners to the degree that government wields control over the UBC and has majority shares in the Vision Group (both of which have a national reach), and through its direct or indirect influence, dominates the ownership of the private media licences in the electronic media sector as well. This is perceived to have a significant effect on the diversity of the sector.

One veteran journalist who belongs to the ruling National Resistance Movement (NRM) party concedes that there may be an imbalance, but attributes it to the "far-sightedness" rather than "high-handedness" of the ruling party. This is his explanation:

For some strange reason, the owners of the radio stations in particular and the TV stations are supporters of the ruling establishment. My suspicion is that somebody told them that this is the platform of the future and they invested in it. And I am not very much aware of a deliberate attempt to erect obstacles for opposition-leaning

politicians to establish radio stations. I just think, as it is happening with the ordinary political platforms, they just shied away. They didn't think it was worth investing in [...] Now the market is almost saturated with the NRM-leaning radio stations around the country.

The above media ownership landscape seems to confirm the argument of critical political economy regarding the link between media ownership, media diversity and freedom of expression (McChesney 1999; Baker 2006). It also demonstrates that Ugandan audiences are not oblivious to this link, and indeed see it as an important determinant in the performance of the media with regards to diversity of content and freedom of expression, as the following section illustrates.

Media ownership, media content and freedom of expression

It emerged from the NEMPS findings that although radio in Uganda is the most attended to medium, with nearly 100% of respondents reporting that they listen to it, only 40% claim to have ever watched television. This is consistent with recent findings such as UAMPs (2013), which found that twice as many people listen to radio regularly as watch television, and Bratton, Mattes and Gyimah-Boadi, (2005, pp. 210–211 cited in White 2008, pp. 276–277), who found that while the majority said radio was an important source of political information, only one in four thought the same about television and even fewer (one in nine) about newspapers.

While most people interviewed acknowledged the significant increase in the number of channels available to them, many did not think this equalled more diversity. Only half of those interviewed, for instance, said the media were promoting a variety of political views in their programming. It is also important to note that 29% (more than one in four) declined to comment or said they had no opinion on this matter. The number of respondents who said they had "no opinion" not only signals possible disenchantment with the media's performance in providing a platform for the expression of diverse political views, it could also suggest that a considerable number of Ugandans are afraid to take a position on this matter in case of possible victimization by the state.

The following up-country media manager's response highlights the tight-rope situation that some Ugandans find themselves in with regard to freely expressing their views in the media:

We have a political situation where anything we do might backfire. When it comes to the government we carefully choose what to

do and what not to do. This is where our independence comes in because we look at the consequences of what we do.⁴

It should be noted that these kinds of fears appear more prominently the further out of the capital city one moves. Wasswa (2011) and Mwesige and Tabaire (2011) make similar observations. On the whole, what emerges is that in a context like Uganda's, the political realities dictate that enjoying freedom of expression includes the wisdom to know what to say or not to say, and whom to host or not to host in the course of your duty as a journalist. Furthermore, it emerges that the upcountry stations, which broadcast mostly in the indigenous languages, seem more vulnerable to this type of interference—perhaps because of their perceived political influence with the majority of voters.

While it may seem as if there are many channels and therefore more opportunities for the expression of diverse political views, a considerable number of Ugandans interviewed appear uncertain or negative about the extent of this diversity. These findings are made more significant by their consistency with the findings of similar recent studies by Kibazo and Kanaabi (2007), Nassanga (2008), Kalyango (2009), Bussiek, Lugalambi and Mwesige (2010), Wasswa (2011), all of which indicate that particularly due to the twin pressures to be commercially viable and remain politically safe, the media in Uganda are not as free to allow a variety of political views to be aired as they could be. The fact that the pressure is highest on upcountry stations to be politically safe also means political programming in the indigenous languages bears the brunt as most of these stations broadcast partly or wholly in these languages. This has implications for a large section of the population who either do not have access to the more urban stations, or even if they did, can only participate in their own languages. This may partly explain why nearly one-third of respondents to NEMPS were cautious in their views on the broadcast media's political diversity, which reflects directly on freedom of expression.

