

# WHAT THREATENS PRESS FREEDOM IN UGANDA?

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## I. Introduction

Before analyzing press freedom in Uganda, it is important to actually first look at freedom generally. While listening to the BBC on my way here, there was a discussion between Humphrey Hawksley, the author of a book called “Democracy Kills,” and a lady who was arguing passionately, saying that, in regard to Libya, Syria and Iraq, it was very good that these dictators were overthrown even if the cost was chaos because dictatorship is not a sustainable form of government.

Now the problem of course is that actually democracy is a very transient system of government in the organization of human affairs as it has always been intermittent in the history of mankind. The most stable form of government across the last 5000 years of human civilization has been monarchy. Further to that, if you study states historically, you will find that democracy cannot even have 200 years. So we must be very circumspect intellectually about whether liberal democratic organized societies along with liberal democratic values can be sustainable. That, we really don't know. But with monarchy, aristocracy and authoritarian governments at least we have some minimum knowledge and the experience of human kind over 5000 years, shows that it works.

The other thing before we discuss press freedom that concerns me is that, freedom has a foundation in the existence of a strong state that is able to exercise a monopoly over the legitimate use of violence. The evolution of western societies offers us a very good reference point for the discussion of freedom.

Freedom has a context of a very strong state with strong institutions of coercion able to exercise a monopoly on the legitimate exercise of violence. That's a quote from Max Weber. If a strong state is absent, freedom will lead to anarchy. Absence of such a strong state with strong institutions of coercion and repression, you will have anarchy.

The third thing for you to think about is; freedom cannot be imposed whether by forces outside or merely by reference to a theory. Freedom has to evolve organically out of a society's social struggles. For that matter, social developments may include technological changes, interface with the external world, penetration of new ideas, and the internal changes of that society. Whether you have a large middle class or a large peasant class, or an industrial class, or an educated population, the concept of freedom evolves out of the social development of a society. It therefore cannot be imposed, it cannot be dictated and neither can it entirely be premised on a theory.

Last but not least, of the things you need to know about before any discussion on freedom, is that freedom thrives best in the context of liberal values that must have penetrated the social consciousness of the society. There must be a large constituency, not even a majority but a large constituency of elites who hold dearly to their hearts liberal values. I am personally very suspicious of the existence of such a large constituency of educated elites with a vested interest in liberal values.

When I see politicians in most of sub-Saharan Africa fighting over power, they instrumentalize liberal values as vehicles to attack and degrade their opponents but that does not mean that they themselves and the social groups that converge around them actually hold those liberal values dearly. This is why it is possible to see many changes of government without seeing any magnetic change in government or in governance. For instance take Kenya as an example, there have been change in presidents from Moi, Kibaki to Uhuru, but the underlying structure may not be changing. This should give us a time to pose and actually reflect on whether these societies have a strong institutional civil society.

The moment they throw out one dictator, as seen in Libya, Syria and Iraq what emerges is not Civil Society institutions undergirding a limited government, its warlords organized around religion. I am even suspicious that the same authoritarian governments are what led to them, perhaps.

Moving on to the western nations and observing from my personal experiences in countries I have lived in, mostly the United States. This experience has shown that even the cause of freedom in a highly developed democracy like the United States is never secure. This is because freedom is always in conflict with stability or security and whenever freedom collides with security or stability, security or stability always tends to win. If you look at the events after the 9/11 attack, there has been a lot of encroachment on individual liberties in America. If you read The Patriots Act, there is almost abolition of the rule *habeas corpus*, mass surveillance of every person, penetration by the FBI in every single group even within a group of seven people meeting in private homes to discuss climate change. There are so many stories that never appear in mainstream media about the FBI. Even when an individual is in a gym working out and says something wrong, the FBI will question him or her about it. Even in America, the cause of freedom is never secure and states will always try and use the threat of insecurity to take away civil liberties. So with that background I want to come to our own situation of press freedom in Uganda.

## **II. The Ugandan Perspective**

First of all in relation to press freedom in Uganda, we have two elements to it or let me say three elements. The first is juridical, the other is practice. If you look at the laws of Uganda it is as if they were written by a committee composed of five men including, Adolf Hitler, Joseph Stalin, Idi Amin, Pol Pot and Chairman Mao. These laws are very draconian. Draconian comes from an

ancient Greek authoritarian called Draco who passed very harsh laws for Athens. This was about 620 BC.

But if you look at overall practices; Uganda has greater freedom of expression and of the press. Freedom of the press in America is first of all undermined by the close alliance between the media institutions, the journalists and the state. In addition to that, corporate control over the media has limited space for press freedom and finally the media in America has become much more entertainment and therefore the space of even discussion of serious issues has significantly declined. So if we compare Uganda with America, I can say there is greater freedom with less corporate control. Although there is some control, it is not as developed as in the United States of America.

