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Role of media in curbing corruption: the case of Uganda under President Yoweri K. Museveni during the “no-party” system

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Abstract

Free, independent and hard-hitting media can play an important role in curbing corruption. Media in Uganda has enjoyed considerable freedom in this regard since Museveni came to power in 1986. The evolving power structure and a changing media landscape, however, have presented both challenges and opportunities for media's watchdog role on corruption. This paper will explore how this environment defined such role between 1986 and 2006 during Museveni's "no-party" rule. It argues that, although media won important battles to promote accountability in public offices, the regime's complex power structure has consistently challenged their role as an instrument of public accountability.

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Monica Nogara

Introduction

Qualitative, independent media reporting on corruption can play an important role in pressuring the government to act in the public interest. By drawing the attention to behaviour that is generally perceived as acceptable and exposing such behaviour as corrupt, media can raise public awareness; activate anti-corruption values; and generate outside pressure from the public against corruption (Rose-Ackerman, 1999).

The impact of media reporting on corruption can be “tangible” and “intangible” (Stapenhurst, 2000). It is tangible when some sort of visible outcome can be attributed to a particular news story or series of stories—for instance, the launching of investigation by authorities, the scrapping of a law or policy promoting opportunities for corruption, the impeachment or forced resignation of a crooked politician, the firing of an official, the launching of judicial proceedings, the issuing of public recommendations by a watchdog body, and so on. It is intangible when checks on corruption arise from the broader social climate of enhanced political pluralism, enlivened public debate and a heightened sense of accountability among politicians, public bodies and institutions that are inevitably the by-product of a hard-hitting, independent news media. How well media can perform the role of a watchdog on corruption, however, depends on a number of factors defined by the political, economic and legal environment in which media operate: media freedom of expression, access to information, ownership, competition, credibility and outreach are some of the key factors that have been identified as affecting the quality and effectiveness of media performance on corruption (Vogl, 1999, Djankov, 2000; Stapenhurst, 2000; Ahrend, 2002; Brunetti and Weder, 2003; Suphachalasai, 2005).

This paper will review how these factors can affect the role and performance of media in curbing corruption and relate that discussion to Uganda during President Museveni’s “no-party” rule between 1986 and 2006. The paper will examine how the political and institutional changes that occurred during those years have redefined the boundaries of media’s performance; how and to what extent media were able to exercise a role as a watchdog on corruption within those boundaries; and what are the prospects for a more institutionalized role of media in that regard in the future.¹ The paper will first discuss the type of impact that media can have on corruption and the factors affecting that performance. It will then focus on three main periods under Museveni’s “no-party” system during which important political and institutional changes took place that affected the role and performance of media in significant ways: 1) the transition and consolidation of the new regime and the establishment of “no-party” or “Movement” system (1986-1995); 2) the entering into effect of the new constitution and the first presidential and parliamentary elections (1996-2001); and 3) the transition to a multi-party system (2001-2006).

¹ Institutionalization intended as the gradual process from personal to constitutional rule (Jackson and Rosberg, 1982).

The role of media in curbing corruption

Impact

Media can play an important public accountability role by monitoring and investigating the actions of those who are granted public trust and who may be tempted to abuse their office for private gain (Eigen, 1999). In “The Media’s Role in Curbing Corruption” Rick Stapenhurst provides a useful list of tangible and intangible effects that aggressive and independent journalism can have on corruption (Stapenhurst, 2000). This list provides a useful tool to assess the role and effectiveness of media as an instrument of public accountability in Uganda, which will be used throughout this paper.

Tangible effects are those that can be readily attributed to a particular news story or series of news stories, for example: the launching of investigations by the parliament or other authorities into allegations of corruption; the censure, impeachment, or forced resignation of corrupt politicians; the firing of public officers; the launching of judicial proceedings; the issuing of public recommendations by a watchdog body; the scrapping of a law or policy that creates an environment conducive or even contributing to corruption. Media coverage of corruption might also contribute to shape public hostility towards corrupt behaviour that might result in the electoral defeat of individual politicians or of an entire government and in public pressure to reform policies and laws that otherwise create the conditions for corrupt behaviour. News stories assessing the work and exposing flaws, weaknesses and even corruption in accountability institutions, such as courts, police and anti-corruption agencies, might lead to public pressure to reform these institutions. The by-products of all these actions might be to increase the costs of corrupt behaviour among public officials; to raise the standards of public accountability; to enhance the legitimacy of watchdog bodies and their independence from vested interests within the power structure that might otherwise interfere with their work; and to encourage witnesses of corruption to come forward. Media aggressive reporting on corruption might also prompt pre-emptive responses by authorities eager to protect their reputation and the public image of their institution before any allegation is aired.

More intangible and indirect effects of media reporting on corruption have to be seen in the context of the broader role that media plays in society, particularly in contexts of weak political competition as in the case of Uganda and of many other African countries. In these contexts, aggressive and independent journalism acts as an indirect check on the sort of corruption that would otherwise flourish in the absence of political competition. By simply informing the public and presenting a variety of points of view media can promote public debate and enhance political and economic competition. Such competition might enhance accountability, open up alternatives to dealing with corrupt networks, and create incentives for political leaders to move against corruption. It might also encourage public participation and inform the debate by taking the lead in pressing for enhanced civil liberties such as freedom of expression. By disseminating knowledge about public decisions and procedures beyond a small elite group of decision-makers, media can also play a major role in undermining a precondition to corruption, which is the “shared knowledge” among a restricted circle of beneficiaries of corruption.

Factors affecting media performance in combating corruption

How effectively media work and report on corruption depends on a number of critical factors such as freedom of media professionals to access, verify and publish accurate information, and independence of media houses and their ability to access independent sources of financing. Competition, outreach and credibility of media are other important factors affecting media performance, which will be examined below.

Freedom of expression

Media freedom of expression is essential to investigate and report incidences of corruption in a professional, effective and ethical manner. Freedom House, which monitors the free flow of information to and from the public, measures press freedom in terms of the degree to which laws and government regulations influence news content; the degree of political influence or control over the context of the news system; the economic influences on the media exerted either by government or private entrepreneurs, and the degree of oppression of the news media (Brunetti and Weder, 2003). Cross-country data measuring the effects of press freedom on corruption have found that press freedom is positively correlated with lower levels of corruption (Brunetti and Weder, 2003; and Ahrend, 2002).

Governments use a broad range of laws and actions aside from coercion to censure journalists, close publications, hamstringing finances, or simply encourage a culture of self-censorship. Old colonial laws such as sedition and libel laws are frequently used to limit press freedom and discriminate against journalists in court cases. Under these laws, media often come under fire from government officials allegedly for giving a platform to “terrorists” and “enemies” of the state. Governments also exercise control over the media content through the licensing requirement, existing in many African countries, which imposes conditions on media conduct and can be easily revoked. Furthermore, governments can exercise considerable pressure on the finances of newspaper businesses, especially in developing countries where the state is the main source of direct subsidies and advertising for media outlets. The fear of being put in jail or the threat of expensive and damaging libel suits, the risk of the license being revoked or of losing advertising revenue and other financial resources all impose a burden on journalists and media houses, encouraging a culture of self-censorship.

Access to information

Access to information is at the heart of transparency and public accountability. Information flows may facilitate public oversight of government and increase the accountability of politicians for bad conduct. In most countries, citizens receive the information they need through the media, which serve as the intermediaries that collect information and make it available to the public. Without reliable access to information, the media are severely limited in their capacity to exercise their public accountability function. Laws and regulations, such as “Official Secret Acts” and similar devices, are often used by governments to limit press access to sensitive information for reason of national security in order to balance the citizens’ right to know and the State’s right and duty to protect its security. Under these laws and regulations, however, governments often enjoy considerable discretion to define what constitutes national security, which can easily be abused by governments to prevent opponents from expressing views through the media. Criminal defamation and libel laws, justified as necessary safeguards to privacy and security, are other legal instruments often used to provide special immunities and special rights to politicians and senior public servants, which prevent the media from doing their job (Box 1).

Ownership

Private ownership is often associated with higher levels of government accountability and performance. A study carried out by Simon Djankov (Djankov, 2000) in 98 countries researched the effects of media ownership on a variety of social and economic policy outcomes, including government accountability and corruption. The study found strong correlations between media ownership and a whole range of policy outcomes, with a greater negative correlation between state ownership of newspapers and “good” outcomes.² Countries

² The study focused mainly on newspapers and television. Radio was not included in the study as primary source of political, economic and social news because of its small share of the news market.

Box 1: Legislation on freedom of expression and access to information in Uganda

In Uganda, legal restrictions to media freedom and access to information have been ingrained in Article 41 (1) of the 1995 Constitution of Uganda, which grants the right to access information but limits the release of information that is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person, remaining silent about what type of information constitutes a threat to national security or interference with the right of privacy. Article 41 (2) of the Constitution states that “Parliament shall make laws prescribing the classes of information referred to in clause 1 of this article and the procedure for obtaining access to that information”. This provision was only enacted in 2004. Legal restrictions are also contained in sections 36, 37, 39 and 40 of the Penal Code, which give the Minister of Information the powers to prohibit importation of publications he deems “injurious to the public interest”; in sections 41, 42 and 43, which deal with sedition and outlaw any act, speech or publication that “bring into hatred or contempt”, “excite disaffection” against the person of the president, the government or the constitution; in section 50, only recently repealed, which defines the publication of false news as a penal offence, implicitly authorizing the government to clamp down on those who criticize the government or its policies; in sections 174-181, which deal with defamation. Other restrictions are contained in the 1995 Press and Journalists Statute, which requires all journalists to have a university degree to practice journalism - automatically excluding the majority of journalists in Uganda - and an annual practicing license. The Statute gives the Ministry of Information the authority to license journalists and to regulate and enforce the journalists’ code of conduct, which allows disciplinary measures against journalists for libel through the Media Council. New legal restrictions are added by the Anti-Terrorist Act of 2002, which includes provisions authorizing death sentences for journalists who publish information believed to promote terrorism, including interviewing those the government considers to be terrorists. Nowhere does this legislation explicitly define what constitutes threat to national security or interference with the right of privacy, or an act of terrorism. The Access to Information Act of 2004, aimed at clarifying some ambiguity of this legislation, was only approved in 2005 and entered into effect in 2006.

with higher state ownership of the media also exhibit lower quality of regulations, with government media monopolies associated with particularly poor outcomes. The study concludes that government ownership of media restricts information flows to the public with negative effect on citizens’ rights, government effectiveness, and corruption; alternatively, increased private ownership of the media—through privatization or encouragement of entry—can advance political and economic goals. Competition from private media assures that alternative views are supplied to voters and prevents state-owned media from distorting the information they supply too heavily so that voters obtain, on average, unbiased and accurate information.