Local content and freedom of expression

Defining local content locally

Several jurisdictions, including Australia, South Africa and Rwanda, have synthesized the definition of local content down to "content produced under the creative control of a national". The NEMPS (2014) also investigated understandings of local content as well as perceptions of its importance and adequacy in Uganda. In a context as ethnically diverse as Uganda's, any discussion of diversity and freedom of expression

would need to take into account local content. According to McNair and Goldsmith (2015, p. 18), the democratic importance of local content, particularly in a country with great diversity, is undisputed. Besides its commercial significance, they point to local content's contribution to community cohesion and identity, "simply keeping people informed about their immediate environment". They further argue:

where national news organisations rarely report on the routine affairs of state, regional and city governments, local media must ensure that citizens are aware of and understand the issues on which their locally elected representatives make policy and take decisions. Such scrutiny, a manifestation of the Fourth Estate and watchdog roles deemed to be core functions of the media in a democracy, is just as important at the local level as the national.

McNair and Goldsmith are cognizant of the fact that freedom of expression refers both to political and cultural expression.

The majority of Ugandans interviewed for the NEMPS (2014) seemed familiar with the notion of local content. In trying to define it, the focus was repeatedly on aspects such as the thematic content, language, talent, the location of production and the source of funding. The most common perceptions of what constitutes local content emerging out of the interviews included content that "exhibits any aspect of Ugandan culture, language or music". Many FGD participants dismissed as "not local content" anything that was in a non-Ugandan language. Other characteristics of local content that emerged out of the household survey included "a programme produced by a local group", "something done in the local language", "local songs (and drama) of local artists", "a programme reflecting people's needs", "the traditional way of doing things", "when a programme is not aired on the national station", "something done in the local language," "one produced within or by a particular region, area or group" and "a programme designed to tackle community issues". A few said "a programme that talks about concerns of all Ugandans". The local definitions were in many respects consistent with generic definitions of local content while underscoring the centrality of the local or the indigenous.

Perceptions of adequacy of local content provisions

The majority (80%) of respondents across the regions said they were getting enough local content on radio, while 15% said they were not (5% did not have an opinion). The Central region registered the lowest

percentage of the population who said they were receiving adequate local content on radio despite the region having the highest density of radio stations. The reasons given for saying they were not receiving adequate local content included the perception that presenters preferred foreign programmes to local ones, and that local drama and oral literature were absent on radio.

In the current context, the most plausible reason for dissatisfaction with levels of local content on radio appears to be the ethnic mix, particularly in cosmopolitan Kampala. This makes it imperative for stations to try to reach as many different ethnic groups as possible. This in turn results in presenters switching languages in the course of programmes (from English to Luganda, or between different local languages), which frustrates some listeners. Another level to the problem is that while there are several stations broadcasting largely in Luganda in the Central and Eastern regions, there are not that many stations broadcasting exclusively in any of the other languages representing the diverse peoples of these two regions. Instead, the other stations have snippets of several local languages during the day, which also may frustrate listeners.

Only a third of the respondents indicated that they receive enough local content on television. Furthermore, there were wide regional differences in the responses. Three out of four respondents in the Central region said they were receiving enough local content, but less than one in ten in the Northern region held this opinion. In Western Uganda, close to a half of television viewers said they were getting enough local content on television, while only about a quarter (27%) of TV viewers in Eastern Uganda said they were happy with the amount of local content they were receiving on television. This may be attributed to the fact that in the less affluent parts of the country (the Eastern and Northern regions), not many individuals own television sets. Most viewing is in public facilities like bars or video-halls that have a digital/satellite signal. These tend to focus on foreign movies, news and sports, most of which are imported.

There was consensus about the fact that a fundamental ingredient of local content is that it should tackle local issues in a language that is accessible to local audiences. Managers who were interviewed argued that with or without regulation, stations that want to survive must tackle local issues, because this is what sells. While all interviewees acknowledged new regional dynamics, such as the emergence of the East African Community, that might affect perceptions of local content and local content regulation, there was consensus that a distinction

needed to be made between local (Ugandan) and local (regional). The key element in distinguishing these two seemed to hinge around the language in which the content was produced.

