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**THE PRESS AND POLITICAL REPRESSION IN  
UGANDA: BACK TO THE FUTURE?**

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## Introduction

*The democratisation of society demands that democratisation of information should be paramount – Zie Gariyo, 1993*

In a unanimous decision in 2004, the Supreme Court of Uganda annulled the law on publication of false news for being unconstitutional. Section 50 of the Penal Code Act criminalised publication of “any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace”. Anyone who published material that the government thought fitted the description was liable to criminal prosecution, and to imprisonment for up to two years upon conviction. The judges, however, said this law was not “acceptable and demonstrably justifiable in a free and democratic society” largely because it was open to misinterpretation and abuse on political grounds. They thus declared that “...section 50 of the Penal Code Act (Cap. 120) is inconsistent with Article 29 (1) (a) of the Constitution and is consequently void”.<sup>1</sup> The ruling arose from a legal challenge by two journalists from *The Monitor* (now *Daily Monitor*) newspaper whom the government had earlier unsuccessfully charged in the magistrate’s court with publication of false news.

The verdict was the first of its kind in Uganda. So what made such a challenge and such a finding possible, especially after political independence from Britain in 1962? After all, it was not the first time a government in post-independent Uganda had charged journalists with publication of false news, or for that matter its sisters sedition or criminal libel. In the 1960s – that tragic first decade of independence – such charges, especially

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<sup>1</sup> Onyango-Obbo and Mwenda v. Attorney General, Constitutional Appeal No. 2 of 2002, Supreme Court of Uganda, 11 Feb. 2004.

sedition, were not uncommon. In 1968, for example, the government detained and later charged Rajat Neogy and Abu Mayanja with sedition. Neogy was the founder and editor of *Transition* magazine, while Mayanja, lawyer and politician, was a regular contributor.

The 2004 ruling and the 1968 detentions suggest tension between successive governments and the press.<sup>2</sup> That is not unique to Uganda. It is a near-universal condition. This paper, however, attempts to understand why it has been possible in the late 1990s and early 2000s in Uganda for the press to push back at government hostility yet the same did not happen in the 1960s. The paper proceeds, therefore, by asking and seeking an answer to the question: how have differences between the state<sup>3</sup> and the press tended to play out in post-independent Uganda?

To answer the question we focus on Uganda of the 1960s under the first government of Milton Obote – commonly known as Obote I to differentiate it from the period of his second turn as president from 1981 to 1985 – and the present era under Yoweri Museveni, who first came to power in 1986. The two periods are comparable for a couple of reasons. First, although Museveni’s handling of the press is nearly as highhanded as Obote I’s was, the two periods are bright spots in comparison to the era in between. Those intervening years saw Idi Amin kill journalists and nationalise newspapers, and Obote return to power to detain journalists and ban critical newspapers in their numbers. Second, the 1960s marked the “first wave of democracy on the African continent”<sup>4</sup> when the print medium was still quite powerful following from its important

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<sup>2</sup> Zie Gariyo, “The Media, Constitutionalism and Democracy in Uganda,” Centre for Basic Research [Kampala], Working Paper No. 32, 1993: 1.

<sup>3</sup> I use the terms “state” and “government” alternately, although with emphasis on “government”, because in practice the state and government in Uganda tend to be fused.

<sup>4</sup> Goran Hyden and Charles Okigbo, “The Media and the Two Waves of Democracy,” Media and Democracy in Africa, ed. Goran Hyden, Michael Leslie and Folu F. Ogundimu (New Brunswick, New Jersey: Transaction Publishers, 2002) 31.

role in the quest for independence. After Africa fell into the clutches of dictators such as Amin, there occurred “a reversal that, for instance, significantly limited the role that the media could play”<sup>5</sup> in political life. The early 1990s saw the beginning of “a second transition or wave toward democracy”<sup>6</sup> that has seen an expansion in media variety and space of operation. In effect, the Museveni period is a logical, if improved, extension of the Obote I dispensation. It is thus reasonable to examine the two periods for what has changed and what has not changed regarding state-press relations and the implications for democracy in Uganda. Our premise is that a free press is important for democracy and wider society is the loser if it is curtailed for whatever reasons.

We anchor this examination in a specific event – the Neogy-Mayanja detention and eventual trial in the late 1960s in what is loosely known as the Transition Affair. We discuss the affair, which has never been properly studied, in section one. The point is to proceed from the particular to the general and then draw parallels with contemporary Uganda at the end of it all. Much as the political players have changed over time in Uganda, general government hostility toward the press, despite ebbs and flows, has remained. Museveni, for instance, is no Amin but his government has consistently harassed the independent press in Uganda, especially *Daily Monitor* – the newspaper through which we examine the current government’s approach. The approach, discussed in section two, aims to force the press to self-censor, to second-guess itself about political stories to run or not to run by worrying about the government’s likely response. The government uses a mix of tactics to scare and to intimidate independent journalists. In 1993, a year after seven private journalists founded the *Daily Monitor*, the government

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<sup>5</sup> Hyden, Leslie and Ogundimu 31.

<sup>6</sup> Hyden, Leslie and Ogundimu 41.

barred its departments from placing advertisements in the paper. Given that the government dominated economic life then, the aim was to kill a paper it viewed as too critical early on by denying it the all-crucial advertising revenue. By 1997 when the government reversed itself, the paper had not folded despite having lost about 70 percent advertising revenue.<sup>7</sup> The government then changed tack. From then on, it has harassed the paper through public condemnation<sup>8</sup> and the cover of the law. *Daily Monitor* journalists have since regularly found themselves making statements before police detectives, fighting court injunctions and standing trial for various misdemeanours. Suffice to say the government has lost all its cases against the newspaper, although some other papers that could not afford smart lawyers<sup>9</sup> have not been so lucky. Court defeat has not deterred the powerful in the Museveni government. On 10 October 2002, they simply shut down *Daily Monitor* for a week for publishing a story alleging that a military helicopter had come down while pursuing rebels in northern Uganda. On the night of 17 November 2005, state security operatives raided the newspaper's presses and stopped work for a while because they suspected the paper was printing posters appealing to well-wishers for money to defend the then remanded leading presidential challenger, Kizza Besigye, and other political prisoners. The paper was not printing any such posters.<sup>10</sup>

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<sup>7</sup> Peter G. Mwesige, "Can You Hear Me Now? Radio Talk Shows and Political Participation in Uganda," unpublished doctoral thesis, Indiana University, Indiana, USA, 2004.

<sup>8</sup> For a latest example, see Hussein Bogere and Rodney Muhumuza, "We Are Still in Charge – Museveni," *Daily Monitor* 27 Jan. 2007: 1+.

<sup>9</sup> In December 1995, Haruna Kanaabi of *The Shariat* was fined and jailed for five months on sedition and publication of false news charges largely because he had incompetent lawyers. He thus became the first and so far the only journalist in post-independent Uganda to be convicted on the sedition charge. See "The State of Media Freedom in Uganda," Uganda Media Development Foundation [Kampala] 2006: 12-20.

<sup>10</sup> Instead the newspaper edition being printed carried an advert paid for by Besigye's party, the Forum for Democratic Change. The advert was similar in design and content to the posters pinned up in Kampala that night. Even then the security agents did stop and search *Monitor* delivery vans on several highways. The presenter writer, a *Monitor* employee, was on the premises at the time of the raid at about 11 p.m.



The inclination of the Obote I government, in that age of modernisation thinking was that the press had to talk development. If it had to talk politics at all, the talk or the criticism had to be “constructive”. Nothing in this respect has changed under Museveni. What a commentator said of Obote in the 1960s is true of Museveni today in terms of excuses to criminalise criticism. The whole construction, the commentator surmised, follows the syllogism:

- nation building is the goal
- criticism (euphemism: subversion or division) interferes with nation building
- the goal cannot tolerate criticism<sup>11</sup>

Although government officials never say it, it is implied that it is they who determine what is constructive criticism and what is not. But we shall show in section three that this approach is a deliberate cover for the government of the day to pursue selfish political ends without a thorough accounting that an unfettered press would demand.

