

**A STUDY ON THE IMPACT OF MEDIA REGULATION ON POLITICAL
COMMENTARY IN UGANDAN MEDIA: A CASE STUDY OF NATION MEDIA
GROUP**

WINTER WALTER MUGANZI

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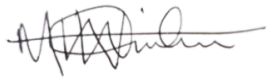
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DECLARATION

I, **Winter Walter Muganzi**, declare that I am authored this paper and any assistance I received in its preparation is completely disclosed and acknowledged in the paper. Secondly, I have cited sources from which I used data, ideas or words, either directly quoted or paraphrased. I certify that this paper was prepared by me specifically for the partial fulfilment for the degree of Bachelor of Arts in Journalism and Communication at Uganda Christian University.

Signature:

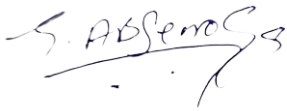
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Date: 2nd September, 2024

APPROVAL

I, **Ssenoga Geoffrey**, certify that this research proposal titled “A study on the impact of media regulation on political commentary in Ugandan media: A case study of Nation Media Group” has been submitted with my approval as the University Supervisor in partial fulfillment of the degree of Bachelor of Arts in Journalism and Communication at Uganda Christian University.

Signature:

A handwritten signature in black ink, appearing to read "S. Absenog" with a stylized flourish at the end.

Date: 2nd September, 2024

DEDICATION

I would like to dedicate his research proposal to my parents and family who have worked tirelessly to enable achieve this milestone of securing my first degree, my university lecturers who always guided me on my academic decisions, my friends who stood by me throughout these three ears a he university, myself for holding it together until the very end and finally, the Almighty God, who has protected and blessed me as I traverse this complex journey of life.

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CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Uganda is no stranger to stringent media regulations that have happened in the past, and continue to take place in the present. Media regulation is the process of applying a range of specific, often legally binding tools, to media systems and institutions with the goal of achieving established policy goals such as pluralism, diversity, competition and freedom. It consists of formal statutory rules and informal codes of conduct, developed by public authorities and media organisations, respectively, within the state. According to Baker (2002), “the unique characteristics of media products necessitate fostering systems public intervention, as a way of ensuring democracy.” However, it is important to note that the forms of media regulation vary and they are different from one another. The forms of media regulation are “self-regulation, incentivized regulation, co-regulation and statutory regulation” (Kimumwe, 2020, p.19-20).

Nation Media Group is the biggest privately owned media house in East and Central Africa with offices in Uganda, Kenya and Tanzania. It was started in 1959 by His Highness the Aga Khan and entered the Ugandan media industry in the early 2000s with Daily Monitor, formerly known as The Monitor, as its first publication.

The Ugandan media industry has been liberalized for around 20 years, and during this period, most of the media practitioners that have been penalized by the law in regards to the political content produced belong to privately owned media firms. Examples include the September 2009 Buganda riots which led to the closure of 89.2 CBS FM for over 12 months (Lugalambi, Tabaire, 2010, p.16). It is for this reason that this study seeks to focus on Nation Media Group, a privately owned media firm, as it is more susceptible to harsh unconstitutional penalties from government. Since government does not have direct control over the ownership of private media houses, they seek to control them in other ways such as setting these strict media regulation policies.

For a country like Uganda that has a history of political instability, punctuated by never having a peaceful transition of power, it is important to have such political conversations, much as they may be sensitive. This is because for democracy and proper rule of law to reign, there needs

to be a watchdog for the public, and this can be expressed in no better way than the presence of a free self-regulated media.

According to the World Press Freedom Index (WPI), an annual ranking of countries compiled and published by Reporters Without Borders (RSF), since 2002, Uganda ranks at 133 out of 180 countries with a score of 46.08%. The index evaluates the journalism environment in 180 countries and is annually published on World Press Freedom Day, 3rd May. It is based upon the organization's assessment of a given country's press freedom records in the pre-current year. This position is very low and therefore puts Uganda in the top 50 worst places on earth to practice journalism. This conclusion is arrived upon based on various factors, and the form of media regulation used is one of them.

1.2 Problem Statement

Vibrant political commentary in Uganda has suffered restriction because of government regulatory frameworks that have affected freedom of speech and expression in the country. The problem of balancing media regulation and freedom of speech in political commentary persists, due to lack of understanding of the extent to which regulatory framework suppresses freedom of speech and expression. In addition, the enforcement of these regulations is subjective to the enforcing agent which leaves room for abuse. This has hindered efforts to address conflicts pointed out through political commentary, that aims to build good governance and social cohesion. This study sets to find out how media regulation and corresponding regulatory enforcement have affected freedom of speech and expression in the context of political commentary.