It is also worth noting that where people said they were not satisfied with the adequacy of local content in the media, the most common explanation given for their dissatisfaction, particularly in reference to television, was that most programming was in English. The importance people attach to programmes in their own languages is further illustrated by statements such as this one by a respondent in Nakasongola, one of the study districts:

People prefer to watch in a language they can understand; they want to understand certain statements about the events they are watching on the TV. When they watch the local programmes in the local language, it gives them a sense of ownership; they see that TV belongs to them[...]

All informants at the national level agreed that there is a high degree of ethnic diversity in content particularly on radio, though they observed that there are still a few languages that dominate the airwaves. In particular they singled out Luganda and English, and in a second tier, Runyakitara and Luo. The latter group are more commonly used on upcountry-based radio stations in their respective regions (Runyakitara for the West and Luo for the North). The private commercial stations, which would be a great platform for freedom of expression for the rural communities, are under the greatest pressure to use the more widely spoken languages in order to maximize profits.

Perceptions of the limits of media freedom

White (2008, pp. 269–270) contends that the public needs information to enable them to participate meaningfully in their governance through the media (see also Bucy 2001; Effing, van Hillegersberg and Huibers 2011). However, for the media to be partners in the fulfilment of this need, they must be free from undue interference from the state, business and other powerful interests.

One-in-two people interviewed in the household survey said they perceived the broadcast media as free to air facts without undue interference. However, direct responses to this question were less forthcoming, particularly in FGDs conducted in the rural areas.

The views from media owners and managers on the issue of media freedom were varied. While some media managers said they enjoyed a

degree of freedom from political interference, others stated the contrary. The following response from an FM station manager whose station broadcasts in English and Luganda typifies one of the more positive responses:

I think we are doing very well [...] because there is freedom of speech which is not the same like our neighbor[s]. Like when you go to Rwanda, there is a lot of regulations [sic]. Here there is a lot more freedom to talk about things, which also helps people understand certain things better because people are free to talk about anything. [There are] some medias [sic] of course, a few, where there is inflation [meaning exaggeration] and all, and some things are not well dispersed off [sic] or balanced so there is need for balance in terms of discussion of issues which is either political, or it can be social.

The following response from another Kampala-based programmes manager, however, is less straightforward and captures the complexity of gauging media in a context where the rules are both written and unwritten:

I think whereas they [the media] have the platform, there is a level at which they cannot realize this freedom of expression and this level varies between different media houses. If you are talking about government-owned media houses like the UBC, there is a limit beyond which they cannot go. There are issues they cannot touch. You have seen that some people have been sacked for hosting people in opposition. But even privately owned media houses, they are not also safe because many times they are also intimidated, especially when you go in the villages and it is election time. The RDC⁵ can easily call in and tell the manager of Luweero FM that "My friend, if you are going to host Besigye [the opposition leader] whom we have learnt is in the area, I think you are making a big mistake that you will regret for [the rest of] your life". So there are such threats that are going on and certainly they remain a big issue in the freedom of expression.

The findings also indicated that political pressure on stations varies from season to season, reaching its peak at election time. The interviews revealed that upcountry journalists are victimised both by law-enforcement officers and by fellow citizens. Some key informants at the

grassroots level reported, for instance, that it is not unusual for *boda-boda*⁶ cyclists to gang up and beat up a reporter whose work appears not to support their political affiliation. This was also confirmed by other key informants at the national level.

The views on this issue among national-level key informants did not differ significantly from those at the grassroots. It emerged, therefore, that if there is a degree of freedom of expression, the media certainly have learnt not to take it for granted.

Perceptions of the performance of the public media in enhancing freedom of expression

One of the ways in which diversity is achieved is the demarcation of broadcasting into different tiers (typically public, commercial and community). The general perception among managers of private media houses in Uganda is that the private stations offer better quality, and that they have more "dynamic" programming ideas because they are not as constrained to tow the government line or become bogged down by bureaucracy, and are more able to take risks. The public broadcaster UBC, which is expected to cater to the majority of Uganda's population in their various languages, has suffered the same technical, human resources and funding constraints that several other public broadcasters in Africa suffer (see Lugalambi, Mwesige and Bussiek 2010 and Friedrich Ebert Stiftung 2012c, Uganda 2012, p. 47 for a recent comprehensive discussion on the state of the UBC; see also Friedrich Ebert Stiftung 2012b, Democratic Republic of Congo, p. 103; Friedrich Ebert Stiftung 2013a, Kenya p. 44; Friedrich Ebert Stiftung 2013b, South Africa, p. 54). A key informant from the UBC admitted that as a result of these challenges, they are only able to meet a few of the needs of their audiences.