Private ownership of media, however, might not always produce the desired results on corruption, particularly when media privatization takes place in a poor country with small, entrenched business elites and where the state is the only source of advertising revenue.³ In Uganda, for example, private radio owners, especially at the district-level, are often businessmen closely associated with the government or even government ministers, who are loyal supporters of the president.⁴ This makes it more difficult for private radio stations to expose corruption in public offices and perform an accountability role in the country. Newspapers, on the other hand, tend to be more financially independent since they can also count on revenue from sales. This often leaves them with more resources to finance investigative research and to survive court battles defending against sedition or libel charges.

3 See Besley and Prat (2001) for an analysis of the impact of collusion between media and government on the role of media in enhancing political accountability.

4 See Onyango-Obbo (1996) in Mwesige (2004).

Competition

Intense competition in the media industry can also be a strong determinant of its effectiveness to combat corruption. An empirical study carried out by Suphachol Suphachalasai, (Suphachalasai, 2005), found strong evidence that competition in the media has a significant impact on the reduction of corruption, and competition can even be a stronger determinant than freedom of expression. The assumption of Suphachalasai's model is that profit-maximizing media houses seek to print and sell corruption news. The greater the freedom and competition in the media industry, the more media houses will seek to print corruption news, and the higher the probability that a corrupt bureaucrat will be caught by media. Suphachalasai's study also found that greater freedom and competition in the media industry might also have an indirect effect on corruption by influencing government's behaviour and affecting its decisions on the rules and regulations that ultimately determine the level of corruption.

Consistent with Suphachalasai's empirical evidence, the founding of *The Monitor* in 1992, currently the leading independent newspaper in Uganda, led to more aggressive reporting on corruption throughout the 1990s. *The Monitor's* reporting on corruption started rivalling that of the government-owned newspaper, the *New Vision*, which had dominated the market until then. After about a year of operation, *The Monitor's* circulation was at par with the *New Vision* and then edged ahead by frequently scooping the *New Vision* on corruption stories. Before the government could organize a sanitized leak to its paper, the story would have already broken in *The Monitor*. The *New Vision* stepped up its reporting on corruption as a result and has been known for publishing hard-hitting reports of corruption allegations in the ranks of President Museveni's administration.

Outreach

Media outreach, the ability of media to reach and inform the public, is also critical to the effectiveness of media reporting on corruption. In African countries, the outreach of independent media is generally smaller than that of government-owned media, especially in rural areas. High publication and distribution costs and literacy barriers make it more difficult for private newspapers to circulate up-country. Newspaper readership, in general, is small and confined to the main urban areas. In Uganda, only 10-25 per cent of the population, mainly urban, reads newspapers. Radio has a hundred times wider penetration than newspapers, especially in remote areas, since nearly every home has access to a short wave radio set. Private radio outreach, however, tends to be local. In Uganda, only government-owned Radio Uganda broadcasts nationally through subsidiaries using 19 different frequencies. The outreach of private radio as a news provider is also limited by the type of programming. A majority of private radio programmes in Africa tends to focus on entertainment and religious contents rather than news, which limits the role of radio as instrument of public accountability. Recently in Uganda, as in other African countries, call-in radio talk shows have become very popular. These programmes air discussions on a broad range of issues of public interest, including corruption, and have stirred unprecedented levels of public debate in the country. They have the potential to promote greater public accountability, but their format of free-flowing discussion is not conducive to investigative reporting (Box 2).⁵ Qualitative and in-depth investigation on corruption in Uganda continues to be the purview of newspapers.

5 A Transparency International pilot project recently carried out in Uganda demonstrated that: a) if radio programmes are provided with accurate facts and research, radio could be an effective medium for government accountability on corruption at the district level; and b) when audience is provided with accurate and complete information it is more likely to participate in monitoring local governments and holding them accountable. Local radio station owners lack for the moment the economic incentives and resources to produce this type of programmes. See Transparency International (2005).

Box 2: FM radio

The widespread popularity and profitability of radio in Uganda ensured that once the political restrictions were lifted in 1997, private FM radio stations proliferated rapidly - from 6 licensed private radio stations at the end of 1997, to 68 in 2003, to 100 in 2004, and to 118 in 2005.^a Radio is the primary source of information and entertainment in the country. Although no station has national coverage, radio has been able to broadcast from the most remote areas of the country and in all languages. In the strife-torn north, for example, Mega FM, supported by the UK Department for International Development, has become trusted for information about the war, peace talks, and the whereabouts of missing relatives (Financial Times, 2007). Local radios in Uganda have effectively carried out government-promoted campaigns, such as the campaign against poverty and HIV/AIDS.^b Popular call-in talk shows have increased access to other sources of information, such as newspapers, television and internet, and to other views in the country by giving voice to a majority of Ugandans. The quality of information on the air, however, continues to be poor. Call-in talk shows encourage public participation, but do not provide in-depth analyses of facts. The reliance on news taken from newspapers and other sources facilitates their misinterpretation and manipulation. Radio owners are reluctant to invest in quality news programmers, which are generally more costly and with low returns on financing. Moreover, most radio stations are owned by churches, local businessmen and politicians, who have little incentives to invest in investigative journalism (Obbo, 1996; Mwesigye, 2004).

a Uganda Communications Commissions in Mwesigye (2004).

b The vigorous campaign against HIV/AIDS helped reduce the prevalence of the virus, which reached 30 per cent in the 1990s, to single-digit figures. See BBC (2007).

Credibility

People's trust in independent media is essential to compel action against corruption from the authorities or the public. Media reputation in this regard is hard to establish. Journalists need to earn public trust and confidence by demonstrating their independence, objectivity and professionalism each and every day. Private media have an especially hard time to establish their credibility in Africa where people are more reluctant to trust new sources of political information. Government-owned media have historically a wider access, especially in remote areas, and a well-established reputation. Private media, on the other hand, struggle to access important and reliable political information and have not always the freedom to publish it. The reluctance of government officials to cooperate with independent journalists makes it difficult for media professionals to check the accuracy of their stories. This is often compounded by limited news room budgets and capacity of media houses to carry out thorough investigations. The low pay of journalists often discourages the best qualified professionals to stay in the media or tempts some journalists to accept bribes to supplement their extremely meagre salaries, significantly affecting the quality of their reporting (Balikowa, 1995; Vogl, 1999). The private media's primary aim to publish and sell news also feeds the public perception of a media bias against the government, especially in cases of corruption. In Uganda, for example, private media have often been associated with the political opposition. A growing number of policymakers, officials and media practitioners are increasingly concerned that commercial and potentially corrupt media outlets in Africa might become a source of sensationalist, inaccurate and even false reporting, conducive to inflammatory sectarian or political tensions. A 2004 Afrobarometer survey carried out in 15 African countries (Afrobarometer, 2004) shows that 53 per cent of respondents expressed trust in the government broadcasting service and only 43 per cent in private FM radio or television stations, while public and private newspapers scored 37 and 36 per cent respectively.

The case of Uganda under President Yoweri K. Museveni

Under the regime of President Yoweri Museveni, media in Uganda have been able to play a fairly active role in political debates and in promoting accountability in public offices. In a context where political parties have only recently regained their ability to operate freely and where civil society institutions remain weak, media have long been and continue to be the major source of political information as well as a key forum for political debate, competition and public accountability (Mwesige, 2004). The evolving political and institutional landscape under President Museveni, however, has consistently challenged and reshaped this role. The following sections will examine media performance over three main periods under Museveni's "no-party" rule characterized by important transformations in the political and institutional environment and in the media industry.

The transition and consolidation of the new regime and the establishment of the "no-party" or "Movement" system (1986-1995)

When Museveni took power in 1986, after a five-year civil war against the regime of Milton Obote, he set out to consolidate the rule of his National Resistance Movement (NRM) in the whole country and restore the legitimacy of the state. He banned political party activity for a transitional period of "no-party" or "Movement" rule until the adoption of a new constitution, and committed to combat bad government and corruption through dramatic reforms (Museveni, 1985), the most radical of which were implemented in the late 1980s and early 1990s (Robinson, 2004). In his inauguration address, President Museveni declared that "the problems of Africa and Uganda in particular are caused by leaders who overstay in power, which breeds impunity, corruption and promotes patronage" (Museveni, 1987). This rhetoric resonated well with the population and the media who perceived corruption as a primary problem in the country.

Media enjoyed relative openness as early as 1986 and played an important role in building a positive and legitimate image of the new regime both domestically and internationally. Museveni's openness to speak with foreign correspondents since the resistance war contributed to favourable international press reporting, which helped shape a positive international opinion about the character and purpose of the new regime. Domestically, the leadership's commitment to eliminate corruption won the support of an enthusiastic press, which played a very active role in monitoring corruption, and contributed to creating the image of a leader committed to reforms and democracy. The positive synergy and sense of common purpose between the leadership and the press on the issue of corruption allowed the press considerable freedom to report abuses in public offices. The press, however, did not enjoy the same degree of freedom to report on sensitive political issues such as the war in the north. Journalists who criticized the National Resistance Army (NRA) about that war would often wind up in court and sometimes in jail. As early as February 1987, President Museveni warned "I am putting journalists on notice that if they malign the good name of the National Resistance Army they will be locked up under the detention laws" (Carver, 1991). This sent a strong message to journalists on the boundaries of their freedom of expression.

The new opening enjoyed by the media was reflected by the many publications launched during the first years of the regime. Between 1986 and 1991 about 50 new publications hit the news-stand in Uganda (Kemigisha, 1998; and Bahemuka, 2000). Their coverage spanned across a broad range of issues, from rebel activity, human rights abuses by the army and corruption. Many publications, however, closed down fairly quickly for a host of reasons, including high publication and distribution costs and low literacy rate in the country, which made it more difficult for them to expand their market up-country. Another reason was the acute shortage of advertising revenue, covering at the time only 20 per cent of newspaper revenue, and its discriminatory allocation by government departments, counting for 70-80 per cent of that revenue,

to government-owned newspapers (Balikova, 1995). Selective government bans on advertising in private newspapers would further reduce newspapers' access to this source of revenue. Another important cause of the high mortality of newspapers was libel and sedition charges against journalists, which often carried the threat of high legal fees for protracted proceedings as well as onerous bail conditions. All these reasons had a damning effect on the ability of many newspapers to function.⁶ By 1994, publications were down to some 20 weekly newspapers in various languages, 5 dailies and 1 bi-weekly (Robins, 1997).