*Transition* magazine emerged in 1961 – first as a monthly then after overcoming some financial difficulties settled into coming out six times a year – and thrived as part of the freedom euphoria wrought by independence. But it got its head chopped in the late 1960s when it criticised Obote’s use of anti-democratic means to cling on to power. By then, the government had already carried out its first expulsion of a journalist – Ted Jones – precisely for trying to expose Obote’s political machinations. The intellectuals congregated around *Transition* surrendered to the Obote machine largely because the more prominent amongst them were non-Ugandan and thus feared to speak up. Academics at Makerere University College, for instance, feared deportation. One would

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<sup>11</sup> “A Matter of Transition,” *Transition* No. 38, June-July 1971: 43.

think then that the press in Kampala would stand up to the plate. It did not. The main newspaper, the *Uganda Argus*, foreign-owned as it was, opted for caution fearing for its commercial interests. Unlike under Obote, whenever the Museveni government moves against the press, different forces fight back. Not least the journalists themselves. This has consequently helped engender intense contestation over civil liberties. There are several reasons for this. A much more globalised world and a plethora of new media outlets provide close scrutiny forcing the regime to hold back a bit. Also a new and much more liberal national constitution has provided an opening for journalists to successfully challenge unfair laws in court. Indeed, *Daily Monitor* journalists are back in court challenging the constitutionality of the sedition law, which the government uses often to harass independent media outlets.

At first glimpse our focus on the press, meaning the print media, seems odd for two reasons. One is that newspaper readership in Uganda is low even compared to other African countries. Only 24 percent of Ugandans read a newspaper once a week compared, say, to 47 percent Mozambicans or 39 percent of Nigerians. In contrast, 90 percent of Ugandans listen to radio once a week,<sup>12</sup> meaning that an overwhelming majority of people in Uganda get their news and related information via radio. Two, the press is not only located in urban centres – almost entirely in the capital Kampala – it tends to cater to the elites,<sup>13</sup> who are a minority. It is important, nevertheless, to focus on the press because it is more influential in Uganda in setting the agenda for public debate

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<sup>12</sup> Africa Media Development Initiative: Research Summary Report (London: BBC World Service Trust, 2006) 27-37.

<sup>13</sup> George W. Lugalambi, “An Assessment of Democratic Deliberation in Uganda: A Case Study of the Framing of Key Political Issues in the Press,” unpublished doctoral thesis, The Pennsylvania State University, USA, 2006.

than the proliferating FM radio stations. An international media rights organisation has noted:

Pluralist and serious, Uganda's written press is the sounding board of the country's political crises.<sup>14</sup>

In fact, FM radio stations in Uganda pick their news and topics for discussion on their ubiquitous current and public affairs talk-shows from the newspapers.<sup>15</sup> Besides, in the 1960s, there was only Radio Uganda, the state broadcaster that did nothing more than broadcast to the government's tune. One may not, therefore, usefully use radio to study government response to popular critical thought. That is done by examining the pages of newspapers and magazines although reference is made to other types of media to underline some points. Thus, to understand why Museveni treats the press with nearly as much disdain as Obote did about four decades ago, and to delineate some common issues and themes linking the two periods, we must begin by thumbing through the pages of *Transition*, a literary<sup>16</sup> magazine of international note at the height of its powers.

## 1 The Transition Affair

*Arrest warrants for editors who point to the gaps between words and deeds expose frightened rulers* – John Tusa, 1991

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<sup>14</sup> Uganda - Annual Report 2006, Reporters Without Borders, 11 Dec. 2006 <[http://www.rsf.org/article.php3?id\\_article=17395&Valider=OK](http://www.rsf.org/article.php3?id_article=17395&Valider=OK)>. Africa-wide, one study has noted “the central role of the print press in the cultivation of democratic attitudes and practices”. See “Freedom of Speech, Media Exposure, and the Defense of a Free Press in Africa,” Afrobarometer Briefing Paper No. 7 July 2003, 11 Dec. 2006 <<http://www.afrobarometer.org/papers/AfrobriefNo7.pdf>>.

<sup>15</sup> Lugalambi 2006.

<sup>16</sup> The word ‘literary’ is used to describe a type of magazine “not in the literal ‘literature’ sense”. See Rajat Neogy, “Do Magazines Culture(?),” Transition No. 24, 1966: 31.

If there is conversation in the land of the dead at all, then those who knew each other and shared experiences in this life must have quite a bit to reminisce about. Rajat Neogy and Abu Mayanja would be such a pair. Neogy passed on in 1995. Mayanja followed 10 years later. But on Friday, 18 October 1968, a day they would sure love to chat about (maybe with Milton Obote, who also died in 2005, listening in at a respectable distance), that sequence was reversed. On that day, Mayanja went first. Heavily armed elements of the Special Force, an elite military unit, arrested him at his home in Kampala at 5 a.m. They drove him to army headquarters, hands tied together behind his back.<sup>17</sup> Then it was Neogy's turn. Half a dozen agents from the Criminal Investigations Department of the Uganda Police Force, impeccably dressed in black suits, picked him up from the magazine's editorial offices in the city invoking the Emergency Powers Act. By noon, Neogy had joined Mayanja in solitary confinement in different sections of Luzira Upper Prison, Uganda's maximum security jailhouse then and now.

Some seven months after he was released, Neogy hinted at what was happening politically during the arrest when he wrote:

... we were jointly charged with sedition arising out of a couple of paragraphs from a Letter to the Editor in Transition 37, in which Mayanja argued against an "ideologically committed" judiciary. The trial was held on January 9, 1969. Judgment was given on February 1 acquitting us on all six counts of sedition. We went back to prison under Uganda's detention laws.

Under Uganda's Emergency Regulations any person can be detained without trial for up to six months. The Emergency Regulations were first introduced in early 1966 and have to be renewed by Parliament at the end of every six months. Uganda's legislators have obliged by routinely extending them

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<sup>17</sup> In 1956 the *Uganda Express* and *Uganda Post* were banned for alleged sedition and publisher J.W. Kiwanuka jailed. The ban and charge arose from a letter by Abu Mayanja critical of colonialists for their approach toward a proposed East African federation. Mayanja then commented on Kiwanuka's plight in terms he must have remembered this time around. He wrote: "Only a law that goes against the concepts of common morality could send the editor to jail and suspend the newspapers while leaving the author of the offending article at large." Quoted in Zie Gariyo, "The Press and Democratic Struggles in Uganda, 1900-1962," Centre for Basic Research [Kampala], Working Paper No. 24, 1992: 72.

ever since. There are, as a result, political detainees who have been held without trial for more than 3 years.

A few days before the trial another writer of a letter to *Transition*, Davis Sebukima, a final-year student at Makerere University College, was detained. His letter appeared under the pen name of “Steve Lino” in *Transition* 34 ...

On March 27 of this year [i.e. 1969], together with Davis Sebukima and 24 others I was released from Luzira Upper Prison ... Abu Mayanja is still there.<sup>18</sup>

The extract points to a tense political atmosphere obtaining in the country at the time. Ironically, this was a state of affairs at variance with international perceptions of Uganda. Many outsiders considered Uganda one of a few newly independent African countries that were actually succeeding economically and otherwise and in a sense *Transition* was an example of that success. The reality though was that an internal contest was raging between “liberalism and repression”. Repression triumphed and consumed the magazine. To understand why this came to be, we must examine the kind of publication *Transition* was and the broader socio-political milieu in which it operated. Our interest is in what Ali Mazrui, a one-time associate editor at the magazine, has called “the Uganda phase of *Transition*”. This phase covers the first 37 issues from 1961 to 1968. We are especially interested in the writing on politics as that was the source of the magazine’s troubles. Following Neogy’s release, *Transition* re-opened in Accra, Ghana, in mid-1971. The next year, the military overthrew K.A. Busia, “an old friend of the magazine”<sup>19</sup> whom Neogy had interviewed for *Transition* 28. Tired of militarism, Neogy gave up the editorship of the magazine having published seven issues. Wole Soyinka – who had occasionally written for the magazine and been written about, and was to describe it as “Africa’s first forum of intellectual and artistic eclecticism”<sup>20</sup> – took over. He changed

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<sup>18</sup> Rajat Neogy, Letter to the Editor, *Transition* No. 38, June-July 1971: 6.