1.3 Purpose of Study

The purpose of this study is to find out how political news and content generally has been affected by the various media regulations in Uganda, with focus on Nation Media Group and its various subsidiaries. It seeks to determine the extent to which media practitioners, particularly those in the political field, have been affected by the policies in place.

1.4 Specific Objectives

- To find out the extent to which media regulation has suppressed freedom of speech & expression in political commentary.

- To find out which media regulatory framework affects political commentary
- To find out how Uganda's media industry can be more appealing to private media houses.

1.5 Research Questions

- RQ1: How much has the media freedom of expression been suppressed?
- RQ2: How can Uganda's media industry be more appealing to private media houses?
- RQ3: How can Uganda's media atmosphere be made safer and freer for political journalists?

1.6 The Scope of the Study

1.6.1 Geographical Scope

This study is set to be conducted in the Central areas of Uganda, with particular focus on Kampala, Wakiso and Mukono districts. These are key areas in Uganda's media industry as it is where most media outlets have their offices and run their operations. Our case study too, Nation Media Group, has offices in Kampala and therefore this is a supporting factor.

1.6.2 Content Scope

The content scope of the study is in relation to Nation Media Group, the biggest privately owned media firm in East and Central Africa. There are a number of subsidiaries under Nation Media that include Daily Monitor, NTV and KFM. These will be the focus of the study. The study will also be aimed at political content and commentary. This involves all form of political shows, comments and views by people that use these stations as a platform. Comments about government officials like members of Parliament and ministers, as well as opposition party leaders. For the case of Nation Media, shows like On The Spot on NTV is an example of a political commentary piece. Political debates too, shall be taken into account with emphasis on journalists and media houses that have faced penalties from the government due to the type of political content they air.

1.6.3 Time Scope

The study is set to take place over a period of six months between December 2023 and May 2024. This will be the stipulated time to carry out interviews, observation and other forms of

gathering information. The content that will be studied, however, does not necessarily need to have been produced during this period of time.

1.7 Justification of the Study

This study is justifiable because it seeks to find out the shortcomings of the form of media regulation employed in Uganda today and if we need a reform in this area. The use of political content and commentary is because this area in the media is one that attracts a lot of penalties from the government. We have witnessed many of these in the past and they have included temporary closure of media outlets and summoning of media practitioners by security agencies. This therefore poses the question of whether media freedom exists in Uganda, not just for political commentary but for other general ideas.

1.8 Significance of the Study

The results of this research are significant on several fronts. It calls for the preservation and upholding of freedom of speech and expression, which is Article 19 of the Universal Declaration of Human Rights. It therefore in the long run improves livelihood of journalist and other media practitioners, not only in Nation Media Group but also other companies to operate in a safe environment without constant fear for their lives. It calls for promotion of self-regulation by media practitioners. This reduces sensationalism as media practitioners are barred from deliberately spreading misinformation, therefore maintaining the media's reputation within the public.

1.9 Theoretical Framework/Conceptual Framework/Hypothesis

This study was situated within the normative theory. Normative theories deal with and discuss the ideal manner of control and operation for a media system by the government of the day, authority, leader and public. (Kimumwe, 2020, p.14). In the case of this study, the normative theory is in line with the normative media theories. These were first proposed in the book *Four Theories of the Press* by Fred Siebert, Peterson and Wilbur Schramm. They include Authoritarian, Libertarian, Social Responsibility and Soviet Communist Theory of the Media.

When it comes to media regulation, it deals with how authority, in this case the government, should monitor, govern and regulate the operations of media outlets. Therefore, the normative theory is heavily at work as we are dealing with the judgment of right and wrong.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter reviews literature related to the study topic, giving us a brief recount of Uganda's media history, the concepts of political commentary and media regulation, as well as a brief breakdown of Nation Media Group and past atrocities against journalists in Uganda.