Until the early 1990s, the leading newspapers running corruption stories were the government-owned daily the *New Vision* and the independent monthly *Uganda Confidential*. The *New Vision*, which began operating in 1987, had and continues to have the widest circulation of all daily newspapers in Uganda. Although the paper is publicly-owned by the New Vision Printing and Publishing Corporation, it has always been run on a commercial basis. Critics argue that the *New Vision* dominated the market because the government's tactic was never to wait for the opposition to get the scoop if it got itself into a scandal, but leak the government's version first to the *New Vision*, which would beat the competition (Obbo, 1996).

Uganda Confidential was founded by Teddy Sseezi Cheeye who fought with Museveni in the 1981-1986 guerrilla war waged against the government of Milton Obote. The paper started out as a military newsletter in 1989 and soon evolved into a newspaper specialized in investigating corruption in the government and in the army.⁷ The paper weathered several charges of sedition and had to pay several million Ugandan Shillings in libel costs. Its editor had been subjected to court proceedings on a number of occasions. He was arrested and charged with sedition in 1993 after running a series of articles accusing the president's wife of involvement in her cousin's murder over a land dispute, and accusing the Uganda Revenue Authority of "politically inspired nepotism" (Human Rights Watch, 1999). According to observers, the paper was initially fairly factual and effective in exposing corruption involving high-level officials. By the beginning of 1996, the paper was facing bankruptcy, having been ordered, in a string of libel suits, to pay damages totalling around US\$ 90,000,000 (approximately USD 45,790).⁸ According to other newspapers, *Uganda Confidential* began to change direction as a result. From a highly critical newsletter exposing abuses of power in Uganda, the newspaper came to be widely regarded as a "government propaganda sheet".⁹ More specifically, newspapers remarked on the government advertising windfall, which coincided with this change. Soon, the paper began to lose credibility as a watchdog on corruption and eventually folded in 2002.

Up until the mid-1990s, the press worked closely with the government and the Inspector General of Government (IGG), the anti-corruption government institution established in 1986.¹⁰ The IGG would

6 The early 1990s saw a dramatic increase in the number of civil libel proceedings taken against Ugandan journalists, and in the amount of damages awarded in such cases. Whereas sedition-related offences were generally invoked against journalists publishing stories critical of military operations or of government's foreign relations, civil libel actions tended to be brought by the public officials who had been allegedly linked to corrupt practices. See Stevens (1999).

7 According to Teddy Sseezi Cheeye, currently the Director for Economic Affairs at the Internal Security Organization (ISO), *Uganda Confidential* work on corruption helped save the government millions of dollars that would have otherwise been lost in corrupt military procurement deals, but never led to the prosecution or punishment of high-profile army officers. Cases exposed by the paper were based on leaked information from within the administration and the army. (Interview with Teddy Sseezi Cheeye, November 2006).

8 "Uganda: Striving for Press Freedom". African Topics, 16, Jan/Feb 1997 in Stevens (1999).

9 See "Publish facts", *The New Vision*, 16 January 1996; "Born-again Cheeye surrenders", *The Sunday Vision*, 23 June 1996; "Government bribes independent press", *The Monitor*, 3-5 July 1996; "The Media should note blackmail the state", by Teddy Sseezi Cheeye, *Uganda Confidential*, 28 November—4 December 1997.

10 The Office of the Inspector General of Government was created early in the reform process to advocate the rule of law and to reduce corruption. The IGG was also the implementing body of the Leadership Code of Conduct adopted in 1992, which required leaders to declare their wealth and also forbade influence-peddling, the private use of public funds and other forms of corruption.

provide journalists with strong, dramatic stories to publish.¹¹ The president himself would often tip the press on corrupt officials,¹² which, in a context of limited political and civil liberties, raises some questions on the president's motives. Observers argued that the president used the press to blackmail or to get rid of enemies by publishing against them.

The IGG, responsible to ensure probity and integrity in the public service, during its first years of operation unearthed a number of cases illustrating the many faces of corruption still prevalent in Uganda. These included large number of "ghost" workers on the government payroll (Langseth and Stapenhurst, 1997). In 1989, IGG investigations led to the dismissal or suspension of 121 civil servants as a result of the outcry of the press and the public, which forced the cabinet and the Public Accounts Committee to act decisively. About half of those dismissed were customs officials. Numerous senior officials were also dismissed or prosecuted in response to public pressure, and political leaders were relieved of their appointments (Ruzindana, 1997). The president eventually appointed a commission of inquiry to review the public service, which recommended a radical overhaul and retrenchment (Tumwesigye, 2002). Media reporting of IGG investigations was instrumental to the radical downsizing of the civil service and the large-scale military demobilization. Both were priority objectives of the NRM reform agenda to re-establish a functioning civil service (Robinson, 2004). This raises the question of whether the freedom enjoyed by the press to expose corruption in the civil service was possible precisely because instrumental to the achievement of these objectives.

The entry of *The Monitor* in the media market in 1992 led to a more critical reporting on government and more ambitious coverage of corruption. *The Monitor*, currently the leading independent newspaper and second largest in Uganda after the *New Vision*, was the first newspaper to be fully owned by journalists. It also was the first newspaper that managed to achieve financial independence by busting sale revenue (Box 3).

Box 3: The Monitor

The Monitor was founded by editors and writers who defected from the *Weekly Topic*. When the *Weekly Topic*'s owners became cabinet ministers in the Museveni's government in 1986, they started limiting the newspaper's coverage of corruption among government officials. Coming into conflict with these new management policies, a group of seven journalists left the paper and founded *The Monitor* in 1992, the first newspaper in Uganda to be entirely owned by journalists. In 1993, when *The Monitor*'s reporting did not augur well with the political powers of the time, the government banned official advertisements from the paper with the motivation that it was "leaking government secrets". The newspaper lost about 50 per cent of its revenue as a result. During the ban, which lasted four years, *The Monitor* managed to stay afloat and expand its business by increasing sale revenue through an aggressive marketing and reporting strategy to attract urban as well as rural readers. Readership increased from 10,000 in 1992 to 25,000 in 1995 and ratio between the paper's circulation in the capital and that in the countryside went from 70:30 in 1993 to 50:50 in 1995 (Balikova, 1995). *The Monitor* achieved this result by diversifying its content and focusing more on the needs of rural readers. In this way, the paper became more marketable up-country and increased its authority on political matters. During the same period, other private newspapers folded under the weight of running costs and insufficient sales. *The Weekly Topic*, for example, dropped below 5000 copies, running into serious financial crisis and eventually folding in November 1994 (Balikova, 1995). When *The Monitor*'s circulation jumped from 10,000 to 35,000, it turned into a bi-weekly and then a tri-weekly in 1994. It became a daily in 1996. In March 2000, *The Monitor* sold its majority shares to Kenya-based Nation Media Group to provide the paper with more capital and make it more competitive in a liberalized media industry.

¹¹ Interview with Jothan Tumwesigye, former IGG (1996-2003), and William Pike, former editor of the *New Vision* (1987-2006).

¹² Interview with Charles Onyango-Obbo and William Pike, November 2006.

At its inauguration, its founders pledged to promote democracy by providing a forum for debate and to be a public watchdog through investigative reporting (Oguttu, 1992). *The Monitor* became the *New Vision*'s main competitor in running corruption stories and would often scoop the *New Vision*. Already in its first years of publication, the circulation of *The Monitor*, then a bi-weekly, began to rival that of the leading daily.

The Monitor began to voice the emerging political criticism within the Movement especially when the government began privatizing the 142 loss-making public enterprises. Both opposition leaders and the press consistently criticized the lack of transparency in handling that process (Kanyomozi, 1995). Opposition leaders accused the government of selling public enterprise assets cheaply to its own supporters. An editorial in *The Monitor* stated that "there is public outrage at the secretive manner in which the exercise is handled..." as well as arguing that little had been done "to give Ugandans a larger piece of the action".¹³ This editorial was based on a particularly scathing attack on privatization made by a leading opposition member and chairman of the parliamentary Parastatal Accounts Committee (Tangri and Mwenda, 2001). Criticism of privatization continued unabated throughout the 1990s. The divestitures of the Uganda Commercial Bank Ltd (UCB), the Entebbe Handling Services Ltd (ENHAS), the Nile Hotel Ltd, the Uganda Posts and Telecommunication (UPTC), and the Uganda Airlines Corporation were among the most notorious cases of influence-peddling and corruption exposed by the press during this period (Box 4).

Press reporting on corruption also covered the misuse of public funds. *New Vision* articles in July 1990 drew the IGG's attention to a tax evasion racket that had caused the loss of up to Shs2 billions in taxes. Between July 1989 and June 1990, private vehicles were getting registration numbers that gave them tax-exemption status. The then-Deputy of Finance, admitted the Treasury had lost a lot of money through such tax evasions. In 1994, the *New Vision* reported that a former Ugandan Higher Commissioner to Abuja, Nigeria, stole USD 100,000, which the government had given him to open up a diplomatic mission in that country. In the same year, the *Sunday Monitor* reported a car hire scam in the State House that had been going on for three years and had caused the loss of millions of shillings. Staffers were hiring their own or

Box 4: The divestiture of the Uganda Central Bank (UCB)

The UCB controlled over 80 per cent of the commercial banking market and had 62 billion shillings of bad loans. After the government signed the sale agreement with the South African Standard Bank of Investment Corporation (Stanbic), media reported that the Museveni family might have been involved in the deal. *The Monitor* first reported the story in 1994, stating that "the names behind UCB's bad debts included some of the most famous and prominent politicians, soldiers, bankers and businessmen. Military officers collectively owed the bank at least Shs.281.25 million. That includes many RPF commanders. Some of the soldiers who ate the money are diseased" (*The Monitor*, 1994). A report from a select parliamentary committee on privatization established at the end of the 1990s eventually accused the Minister for Privatization, Matthew Rukikaire, of mishandling the government's divestiture of the UCB. The report also alleged that General Salim Saleh, President Museveni's brother, had engineered the improper takeover of 49 per cent of UCB shares through a firm in which he owned majority shares, Greenland Investments. The report also detailed millions of dollars of unsecured loans lent by the UCB after the take-over, including USD 4 million to companies in which General Saleh was a director (Tangri and Mwenda, 2001; Barkan, 2005). Under pressure from the parliament and the press, the president established a commission of inquiry to investigate the complex privatization process of UCB and the mismanagement of private sector banks. The inquiry led to the prosecution of the former managing director of Greenland Bank, Dr Sulaiman Kiggundu, who was sent to jail for six months.

relatives' cars at inflated prices. A small saloon car was being hired at Shs 5 million a month, for instance. A big bus was being hired at Shs 800,000 a day, a lorry was going for Shs 600,000, etc. (UDN, 2001). Very few cases involving high-profile offenders, however, ended up being prosecuted. Commissions of inquiry established by the president to investigate allegations involving public officials featured in the press would drag on for years,¹⁴ while cases involving army officials were often handled by martial courts behind closed doors. By the mid-1990s, when too many notoriously corrupt individuals were retaining high-level positions in the government and in the army, the media and the public started questioning the leadership's commitment to eliminating corruption. This mood was exacerbated by the government's failure to end the transition period of no-party rule and hold elections as promised, which had made many within the Movement suspicious of the real intention of the new regime (Brett, 1995). *The Monitor*, in particular, came to represent the political opposition in voicing criticism of the government and its handling of corruption. This eventually overstepped the leadership's tolerance of press freedom of expression. In July 1993, the government banned all its departments from advertising in *The Monitor* with the motivation that it was "leaking government secrets".