<sup>19</sup> Michael Colin Vazquez, “An African Dilemma,” *Transition* No. 75/76, 1997: 12.

<sup>20</sup> Wole Soyinka, “On the Trail of *Transition*,” *Transition* No. 75/76, 1997: 414.

*Transition*'s name to *Ch'indaba* or "let the great palaver begin" in a bid to "put to rest the controversies that had plagued *Transition*'s mature life".<sup>21</sup> Nothing came of it. The magazine folded in 1976, to be resurrected in 1991 at Harvard University under the editorship of academics Henry Louis Gates, Jr. and Kwame Anthony Appiah with Soyinka as chairman of the editorial board.<sup>22</sup> It bills itself now as "an international review of politics, culture and ethnicity from Beijing to Bujumbura".<sup>23</sup>

Beijing or Bujumbura, the *Transition* story starts in hilly and once very leafy Kampala at a particular historical moment. In introducing issue 75/76, a commemorative number, an editor with the present *Transition* said of that moment:

It was the dawn of the 1960s, a time of transition: an era of youth and hope, of deferred dreams finally coming true, or starting to. John F. Kennedy was in the White House; Martin Luther King, Jr., was in Birmingham; and Africa was on the move. Decolonisation was proceeding apace: in 1960 alone, seventeen new African states were admitted to the United Nations.

It was also a good time for the press. Energetic new writing filled the pages of little magazines like *Commentary*, *Encounter*, *Ramparts*, *Dissent*, the *Evergreen Review*, and the *Olympia Review*. *Esquire* was pioneering a new kind of journalism; *Playboy* was serving up its powerful cocktail of style and sex. In South Africa, *Drum* magazine was a kind of feisty African *Life*, marrying daring photography and brisk, irreverent journalism. In Nigeria, *Black Orpheus* was documenting and promoting the new African literature, battering down language barriers, translating French, Spanish, and Portuguese writings into English.<sup>24</sup>

It was in this environment that Neogy, a graduate of the University of London recently returned home to Uganda after a stint writing scripts for the BBC, decided to make his contribution. He started *Transition* – a journal of the arts, culture and society – as it trumpeted itself. Specifically, the presence of an array of academics and intellectuals at a quality university college such as Makerere – the Harvard of Africa was its apt

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<sup>21</sup> Vazquez 14.

<sup>22</sup> Only recently, Abiola Irele and Tommie Shelby assumed editorship with Gates and Appiah becoming publishers.

<sup>23</sup> Vazquez 14.

<sup>24</sup> Vazquez 6.

nickname – and a vibrant economy that suggested opportunities ahead were good incentives for the endeavour as much as Neogy’s own sense of mission. Introducing his appropriately named magazine in the first issue in November 1961, the editor, who would turn 23 the next month, proclaimed his agenda:

This journal appears when East Africa is undergoing various and exciting changes. It is a time when idealism and action merge with various degrees of success. It is also a time for testing intellectual and other preconceptions and for thoughtful and creative contributions in all spheres. One of the questions this journal will address itself to is: “What is an East African culture?”<sup>25</sup>

Two features about the magazine emerge from this manifesto: the one would change over time; the other not. The regional focus, which had the second issue dedicated to Tanganyika’s independence with Julius Nyerere battling for a one-party government as being African and democratic, expanded to embrace much of Africa and often the far beyond. The second feature, about “testing intellectual and other preconceptions”, never changed. The first issue carried poetry, prose, criticism, a main article on race relations in East Africa. Plus some more. A piece by Sir Ivor Jennings, master of Trinity Hall, Cambridge, asked what soon turned out to be an important question as one-party and military dictatorships rose to obliterate the decade’s hopes. Is a party system possible in Africa? Sir Ivor asked. It would take a lot of hard work and goodwill, he suggested. And so *Transition* kicked off its interesting and varied life. A perceptive reviewer of the first 32 issues noted:

This regional emphasis dominated the first few numbers, although articles of a more general nature were published from the very beginning. Even then, one was not quite sure what kind of magazine *Transition* wanted to be. Such a multitude of subjects and interests were represented, and such a diversity of styles appeared in its pages – the range covered pure literature, academic economics, missionary religion and even touched abstract philosophy – that the magazine ran a real risk of being stifled less by the lack of response from the ‘discriminatory

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<sup>25</sup> “Culture in Transition,” *Transition* No. 1, Nov. 1961: 2.

public' it was trying to reach than by its own incoherent eclecticism. One sensed the pull towards a restricted university periodical that the Makerere lecturers, thrilled at the appearance of an 'intellectual' magazine on their doorstep, were exerting upon these early numbers. Discouraging subscription figures must have awakened the editor to the realisation that, clearly, an African version of *Encounter* was not what an informed public in Africa hankered after; since then, *Transition* has not only found its feet, but also its proper key and tone of address, and thus in less than six years has gone on to establish itself as one of the leading periodicals appearing in Africa.

By force of circumstance, resulting from the fact that more western commentators on African affairs are at hand than Africans willing to give expression to the ideas and preoccupations of the continent, this magazine has been preserved from being a medium of mere self-reflection and self-contemplation for the African intellectual. Rather, it has been able to provide a forum for the kind of wide-ranging, cross-current debate on immediate problems and basic issues, so often lacking in its western counterparts, which are almost invariably confined to a closed-circuit communication between initiates or partisans.<sup>26</sup>

A magazine is only as good as its content. One measure is the relevance of a magazine article over time. It speaks volumes to the kind of publication *Transition* was when we discover that some of the themes debated in its pages still resonate on the African continent a good 40 years on. Foreign aid and its implications; African literature and its features; political accountability; human rights such as the right to associate and to express oneself; East African federation; education; and even the idea of love.

The magazine had a pair of things going for it, other than its editor's acute sense of just what a literary periodical such as his should be about. (Discussing magazines and culture, Neogy wrote that literary magazines must constantly plumb the depths where true cultural activity, being a subterranean process, takes place and show the world the real picture.)<sup>27</sup> At the time, increasing numbers of Africans were attaining higher

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<sup>26</sup> Abiola Irele, "Transition, Nos. 1-32 by Rajat Neogy," *The Journal of Modern African Studies* Vol. 5 No. 3, Nov. 1967: 443. 13 Dec. 2006 <<http://links.jstor.org/sici?sici=0022-278X%28196711%295%3A3%3C442%3ATN1%3E2.0.CO%3B2-N>>. This is the same Irele who is now co-editor of present-day *Transition*.

<sup>27</sup> Neogy, *Do Magazines* 30-31.



education qualifications both inside and outside of the continent. These men and women not only offered *Transition* the readership it needed, some amongst them also wrote for it. Anecdotally, one could see from the notes on contributors that as the sixties wore on, more African names appeared. Having just cast aside colonialism, these men and women were eager to make their views known on the questions of the day. The Obote government too, like many African governments in the early years of independence, was generally tolerant of dissent. It would have been bad statecraft to curtail civil liberties just after the end of seven decades of colonialism where the African citizens had been reduced to subjects in their land of birth. Besides, the nationalist struggle was potent and had wide support precisely because it made the commonsense case for respect of human rights and overall human dignity.<sup>28</sup> Indeed, two months before independence, Obote addressed his party's delegates at a conference saying:

- (a) that every human being is free to seek the truth and to express the truth as he may understand it ...
- (h) that science, the arts of expression, and learning must be free and their products freely exchangeable.<sup>29</sup>

For its quality and vibrancy,<sup>30</sup> *Transition* was soon enough gaining in influence as key intellectuals, especially in the English-speaking world, read it.<sup>31</sup> Future literary giants such as the Nobel laureate Nadine Gordimer wrote for it. As did Chinua Achebe. The famed American literary critic Lionel Trilling gushed over the magazine describing it as

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<sup>28</sup> Gariyo, "The Press".

<sup>29</sup> A. Milton Obote, "A Plan for Nationhood," *Transition* No. 6/7, Oct. 1967: 18.