2.1 History of media in Uganda

Uganda's first printing press was brought by Alexander Mackay, a missionary under the Church Missionary Society. Soon, the Roman Catholics followed suit. These machines were majorly used for merging books and serving the growing education sector. Later in 1905, *Mengo Notes* was published by the CMS as a monthly English newspaper majorly focusing on religious work and a bit of colonial administration. Seven years later in 1912, they started up the first Luganda newspaper in the country known as *Ebifa mu Buganda*. The Catholic missionaries also retaliated and started up a Luganda newspaper known as *Munno* with focus on the Catholic population. These mainly operated in the central region of the country. In the 1930s, the escalating demands by Ugandans calling for economic and political participation in the country's affairs, were delivered through mainly Luganda newspapers, the majority local language. These included *Gambuuze*, *Baana ba Kintu*, *Tuula Nkunonyole*, and *Buganda Nnyaffe*. They greatly contributed to the political action and consciousness of the 1940s and 1950s, which climaxed with Uganda gaining self-rule on 9th October in 1962. (Chibita, 2010, p.89.)

Uganda Broadcasting Services was the first radio station set up by the British colonial government in 1954. The service's primary objective was to support the imperial agenda of the government, which needed a "communication system to execute and promote its colonial policies and programmes." (Lugalambi, 2010, p.20). In 1963, nine years later, the television branch of Uganda Broadcasting Services was also set up under the same management. The radio branch was renamed Radio Uganda while the television branch launched as Uganda Television. The two branches of the service "monopolized the airwaves for three decades under the direct control of the state" (Kazibwe, 2018, p.24) until media liberalization in the 1990s.

In the 1990s, there was liberalization of the media industry which led to the starting up of various independent media outlets such as Sanyu FM in 1993, which was the first radio station in the country. According to Uganda Communication Commission, there are 71 registered and operational television stations in Uganda as of October 2022 and 218 radio stations as of November 2022. The newspaper market is dominated by “the New Vision, under the Vision Group, where the government is a majority shareholder and The Daily Monitor which is under the Nation Media Group.” (Chibita, 2010. p.88). The Vision Group also has publications such as *Bukedde*, a daily Luganda newspaper. It also had weekly newspapers in other local languages though the publications of these was brought to a halt during the COVID-19 pandemic. These include *Orumuri* in Runyakitara, *Etop* in Ateso and *Rupiny* in Acholi. Other major independent publications include The Observer and The Independent.

The digital migration policy of 2011 led to the coming up of satellite television service providers for example DSTV and GOTV, both under Multichoice, Star DTV Uganda that runs Startimes and Kampala SITI cable.

2.2 Political commentary

Political commentary, at times known as political criticism or political discussion is a type of criticism specific of and/or relevant to politics; including policies, politicians, political parties and types of government.

A political commentator should be defined as a person “framed by national broadcast or print media as a political insider and given the platform to present and discuss his/her personal interpretations of political occurrences on a regular basis.” This definition emphasizes role of the media in creation of this new kind of expertise, whose credibility is largely crafted and framed by the same media. (Bengtsson, 2015, p.7). However, it is also important to remember that these people are independent of the media. Their views are not of the media practitioners, rather they are merely using the newspaper or television station as a platform to air out their perspectives.

2.3 The Concept of Media Regulation

Regulation of the media presents unique difficulties. On the one hand, the right to freedom of expression requires that the state refrain from interfering in peoples' enjoyment of their rights. On the other hand, Article 29 of the International Covenant on Civil and Political Rights (ICCPR) obligates States to "adopt such legislative or other measures as may be necessary to give effect to the rights recognized by the Covenant." (Kimumwe, 2020, p.12)

Therefore, any system of media regulation should be very accommodative to freedom of expression, pluralism, and diversity of the media. This calls for adoption of the legal, policy and regulatory frameworks that seek to protect and promote freedom of expression and information. These should be based on international best practice standards and developed in participation with civil society organisations.

2.3.1 Media Regulations in Uganda today

The laws relating to the media in Uganda were for a long time confined to the print media, which sprouted in the early days of colonialism. Broadcasting, which was introduced by the colonial government in the early 1950s and remained exclusively under the state, until the liberalization of the airwaves in 1993 saw the introduction of private broadcasting in Uganda. According to Jjuuko (2015), there was "never a government monopoly in the ownership of newspapers in Uganda, unlike broadcasting where government enjoyed monopoly for forty years." Although this was the case, the Newspapers and Publications Act required the registration of newspapers with the particulars of editors as well as the execution of a bond and sureties; while the Newspaper and Publications (Amendment) Decree 1972 "allowed the Minister to ban newspapers at their personal discretion." The Act and Decree were repealed by The Press and Journalist Act, 2000 (Mbaine, 2012, p.89 – p.90).