The entering into effect of the new constitution and first presidential and parliamentary elections (1996-2001)

A number of important changes took place in this period that account for a successful performance of the media in denouncing corruption and demanding government accountability within its ranks: (a) the adoption of the new constitution, which introduced new checks and balances and strengthened the monitoring and accountability function of the legislative and judiciary powers vis-à-vis the executive; (b) the emergence of a stronger political opposition within the Movement, which found its voice in the media and in the sixth parliament, the first elected parliament after ten years of transitional rule; and (c) a growing influence of the private press in the political debate with the emergence of *The Monitor* as the leading independent newspaper.

The new constitution formalized the restrictions to party activities and confirmed the ruling of the Movement system (art. 269, Constitution of Uganda, 1995). It also strengthened the role and functions of the parliament and judiciary vis-à-vis the executive by providing far more checks and balances than the previous constitution. For example, parliamentary select committees had the power to introduce legislation, discuss bills, oversee government activities and compel testimony from members of both the government and the public. Since MPs were not bound by party affiliation in a no-party system, they enjoyed a great deal of independence in building issue-based coalitions in parliamentary committees that adopted important legislation, modified or rejected government bills, changed policies and censured ministers.¹⁵ A more liberal political discourse developed in the parliament with the emergence of independent-minded legislators determined to uphold the constitutional rule and promote accountability in public offices (Carbone, 2005).

The first presidential and parliamentary elections held in 1996 resulted in the NRM winning a majority of seats in parliament and Museveni winning the presidency with nearly three quarters of the vote. Opposition, however, had begun to emerge within the Movement. Opposition leaders were concerned with the government's failure to fight corruption¹⁶ and to promote political liberalization. Many alleged that the

14 Winnie Byanyima, MP at the time, wrote that, in fighting abuse of office, President Museveni should start by acting on the recommendations of all those commissions of inquiry his government had set up. "One word from him would set the ball rolling against all those implicated in the inquiries". See *The Monitor*, 8 December 1996 in UDN, (2001).

15 See Kasfir and Twebaze (2005) for an analysis of the functioning and effectiveness of the new parliament in the "no-party" system.

16 See *The Monitor*, "Has Museveni hung is Gloves on Corruption", 21 October 1996, Bichachi.

protracted constitutional process reflected not the wish for democracy but rather an excuse for Museveni to stay in power for as long as he could (Mette, 1999). These concerns began to find expression in the parliamentary and judicial battles (Carbone, 2005; Gloppen, Kibandama, Kazimbazi, 2005) and in the media debates, which voiced demands for greater political and civil liberties and greater government accountability.

Opposition leaders in the parliament and the press often joined forces to push for formal investigations into corruption cases, and for the adoption of legislation promoting freedom of expression and access to information. Even though significant legal restrictions continued to exist, several important laws were adopted between 1996 and 1999 that broke new ground for the media industry, such as: the Electronic Media Statute of 1996, which created a licensing system, under the Broadcasting Council, for radio and television; and the Uganda Communication Act of 1997, which set the rules to regulate and manage radio frequencies in the liberalized media industry.

The Uganda Communication Act 1997, in particular, opened the door to the radio market, which led to unprecedented levels of competition in the media industry. Media became a big business, growing at a rate of 25 per cent in 1998. Media outlets struggled to appeal to a wider and more diverse audience to stay afloat and became more outspoken in criticizing government decisions on a broad range of issues including privatization, defence and security, and state procurement. Coverage of sensational stories especially on corruption was predominant. The press market was dominated by the two leading dailies, the *New Vision* and *The Monitor*, circulating 30,000 and 25,000 copies respectively, with an estimated readership of 300,000 and 250,000. A few other weeklies, including some regional and local language newspapers, were also published regularly with circulations below 4000 copies each. The radio market developed much more rapidly since the liberalization of broadcasting. It went from 2 licensed FM radio stations in 1996, to 6 in 1997, to almost 60 in 2001, mostly based in Kampala and other major urban areas.¹⁷ Radio quickly became the main source of information and entertainment for the public. It was also the main means for political control and government communication with the country, especially in the rural areas where the majority of the population still lives (Obbo, 1996). The government-owned Radio Uganda, which had been broadcasting from Kampala since 1954, was the only radio station reaching the whole territory, transmitting in several indigenous languages. Its channels targeted particular segments of society: some had a strong educational and public service content; others offered a high entertainment menu and were strongly commercial-driven.

Initially, owners of private FM stations focused mainly on entertainment programmes. News programmes cost money and were not profitable in a market dominated by government advertising, where a respectable news programme could annoy someone in the government. Over time, however, radio owners began to encourage political debates on the air as a way to appeal to a broader audience in a highly competitive market. Popular talk shows, such as “Capital Gang” on Capital FM, began to be aired in Kampala. They discussed public policy issues in the news with government officials, donors, members of civil society and sometime even the president. These programmes were cheap to produce as they used information largely available in the newspapers or from interviews with local politicians and were very popular. The press, however, continued to be the main instrument for news-gathering and investigation of public officials’ abuses and illegalities, uncovering scandals and “misdeeds of an increasingly corrupt executive” on a regular basis. Cabinet ministers were constantly in the press’s firing line over allegation of corruption and abuse of power (Tangri and Mwenda, 2001). Such a bold role of the press was made possible by an increasingly independent and credible opposition in the parliament, which shared the media stance on corruption.

17 Uganda Communications Commissions in Mwesige (2004).

Opposition parliamentarians would often prompt parliamentary investigations against high-ranking officials in response to press coverage of corrupt deals. As a result, by the end of the 1990s, malpractice, manipulation, and corruption-related scandals had emerged and discredited Uganda's privatization drive (Mwenda and Tangri, 2001).¹⁸ The parliament established a select committee on privatization to investigate mounting allegations of lack of transparency, influence peddling, bribery, under-evaluation and outright fraud aided by politicians and bureaucrats in the government's privatization program. The select committee's report claimed that several cabinet ministers and senior officials had "derailed" the privatization exercise. Several Ministers were eventually demoted, censured or forced to resign for illicit enrichment as a result. Very few, however, were prosecuted or convicted (Box 5).

The exposure by the media of corrupt practices in the military and in the police force, involving high-ranking officials also led to several parliamentary investigations. Notorious are the cases of military procurement corruption involving the purchase of second-hand helicopters from Belarus, which became known as the "junk helicopters" scandal, and the illegal exploitation of natural resources from the Congo (DRC) (Tangri and Mwenda, 2003) (Box 6).

The president set up several commissions of inquiry to investigate ministers and officials featuring in parliamentary probes and in the media, such as the Sebutinde Commission of Inquiry into corruption in the police force (1999) (Transparency International, 2003); the Sebutinde Commission of Inquiry into the purchase of inadequate food, junk helicopters, substandard army uniforms and other army procurement

Box 5: Select Committee on Privatization

"Corruption and cronyism had been present from the outset, but their prevalence probably increased from 1995 with the appointment of a minister responsible for privatization with a high degree of discretionary authority to make divestiture decisions. The Minister, Matthew Rukikaire, whose family had long been closely associated with President Museveni and his wife, proved unable to deter presidential friends and relatives from manipulating privatization to their own personal advantage. It was not surprising that the select committee interim report named Rukikaire and three other cabinet ministers as those who should be held responsible for the errors committed, particularly in the privatization of UCB and ENHAS, which were specifically investigated by the committee. Rukikaire resigned after putting up his defence against charges of impropriety. The select committee also recommended that the Minister of State for Investment and Planning, Sam Kuteesa, who was President Museveni's brother-in-law, be sacked on grounds of alleged abuse of office and influence-peddling. When he refused to resign, he was censured by Parliament, and was not reappointed following the next ministerial reshuffle. Neither Rukikaire nor Kuteesa, however, was brought before the courts for trial and both were cleared by Parliament in December 1998 of any wrongdoing in the privatization transactions. President Museveni's brother, Salim Saleh, was implicated prominently in a number of privatization scandals. The select committee interim report stated that a 'serious crime has been committed and some individuals should be investigated and prosecuted, e.g. Major-General Salim Saleh'. Salim rationalized his behaviour on several occasions as being in the general interest. In the end, however, he resigned as President Advisor on Defence and Military Affairs after admitting 'improper conduct' in the purchase of UCB, but no criminal proceedings were brought against him. Both the other senior government officials mentioned in the report were cleared by the Legislative Assembly of any malfeasance in privatization transactions" (Tangri and Mwenda, 2001).

¹⁸ "An important reason for the prevalence of unscrupulous privatizations has been that few mechanisms have existed to ensure accountability and transparency in decision-making. World Bank-designed divestiture programmes in African countries often conferred wide discretion on state elites, partly to quicken the pace of privatization and partly to counter resistance to it" (Tangri and Mwenda, 2001).