<sup>30</sup> "Everybody was talking about it and, therefore, it received much greater audience than even its circulation would indicate. It generated comments in newspapers, politicians responded. It did what a magazine should do: excite debate on issues," said Nelson Kasfir who wrote for *Transition* while a young academic at Makerere University College. Nelson Kasfir, Personal interview, 4 Dec. 2006.

<sup>31</sup> The initial print-run in 1961 was 2,000 copies. It had jumped to 12,000 by 1968. See Alfred Friendly Jr., "Slick African Magazine Gains a Wide Following," *The New York Times* 11 Aug. 1968: 3. Pagination also rose from 54 hitting 64 pages by issue 32.

“remarkably intelligent”.<sup>32</sup> The historian Arthur Schlesinger, Jr. was a subscriber. And future Tanzanian president Benjamin Mkapa was an associate editor and contributor right at the start. The magazine grew to garner institutional praises in bucketfuls from around the world. *The New York Times* led the way pronouncing *Transition* “Africa’s slickest, sprightliest, and occasionally sexiest magazine ... A questing irreverence breathes out of the pages ... For erotic interest, Mr. Neogy has published discussions of the importance of orgasm, as well as scholarly translations of Sanskrit love poetry”.<sup>33</sup>

As these things go, there were critics too. Neogy himself summed up the criticisms by writing that “Transition has been accused of taking things too seriously, not taking things seriously enough, being political, puritanical, unnecessarily licentious ... anti-African, CIA-inspired ... and just plain boring”.<sup>34</sup> In all, the founder-editor was happy with his effort, crowing to *The New York Times*, “I know ours is the single most important magazine on the continent.”<sup>35</sup>

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*Transition*’s troubles would partly have to do with its international reach. After all, the *Uganda Argus*, the major daily at the time, had announced to the country after the Nigerian distributor had refused to sell issue 36 which carried interviews and gory pictures on the Biafran war for being “shocking and most slanderous”, that *Transition* circulated worldwide.<sup>36</sup> When the magazine ran hard-hitting criticisms about political goings-on at home, the powers that be, eager to project an image of tranquillity to the international community, took note. The magazine’s criticisms were damaging the

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<sup>32</sup> Lionel Trilling, “Trilling on Transition,” *Transition* No. 18, 1965: 6.

<sup>33</sup> Friendly 3.

<sup>34</sup> “Slickest, Sprightliest, Sexiest,” *Transition* No. 37, 1968: 41-42.

<sup>35</sup> Friendly 3.

<sup>36</sup> “Uganda Magazine Banned in Nigeria,” *Uganda Argus* 1 July, 1968: 3.

country's image abroad, they argued.<sup>37</sup> All this came to a head with the detention and subsequent trial of Neogy and Mayanja over the latter's denunciation of the notion of "ideological parity" in the judiciary in *Transition* 37. As to why the detentions occurred when they did, we must trace where the government's real discomfiture with the magazine started – with the 32nd issue, published in August-September 1967.

In June 1967, the government presented for public debate proposals for a new constitution. The ferocity of the critiques, many of them negative as Obote himself acknowledged,<sup>38</sup> left the government in something of a tailspin. Mayanja, a brainy Cambridge-educated lawyer, veteran nationalist and ruling party MP for Kyagwe North-East constituency, fired the first major salvo in *Transition* 32. After a few initial paragraphs of niceties about how wonderful it was the proposals were being publicly debated, Mayanja made his point:

The key-note of the Government proposals is the concentration of all powers of government – legislative, executive, administrative and judiciary – into the central Government institutions and the subjection of those institutions to the control of one man – the President. The result is the creation – not of a republic, but of a one-man dictatorship ...<sup>39</sup>

He kept on in the same vein, picking apart the proposals such as the one providing for a Detention Act, which he said was nonsensical because Kwame Nkrumah had one but was overthrown all the same. In the next issue, the government returned the fire. Akena Adoko, head of the security service known as the General Service Unit, "ideological *alter ego*", closest confidant and cousin of the president, defended the

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<sup>37</sup> "Tribalism Issue in Sedition Case," Uganda Argus 10 Jan. 1969: 1+. See also Transition No. 38: 43-49.

<sup>38</sup> A. Milton Obote, Myths and Realities: Letter to a London Friend (Kampala: Consolidated Printers Ltd., 1968) 16.

<sup>39</sup> Abu Mayanja, "The Government's Proposals for a New Constitution of Uganda," Transition No. 32, Aug.-Sept. 1967: 20.

proposals. He insinuated bad faith in Mayanja's criticisms before arguing that failure to give the presidency more powers could hamper national progress as a result of power struggles as the different centres vied for supremacy. Besides, he added, executive powers are "delegated and distributed". But the point the president has those powers is simply to ensure that the people know who is directly accountable for governmental activities.<sup>40</sup> Following the debate in the press and in the National Assembly, some amendments were made although historians and political scientists have maintained that the 1967 Constitution vested way too much power in the presidency.<sup>41</sup>

While there was a semblance that the government was willing to debate and defend its proposals and policies, as any sensible government should, there were signs that patience with critics was wearing thin. In the same issue 32, the writer and academic Okot p'Bitek wrote a short piece observing thus:

The most striking and frightening characteristic of all African governments is this, that without an exception, all of them are dictatorships, and practice such ruthless discriminations as make the South African apartheid look tame.<sup>42</sup>

Soon p'Bitek was fired as director of the Uganda National Cultural Centre. Reasons other than his various criticisms of the government were given for the sack. A year earlier, in 1966, the government had deported Ted Jones, the Uganda correspondent for the *Kenya Weekly News* and the *Reporter*<sup>43</sup> publications. According to Obote himself, there had been attempts between mid-1965 and early 1966 by elements allied with the kabaka of Buganda, who also was the ceremonial president, to remove him using either a motion in

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<sup>40</sup> Akena Adoko, "The Constitution of the Republic of Uganda," *Transition* No. 33, Oct.-Nov. 1967: 10-12.

<sup>41</sup> Phares Mutibwa, *Uganda Since Independence: A Story of Unfulfilled Hopes* (London: Hurst & Company, 1992) 59. See also Joe Oloka-Onyango, "Governance, State Structures and Constitutionalism in Contemporary Uganda," Centre for Basic Research [Kampala], Working Paper No. 52, 1998: 34.

<sup>42</sup> Okot p'Bitek, "Indigenous Ills," *Transition* No. 32, Aug.-Sept. 1967: 47.

<sup>43</sup> The *Reporter* was a fortnightly newsmagazine published out of Nairobi starting in April 1961.

the National Assembly or, failing that, the army under its commander Shaban Opolot.

Apparently, Opolot had moved some units around with ill-intent. Obote wrote:

All these events and happenings could not have been completely hidden from Ted Jones, but both in the “Kenya Weekly News” and “The Reporter” he advanced the theory that troops moved into Kampala by Opolot were for the purpose of safeguarding the Constitution. Evidence, even that part of it which was known to the general public in Kampala, pointed otherwise. This led us to think that Ted Jones was more than a sympathiser of the plotters. He had, therefore, to be deported.<sup>44</sup>

Billy Chibber, a *Daily Nation* reporter, also was bundled out. And *Ssekanyolya*, a feisty Luganda-language daily promoting Buganda interests, was banned. These occurrences got Daniel Nelson, editor of the ruling UPC weekly newspaper, *The People*, to comment:

For it is a brave man, indeed a reckless one, who will publicly doubt what Government says, even if he knows it is wrong and is designed as a cover-up operation. Government’s word is becoming infallible, and that is disturbing.<sup>45</sup>

Under these circumstances, one more “provocation” and the state would hit back and hit hard. It did. The occasion was Mayanja’s article in issue 37, which also carried responses by several other people, criticising an earlier piece by Picho Ali of the president’s office. Ali, a Moscow University-trained lawyer, had argued in the previous issue that the judiciary must be ideologically committed to the government’s policies.<sup>46</sup> This basically meant the judiciary had to forget its independence and the guidance of the law and toe the party line. The government decided it was time to rein in Mayanja, whom the ruling UPC party had expelled a year earlier – in 1967 – for his contrarian views and who was serving as an independent MP. It was also time to rein in *Transition* and its printers, Consolidated Printers. So the government decided that two paragraphs from

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<sup>44</sup> Obote, Myths 19-27.