Therefore, the media and practice of journalism in Uganda in present days is primarily regulated by the Press and Journalists Act (2000) as amended. Enacted in 1995, the Act was intended to "ensure the freedom of the press, to provide for a council responsible for the regulation of mass media and to establish an institute of journalists of Uganda." (Kimumwe, 2020, p.22)

It establishes several media regulatory bodies in the industry, responsible for licensing of journalists and places conditions on who can practice as one. It also carries out registration of editors, receives complaints from journalists and administers penalties for poor conduct. The Press and Journalists Act however contains several provisions in breach of fundamental aspects of the right to freedom of expression. The oversight bodies established by the Act, are not independent of the government, specifically the Media Council and Disciplinary Committee. Licensing of journalists and placing conditions on who may practice journalism are not permitted under international guarantees of freedom of expression. In addition, the Act's complaints system fails to meet international standards in a couple of aspects, including that "it is not rooted in clear and appropriate rules regarding what is prohibited." (Kimumwe, 2020, p.22)

However, there are other policies and laws regulating media and journalists' operations besides The Press and Journalism Act. These include The 1995 Constitution that provides for freedom of speech and expression including that of the media, The Penal Code Act, The Right to Access of Information Act among others. There have also been attempts of self-regulation by media bodies in Uganda. In 2008, the Independent Media Council of Uganda was founded and Rt. Hon. Kintu Musoke became its Board Chair. The IMCU raised a lot of hope mainly because it was an organic initiative by the media themselves. It developed a code of conduct which, after nationwide consultations, was endorsed by media practitioners. The IMCU has however also had its fair share of challenges, primarily the lack of funding and support from within the media fraternity, which saw the secretariat "close its offices in 2012 and start operating remotely from the Secretary's home." (Kimumwe, 2012, p.25) A revival would require journalists to come together and provide funding for the IMCU. Subsequently, other organisations for self-regulation have come up such as the National Association of Broadcasters and Uganda Journalists Association.

2.3.2 Justification for a self-regulated media

The most ideal model of media regulation for Uganda would be a framework that promotes press freedom, transparency, and accountability. This could be achieved through a self-regulatory system, where media organizations establish their own codes of conduct and ethics, with oversight

from an independent body. This model allows for media independence while ensuring responsible journalism and protecting the public interest.

Besides promoting standards, self-regulation helps “maintain the media’s credibility with the public. Media self-regulation helps convince the public that the free media are not irresponsible,” and they are merely a platform. (Miklos, 2008, p.11)

Governments, even if freely elected, take part in the political contest. Therefore, they are not in the best position to enforce rationality and fairness.

Media self-regulation is aimed at imposing “democracy’s political culture, independent of political forces. It also advances the transition from a government-owned, state-controlled press to one owned and controlled by civil society.” (Miklos, 2008, p.11)

However, much as there is call for a self-regulated media, laws are important to a certain extent so as to legalize and formalize particular proceedings. Laws should prohibit censorship and promote freedom of expression, they should guarantee free access to government information and prevent any authorities from forcing journalists to reveal confidential sources of investigative stories. Finally, regulations should ensure “fair and transparent administration of media business.” (Miklos, 2008, p.13)

2.4 History of Nation Media Group

Nation Media Group was started by His Highness the Aga Khan in 1959 in Kenya with *Taifa Leo* as the first Swahili newspaper in the country. In 1960, it published the first editions of the Daily Nation and the Sunday Nation. It was later in 2002 that Nation Media Group joined the Ugandan media industry. It acquired The Monitor newspaper, rebranding it to The Daily Monitor. It also started up a radio station known as Monitor FM 93.3 that later rebranded to KFM 93.3. In December 2006, NTV Uganda went on air and shares its name with NTV Kenya that is also under Nation Media Group. Nine years later in December 2015, Nation Media Group launched Spark TV, a Luganda television station. Nation Media Group is the largest privately owned media firm in East and Central Africa, operating offices in Uganda, Kenya and Tanzania.

2.4.1 Examples of Nation Media subsidiaries in Uganda

Nation Media Group is the largest privately owned media firm in Uganda. It has subsidiaries in both print and broadcast media. The Daily Monitor, formally known as The Monitor is the biggest newspaper under Nation Media Group. *Ennyanda*, a Luganda sports publication, is also under Nation Media Group. Both of these are under Monitor Publications, the print wing of Nation Media Group. The East African, a newspaper that runs in all countries with Nation Media (Uganda, Kenya and Tanzania) is also a subsidiary of Nation Media Group.