The issue of signal interference for the UBC stations in particular was mentioned repeatedly in the poorer areas of the country, notably Northern and Eastern Uganda. This problem, considered to be a major hindrance by many of the interviewees, is attributed to the fact that the UBC's transmitters in these areas are in a state of disrepair, while the private stations have the resources to buy more powerful transmitters. This is compounded by the fact that the regulator does not consistently enforce the use of filters.

The UBC's other challenges, according to the UBC media manager, include the fact that their policy is to be cautious and not to "oversensationalize" issues. This is perceived to result in a loss of audiences, since the competitors—the private FM stations—seem to have more room for daring programming. Even though government funding to

the UBC has decreased steadily since they were re-structured into a “public” broadcaster, the UBC still suffers from a degree of complacency that comes from being state funded. For instance, the key informant reported that they have not conducted much audience research in the last decade. As a result, they do not always have a clear picture of the needs of their audiences. In addition, the UBC suffers from being viewed as a state broadcaster rather than a public broadcaster by government and by some of its audience. This compounds the expectations and pressures of the station. The key informant from the UBC put it this way:

Not that it is written but it is again this culture that you find. So if you are a news reporter and you bring in your well-balanced news story, so how does the editor treat it? Because the editor is more graded [more high-ranking] [...] than you, a news reporter, in terms of what the government will think when that particular story airs [...] with time a reporter obviously learns what your editor may not want in your story.

This informant admits that although they do invite opposition politicians, they must be selective.

So you can see that then there [is] some kind of concern that when you are inviting somebody from the opposition, who are you exactly inviting from that opposition? So when you are drawing the list of invitees, yourself [sic] consider “who am I going to bring?” And in fact for here in UBC every guest who is invited for a talk-show, any type of talk-show, has to be vetted by the Managing Director himself. So it is like you fill a form in which you state that “Sir, I have a guest in this show and the guest is called this, and this is his telephone number, this is where he works”, and then you submit it to the manager for approval so that you do not get these radical persons who might unfairly, in the view of the corporation, come and bash for example on government interests and something like that, and there is the connectivity of government interests in UBC. Not state interests, but government interests.

That the UBC still operates like a state broadcaster and is not entirely free of direct government interference is consistent with a number of recent studies and evaluations (see, for instance, Kibazo and Kanaabi 2007; Lugalambi, Mwesige and Bussiek 2010). However, while the “public broadcaster” may be constrained by official or non-official government

regulation and internal inefficiencies, it still has a role to play since public broadcasters by their nature, no matter how imperfect, tend to be more inclined towards public affairs broadcasting than their FM, often privately owned counterparts. Besides, public broadcasters are designed to accommodate more linguistically diverse programming than other stations and have the potential to provide a forum for debate for the majority of citizens, who may not be able to express themselves freely in English. Indeed, the key informant at the UBC was positive about the potential of the public broadcaster to enhance political diversity. He said he saw the UBC as meeting a unique need for information and analysis for the 25–50-year-old age-group who do not feel satisfied with the offerings of the typical FM (private) station. This is how he put it.

These listeners expect analysis or breakdown of national public-interest issues. You know if you made a comparison with a typical FM radio, largely you find that talk is really little. A typical radio station say in Kampala [...] will have just one talk-show in a day. They may have these simple topics about celebrities but not these ones about, say, policy, law and implementation [level]. But for us [sic] we really try, and of course we have more than one language. We have [programmes] along those serious topical issues.