Box 6: “Junk helicopters” scandal

The “junk helicopters” story was first broken by the *New Vision* in 1997.^a In April 1997, the Ugandan government signed a purchasing arrangement for four helicopter gunships from Belarus. The helicopters were to be supplied by a UK-based company called Consolidated Sales Corporation (CSC). When the initial batch of two helicopters arrived in Uganda, however, they did not meet the specifications of the contract and turned out to be junk. The helicopters and the resulting lengthy dispute are estimated to have cost Uganda around USD 13 million. Major General Salim Saleh, the Minister of Defence at the time, confided in President Museveni, his eldest brother that CSC had offered him a bribe of USD 800,000 to help the deal go through. The contract price of each helicopter gunship was put at USD 1.5 million. Museveni ordered his brother to use the money in the war in northern Uganda. A judicial commission of inquiry was set up in 1999 to investigate the 1997 deal. In 2001, the judicial inquiry recommended that several officials, including Salim Saleh and Colonel Kizza Besigye, be tried for corruption. The director of Public Prosecution, Richard Butera, started independent investigations of Major-General Salim Saleh and Colonel Kizza Besigye, while the cabinet recommended the prosecution of army officers, businessmen and civil servants implicated by the judicial commission report. The cabinet also directed that implicated army officers should face an army court martial. The commission’s report was never made public or the findings of the court martial. After the report was submitted to the Ministry of Defence in August 2001, there was no follow up by the government. (Sunday Monitor, 2 September 2001, in Global Corruption Report 2003)

The plundering of the Congo (DRC) natural resources

Uganda’s top military brass, including Major-General Salim Saleh, Major-General Kahinda Otafiire, and Brigadier James Kazini, among others, was accused of taking part in looting Congolese minerals and arming different Congolese warring factions (*The Monitor*, 1998). Major-General Salim Saleh, in particular, was accused of facilitating international companies in the neighbouring Democratic Republic of the Congo (DRC) to illicitly exploit the country’s abundant natural wealth while he was commanding Ugandan forces there during nearly five years of Ugandan occupation. An inquiry into allegations conducted by a UN panel accused Uganda and Rwanda of prolonging war in the DRC in order to rob its resources and had implicated Saleh, Museveni and Museveni’s son, Major Muhoozi Kainerugaba (United Nations, 2001). The inquiry exonerated Museveni and his son, but found Saleh guilty of setting up ghost companies as a cover for illicit trafficking in timber and minerals. The government of Uganda dismissed the report, and no punitive actions were taken against those involved. In 2005, the DRC sued Uganda for plundering its resources and committing atrocities. (Tangri and Mwenda, 2003). The International Court of Justice found Uganda guilty in December 2005 and the country is liable to pay the DRC up to USD 10 billion in damages (Wasswa, 2005).

^a Interview with William Pike, former editor of *New Vision*, November 2006.

malpractices (2001); and the Porter Commission of Inquiry into the plundering of the Congo (DRC) resources (2001). The reports of these commissions, however, were slow to be completed, few were made public and their recommendations rarely implemented. The few cabinet officials who resigned as a result of these commissions were rarely prosecuted or convicted and were generally reinstated by the president in the next cabinet re-shuffle (Box 7). By 2001, commissions of inquiry were seen as a way of stalling and sliding issues under the rug (Tangri and Mwenda, 2003; Tumesigye, 2002).

Media reporting on corruption contributed to increase public awareness of and hostility towards corrupt behaviour. Already in 1994, it had become apparent that corruption was widespread, and people began to feel that the government was not doing enough to reduce it (Langseth and Stapenhurst, 1997). An integrity survey conducted in 1998 by the IGG showed that local people were frustrated by the worsening of corruption throughout society and saw no effective mechanisms for making officers accountable (Uganda National Integrity Surveys, 1998). Press coverage also contributed to exposing flaws and weaknesses

Box 7: Sebutinde Commission of Inquiry into corruption in the police force

In the late 1990s, corruption in the forms of mismanagement, discrimination, arbitrariness, incompetence, apathy, impunity, inefficiency, abuse of office, miscarriage of justice, misappropriation and misuse of public resources in the police had reached alarming levels. The then-Minister of Internal Affairs, Tom Butime, acting under the direction of the president, commissioned a one-year inquiry into police corruption on 23 April 1999, led by high court justice Julia Sebutinde. The commission uncovered serious cases of abuse, brutality and corruption all the way to the top (Tripp, 2004). It recommended a radical overhaul of the police force, which resulted in the dismissal of several officers (Tumesigye, 2002). The commission's hearings had been open to the public and its proceedings splashed across the pages of the newspapers. Senior police officers were implicated in conflict of interest practices, the worst of which was the awarding of supply contracts to their own companies. The government's refusal to publicise the report of the judicial commission increased long-held suspicions that it was not interested in fighting corruption. When the details of the commission's recommendations were leaked by the *New Vision*, the government went on a witch-hunting spree for the person who leaked it. Observers argue that the police officers that were dismissed by the government as a result of the commission's recommendations were those considered hostile to the regime.^a

Porter Commission of Inquiry into the plundering of the Congo (DRC) resources

The Porter commission's report was only released in May 2003. It accused Army Commander General James Kazini of plundering natural resources and a stream of businesspeople for colluding and aiding in the looting. But it cleared from any involvement the president, along with a number of other military and civil figures accused by a United Nations panel of complicity in the looting, including Major-General Saleh.

^a *The Monitor*, 10 June 2001 in the Global Corruption Report, 2003.

in existing laws and regulations that promoted a climate favourable to corruption. Media coverage of questionable behaviour by public officials, particularly in their use of public funds prompted a demand for greater disclosure. The new Leadership Code, adopted in 2001 and entered into force in 2002, increased the IGG powers, including the power to disclose information on assets declared by public officials upon "justified" request. The exercise of that power, however, was often resisted by public officials and undermined by the executive (Tangri and Mwenda, 2005).

In the absence of political liberties and competition, media in Uganda often acted as an informal opposition, voicing dissent within the Movement, especially of those who refused to take part or were excluded from corrupt deals. These individuals often turned to journalists, who use them as sources. Hard-hitting independent media were thus able to present a variety of points of view that informed the public debate and enhanced political competition within the Movement, which indirectly helped curb corrupt practices. Growing opposition and public outcry eventually led to a split in the Movement (Barkan, 2005). One of the biggest fissures occurred in November 1999, when in a public statement, Dr Colonel Kizza Besigye, a former Movement ideologue, government minister and personal physician to Museveni during the 1981-1986 guerrilla war, accused the Movement leadership of being "corrupt...dishonest, opportunistic and undemocratic".¹⁹ In 2000, Besigye broke ranks and announced his candidacy for the presidential elections in 2001.

¹⁹ Article published by Colonel Kizza Besigye and reproduced in the *Sunday Monitor*, 5/11/00. In late November, Col. Kizza Besigye had already appeared in front of top UPDF officers to explain his actions. See "Col. Besigye barred from press," *The Monitor*, 26 November 1999, pp.1-2. See also, Mwesige Peter, "Mvt—derailed—Col. Kizza Besigye," *New Vision*, 7 November 1999, pp.1-2; Mwesige Peter, "Saleh warns Kizza Besigye," *New Vision*, 14 November 1999, pp.1-2; Mujuni James, "Otafire defends Besigye," *New Vision*, 22 November 1999, pp.1-2; Mwesige Peter, "Museveni writes to Jeje over Besigye," *New Vision*, 23 November 1999, pp.1-2.

The close collaboration between opposition leaders and the press soon led to a growing government's backlash against the media. Museveni repeatedly used press conferences to lambaste the press, accusing it to further the interest of armed rebellion in the north and the west. Harassment and incarceration of journalists and closure and raids of media houses were also on the rise (Human Rights Report, 1999). In June 1997, Museveni warned "I'm looking at ways of taming this irresponsibility. I will not tolerate the amateurs who are beginning to write at the expense of the country" (*Electronic Mail Guardian*, 1997). Peter Mwesige, the then-President of the National Institute of Journalism of Uganda (NIJU), in 1999 stated: "the press is taking the place of the opposition because it is the only independent public forum. So, the fire usually directed at other political parties is directed at the press".²⁰ Such hostility towards the media calls into question whether the leadership ever intended to allow or even expected political opposition within the Movement; or whether the backlash on the media and later on the opposition was the result of the consolidation of the power structure within the Movement.

The Monitor spent a significant amount of time in protracted court battles defending against charges of sedition and publication of false news and incurred exorbitant legal costs.²¹ Onyango-Obbo, a former member and share-holder of the paper, was in court 45 times between 1997 and 1999 to answer charges related to his work (Agaba, 2004). The difficulty of having to prove the truth of statements defamatory of government officials was compounded by the difficulty of obtaining access to official information. As a result, journalists were very careful about what they wrote and mindful of whether it would push the limit of government's tolerance. Rigorous reporting based on solid facts that could not be challenged in court was necessary not only to maintain credibility with the readers but also to avoid reprisal from the government.²²

The parliament had been able to pass important legislation and act strongly against corruption. Parliament's decisions, however, were also frequently overridden, ruling of the courts changed, cabinet ministers already demoted or censured by the parliament or condemned by the court on corruption charges pardoned. Reasons of national security were often invoked for not making public the findings and recommendations of commissions of inquiry or for not dealing openly with corruption in the army. Moreover, important and controversial bills, such as the 1997 Movement Act²³ and the 1999 Referendum Act were passed without the required parliamentary quorum (Box 8). Some argue that the successes of the sixth parliament were not the reflection of democracy at work but rather the result of a Movement less organized to work through parliamentary committees (Tripp, 2004), which provided breathing room for the opposition. This all changed with the election of the seventh parliament in 2001.

The transition to multi-party system (2001-2006)

Important transformations took place in this period in the Uganda's political and institutional landscape: (a) the elections of the seventh parliament in 2001; (b) the establishment of a new organized opposition

20 Peter Mwesige, President, National Institute of Journalists of Uganda (NIJU), speaking to the Foundation for Human Rights Initiative (FHRI) in 1999.

21 On 24 October 1997, the magistrate charging Charles Onyango-Obbo and Andrew Mwenda of *The Monitor* with the offence of false news, imposed Shs 2 million cash bail on each defendant, setting the highest bail sums ever recorded for a misdemeanour (*The Monitor*, 1997). The legal costs incurred by *The Monitor* in relation to that case amounted to Shs 11,000,000 (approximately USD 5,596). See Stevens (1999).

22 Interview with Wafula Oguttu, former Editor-in-Chief of *The Monitor*, November 2006.

23 Many saw the Movement Act as a ploy to turn the five-tiered local council system into branches of the Movement. The 1997 Movement Act gave the Movement privileged constitutional status in a system that restricted the activities of political parties and strengthened the NRM by creating a set of local council structures culminating in the National Movement Conference, directly funded by the Ugandan State (Tripp, 2004; Goetz, 2005).