For the case of broadcast, it has both television and radio stations. NTV is Nation Media's biggest television in the country and it delivers 24-hour programming in both English and Luganda. Spark TV is also under Nation Media Group, and this is a predominantly Luganda station. 93.3 KFM is a Kampala based radio station under Nation Media Group. It was the first radio station under the Nation Media and it was formerly known as 93.3 Monitor FM.

2.4.2 Previous incidences of temporary shutdown of Nation Media Group subsidiaries

In April 2007, the Broadcasting Council, the media sector regulator, shut down 93.3 KFM and suspended its broadcasting license indefinitely reportedly due to the station's disregard for minimum broadcasting standards in accordance with the first schedule of the Electronic Media Act (Cap 104) 2000. This happened after Andrew Mwenda, a host on the radio station, made remarks about the helicopter crash of South Sudan leader John Garang in which he passed on as he was on his way back home after holding talks with President Museveni. The day after, police detectives summoned Mwenda to the Directorate of Criminal Investigations headquarters and "kept him in the cells for the weekend. He was charged with sedition. KFM would remain closed for one week" (Lugalambi, Tabaire, 2010, Pg.15).

In May 2013, government ordered for the suspension of Nation Media Group's Monitor Publications, for 11 days, as well as its subsidiaries leading to massive revenue losses. The closure came in the wake of the publication of a letter by Daily Monitor, allegedly written by the then Coordinator of Intelligence, Gen. David Sejusa with instructing his subordinates to "investigate allegations of an assassination plot against those opposed to the installation of the then Brigadier Muhoozi Kainerugaba (President Museveni's son) as the president's heir." (Kimumwe, 2020, p.24)

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter includes methods and approaches intended for conducting the research and analysing the data. It showcases the research design, the case study design, research techniques, data collection instruments, data analysis, validity and reliability of the techniques, data collection procedure, limitations and ethical consideration.

3.1 The Research Design

The Case Study Research Design will be used in establishing the impact of media regulation on political commentary in Ugandan media.

3.1.1 The Case Study Design

According to Creswell (2014, p.241), case studies are “a qualitative design in which the researcher explores in depth a program, event, activity, process, or one or more individuals.” The cases are bound by time and activity, and researchers “collect detailed information using a variety of data collection procedures over a sustained period of time.”

3.1.2 Advantages of Case Studies

- Case studies have various advantages and to begin with, there is an ability to see a relationship between phenomena, context and people.
- Case studies avail a research with the flexibility to collect data through various means such as interviews, questionnaires.
- Case studies avail students with the opportunity to actively engage in figuring out the principles by abstracting from the already existing examples.

3.1.3 Disadvantages of Case Studies

- Case studies have been known for lacking scientific methods to protect the accuracy of the data collected. This therefore leaves room for feelings of doubt among some.
- Researchers can sometimes allow their own feelings to cloud their judgment, influence the case study and therefore bring about researcher bias.

From the above, we can therefore note that the case study design is the most favourable for this research topic since it explores in-depth a program, event or activity. It gives a proper framework for carrying out the research while providing the best conditions for maximum information gathering.

3.2 The Qualitative Approach

This study employed a qualitative approach. This is one where research emphasis is on in-depth understanding of how, why and in what context certain phenomena occur; and what impacts upon such phenomena. It is justifiable as the study topic is one that involves looking at previous occurrences from the past that could be in line with our research questions and objectives.

3.3 Research Techniques

3.3.1 Thematic Analysis

Thematic Analysis is a method of analysing qualitative data, usually applied to a set of texts, such as interviews and transcripts. The researcher examines the data closely to identify common themes, topics, ideas and patterns of meaning that repeatedly come up.

3.3.2 Different Approaches to Thematic Analysis

When using thematic analysis, a researcher has two major approaches to consider and these are the inductive and deductive approaches.

An inductive approach involves allowing the data to determine your themes. This means that you do not formulate any pre-conceived notions about the study and let the finding determine the route you will take.

On the other hand, a deductive approach is where you analyse the data with some preconceived themes that you expect to find reflected, based on theory or existing knowledge.

Besides these two, there is also a distinction between semantic and a latent approach.

A semantic approach calls for analysis of the explicit content of the data, which involves in the opinions stated by the parties involved.

However, a latent approach is one where a researcher reads into the subtext and assumptions underlying within the data. Here, you not only base on what the people said but also try to figure out the deeper meanings and context behind their speech.

For my case, I opted to use the deductive approach where I first research about the topic before I start data collection. In this way, I will be able to correctly make deductions and conclusions.