Perceptions of the performance of community media in enhancing freedom of expression

Community media have the potential to make a significant contribution to freedom of expression to the extent that they serve local, often lower-income sections of the population, are not bound by the need for professionals in their running, are low budget and typically broadcast in the indigenous languages and address the needs of the less affluent (Opubor 2000; Wanyeki 2000). Recent research on community media in Uganda suggests that the sector is poorly understood; it is weak because it is poorly resourced; and it is not independent enough. As a result, the sector is perceived as not having fulfilled its mandate of serving the unique needs of geographical or interest communities in the lower income strata of the country in a liberalized media environment (Dralega 2009; Nassanga2009). A key informant from Maama FM, one of the oldest community media stations in Uganda, said lack of staff and dependence on volunteers has characterized this sector since its inception. For instance, despite being one of Uganda's longest surviving community stations, Maama FM has only four permanent staff compared to 38 volunteers. The biggest impediment to the community

media in Uganda contributing to freedom of expression, however, appears to be their lack of financial sustainability. Many of them are entirely dependent on donor funding or are funded by local politicians. This has undermined the core purpose of community media, and given rise to a degree of disillusionment.

The key informant from Maama FM, for instance, said it would be "important for government to support the establishment and running of community radio stations". She also recommended that the regulator relax regulation that bars community media from soliciting advertising, and instead compel these stations to ensure the proceeds are ploughed back rather than shared by owners or shareholders. Otherwise, she said, community broadcasting in Uganda would be untenable. However, such compromises, practical as they may appear, would come at a cost—a possible loss of independence. Besides, the proposals of the key informant seem to contradict most of the literature on the independence of community media from the control of government. What they do, though is (i) echo some of the findings at the grassroots level; (ii) echo the findings of the Broadcasting Council (2004), where one policy-maker, asked about the viability of community media depending on community contributions replied, "Community broadcasting would be desirable, but everybody is still preoccupied with survival. The community spirit therefore is lacking. There is no stability in the social structure"; and (iii) underscore the complexity of identifying viable mechanisms for financial sustainability for the survival of the sector, a problem that dogs community media in several African countries.

Thus one may conclude that even with the knowledge of how community media should ideally run, the pressures of survival can push the most ardent advocates of community broadcasting in its pure form to concede some ground to secure the sustainability of this tier of broadcasting and perhaps their own jobs. As a result of this, the sector may suffer as the former advocates of its independence from government and other powerful interests, pushed into a corner, are forced to compromise on those ideals that are supposed to secure the sector's contribution to freedom of expression.

Perceptions of the performance of the new media in enhancing freedom of expression

The performance of the new media (particularly mobile telephones and the internet) with regard to diversity and freedom of expression have received mixed reviews from researchers. While several studies have hailed the new media as the new frontier that will unleash Africa's

democratic and developmental potential, superseding the traditional media in their accessibility and versatility (see, for instance, Ekine 2008), others (for instance, Alzouma 2010; Etzo and Collender 2010) caution that exuberance about the contribution of these new media is perhaps misplaced. They point out structural obstacles such as technical infrastructure, inability to afford access, language and others that still hinder the majority of ordinary citizens in developing countries from enjoying the potential benefits of these new technologies.

The findings of the NEMPS confirm that while a relatively large number of (especially) urban residents in Uganda have heard of the internet, considerably fewer reported ever having used it. Similarly, although 85% said they had used mobile phones, only 69% said they owned a mobile phone. The findings also revealed that while the mobile phones are more accessible and affordable and have great potential to draw ordinary citizens into public discourse on issues of political interest, particularly in synergy with indigenous language radio, internet access and the skills to use it remain the privilege of a few, reducing its potential to play a similar role.

All key station managers who were interviewed acknowledged that the technology of the media is changing rapidly and that their stations felt obliged to keep up with the times. Unlike managers of upcountry stations, all the media managers based in Kampala (the capital city) who were interviewed said their stations were harnessing synergies between the new and old media to extend their services, and that audience evaluation was positive. They also said that this had helped audiences to participate more in programmes through the internet and the use of mobile phones to call in. There were many upcountry (rural) stations where this was not yet the case, but still the majority of informants said they were aware of the democratic potential of the new media.