<sup>45</sup> Daniel Nelson, “Newspapers in Uganda,” *Transition* No. 35, Feb.-Mar. 1968: 30.

<sup>46</sup> Picho Ali, “Ideological Commitment and the Judiciary,” *Transition* No. 36, 1968: 47-49.

Mayanja's article, which also dismissed the UPC as a party with no ideology whatsoever contrary to Obote's claim that it was leftist,<sup>47</sup> were seditious. The prosecution slapped six counts of sedition on the accused. Given to an "anarchic sense of humour", Mayanja's first "offending" paragraph was allegedly designed to bring the president into hatred or contempt. Referring to alleged delays in appointing black Ugandan judges to the High Court, this being the era of Africanisation, Mayanja wrote:

I do not believe the rumour circulating in legal circles for the past year or so that the Judicial Service Commission has made a number of recommendations in this direction, but that the appointments have for one reason or another, mostly tribal considerations, not been confirmed.<sup>48</sup>

The second paragraph cited in the charges, and reportedly designed to induce hatred or contempt in the government,<sup>49</sup> read:

... the Government of Uganda seems to be quite happy in retaining ... and utilising ... especially those laws designed by the Colonial Regime to suppress freedom of association and expression.<sup>50</sup>

The trial opened in the chief magistrate's court in Kampala on 9 January 1969;<sup>51</sup> nearly three months after the men had been seized and held in cells each measuring 5½x7 feet. Crowds thronged the court premises every time the duo appeared. On 1 February, the magistrate returned his verdict. He said that Mayanja's entire article, not just isolated passages, needed to be read in relation to Ali's to establish seditious intent. It was obvious, he said, the high court bench was not African and thus it was a matter of public interest and subject for inquiry. He added that much as the mention of tribalism was intemperate and defamatory, it was not seditious or likely to arouse disaffection against the president. Besides, the country's laws allowed Ugandans to say or write what they wished in order to draw the government's attention to certain issues. He acquitted the three accused on all six counts of sedition.<sup>52</sup> Relatives and well-wishers inside the courtroom erupted in ululations. The excitement was quickly cut short. Instead of being let

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<sup>47</sup> Obote, Myths 4.

<sup>48</sup> A.K. Mayanja, "The Fact that We Hate Apartheid Should Have No Relevance in the Way We Punish Traffic Offenders," Transition No. 37, 1968: 15. (In March 1969, President Obote named four Ugandans – Saulo Musoke, W.W. Wambuzi, Aloysious Mukasa and Emmanuel Oteng – as puisne judges of the High Court. See Uganda Argus 28 Mar. 1968. None of the four men was Obote's tribesman).

<sup>49</sup> Argus 1+.

<sup>50</sup> Mayanja, "The Fact that We Hate Apartheid," 15.

<sup>51</sup> Sir Dingle Foot, Q.C., Britain's one-time solicitor-general, defended Mayanja; Byron Georgiadis represented Neogy; and M. Patel did the same for Consolidated Printers.

<sup>52</sup> "Sedition Charges Dismissed," Uganda Argus 3 Feb. 1969: 1-2.

go, the two men were handcuffed and sprinted back to solitary confinement under the detention and emergency laws. Neogy was freed on 27 March 1969, Mayanja almost two years later.<sup>53</sup> The government never even bothered with trying student Sebukima.

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The extended look at the magazine leads us to note a few things. In raising questions about creeping tribalism and the government's use of draconian methods such as that colonial relic called the Detention Act – allowing preventive detention without stated charge and without trial – Mayanja was pricking the centre of the rotting soul that new Uganda was turning out to be. By the time of the Transition Affair, the Obote government had committed several ills starting about 1965, just three years after independence. Obote had detained without trial five of his ministers<sup>54</sup> and ordered the army under Idi Amin to storm the kabaka's palace resulting in the monarch being deposed following a power struggle; he had declared a state of emergency over the Buganda region which he later extended to cover the whole country and had not been lifted by the time of his overthrow in January 1971; he had abrogated the 1962 Independence Constitution; abolished kingdoms and with them the semi-federal type of government that obtained; dissolved the National Assembly; and assumed all powers of government. To legitimate his actions, he had forced through what Ugandans call the "pigeonhole" constitution in 1966 – so-called because he ordered the National Assembly to pass it without members having read it and told them to read only after the fact for they would find their copies in their mailboxes or pigeon holes. For good measure, the

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<sup>53</sup> Dictatorships sometimes destroy people without having to kill them physically. Intense, bearded and given to writing poetry and patronising the arts, Neogy, born to Indian Brahman parents in Uganda, was a committed man of culture. Jail broke his spirit for ever. And he was only 30 when he was released in March 1969. See Wole Soyinka, "Memories of Rajat," *Transition* No.69, 1996: 10-12 and in the same issue Ali Mazrui, "The Day I Stopped Rajat Neogy from Becoming a Muslim," 8-9 and Paul Theroux, "Rajat Neogy Remembered," 4-7. Mayanja lived to serve in various cabinet positions, including information, and justice, under Yoweri Museveni.

<sup>54</sup> Grace Ibingira, Mathias Ngobi, Emmanuel Lumu, George Magezi and Balaki Kirya.

National Assembly buildings were surrounded by soldiers with an army helicopter hovering above. Given the strangeness of the whole exercise, Obote had then introduced the 1967 Constitution. Even then, this constitution, much as it was publicly debated, simply allowed the president to not hold elections scheduled the same year. With all the controversial things Obote had done, it was important to go to the people and make his case and obtain legitimacy for his actions that way. He did not. The first general elections after independence were thus never held. The net effect was Obote extending his stay in power without seeking a fresh electoral mandate. So was introduced in Ugandan politics a disrespect for elections that lasted decades.

Some of these actions were attracting quite a bit of flak, especially from academics at Makerere. Mazrui was one of the more prominent critics. The government consequently came to view intellectuals of whatever sort as enemies. It planted informers at the university college. The General Service Unit under Adoko ran a spy ring that operated “through paid informants amongst formally registered students” to report “upon the political opinions of their fellow students and upon lecturers”.<sup>55</sup> This partly explains why when the *Transition* detentions occurred, Makerere academics, several of whom wrote for the magazine, did not speak out. Most being foreigners, they also did not want to raise their heads else they were declared to have a colonial mentality. Deportation was not exactly off the cards. Divisions between the expatriate and indigenous academic staff did not help matters either.<sup>56</sup> It was left to Mazrui<sup>57</sup>, a professor of political science and

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<sup>55</sup> Bryan Langlands, “Students and Politics in Uganda,” *African Affairs* Vol. 76 No. 302, Jan. 1977: 6. See also Selwyn Douglas Ryan, “Uganda: A Balance Sheet of the Revolution,” *Mawazo* Vol. 3 No. 1, June 1971: 47.

<sup>56</sup> Nyangabyaki Bazaara, “Contemporary Civil Society and the Democratisation Process in Uganda: A Preliminary Exploration,” Centre for Basic Research [Kampala], Working Paper No. 54, 2000: 27-28.



dean of the faculty of social science, to issue a “personal statement” three days after the detentions challenging the government’s commitment to intellectual freedom.<sup>58</sup> What followed that statement was a series of ringing denunciations of intellectuals by Obote and Adoko.<sup>59</sup>

If the academics were fearful, one would have expected a major daily such as the *Uganda Argus* to stand by *Transition* and the right of the press to report and to comment on public matters freely. It did not. One, it was foreign-owned<sup>60</sup> and could be blasted for peddling foreign (read colonial) interests given that it opened in 1955 when the colonialists were still in charge. Two, being private, it feared for its commercial interests in case it was shut down. Three, it had already had an early run-in with the government as one analyst noted:

The *Argus*’ problems began just four weeks after Independence when they published a story from “our London correspondent” about Prime Minister Obote’s problems. Obote immediately reacted with a statement that he did not believe the story was by a genuine correspondent but was written at the direction of the British Government, and John Kakonge hinted that Government might take action against the paper. With a start like that, the *Argus* can be forgiven for possessing a little trepidation.<sup>61</sup>

With no opposition to speak of, international protestations<sup>62</sup> having been waved aside contemptuously, the government proceeded to teach *Transition* a lesson.<sup>63</sup> It

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<sup>57</sup> By the mid-1960s, Ali Mazrui was widely recognised, in the west particularly, as Africa’s foremost political scientist. His association with *Transition*, first as contributor and later as both contributor and associate editor, did add to the magazine’s lustre in the west. Said to be a social constructivist, it was during this period that Mazrui wrote what some consider his “most influential article on African Affairs”. Fittingly, that article, “Nkrumah: The Leninist Czar,” appeared in *Transition* No. 26, 1966: 8-17. It dealt with the thought and politics of Ghana’s founding president Kwame Nkrumah, just newly deposed.