3.4 Interviews

3.4.1 Key Informant Interviews (KIIs)

These are qualitative in-depth interviews with people who know what is going on in that particular field. The purpose of key informant interviews is collecting as much information from a wide spectrum of people, that encompasses community leaders and professionals with first-hand knowledge on the community. These experts can provide knowledge and promote understanding on the nature of problems while also giving recommendations for solutions.

Simply stated, key informant interviews involve interviewing a select group of individuals who are likely to provide needed information, ideas, and insights on a particular subject.

3.4.1.1 Advantages of Key Informants

Key informant interviews often “provide data and insight that cannot be obtained with other methods.” (Kumar, 1989, p.3) This is because they come from very knowledgeable people. Key informant interviews provide “flexibility to explore new ideas and issues that had not been anticipated in planning the study but that are relevant to its purpose.” (Kumar, 1989, p.3) They increase the scope of the study and present new avenues that can be explored by the researcher. It is generally easy “to find people with the necessary skills to conduct key informant interviews.” (Kumar, 1989, p.3) This is because most of the people in the field of study are professionally trained to answer such interviews.

They are among the least expensive of the social science research methods (Kumar, 1989, p.3). Therefore, they enable a researcher carry out their work at reduced costs.

3.4.1.2 Disadvantages of Key Informants

Findings could be “biased in the informants are not carefully selected.” (Kumar, 1989, p.3) It is possible for a researcher to be biased and therefore fail to come up with objective information that could affect the findings of the study.

The findings are susceptible to interviewer biases (Kumar, 1989, p.4). It is possible for a researcher to meet an interviewer who is biased and therefore gives information that will jeopardize the study being carried out.

3.5 Data Collection

The data collection will be carried out through the use of interviews with key informants. These are people knowledgeable enough about the topic of study and so can provide relevant information to the researcher.

Another method of data collection to be used is the questionnaire. This involves formulating a list of questions and sending it out to respondents, who return it after answering the questions. This will save costs and time as the researcher will not need to move to each and everyone but can remotely capture the information.

Observing is also a method that I will employ during data collection. This involves watching behavior patterns of a selected group of people and coming up with conclusions. It can be overt, where one knows they are being observed or covert where one does not know that they are being observed.

3.6 Data Analysis

The thematic analysis format will be used to analyse the data. This analysis format has the major aim of to identify themes, i.e. patterns in the data that are important and of interest, and use these themes to address the research and any pending issues.

3.7.1 Reliability

The reliability of study findings can be ascertained by making judgements about the relevance of the research in relation to the application and appropriateness of the methods undertaken by the researcher. It is a way of finding out whether the information can be trusted or not.

3.7.2 Validity

Creswell (2009) says that qualitative validity is “based on determining if the findings are accurate from the standpoint of the researcher, the participant or the readers.” Therefore, the data collection instruments were pretested before the actual data collection process.

3.8 Ethical Considerations

The researcher will ensure that the respondents should participate voluntarily. And the participants possess the liberty to withdraw their consent at any stage if they wish to. The researcher will also go through a research approval process. In addition, the clearance for data collection was based on the approval of the research proposal by my supervisor and a letter of introduction was given from the University.

3.9 Limitations of the Study

The study may face a limitation of the ever changing media landscape which may evolve during the course of the study. This could affect the outcomes of the study and therefore make it null and void.

3.10 Summary

The methodology for this study uses a qualitative research approach to comprehensively study the impact of media regulation on political commentary in the Ugandan media, with Nation Media Group as our case study. The qualitative data from questionnaires, interviews and thematic methods will offer a broad perspective on the topic of study. The ethical considerations will be followed throughout the research process and any limitations will be stated. The data analysis will enable the researcher to answer his research questions and objectives while highlighting any new developments in this area.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND IMPLEMENTATION

4.1 Introduction

This chapter presents results of the study. Data is further analysed in relation to the literature reviewed and theory in the thesis.

The chapter explored the impact of media regulation on political commentary in Ugandan media, with Nation Media Group being accorded and utilised as a case study. Focus was placed on both statutory and systematic means of regulation. It answered the research questions, stemming from the objectives as named in the first chapter. Necessary data was collected from in-depth interviews, document review, news articles and bulletins, as well as academic papers and journals, all providing information pertaining to Nation Media Group as a media conglomerate and its different subsidiaries in print, online and broadcast media. Therefore, this chapter highlights the results and findings of the study.