*a. Government Regulatory Operations*

Secondly, when looking at the media in Uganda, it's important to consider that the government is incoherent, inconsistent and incompetent and because of all these internal incoherencies and divisions, it creates sufficient space for free expression. If we had a much more unified, coordinated, coherent government here, the cause of freedom would be less. You can write an article and they will not read it and whoever has read it will not correlate it to say, "I am in the Ministry of finance, I have read this very bad article in red pepper let me call the ministry of defense or police to have somebody arrested." It could be also that we have some greater tradition of liberal values in Uganda which undermine this contention. Whoever may have read it may think that it is okay." So when reading Ugandan newspapers I feel they enjoy greater freedom than the media in the United States. So at a practical level, although the laws are very bad, the practice is very good and Parliament has a responsibility to improve the laws. I give Uganda an "A."

*b. Judicial Mechanisms*

It is important also to note that we have very liberal courts. A few years ago I had twenty four criminal charges against me in court with a cumulative prison sentence of about sixty-five years. I have now reduced them to thirteen. So if I went to jail at the time, I would have come out when Museveni was running for his twenty-eighth term of office. However, the courts have become a big bedrock in the defense of press freedom because we have actually won most if not all the cases we have taken to the Constitutional Court and Supreme Courts.

That notwithstanding, we need to understand the limitations on Press freedom that we confront daily. The State in Uganda does interfere a lot using instruments of repression on the mass media. But that constitutes perhaps roughly 1-5% of the threats that we face because the most insidious form of state penetration of the media and the undermining of the media freedom is not through the repression which is so open, obvious and excites the public imagination. For a person like me who has been in the media for a very long time, I should tell you the immediate and biggest threat to press freedom from the state in Uganda is through manipulation and bribery.

It may not result from the state as an organized, coherent unified entity but dishonest people, whether MPs, Ministers or civil servants, who offer journalists bribes to have certain stories written or buried.

### *c. Bribery*

Overtime, we have come to see that the intelligence services will bribe or pay off newspapers, journalists, editors and media owners through a lot of manipulation to plant stories to fight their own battles. I see a lot of stories in certain newspapers in Uganda which I clearly know are aimed at fighting particular battles. Perhaps if we as journalist have the freedom to write what we want, should we as journalists have the freedom to be paid to manipulate the news? I don't know maybe that is part of freedom. But from my own ethics as a journalist, I find it a very wrong thing to do. But the insidious forms of bribery and manipulation, those are the biggest threat to media freedom not the poor legislation that exists because if I can pay for a story I wrote to appear or I pay for an opinion to be written or argued on radio in a particular way, should journalist be allowed to maintain that freedom. I am very suspicious of my own argument as I make it - maybe freedom involves the freedom to be bribed, I don't know.

Over the years I have grown old and reflective, one of my shaky examples of philosophy is the founding father of western philosophy and that is Socrates. He said that, "philosophy begins when one begins to doubt," especially doubt one's strongly held beliefs dogmas and axioms. So while we tend to focus on police violence, I think what we need to focus deeply on is the threat to media freedom that results from manipulation and state bribery not legislation. Perhaps when I say the "state" I use the wrong word, because the state may not be doing this in an organized form; it is individualized actors within the state who buy and manipulate journalists.

### *d. Professionalism*

Another threat faced by journalism is the low levels of skills, our journalists are not skilled and I don't know whether it is resulting from the poor quality of education we have or a particular cavalier cultural attitude towards knowledge. Our journalists do not want to investigate. Even quack cognitive scientists will tell you that human beings are essentially cognitive misers, meaning that we prefer to do as little thinking as possible. If you study evolutionary psychology they will tell you they do not pay so much for you to think so hard about nuclear physics or quantum mechanics in order for you to read the affection of a mate so we prefer to do as little thinking as possible. The consequence of this, however, is we tend to retreat to our biases, prejudices and preconceived notions in trying to write about things and I am not sure that this is something that legislation can address. Investigative journalism in Uganda is atrociously low and because it is atrociously low I see it as a threat to media freedom, because if you do unprofessional work you tend to invite the higher-handed hand of the state, the repressive hand of the state. The state may be justified to intervene because you have written wrong things, so

when you get manipulated and bribed and you get sucked into the internal manipulations of the opposition or the state rather than be independent, it may invite state repression. So professionalism is lacking and the low levels of professionalism and the generously low incompetence actually pose a serious threat to press freedom.

#### *e. Market Forces*

The other form I want to look at is the market. Uganda has a high rate of mortality of newspapers, blogs, and websites. The newspaper graveyard of Uganda is littered with tombstones of newspapers that have been killed not by state repression but by the market coz remember the reader votes with the wallet. One thing we must be very careful with when discussing press freedom, is the market. The market is driving is killing the media and that is a severe threat to press freedom. Those who tend to focus on the state are therefore focusing on something that may appear popular but is not fundamental to expanding the opportunities of the press institutions of expressions.