<sup>58</sup> “Mazrui Comments on Detentions,” *Uganda Argus* 21 Oct. 1968: 5. Another Makerere scholar and regular *Transition* contributor M.M. Carlin added his voice challenging the government to say publicly whether free speech was dead in Uganda. See *Uganda Argus* 24 Oct. 1968: 5.

<sup>59</sup> “Emergency Extended,” *Uganda Argus* 22 Oct. 1968: 1+. See also “Dr Obote,” *Uganda Argus* 2 Nov. 1968: 2. “Criminals Must Not Be Able to Go Free,” *Uganda Argus* 11 Nov. 1968: 2.

<sup>60</sup> The *Argus* was owned by the British Tiny Rowland’s Lonrho East Africa group.

<sup>61</sup> Nelson 31. *The Argus* editor claimed the reason for not commenting was because co-accused Consolidated Printers was a sister company. See “A Matter of Transition” 45.

<sup>62</sup> Amnesty International adopted Neogy as a prisoner of conscience.

declared Neogy an alien having stripped him of his citizenship. Worse, it had emerged in 1967 that *Transition* had been funded by CIA money funnelled through the Congress for Cultural Freedom in Paris. Only one person at the Congress knew where the money was coming from but not Neogy or Ezekiel (now Es'kia) Mphahlele, who was in charge of the Africa programme. Many other magazines such as *Encounter* in the UK funded by Congress were affected.<sup>64</sup>

But why was the government tense? Mazrui, talking about post-colonial Africa generally, first declares that “Marxism as an ideology of development failed to deliver worldwide.” Then he adds:

As for African elites who chose to pursue the capitalist path of development, many African economic strategies were similarly out of focus in their capitalism. They stimulated urbanisation without industrialisation, they sponsored capitalist greed without capitalist discipline, they activated Western consumption patterns without Western productivity technologies, they whetted Western tastes without cultivating Western skills.<sup>65</sup>

Addressing himself specifically to Obote in the 1960s, Gukiina argues that the president catered to his “political clientele” while failing to provide peasants with fertilisers and free education. In the urban areas, salaries and wages were declining and yet workers were threatened with court action if they went on strike. He concludes:

Sensitive to the fact that his popularity was diminishing with time, Obote became less and less tolerant of criticisms and political activities of his actual and potential political opponents.<sup>66</sup>

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<sup>63</sup> In any case the minister of defence had declared on national television in January 1968 that *Transition* was subversive and the government would deal with it. See “A Matter of Transition” 43.

<sup>64</sup> Tony Hall, “Rajat Neogy on the CIA,” *Transition* No. 32, Aug.-Sept. 1967: 44-47. See also Ezekiel Mphahlele, “Mphahlele on the CIA,” *Transition* No. 34, Dec. 1967-Jan. 1968: 5.

<sup>65</sup> Ali A. Mazrui, “The Role of Academics in Political Change and Economic Revival: Uganda in a Comparative Perspective,” public lecture at Makerere University in Kampala to mark the 40<sup>th</sup> anniversary of the founding of the Bank of Uganda, 15 Aug. 2006.

<sup>66</sup> Peter M. Gukiina, *Uganda: A Case Study in African Political Development* (Notre Dame and London: University of Notre Dame Press, 1972) 168.

After the Transition Affair, Obote continued with the detentions. Those detained without trial included top politicians such as Benedicto Kiwanuka<sup>67</sup> and Paul Ssemogerere of the DP; politician Jolly 'Joe' Kiwanuka; Princess Nnalinya Mpologoma, sister of the exiled kabaka and embodiment of Buganda resistance to Obote; Prince Badru Kakungulu, uncle of the kabaka; Sir William Wilberforce Nadiope, the former traditional head of Busoga; Dani Nabudere; and former ministers Cuthbert Obwangor, and Amos Sempa. Estimates of those detained under Obote vary. Some say that from the time of the emergency in 1966 to the coup of 1971 the numbers of political detainees swung between 120 and 2,000.<sup>68</sup> Others claim for all the eight-plus years he was in power, Obote detained up to 4,000 people on political grounds compared to 35 detained during the 70 years of colonialism.<sup>69</sup> Obote then banned the opposition after an attempt on his life on 19 December 1969 and declared Uganda a one-party state, something he had first hinted at in 1964 and now found an excuse to execute. The TransitionAffair was thus a logical step on the inexorable slide toward the unlamented collapse of the Obote I government. How have things stack up since for the press in Uganda, we might ask? For an answer, we look at the present government in Kampala.

## 2 The Press Under Museveni

*But to make a single mistake or even several, does not undermine the argument for independent journalism. It merely shows that the participant is human, not that what they are trying to do is invalid. Repeated errors of a pre-ordained and deliberate kind are very different ... it is the process of honest inquiry that matters. For the process itself, if*

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<sup>67</sup> Amin freed him and the other political detainees upon taking power, made him chief justice and proceeded to murder him in 1972 after state agents had kidnapped him in daylight from his chambers at the high court buildings in Kampala and bundled into the boot of a waiting car. His body has never been recovered.

<sup>68</sup> Rajat Neogy, "It Only Happens to Other People," Transition No. 75/76, 1997: 378.

<sup>69</sup> Gukiina 170.

*honestly undertaken and honestly maintained, will produce a decent result, despite the errors, the moments off balance, the nit-picking. The process is far greater than the challenge which calls it into question – John Tusa, 1991*

Before discussing the fortunes of the press under the current long-running presidency of Yoweri Museveni, we need to take a side-glance at the period between the Obote I ouster and the assumption of power by Museveni.

On 25 January 1971, Army Commander Idi Amin overthrew his mentor Milton Obote – he who had written in 1968 boasting that he was “perhaps the only African leader who is not afraid of a military take-over”.<sup>70</sup> The public’s sense of relief was palpable. People poured especially into the streets of Kampala to honk car horns, to wave tree branches, to sing, to drink beer, to collapse into each other’s arms. All were ecstatic that a government they had slowly grown to detest had been flushed out. The first three of Amin’s 18 reasons for staging the coup d’etat fit neatly within part of the context of this paper. They were, in order: unwarranted detention without trial; the indefinite continuation of a state of emergency in the country; and lack of freedom to air views. Reason three related journalists and all those interested in free speech. Although he suspended the constitution to rule by decree, Amin left the section on freedom of expression intact. Even *Transition* expressed “joyousness”<sup>71</sup> at the coup from its new home in Accra. Hard-hitting columns started appearing in the newspapers like they had never before. With more to come. Being a big man given to the big, showy gesture, probably something he picked up as a champion heavyweight boxer in the military, Amin donated a bull each to journalists at *Taifa Empya* and *Munno* newspapers because they had printed a statement during the former regime in which he had said he feared only

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<sup>70</sup> Obote, Myths 30.

<sup>71</sup> Editorial, *Transition* No. 38, June-July 1971: 5.

God.<sup>72</sup> It was all easy fun. It was short-lived fun. The end of one nightmare simply marked the beginning of another, more macabre, one. Within a year, the regime was murdering the same people it had been feeding on bulls in apparent gratitude. Think *Munno* editor Father Clement Kiggundu, who was burnt alive inside his car. Think news photographer Jimmy Parma. Shot. Think John Serwaniko, also of *Munno*, found dead in his police cell. Think James Bwogi, a TV journalist. Killed. Several were jailed. Others chose exile. The news business as we know it died. So did Uganda.