4.2 Response rate

Owing to this being a qualitative study, the target population was a dozen staff members and affiliates of Nation Media Group and its different subsidiaries. Ten interviewees managed to take part, answering semi-structured interview questions. This implies that 83% of respondents participated in the research study, hence the researcher deemed this response rate sufficient enough to provide the needed information.

4.3 Data Analysis

4.3.1 Extent of media regulation's suppression of freedom of speech & expression in political commentary.

All participants pointed out at least some form of censorship when it came to political and governance related content. Most of the participants highlighted having experienced a call for cease and desist, especially Nation Television (NTV). Most of these complaints sprung from government officials and the situation reached as far as the president himself. One of the interviewees expressed he president's comments on the newspaper, mainly accusing them of

“lacking a sense of patriotism and national pride”, especially when a negative story pertaining to his ruling party the National Resistance Movement or the government was run.

It should also be noted that in 2016 at the height of the presidential elections, NTV was banned from covering the president’s campaign rallies after the broadcaster declined to use aerial footage captured by the President’s press team. The decision was later reversed after negotiations that permitted NTV to use both its own footage and that from the President’s team, albeit with a disclaimer.

One of the participants pointed out a contraction in creativity within news stories, satirical content like cartoons and newspaper headlines. There are also limited investigative pieces on top government personnel who have major influence in the affairs of the state and cripple media coverage and under coverage of their shortcomings and abuse of office. Many of the parliamentary exposes are less from an investigative point and are now mostly made up more of leaked documents. Political figures also use this as a tool to set the agenda, whereby they release incriminating information on their opponents to the media, as a way of carrying out character assassination, while withholding those of others who may be in their favor. In the long run most of these stories are only reported and published about when they become matters of national importance. Citizen journalism is the solution coming up, due to media houses being afraid of bearing liability in case defamation lawsuits spring up. These citizen journalists deliver information through a cocktail of journalism and activism.

Several participants expressed concerns on how these regulations could spill over to other non-political niches of journalism. In this case, development stories that have enabled journalists carry out their watchdog for the public function and holding the government accountable whenever it falls short, are censored due to being affiliated with political discourse.

4.3.2 Private Media Censorship

One of the respondents expressed how private media houses are censored more than those that the government has major stakes in. This could be attributed to public media houses being used as channels for spreading the government’s agenda, propaganda and best interests. He pointed out how most public media entities are only censored when they “run stories that the government would not like in the main stream”.

Another respondent mentioned how government officials are reluctant to give them interviews based on the media house that they come from. Therefore, information on government institutions becomes “difficult to access and dangerous to criticize.” (Cohen, McIntyre, 2020). This is also acknowledged by reporters from state affiliated media houses.

Government also carries out systematic censorship through withholding advertising to the private media houses, crippling advertising revenue and consequently affecting them financially, in the long run.

4.3.3 Summary of key findings

Media regulation has impacted political commentary but this regulation does not only stop on the statutory symbols used but also involves intimidation and personal attacks from some political characters and entities. The systematic censorship has more far reaching consequences because leads to self-censorship too.

This chapter clearly outlines that our media environment, in terms of political reporting, is closely surveilled and controlled by the powers that be. Many journalists find it difficult to carry out their work due to constantly living in fear of the state, which could harm them through suspension, revoking of licenses, and in the worst case scenario, physical assault by the police.

4.4 Summary

This chapter presented media regulation effects on commentary. It showcases the gaps that still exist when it comes to media freedoms and crafting an autonomous press, operating without fear or favour.

CHAPTER FIVE

DISCUSSION OF KEY FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a discussion of the key findings of the impact of media regulations and laws on political reporting and commentary in Ugandan media, a case study of Nation Media Group (NMG). The chapter also presents conclusions from the findings of the study and recommendations as well as potential areas for future research.

5.2 Discussion of key findings

The discussion of key findings is founded within the research objectives and are guided by the research questions. These were generalized with the major objective being to find out the extent to which media regulation has suppressed freedom of speech & expression in political commentary.

5.2.1 Discussion of the extent of statutory media regulation's suppression of freedom of expression in political commentary

Generally, media is regulated by the constitution, the supreme law of the land. Uganda's 1995 Constitution, in Article 29(1)(a), states that "Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media." However, this freedom is not absolute. (Kimumwe, 2020) Thus, even with the article stated above, article 43 points out that "no person shall prejudice the fundamental or other human rights and freedoms of others or the public interest." In the article, public interest does not permit "political persecution; detention without trial; any limitation of the enjoyment of the rights and freedoms beyond what is acceptable and demonstrably justifiable in a free and democratic society, or what is provided in this Constitution." The challenge though, has always been in the "vagueness of these provisions, as they provide for wider interpretations." (Kimumwe, 2020) There are still questions on "who determines what is in the public interest" (Kimumwe, 2020).