Box 8: The 1999 Referendum Bill

The bill paved the way for a constitutionally mandated referendum in 2000 with a second referendum in 2005 to choose Uganda's political system. The Bill was seen by the opposition as a way to further enhance the power of the executive at the expense of the legislature. The Referendum and Other Provisions Act was adopted in July 1999 and annulled in August by the Constitutional Court, following a petition by the opposition Democratic Party, on the grounds that it had been passed into law without reaching the required quorum in parliament (Tripp, 2004). In response, the government enacted the Constitutional Amendments Act in September, which increased the power of parliament, barred courts from inquiring into parliamentary proceedings, and reduced the requirement for a parliamentary quorum. Opposition groups, after failing to scrap the Referendum Bill called for a boycott of the referendum. Museveni campaigned hard throughout the country, resorting both to cooption of supporters and strong-armed tactics against those advocating change. The referendum was held in June 2000 and the Movement system was retained (Amnesty International Report, 2001; Afrobarometer, 2000; Tangri, 2005).

group, the Forum for Democratic Change FDC) in 2004; (c) the repeal of the presidential term limits and the end of the no-party system in 2005; and (d) and the first multi-party elections in 2006.

Museveni won the 2001 election with a 70 per cent majority, which opposition claimed was marred by extensive rigging. In stark contrast with the elections in 1996, the 2001 elections witnessed a greater use of patronage, corruption and coercion to influence the electoral process and intimidate opposition and media (Tangri and Mwenda, 2004). Movement loyalists regained control over the Parliamentary Movement Caucus, which in the previous legislation had often confronted the president on corruption scandals, and over strategic committees, such as the Legal and Parliamentary Affairs Committee (LPAC),²⁴ and the Presidential and Foreign Affairs Committee. The LPAC became instrumental in passing contentious legislation, such as the constitutional amendment that repealed the presidential term limit of two years (Box 9) and a referendum seeking to change the Movement system into a multi-party system.

The leadership's increasing control over key parliamentary committees and president's disregard of parliament's decisions to censure cabinet ministers, was calling into question the role of parliament as a

Box 9: The repeal of the presidential term limit

On 26 May 2005, the parliament discussed the government bill seeking to amend art 105 (2) of the constitution repealing the presidential term limit of two years. The bill was submitted to the LPAC, which, on 21 May 2005, voted 11 to 1 in favour of lifting the presidential term, an issue which had sharply divided the MPs and drawn criticism from the donor community. This allowed the president, who once decried "leaders who overstay in power", to run for and win a third term in February 2006 (Biryetega, 2006). In November 2004, it was already clear that President Museveni had probably lined up a two-third vote of the National Assembly (198 of its 302) necessary to amend the constitution through a combination of carrots and sticks. MPs were openly bribed to change the article of the constitution. MPs supporting repeal as well as waiverers were each paid 5 million shillings (roughly USD 3,030), and promised more. Those opposed were threatened to be denied NRM-O party nomination and/or well-financed campaigns for their opponents should they seek re-election (*The Monitor*, 2004). In June 2005 Museveni also supported a bill to create a constituency development fund in the amount of Shs 10 million per constituency per year and the equivalent of approximately USD 6,060 per year for each MP. The announcement no doubt increased the pressure on MPs to repeal Article 105(2) two months hence (Barkan, 2005).

²⁴ In June 2004, the majority of Movement MPs mobilized to unseat the existing chair of the LPAC as well as to gain control of this key House committee scheduled to discuss the removal of presidential term limits (Tangri, 2005).

credible check-and-balance of the executive and its ability and willingness to take action against corruption. A weaker and less committed parliament also affected the ability of other state institutions and the media to monitor corruption. For example, the adoption of the new Leadership Code in 2001 in principle strengthened the role of the IGG to investigate abuses in the use of public funding; in practice, without the allocation of adequate resources to carry out its mandate, the new law weakened the effectiveness of the IGG.²⁵

Media work on corruption had also become more difficult without the collaboration of parliament and with increasing government's control.²⁶ Clashes between the media and the government were frequent especially during the critical discussion on the removal of the presidential term limit and the political transition from a no-party democracy to a multi-party system. There are numerous examples of government ordering the closure of radio stations and newspapers for several weeks at a time, harassing journalists or jamming radio frequencies when articles or debates touched on these sensitive issues or when radio talk shows hosted opposition leaders, especially at election time. Even foreign journalists who had always operated freely in Uganda began to experience government's harassment (Box 10). The increasing control over journalists and media houses, limited access to information networks, and new legal restrictions to freedom of expression, such as the 2002 Anti-Terrorist Act,²⁷ made for a precarious industry with increasingly arbitrary and unpredictable boundaries.

The presidential third term in office had been strongly contested by media and various opposition leaders and prominent "Movementists", who often spoke through the press and the popular, outspoken radio talk shows. These "Movementists" were among Museveni's oldest and closest colleagues, dating back to 1986 and earlier, such as Dr Colonel Kizza Besigye, the leading opposition candidate in the 2001 and 2006 election and Augustine Ruzindana, former head of the Public Accounts Committee in the National Assembly and former IGG between 1986 and 1996. Eventually, many of these leaders left the Movement or were forced out. In 2004, they formed the Forum for Democratic Change (FDC).

The media landscape of this period was characterized by a dozen of independent newspapers and magazines and a growing number of radio stations. Among the daily newspapers, the *New Vision* and *The Monitor* were the only ones that could be considered national. The New Vision Printing and Publishing Corporation was the largest broadcasting facility covering the whole territory. In addition to *New Vision*, it published five regional newspapers in local languages, four weekly and one daily, *Bukkede*, circulating 16,000 copies. The independent newspapers were: the *Red Pepper*, a daily born in 2001 with a circulation of 4,000 copies, whose content was predominantly about gossip, sexuality, sports and some sensational political analyses; *The Weekly Observer*, founded in 2005 by journalists who quit *The Monitor*, with a circulation of about 16,000 copies; the *EastAfrican* published in Kenya by the Nation Media Group; a vernacular bi-weekly *Orumuri*; two vernacular weeklies *Etop* and *Rupinyi*; and a number of smaller weekly with sales under 2,000 each.²⁸

25 Interview with Jotham Tumesigye, former Inspector General of Government (1996-2003), October 2006.

26 In 2006, the Secretary of Defence, formerly Museveni's body guard and Head of the Military Intelligence, was appointed as chairman of the board of the *New Vision*, which many saw as another sign of the progressive militarization of the media (Tripp, 2004).

27 According to observers, including several international press freedom organizations, the 2002 anti-terror law threatened journalists' impartiality and ability to report independently and use different sources of information (World Press Freedom Review, 2004). Under the new law, journalists "who talk to dissidents, opposition politicians or people with divergent views" could be charged, while radio stations could be closed, if they hosted exiled political dissidents on their talk shows. Specific mention was made to the opposition leader Dr Colonel Kizza Besigye (Tripp, 2004).

28 See Global Advocacy Project, Country Report-Uganda, 2004-2005.

Box 10: Harassment of Journalists

In December 2000, in the lead up to the 2001 election, four *New Vision* journalists were notified without explanation that their columns would be suspended until June 2001. Following complaints, the decision, which was believed to have been motivated by their critical reporting, was conditionally reversed by the Minister of Information after several weeks. They were allowed to restart their columns on condition that they were vetted for political correctness prior to publication (Human Rights Watch, 2001; and Reporters Without Borders, 2002). In October 2002, *The Monitor* was closed down for a week over an article suggesting that an army chopper had been shot down by rebels fighting government in the war-torn northern Uganda. Security forces confiscated diskettes, documents and a server. Subsequently, the government took *The Monitor* to court but lost the case. Analysts argue that suits regularly brought against the critical press by the government have hardly been successful and that charges were rather used to punish the press.

In February 2004, when *The Monitor* published an article about an ongoing inquiry into corruption in the army the government obtained an injunction from the High Court in Kampala preventing the paper from publishing any further information on the ongoing probe. It successfully argued that the details of the inquiry were of a "highly sensitive and classified nature". The inquiry was investigating why the list of individuals who received military benefits did not correspond to real soldiers (International Press Institute, 2004). The 2004 Worldwide Press Freedom Index of Reporters Without Borders ranked Uganda 86 out of 167 countries in terms of press freedom, a significant drop from the previous two years.

In 2005, Ugandan authorities suspended radio KFM, a prominent independent radio station owned by *The Monitor*, after it aired a talk show about the helicopter crash that killed southern Sudanese leader John Garang. His host, veteran journalist and political commentator Andrew Mwenda was arrested on sedition charges, which carried a prison sentence of up to five years. The charge stemmed from his broadcast remarks suggesting that government incompetence led to the crash of the Ugandan presidential helicopter. Mwenda, pleaded not guilty and was released on bail after three days in detention. KFM was allowed back on air after paying a fine of Shs 4.95 million (USD 2,700) for allegedly violating minimum broadcast standards and binding conditions to implement new internal guidelines for the Andrew Mwenda Live Show.^a

In 2006, in the lead up to the 2006 election, the government jammed the frequency of radio KFM, which was broadcasting live and reporting several irregularities on election day. Observers argue that closing the station would have been too obvious since there were international observers. The government also closed some local radio stations, claiming that they were broadcasting false information and exciting the rebels. For example, radio Kyoga Veritas was closed in the Soroti district, where numerous cases of opposition harassment were reported.^b

In January 2006, the government established the Media Centre to review foreign journalists' applications for accreditation during the election campaign. According to *The Monitor* and other local sources, the Minister of Information, James Nsaba Buturi said that the step was taken because foreign journalists had become a "security threat". Previously accredited journalists were told to re-register with the Centre. Canadian journalist, Blake Lambert of the *Christian Science Monitor*, who had reported from Uganda for more than two years, was denied reaccreditation and was deported on March 9. A BBC journalist was also expelled the same year. The 2006 Worldwide Press Freedom Index of Reporters Without Borders knocked Uganda down 36 places from the previous year, reporting tight control of the news and hostility towards foreign journalists during the election.

^a See Committee to Protect Journalists (CPJ) (2005), *KFM Radio-Censored*, 11 August; and CPJ (2005), *Andrew Mwenda, Monitor Publications: Imprisoned, Legal Action*, 12-15 August. http://www.cpj.org/cases05/africa_cases05/uganda.html

^b Interview with Sandikwanawa David Rogers, formerly with the Northern Uganda Peace Initiative (NUPI), 31 October 2006; and Human Rights Watch interview with FDC supporter, Soroti, January 2006, in Human Rights Watch Report 2006.