A combined force of Tanzanian troops together with Ugandan exiles kicked out Amin in April 1979. There followed three short-lived governments. An Africa media analyst has written of this period:

The fall of Amin was followed by 20 months of political instability as successive administrations tried without success to control the anarchy which followed in the wake of his departure. The press, meanwhile, took advantage of the space afforded by the absence of a strong, central authority; by the beginning of 1980, an estimated 30 newspapers and 40 journals appeared on the streets of Kampala, the capital.<sup>73</sup>

Obote returned to power through a rigged election in December 1980. He stayed until his army elbowed him out yet again in July 1985. The period between this second coming and going is referred to as Obote II. During this second go at power, Obote simply picked up from where he had left off in January 1971. In March 1981 alone, his government banned five of the main newspapers, the influential *Weekly Topic* one of the lot. In case the message was not registering, he banned two more in September. When the government-owned *Uganda Times* carried a report on the military killing civilians and

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<sup>72</sup> Frank Barton, *The Press of Africa: Persecution and Perseverance* (London and Basingstoke: The Macmillan Press Ltd., 1979) 99.

<sup>73</sup> Adewale Maja-Pearce, "The Press in East Africa," *Index on Censorship* Vol. 21 No. 7, July-Aug. 1992: 62.

perpetrating other atrocities in the northwest of the country, the editor got the sack.<sup>74</sup> And on and on. The military junta that overthrew Obote was itself cast aside by Museveni's triumphant guerrillas six months later.

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After a five-year campaign<sup>75</sup> in the bushes of central Uganda, Museveni's fighters received a most cheerful welcome from a war-weary and deprived population. Would the dark cloud lift finally? A man with a keen sense of history, Museveni took the oath of office on 29 January 1986 promising that the occasion did not simply amount to another "mere change of guard" but a "fundamental change". It was a vow that his government would be different from all those that had come before through the barrel of the gun or otherwise. The new government would allow a free press surely, as one of the many rights to be protected and enjoyed.

Museveni's NRM government has to-date allowed for free expression a lot more than all previous governments ever did. Six years after the new government installed itself, a media analyst wrote:

In the six-month interregnum between the fall of Obote and the emergence of Museveni's NRM, the press once again seized its opportunity. Many of the banned newspapers, including *Weekly Topic*, appeared once more on the streets of Kampala, but this time they survived the emergence of a new regime which, if not wholeheartedly committed to the ideals of press freedom, has certainly shown itself infinitely more tolerant than any of its predecessors.<sup>76</sup>

At any time since the NRM came to power there has been an average of a dozen publications. The FM radio world is booming, thanks to the liberalisation of the

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<sup>74</sup> *Munnansi* (or Citizen), the opposition Democratic Party mouthpiece, was left unscathed. This appears to have been deliberate because the government wanted to demonstrate to the international community particularly that an independent press was tolerated. See Maja-Pearce 62.

<sup>75</sup> Museveni was one of four presidential candidates in the December 1980 election. Obote and his UPC party rigged the poll and returned to power prompting Museveni to launch his guerrilla campaign in protest in February 1981.

<sup>76</sup> Maja-Pearce 63.

communications sector early in the 1990s. Internet usage, although hampered by the lack of broadband technology, is picking up. Ugandans too are beginning to blog. The new constitution has positive language on freedom of expression. Unlike the earlier constitutions that shied away from mentioning the word 'press', the current constitution, which took effect in 1995, says each Ugandan has the right to "freedom of speech and expression, which shall include freedom of the press and other media".<sup>77</sup> While the claw-back clauses in the earlier constitutions were so extensive as to render meaningless the freedom of expression guarantee, the limiting clauses of the current document are tame. Essentially, any curtailment of a fundamental right such as speech must not go "beyond what is acceptable and demonstrably justifiable in a free and democratic society". Only in 2006, an access to information law, which the constitution provides for, took effect. As a result, the Museveni government has received thumbs up for presiding over what international media rights groups describe as a "relatively liberal media climate".<sup>78</sup> Ugandan journalists themselves are not terribly unhappy. They say press freedom in the country is moderate.<sup>79</sup>

This "liberal media climate" has enabled a reasonable level of public debate on national issues. A recent study on the phenomenon of talk shows on the ubiquitous FM radio stations in Uganda concluded:

In spite of the imperfections, the new space that talk radio has opened up for public contestation and participation constitute[s] a significant change in Uganda's political and media landscapes and a promising democratic opportunity.<sup>80</sup>

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<sup>77</sup> Constitution of the Republic of Uganda, 1995: 28.

<sup>78</sup> "Attacks on the Press 2003: Documented Cases from Africa 2003," CPJ, 11 Dec. 2006 <<http://www.cpj.org/attacks03/africa03/uganda.html>>.

<sup>79</sup> Peter G. Mwesige, "A Profile of Ugandan Journalists in the New Millennium," The East African Media and Globalisation: Defining the Public Interest, ed. Goretti Linda Nassanga (Kampala: Mass Communication Department, Makerere University, 2003) 213.

<sup>80</sup> Mwesige, "Can You Hear Me Now?"

It has long been the practice of the Museveni government to seek to burnish its democratic credentials by trumpeting its record on press freedom. The president claims the country has too much media freedom there is now what he calls “media chaos”. He has been reported to say:

During the NRM time, not only was freedom of association never interfered with, the ability to express one’s opinions and propagate them was enhanced a thousand fold by scores of private radio stations and TV stations, not to mention newspapers, even the evil ones like *The Monitor*.<sup>81</sup>

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It was not always like this. The Museveni government banned the *Weekend Digest* within six months of taking power. The newspaper had carried a story claiming the opposition Democratic Party was planning to oust the government with the support of the West Germans and Italians. The government declared the paper a front being used by its enemies to “destabilise the country”.<sup>82</sup> And then starting March 1986 through 1992, the government hauled before the courts at least a journalist a year. Sedition was the charge of choice, although there was a sprinkling of criminal libel and defamation.<sup>83</sup> The sedition charge stemmed from the journalists’ reports on military related matters given that the insurgency in northern Uganda was well underway. Ever sensitive on military issues, Museveni swung into action. In 1988, his government amended the penal code in order to prevent journalists from publishing information related to military installations, equipment or supplies, and soldiers. Infraction would lead to up to seven years in prison

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<sup>81</sup> “Museveni Not Bothered By Chair But By Uganda’s Future,” The New Vision 31 Oct. 2003 qtd. in Mwesige, “Can You Hear Me Now?”

<sup>82</sup> Maja-Pearce 63.

<sup>83</sup> For a catalogues of these cases, see Maja-Pearce 63.



if convicted.<sup>84</sup> The previous year, the president had promised detention under the Detention Act – well that was before the 1995 Constitution got rid of it – to any journalist impudent enough to malign the otherwise good name of the army.<sup>85</sup>

Given such a start, how is it that Uganda’s media landscape has become quite robust under the same leadership? The answer lies both within and without the country’s borders. First, the external dimension. A few years after Museveni took power in 1986, the international order reshaped itself when the Cold War ended in the defeat of communism. Suddenly, the world order was unipolar with the United States superintending over it and pushing its notions of liberal democracy and all that is attendant to it such as good governance, the rule of law, and respect for human rights. Issues of freedom of expression necessarily were part of this “new world order”. It is not by chance that the Windhoek Declaration on Press Freedom, to which Uganda is party, was formulated in 1991.<sup>86</sup> This kind of international environment “holds governments directly accountable for their human rights record”<sup>87</sup> and takes a dim view of excesses as those occurring in the Darfur region of the Sudan today. Pragmatic as he is, Museveni knows which side of his bread has jam. He was not going to go blatantly against this emerging international thinking and risk losing aid money, for instance. He needed international financial support to revive a long-dead economy. He sought to use the point of a good economy to buy political legitimacy having come to power militarily. So allowing the press to operate was a small price to pay, so to speak.

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<sup>84</sup> Gariyo, “The Media” 38-39.

<sup>85</sup> Gariyo, “The Media” 38.