As most people may know, in our society itself liberal democratic values have not yet penetrated our social consciousness. Therefore our society poses a very big threat to press freedom. I am one of the very few Ugandans that belong to the 1% or 5% who defend gay rights and when I do so, some people want to hang me for my opinion and therefore when I go on television or radio and say please do not kill homosexuals in Uganda I know that 96% of the Ugandans want me to go to jail for it. So again, this intolerance of views that you may not like is a deeply entrenched cultural trait among Ugandans and also poses a threat to press expression. As John Stewart Mill said “the biggest threat to liberty is not always the state, the biggest threat is always majorities that are always willing to use the weight of numbers to repress and regiment minorities,”and that is an idea we must take seriously.

I wrote my bachelor thesis on the restoration of the traditional rulers of Uganda and one of my findings during research was that, in fact the biggest threat to monitor newspaper which was at that time hostile to the restoration of monarchies was the population of Buganda. An expression of the fact that Museveni in order to win the favor of Baganda was trying to run this process through without amending the constitution which abolished monarchies, not wanting the law to be followed caused the monitor to point this out as illegal. The attempt to restore the Kabaka was illegal because it was prohibited under the constitution. Threats to monitor editors resulting from a very strong Buganda constituency provided some clarity on what John Stewart Mill had been saying that the threat to our freedoms was not with the state or poor legislation, but it is the majority willing to use the weight of the numbers to suppress and regiment the minorities.

#### *f. Policing the Media*

So let me now come to the policing crowds but although I really think it is not the most important threat to press freedom but in the context the conduct of current elections where the police I think have decided to oppress the press. I don't think it is the police really, because the

police do not give themselves orders. I also don't think President Yoweri Museveni at a personal level has decided that violence is a strategy he should employ to win next year's election. This is mainly because, as he uses violence the journalists' capture these images, as these images spread on social media and television the government gets concerned because its own brutal actions are embarrassing it.

We have not yet seen the pinnacle of this process but there is going to be a lot of pressure on media houses, this pressure may not be in form of analysts going to jail or radio stations being closed. That is not how the state is going to respond. The state is going to respond privately by putting pressure on media owners with threats of closure and intimidation to toe the line or not show these images, in order for the public not to know what is happening. Of course the government has another problem—the problem of social media. Every phone these days is a broadcasting house. Anyone with a phone can post on Facebook, Twitter and WhatsApp. In which case right now the state may use the normal methods of quietly intimidating media houses, media owner's editors and journalists quietly from putting its actions on brutality, but how will they cope with people using their own phones and using social media to expose police violence against members of the opposition and press. My own suspicion is that it is likely to be very brutal, in other words anyone holding a camera phone at these events will be a victim of police assault.

#### *g. Police Brutality and Violence*

Its hard to understand why president Museveni would retreat to violence because he does not profit by it. In 2006, Besigye's votes grew by thirty-five percent (600,000 votes, which is thirty-five percent of two million) when violence was used. In 2011 Museveni decided to be civilized. Besigye was not touched, not even a mosquito was sent to bite Besigye in 2011. Besigye's vote fell from 2.6 million to 2 million, meaning by about thirty percent. Museveni's vote grew from four million to five million which means he grew by twenty five percent. We are now again at an election, and the question is, in spite of this overwhelming statistical evidence why should he retreat to violence. I should also inform you that president Museveni in 2006 got fewer votes than he got in 1996 10 years earlier and given that Uganda's population growth rate is the second highest in the world Museveni should have got more votes, the bottom line is that violence doesn't pay, then we ask ourselves why, therefore, does the government retreat to violence?

My sense is this; I think the president feels secure when he is brutalizing his opponents because violence is the method of oppression that he understands best. So when he sees his opponents being brutalized and beaten, at a personal psychological level he may feel secure but that does not mean it is winning him any votes. Secondly, Museveni is a very smart guy, perhaps one of the smartest politicians on this continent, therefore he knows that peasants do not go to the polls to vote for who should be the president, they go to affirm who has power. So if you get Amama Mbabazi and Kizza Besigye seen being lifted onto a pickup, the peasants will say, "really this

man cannot be president. If a policeman can whisk him onto a pickup like that, how can he be president?" So they will not vote for him.

### **III. Conclusion**

All in all, for whatever weaknesses you can say about Museveni, he has brought one of the most impressive rates of economic growth of any country I know in the world. I think over the last 25 years Uganda has been the 11<sup>th</sup> fastest growing economy in the world. The consequence of that is we have seen an explosion in education and exposure in access to mass media, radio, television, newspapers but most important social media. We have 10.8 million Ugandans on social media, so this middle class of educated, urbanized Ugandans, many of them support Museveni, many support the opposition but also many are independent. So when Museveni uses violence, what happens is that his educated supporters get so revolted by violence, they stay home and don't show up to vote. Those who oppose him get so revolted and say we are going to vote against him, even when the independents and undecided who are educated and enlightened see this violence they get revolted and turn up to vote against him. They say no, we have to oppose and that is why he is always a late loser when violence is employed. So what may give the president personal psychological security is actually injurious to his electoral fortunes? I hope someone can advise him on this matter. But as the government continues on the path of exercising violence as an election strategy we are likely to see great pressure on media freedom and that pressure will be more recipient overtime.