As competition stiffened, private radio owners began to broadcast in all regions of the country. By 2005, there were over 100 licensed private radio stations broadcasting in Uganda: 31 in Jinja for the Western Region; 24 in Mbarara for the Eastern Region; 20 in Lira for the Northern Region; and 49 in Kampala for the Central Region.²⁹ The number of district-level radio stations transmitting in local languages had also steadily increased since 1999, and in 2004 there were at least 37 broadcasting local radio stations. The largest broadcasting facility reaching the whole territory and broadcasting in 28 local languages, however, was only Radio Uganda, while commercial radio stations typically transmitted through short frequency ranges of no more than 100km (Mohler, 2006).³⁰

The boom of FM radio stations had changed the dynamic of the public debate in the country. Many private radio stations in Kampala had begun to air call-in talk shows from bars and restaurants, called “ebimeeza” (round tables), which discussed a broad range of issues concerning the public, including corruption. These shows quickly became very popular and highly critical of government, sometime bordering on political contestation (Mwesige, 2004). The government frequently clamped down on these programmes,³¹ but it was also common for cabinet ministers and the president to appear on talk shows as guests to present or defend government’s policies and decisions before the public (Mwesige, 2004). Many believe that these programmes promote public and political accountability by scrutinizing the activities and keeping pressure on government and politicians. Others argue that contestation channelled through radio talk shows serves more for the public to blow off steam rather than being a platform for action and change. They stress that the debate taking place in radio and newspapers in Kampala and other major urban areas has little impact on shaping the views of the parliament, dominated by Movement loyalists or in shaping the views of the public, especially in the local districts, more strongly influenced by state-owned media. According to this view, government’s clamp-downs on media are often motivated by the need to limit government’s bad press, especially on corruption, vis-à-vis donors, and occasionally to send a “message” to local media entrepreneurs, rather than by the need to respond to media denunciations.

A majority of corruption stories reported in this period by the press and discussed by radio talk shows involved electoral corruption, corruption in foreign direct investment deals and corruption in the use of donor funds, especially at the local government level. These stories, however, rarely had an impact on corrupt deals, government-sponsored legislation or court cases (Box 11). They would appear in the papers almost every day but would also quickly disappear from the headlines without resolution, often because bogged down in prolonged prosecution processes, fuelling the perception that corruption and impunity were on then rise.³² The high-profile investigations of the past that involved central government authorities and held the public interest for some time were more difficult to pursue in the current climate.³³

²⁹ Broadcasting Council data, January 2005, in Global Advocacy Project, Country Report-Uganda, 2004-2005. 2006 data from Steadman Group in Kampala define the 110 plus radio stations in Uganda as: 10 per cent mainstream (11), 18 per cent religious (20), 61 per cent vernacular (67), 9 per cent foreign (10), and 2 per cent community (2).

³⁰ Except for Capital FM and Central Broadcasting Service (CBS), which had coverage beyond the central region of the country.

³¹ The minister of information attempted to ban call-in talk shows in 2002 arguing that they were not consistent with the broadcasting licensing regulations (Mwesige, 2004).

³² The Corruption Perception Index (CPI) for Uganda has risen from 1.9 in 2001, to 2.1 in 2002, 2.2 in 2003, 2.5 in 2005, 2.7 in 2006, and 2.8 in 2007, respectively, moving Uganda from the 88th to the 11th place of the CPI ranking, were lower positions correspond to less corrupt countries. (Transparency International, 2002-2007 CPI rankings).

³³ Interview with Jothan Tumwesigye, October 2006.

Box 11: Diminishing impact of media on corruption

Both the *New Vision* and *The Monitor* carried many articles on “Eksanja”, the government project to repeal the presidential term limits, which documented the political manoeuvres and manipulations of Movement politicians to secure parliamentary support for the constitutional amendment on presidential term limits. Already in 2004, the press reported that the national political commissar was urging the 56 district chairpersons and the 13 municipality mayors, as members of the NRM national executive committee, to campaign for the removal of the presidential term limit (Tangri and Mwenda, 2005). Media coverage had no impact on the result of the referenda or of the political elections, but led to contestation of their results in the courts.^a

Newspapers have also been reporting on the use of government funding from the budget of the Ministry of Micro-credit, headed by Museveni’s brother, Salim Saleh, to finance the NRM campaign for the 2006 election. The funds were borrowed from the Ministry, (but never returned), and transferred to Museveni’s loyalists at the district level to campaign for the Movement. This gave the NRM a clear advantage over other political parties, which had weak organizational structures and limited resources to reach the electorate at the district level. In May 2006, the SACCO fund was established in the Ministry of Micro-credit to finance small businesses at the district level. Observers argued that this fund is likely to be the financial basis for Museveni’s campaign at the next elections in 2010.^b

a See *Uganda’s Museveni wins election*—BBC, 25 February 2006.

b Interview with David Ouma Balikova and Wafula Oguttu, October 2006.

The media’s diminished effectiveness to fight corruption was due to a number of factors. Journalists and media houses had fewer political and economic incentives to investigate corruption. Investigative reporting continued to be risky and costly in a context of increased legislative restrictions and government’s hostility and the view of many editors was that in a market-driven media industry, corruption did not sell anymore. People were tired, cynical and no longer interested (Onyango-Obbo, 2004). The “new generation” of journalists and editors³⁴ was more risk-averse and opportunistic,³⁵ preferring light reporting on sport and entertainment, likely to attract bigger audiences and advertisers than political and investigative reporting. A study examining the effects of market-driven journalism on *The Monitor*’s editorial content, shows that the paper went from a strong focus on investigative and political analyses in 1992 to light reporting and increasing use of press releases, especially after being acquired by Kenya-based Nation Media Group in 2000 (Box 12). Journalism in Uganda had become more a business and the media market had become too competitive to afford the traditional separation of newsgathering from advertising, sales, production and distribution (McManus, 1994). These evolutions in *The Monitor*’s editorial content cast some doubts on the capacity of private media to act as a watchdog on corruption in a hostile political environment and in a small media market with few independent sources of financing.

34 The “old guard” had already left to pursue other businesses. For example, Wafula Oguttu, founder and former editor of *The Monitor* until 2004, is now the spoke-person for the main opposition political party, the FDC, and until recently the head of the Uganda chapter of Transparency International; Charles Onyango-Obbo, former chief editor of *The Monitor* is now working for the Aga Khan’s Nation Media Group in Kenya, which is also the main shareholder of *The Monitor*; Peter Mwesigye, also one of the founder of *The Monitor*, is now a professor of mass communication at Makerere University; others journalists of *The Monitor* left to found a new paper, *The Weekly Observer*. *The New Vision* has also seen changes in its top ranks. In October 2006, the editor, William Pike, left the paper he headed for 20 years, triggering speculations in the media that he had been sacked for opposing a third presidential term. Earlier changes in the board of the newspaper also raised fears that the *New Vision* would take a stronger pro-government slant. See, for example, BBC, “Shake up at top Ugandan Newspaper”, 12 October 2006; and *The Weekly Observer*, “Pike takes hike from Museveni’s Vision”, 19 October 2006; *Sunday Monitor*, “Opposition decry Pike’s resignation”, 12-15 October, 2006; Human Rights Watch, *In Hope and Fear: Uganda’s Presidential and Parliamentary Polls*, February 2006, section on the militarization of public office.

35 The former editor of *The Monitor* noted that corruption was on the rise among the journalists of the paper—Interview with Wafula Oguttu, November 2006.

Box 12: Changes in the editorial content of *The Monitor* (1992-2003)

A research carried out by Grace Rwomushana Agaba in 2004-2005 investigated the effect of market-driven journalism on *The Monitor's* editorial content. The research examined the editorial space dedicated to various categories of news focusing on three years: 1992 (when *The Monitor* was founded), 1998 (two years after the paper became a daily), and 2003 (two years after the paper was sold to the Nation Media Group). The research found a decline in the space allocated to political articles from 32.2 per cent in 1992 to 14.9 per cent in 1998 to 15.4 per cent in 2003. Coverage of corruption and accountability dwindled from 8.2 per cent in 1992 to 4.4 per cent in 1998 to 3.6 per cent in 2003, which did not reflect the reality of a country that was rated 88th most corrupt out of 91 countries in 2001. Public sources quoted by the paper also decreased from 22 per cent in 1992 to 17.9 per cent in 1998 to 15.6 per cent in 2003, suggesting that *The Monitor* allocated more time and money in its first years to investigative reporting and news analysis. As years went by, the paper focused less on investigations and made greater use of press releases. Many journalists of *The Monitor* attributed the decline in investigative journalism to the increased frequency of the paper when it became a daily in 1996. In 1992, when the paper was a weekly, journalists had more time to carry out extensive research. Articles dedicated to entertainment increased from 3.7 per cent in 1992 to 12.5 per cent in 1998 and to 14.1 per cent in 2003 and sport articles increased from 8.3 per cent in 1992 to 17 per cent in 1998 to 18.4 per cent in 2003 at the expense of political reporting. The objective was to attract bigger audiences, especially young people, and advertising, counting for 60 per cent in revenue generation for the newspaper. Space allocated to defence/military articles also declined from 10.1 per cent in 1992 to 9.2 per cent in 1998 to 7.3 per cent in 2003 despite a war raging in the northern part of the country for 17 years. This could be interpreted as a strategy for the newspaper to reduce friction with the government. The only time *The Monitor* was closed down by the government was over an article on a military issue. (Agaba, 2005).

Media, in this period, had been most successful in fighting corruption when they could attract donors' attention and support, as in the case of the Global Fund for HIV/AIDS, which exploded in 2005 and 2006. Media was able to cooperate very closely with the Fund and rely on its accountability mechanism to expose misappropriation and mismanagement of grants. The scandal and public outcry that followed eventually led to the suspension of the grants and the subsequent firing of government officials responsible for their misappropriation and mismanagement (Box 13). This successful collaboration between the media and the Fund reflects a changed attitude of donors towards the regime.