Furthermore, Article 27(2) states that "No person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property." As a tort or

civil wrong, invasion of privacy can be defined as “the wrongful and unwarranted intrusion into or publicizing of someone’s private affairs by another person or the government” (Blackwell, 2008). This seeks to protect individual and state privacy. However, in the event of public interest, journalists carry out investigative reporting in order to promote accountability and their watchdog for the public role. In this case, the state can use the aforementioned article to limit reporting by investigative journalists, especially when the state or a character within the state's interests, is subject of the investigation.

Another statute meant to suppress diverging voices is the Uganda Communications Act, 2013 (amended, 2017) that reconstituted the Uganda Communications Commission and the Broadcasting Council into one single entity. According to Section 5(1)(b) and (c), the functions of the Commission include: “to monitor, inspect, license, supervise, control and regulate communications services; and to allocate, license, standardize and manage the use of the radio frequency spectrum resources in a manner that ensures widest variety of programming and optimal utilization of spectrum resources.” These, on several occasions in the past, have been used as a tool for withdraw/threatening to withdraw and suspend licenses of media houses.

In May 2019, on the basis of this section, the commission suspended producers, head of news and head of programs for various radio and television stations including Nation Media Group's NTV and 93.3 K FM, for alleged breach of minimum broadcasting standards as stated in Section 31 schedule 4 of the Uganda Communications Act. Much as section 8 provides for the independence of the commission, Section 7 and 9 make a mockery of it. This is owed to section 7 giving powers to the ICT Minister to give policy guidelines to the commission regarding carrying out its functions. Section 9, on the other hand, provides the ICT Minister with powers to appoint all board members of the commission. This therefore compromises the independence of the commission and could possibly align it with the ICT minister’s interests, rather than those of the general public.

The Computer Misuse Act, 2011 is another statutory instrument that has been used to suffocate political commentary among media houses. Section 25 defines and criminalizes offence communication as the use of "electronic communication to disturb or attempts to disturb the peace, quiet, or right of privacy of any person with no purpose of legitimate communication." This limits

effective holding of the state accountable as the law does not clearly highlight any specific offense and can easily have its interpretation changed to suit the agenda of the state.

5.2.2 Discussion of systematic media regulations

The systematic regulation of media is indirectly state imposed as it is as a result of journalists' desire not to be caught on the wrong side of the statutes regulating the media. Most times, the people who advise the state on the regulations about journalism are journalists. Here, it is both correct that journalists and the state play a crucial role in self-censorship by journalists.

Editorial Policies are meant to guide journalists from specific media houses on how to conduct themselves and the type of work to produce. Particular editorial policies cripple a journalist's possibility to report truth and accuracy. Media networks cannot run stories that divert from the editorial policy despite the accuracy of the information or the overriding public demand. This is a form of self-censorship that has overriding devastating effects on the quality of political reporting.

5.3 Conclusions and implications of findings on practice

The profession of journalism is faced with a very big challenge ahead of it, one that does not seem to be going away any time soon. The state imposed media regulations that limit autonomy of the state and confine it to a weapon being used to spread propaganda and influence the masses has far reaching implications. Journalists are now looked at being less transparent and more keen on appeasing those who regulate them. The mainstream press is losing popularity due to inability to uphold their word and report truth and accuracy. The general public is resorting to citizen journalism, which is very convenient in providing information on the most obscure topics and remotest of places. However, it can also have devastating effects due to absence of any form of regulation.

5.4 Recommendations from the findings

The press freedom landscape in Uganda is becoming “more oppressive and a change in government is what could reverse that trend” (Cohen, McIntyre, 2020). Media regulation is important across all media environments, but the form of regulating media greatly matters. Alternatively, we could adopt Self-regulation of media, which is internationally acknowledged as

the preferred means of media regulation. (Kimumwe, 2020). Under this model, media “establishes its own regulator, which adopts media codes of conduct, and examines complaints against the media” (Kimumwe, 2020).

5.5 Summary on discussion of key findings

This chapter presented a discussion of the key findings of the implications of media regulation on political commentary. It also presents conclusions from the findings of this study and recommends what can be employed by media practitioners to promote independence and autonomy in their operations.

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