However, the findings of the study also reveal that there are still significant disparities in how many people have heard about the new media technologies, how many have used them and in the case of the phone, how many actually own them. For instance, there are many who would not even agree to be interviewed about, particularly, the internet, because they said they had never heard of it, let alone used it. Of those interviewed in the household survey, only 13% said they had ever used the internet. There were significant disparities based on gender and location (urban vs. rural) as well.

While 85% said they had used mobile phones, only 69% reported owning a phone. This notwithstanding, there was consensus that the mobile phone had made it easier for people to access the broadcast

media and to express their views. It did emerge, though, that even with this facility i) stations select what calls to accept or reject, particularly during political talk-shows and ii) the capacity to afford air-time remains an obstacle, leading some callers to accept air-time from well-resourced politicians who then expect them to call in to promote or defend a particular ideological position.

Digital migration and implications for diversity and freedom of expression

There is a digital migration policy in place and Uganda is on course for the mandatory migration from analogue to digital broadcasting. Ideally this should make more media outlets accessible, increase content diversity and improve the quality of reception. This in turn should increase the capacity of the media to serve as forums for debate and self-expression. However, the experience in neighbouring countries has been that most new digital stations following digital migration tend to be devoted to light entertainment.

With the country moving towards digitalization, it may be necessary to refine regulation to further secure freedom of expression. Such refinement would seek to address the reduction in the traditional gate-keeping role of editors, for instance, without unduly infringing on fundamental rights to information and expression within the context of the laws of Uganda. It will also seek to address the regulation of the new mobile and versatile converged platforms that were previously not regulated at all or regulated in a discrete rather than converged manner.

A policy-maker who was interviewed pointed out that it would be necessary to make set-top boxes affordable in order not to lock out the majority of Ugandans after digital migration. Considering that many cannot afford television sets in the first place, it is unlikely that set-top boxes will be a priority for the majority, particularly the rural poor. It would also be necessary to boost local content production to populate the many new channels that would arise from digital migration. This could in turn strengthen the media's contribution towards enhancing freedom of expression, with cultural, economic and political dividends.

Conclusions

The concepts of media freedom, media diversity and freedom of expression are interlinked. While there is some truth in the argument that the more media outlets a polity has, the greater the chances that a more diverse set of views will be accommodated, this depends on a number of other factors, both structural and symbolic. These, in the case

of Uganda, include the new commercial logic of the media industry and the architecture of media ownership. Uganda's media landscape is dominated by the Vision Group and the Nation Media Group but has a large number of radio stations broadcasting in one or more of the indigenous languages. Coupled with television and the emerging new media of the internet and mobile telephone, these stations could be a great opportunity for enhancing freedom of expression. However, the manner in which the media are regulated and the double message that the regulatory regime sends to media owners and citizens poses a considerable obstacle to the full enjoyment of freedom of expression. There are concerns about government interference in the editorial operations of the media. It also emerges that both the public and community broadcasting sector are weak and therefore are not able to "stand in the gap" where the commercial media fail to satisfy the needs of audiences. Practical concerns like the capacity of citizens to own and to use the media also have an impact on the extent to which citizens are free to enjoy freedoms such as media freedom and freedom of expression.

At the symbolic level, one notes that in a context like Uganda's the indigenous languages are potentially some of the greatest enablers of media-related freedoms. It is also clear that Ugandans enjoy a degree of local content on radio. However, the local content provisions on television are still perceived as inadequate except in a few, dominant, commercially viable languages. This has implications for the citizens' ability to access information available in the media, as well as to express their views or their lifestyles in the media. The structural and symbolic factors combined have a bearing on the potential of the media i) to operate freely (without undue interference) and ii) to serve as a platform for the free expression of a variety of voices and cultures for all citizens.

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Notes

1. Symbolic barriers in an African context typically include language barriers created by the position of English vis-à-vis the indigenous languages.
2. Uganda currently has 112 districts.
3. According to the Uganda Bureau of Standards (www.ubos.org), nearly 80% of Uganda's population live in the rural areas.

4. Government has on several occasions in the past closed down stations for broadcasting material that it found displeasing.
5. Resident District Commissioner, a high-ranking politically appointed district official.
6. A bicycle or motorcycle taxi commonly used in East Africa.

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