For years, Museveni had been widely acclaimed by foreign correspondents, foreign donors, diplomats and even some academics as a new-style African leader, to be emulated in his almost single-minded pursuit of economic development, fiscal discipline and free market. Attitudes, however, began to change at the end of the 1990s. Rampant corruption involving close relatives of the president, combined with limited political reforms, worsening of the economy and high military spending had eroded donors' confidence in the regime. The violence and irregularities in the run-up to the 2001 and the 2006 elections and the repeal of the presidential term limit had further strained Museveni's relations with donors (Oxford Analytica, 2005). Donors demanded greater commitment by the leadership to democratic rule and more vigorous efforts to combat corruption.³⁶ Many argue that the president's support to donor-sponsored reforms, including the

³⁶ Several international donors had cut aid in response to government's actions in the run-up to the 2006 elections. The UK withheld £5 million (USD 9.6 million) in budgetary support for the Ugandan government over concerns about the progress of the country's political transition (*The Monitor*, 2005) and diverted a total of USD 26 million from direct budgetary support to the UN humanitarian operations in northern Uganda (DFID, 2005). Other donors including Sweden, Norway, Ireland, and the Netherlands made similar moves. The World Bank also reduced its annual budgetary support for 2006, citing overruns in 2005 expenditures, although Uganda was declared eligible for full write-off of its multilateral debts for the same year.

Box 13: Global Fund for HIV/AIDS scandal

In August 2005, media reported on an audit by PriceWaterhouseCoopers requested by the Fund, which found management irregularities serious enough to prompt the Global Fund to suspend USD 367 million grants pending a government investigation and house-cleaning. The revelation caused a scandal in Uganda. The grants were reinstated in November 2005, after the government agreed to overhaul the management of the fund, which was transferred to the Ministry of Finance and to Ernst and Young. But by the end of the year, Uganda was about to lose its Fund grants because of the leadership's reluctance to take action on the mismanagement of previous allocations. In 2006, Museveni finally commissioned a judicial investigation into the mismanagement of Fund's grants for USD 45 million, which implicated 370 officials and three health ministers accused of siphoning off money meant for dying Ugandans for personal and political use. The commission held them accountable for influence peddling and favouritism that led to the project's mismanagement. Museveni sacked all three ministers and instituted a special Central Bank account, where people found guilty of misappropriating Global Fund grants would be ordered to refund the money (Biryetege, 2006). As of mid-August 2006, the Central Bank account held USD 540,000. In August 2008, there was still USD 1.6 million of misappropriated or stolen money to be recovered. (*The Monitor*, 2008).

creation of anti-corruption organizations, which in practice were politically marginalized and deprived of proper resources, went as far as needed to satisfy donors' demand for evidence. The successful implementation of these measures, however, would have undermined the regime, whose support depended on the career of highly placed politicians susceptible to detection and prosecution (Robinson, 2004; Tangri and Mwenda, 2005).

Even though media suffered several setbacks in this period, they also managed to score some victories in terms of freedom of expression with the collaboration of the judiciary. In February 2004, a landmark ruling of the Supreme Court declared unconstitutional the section 50 of the Penal Code that criminalizes the publication of "false news". This ruling was followed by courts throwing out some other cases government had filed against journalists (Box 14).

At the end of 2006, the *Weekly Observer* published an article that revealed the secret details of a fund-raising campaign launched by Museveni to finance the activities of the NRM (Box 15). The newspa-

Box 14: Section 50 of the Penal Code

The Ugandan Supreme Court struck down Section 50 of the Penal Code as incompatible with the right to freedom of expression. The court stated that the prohibition of false news was a "vaguely formulated offence, open to misinterpretation and abuse on political grounds," which served no purpose in the Ugandan legal system. The ruling followed a constitutional petition filed in 1997 by two journalists of *The Monitor*, Charles Onyango-Obbo the then-managing director of the paper and senior reporter Andrew Mwenda, who had been charged with that offence. They argued that section 50 of the Code, which stated that "any person who publishes a false statement, rumour or report, which is likely to cause fear or alarm to the public is guilty of a criminal offence", was inconsistent with the Constitution that guarantees the right of expression, including the freedom of the press. As a result of the Supreme Court decision, charges brought against the three senior editors of *The Monitor*, Onyango-Obbo himself, Wafula Oguttu and David Ouma Balikowa, in 1999, were also finally dropped in 2002. The journalists were charged with "publishing false information" over a story that said an army helicopter had crashed while on a mission against the LRA. However, the charges of "publishing articles that are contrary to the national security" stemming from the same story, still stand and court hearings are ongoing (International Press Institute, 2004).

Box 15: Publication of “false news”

The article in *The Weekly Observer* listed potential contributors among the government and business elites raising questions on their associations with the NRM. The list included heads of big state corporations and other influential individuals in Uganda. According to some observers, the list consists of individuals around the president who have constructed a web of businesses, government contracts, and other schemes, not only to enrich themselves but also to provide a flow of income and patronage that sustain the regime. The list included Museveni’s inner circle, those who get all contracts above Shs 100 million, and other more peripheral clients. The president has enormous discretion in allocating state funds without consulting the parliament, especially when it comes to investment decisions or the assignment of contracts. The Movement’s campaign to raise funds cited in *The Weekly Observer’s* article might be a sign that state resources are dwindling. The fact that the information was leaked to the press might also indicate a growing discontent among those who are not benefiting from patronage and corruption (*The Weekly Observer*, 2006; Mutebi, 2006).

per was able to publish this article without legal consequences thanks to the recent amendment of the Penal Code.³⁷ In 2004, the Access to Information Act was also introduced in parliament at the request of media to give effect to Article 41 of the Ugandan Constitution, which recognizes the general right of all citizens to access information in the possession of the State. The law was finally approved in 2005 and entered into effect in 2006. The law, however, has drawn criticism from journalists who claimed that information remains inaccessible due to costly fees and time-consuming bureaucratic processing.

Conclusions

In a context of limited political and civil liberties under the Movement system, media in Uganda have been able to win some important victories to advance public accountability. These successes, however, have been consistently challenged by the emerging needs of the new regime. Criminal laws, such as sedition, defamation and libel laws, and other instruments, such as media licensing requirement and government control over advertising revenue, have been frequently used to limit media freedom and independence and to encourage a culture of self-censorship.

Media have been most effective in combating corruption when they enjoyed political support from the leadership or could count on the collaboration of other political actors. In the late 1980s and early 1990s, the media’s anti-corruption drive was in-line with the leadership’s objectives to carry out dramatic reforms of the public sector. This led to a positive and constructive relationship, which served many purposes. It helped disrupt several corrupt deals, create support among the political elites for the government’s far-reaching reforms, and build a broad internal and international consensus around the new leadership. The same concurrence of objectives, however, did not extend to other issues, such as the war in the north and corruption in the army, for which media would often get into trouble with the government. This cast serious doubts on the extent of media freedom of expression and capacity to deal with corruption outside the boundaries set by the leadership.

In the second half of the 1990s, media were able to join forces with a growing opposition in a strengthened parliament to denounce abuses and corruption in the Movement high ranks. As the Movement system consolidated and patronage politics and corruption emerged, many started calling into question the leadership’s commitment to democracy and accountability. The close and often personal ties between

³⁷ Interview with James Tumusiime, editor of the *Weekly Observer*, November 2006.

journalists and opposition leaders allowed the press to expose flagrant cases of corruption among high-ranking officials that often led to the disruption of corrupt deals, to the opening of parliamentary investigations, with various implications for those involved, and to public outcry. It also facilitated the removal of some repressive media laws. Former Inspector General, Jothan Tumwesigye wrote at the time that “since 1997, the strengthened media, parliament and the IGG had been able to make ‘grand’ corruption a lower-profit and higher-risk proposition. Those three institutions complemented each other in addressing corruption at the highest levels, fostering insecurity among the corrupt and fuelling a national debate on transparency and good governance” (Tumwesigye, 2002). Despite these successes, the persistence of limited political and civil liberties continued to grant the leadership considerable discretion to block the prosecution of corruption cases at will. This raises some questions on the extent to which the anti-corruption rhetoric was used to advance other political objectives rather than accountability and questions on the capacity of media to promote public accountability in such a context.

In 2001-2006, the media’s prospects to forge successful alliances with other political forces to fight corruption were significantly reduced. The stronger grip of the executive over state institutions and media did not augur well for a strong accountability role of media. The media sector had also become a big business driven by market incentives to attract bigger audience and advertising revenue, which contributed to erode the quality of information. Many critics have argued that the decentralized, non-hierarchical and interactive format of popular radio talk shows had made them a platform for chaos rather than accountability (Mwesige, 2004). Media proliferation and competition in a market with very limited financial resources and a hostile political environment seems to have worked against qualitative and reliable information. Lack of political support, increasing government control, limited access to information, high costs and risks associated with investigative journalism, and growing public cynicism had also affected the ability and incentives of the press to investigate corruption effectively. Media would expose corruption with a certain degree of success only when they could count on donors’ support and willingness to put pressure on the government.

The experience of Uganda during the no-party system shows that in the absence of a viable and credible opposition, independent judiciary, separation of powers and independent sources of financing the role of media as an anti-corruption watchdog will continue to depend on the whims of the government, regardless of legislative freedom of the press or other legislative provisions.

The potential for media to play a significant role in promoting public accountability, however, continues to be enormous, especially as a means to inform and educate on the effects of corruption and hold the government accountable for the allocation of donor funds. Realizing this potential, however, requires both political support and financial resources. Political support is crucial to the success of any anti-corruption campaign. In the past, media were effective when they could count on the support of other political actors. Donors can play a bigger role in this regard as demonstrated by the case of the Global Fund for HIV/AIDS. They can strengthen the role of media by providing political backing to the denunciations of abuses in the use of their grants and by providing effective accountability mechanisms to track their allocation. They can also contribute to building media capacity and resources to carry out effective investigations. The resolution of the Global Fund case will provide an indication of the extent to which donors are willingness to play such role.

Financial resources are also necessary to boost the capacity, professionalism and independence of media to investigate and expose corruption especially where people are affected the most. Radio, in particular, needs to expand the content and quality of its programming to allow for factual investigations and first-hand news-gathering on corruption cases. Media need to be able to reach and engage ordinary citizens

in monitoring the use of donor funds and in demanding government's accountability for their allocation. In other words, media need to help the public to establish the link between their problems and stolen funds (UDN, 2001). In countries like Uganda, however, resources are generally scarce and often available in the form of public funds, which cast some doubts on the opportunity to use them to strengthen the role of media as anti-corruption watchdog.

The shift to a multi-party system might open new opportunities for the media to joint forces with new political actors in fighting corruption, such as political parties, civil society organizations, and private sector. A major concern in this regard, however, is that civil society actors in Uganda, as in many African countries, are generally too small and financially dependent on public funds. It is thus questionable whether these actors can be strong promoters of public accountability; and whether it is even desirable to strengthen their role in this regard in an environment where they can easily be controlled or co-opted by powerful actors in the government.

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