<sup>86</sup> Tawana Kupe, “The Role of the Media in Building Democratic African Societies: Challenges and Opportunities for the Africa Media,” Nassanga 2. A cautionary note here though is that Uganda under Museveni has signed up to all sorts of international agreements but without living up to the stipulations of several of those documents. We should therefore be wary to put too much emphasis on such treaties.

<sup>87</sup> Maja-Pearce 63.

External factors, however, could only have gone so far without the Ugandans themselves heading into the trenches taking advantage of the window of tolerance the government provided. History's tough lessons demanded no other course of action. After the president showed the way by threatening journalists with use of the Detention Act and even chiding them as ignorant "fishmongers", other leaders followed his cue. But by around 1988, journalists had sensed that if they did not fight back, they would soon be in jail for sedition or some such crime or out of jobs as a result of banned newspapers. Fight back they did, or at least started to. Here is a typical editorial from 1989:

One honourable member of the NRC [the parliament of the day] Mr. William Naburi has gone to the extent of suggesting that newspapers should be banned in order to achieve peace ... We have always stated that we appreciate the difficulties under which our government is working ... we do not enjoy painting a gloomy picture of the country. But at the same time we would be doing injustice to ourselves to see the danger signals and keep quiet ... Talking about gagging the press cannot be an alternative solution to this reality ... Papers may be banned, journalists may be imprisoned but even that will do nothing to alleviate the situation.<sup>88</sup>

It is this sort of challenge that partly led to the enactment of a constitution that bears liberal provisions on human rights; and hence a verdict striking out the false news law. Indeed, when the Supreme Court invalidated the false news law in 2004, there was an immediate journalistic benefit. The charge of publishing false news brought against three *Monitor* journalists in 2002 for reporting that a military helicopter had crashed while pursuing insurgents in northern Uganda – the same story that led to the paper's closure for a week – was withdrawn.

Ugandan journalists, however, are not yet in the clear. Every year for the last 21 years Museveni has been in power there has been at least one reported case of media harassment. Between 1986 and 2004, more than 24 journalists were arraigned before the

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<sup>88</sup> Editorial, The Citizen, weekending 20 Sept. 1989 qtd. in Gariyo, "The Media" 39.

courts of law on criminal publication offences.<sup>89</sup> To capture just how the current government operates, here is a rather lengthy but revealing account from journalist Charles Onyango-Obbo who once was regularly on the receiving end of the state's wrath talking about a story in *Sunday Monitor* of 21 September 1997 that claimed the DR Congo had paid Uganda in gold for its help to oust Mobutu Sese Seko the previous year:

My fears about being sent to jail were realized a week later. President Yoweri Museveni, speaking at a military parade, went ballistic. He swore that The Monitor would pay for the story and that we must go to jail for it. Uganda is not a conventional democracy. The president still has the powers of an 18<sup>th</sup> Century king. And what he asks for, he gets.

Two days later, the police came to our offices to take statements. On October 24, [the story's writer Andrew] Mwenda and I were served with criminal summons to appear in the chief magistrate's court. Though we drove ourselves to court, immediately upon our arrival we were bundled off to filthy holding cells near the court, which were overcrowded with common criminals.

After about an hour, we were taken out to a rather bizarre court session. We were charged with "publication of false news" under Section 50 (1) of the Penal Code. This is punishable upon conviction by two years in jail. Our lawyer was the city's most well-known "new breed" of lawyer, but nevertheless the magistrate asked him to produce his law certificate. Thirty minutes went by before the certificate was brought from our counsel's office. The hours were ticking perilously close to 5 o'clock, when the courts closed.

We pleaded innocent. Among other things, the magistrate slapped a record bail of \$2,000 on each of us. That is a lot of money in a country where the per capita income is \$300. More significantly, it was the highest bail ever demanded for a misdemeanor, and the prosecution hadn't even "opposed" bail. (In Uganda, the accused applies for bail and the prosecution can either oppose the application or choose not to contest it. It is extremely rare for a magistrate to impose a cash bail in instances where the prosecution hasn't raised objections.) Our \$2,000 bail was even higher than had been set for anyone who had been granted bail for rape, defilement, theft and, in a few cases, murder. The magistrate must also have known that hardly anyone carries that amount of money in cash. And though The Monitor could raise \$4,000 for the two of us, the banks had closed three hours earlier.

In a strange request, the magistrate ordered that the people who stood as our sureties produce legal documents indicating that they were residents at the addresses they had given. As it was a Friday, it seemed a common trick pulled by the government was working itself through this partisan magistrate. The conditions of the bail were so stiff that it was unlikely that we would meet them in

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<sup>89</sup> Mwesige, "Can You Hear Me Now?". Mwesige estimates that number rose to about 30 by end 2006. Personal interview, 22 Mar. 2007.

the 30 minutes that were left before the court closed. The result would then have been a weekend in jail before we appeared in court Monday morning. When courts close, the prisoners and all people like us whose cases are not concluded for the day are herded under heavy security into buses and vans and driven off to a sprawling “maximum” [security] prison in the suburbs of the city.

Our magistrate was, however, foiled by a piece of modern technology and wiliness of journalists. We had been escorted out of court and were sitting in the cells waiting for the guards to come. It was nearly 6 p.m., and the bus should have left an hour back. Everyone was puzzled about the delay. It turned out that dozens of journalists had come to the court and, through means that we are bound never to reveal, caused the delay of the bus’s departure. And as soon as we had left the courtroom, our colleagues and lawyers went to work on their cell phones to contact bank managers. The \$4,000 in cash was brought to the court just after five and paid into the cash office ...

Between October 24, 1998 and February 16, 1999, when the case before these magistrates ended, we made 33 trips to the court. We therefore had to get 33 bail extensions. Going through that made our lives very difficult. I found that we watched every story we published and every action we did very carefully, lest it lead to an application by the state to cancel our bail or to pile on new charges.

We could not travel outside the city without discussing it with our lawyers. All our travels abroad during that period were built around the next trial. We had to be careful to build in several days to provide for various flight cancellations, just to ensure that we didn't miss court dates. We lost control of our schedules.<sup>90</sup>

The extract highlights two points about the present government’s strategy in dealing with the independent press. One, use the courts of law to pile pressure on nosy journalists and force them to self-censor. Two, target *Daily Monitor* and use it to send a message to opponents of any kind, but primarily political. For nearly 20 years, the Museveni government barred political parties from organising, campaigning, recruiting, opening branches and engaging in the general business of politicking. Museveni viewed parties as sectarian entities that would only serve to divide a “classless” people along ethnic and religious lines as had happened in the 1960s and early 1980s when a multi-party political system operated in the country. By the time *Daily Monitor* was founded in

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<sup>90</sup> Charles Onyango-Obbo, “A Ugandan Journalist is Taken to Court by His Government,” Nieman Reports Vol. 53 No. 2, Summer 1999, 22 Mar. 2007 <<http://www.nieman.harvard.edu/reports/99-2NRsummer99/Onyango-Obbo.html>>.

July 1992, parties had been banned nearly seven years. Without parties to channel political dissent, *Daily Monitor*, which “largely dominates the media landscape”,<sup>91</sup> found itself by default playing the role of the opposition to the government because it carried critical opinions. The Musevenists promptly baptised the paper “oppositionist”, a tag that remains to-date even after political parties have returned and there are other independent newspapers. Once declared oppositionist, the paper had to be dealt with the way the political opposition was being dealt with: through constant harassment. Journalist Onyango-Obbo has said that in this state of affairs, a simple newspaper mistake is perceived in government circles as conscious misinformation “by an organized opponent. Criticism is then equated to an act of hostility by an opposition bent on bringing the government down ...”<sup>92</sup> It must be remembered that the opposition groups always challenged the ban on their activities, and for that the government came down hard on them through beatings of their leaders and constantly preferring charges against them in the courts.

Thus far, *Daily Monitor* has weathered the storm that kicked off with the 1993-1997 advertising ban. It peaked in 2002 when on 10 October elements from military intelligence, internal security, and police laid siege to the paper for seven hours starting about 6 p.m. before closing it down for a week over the military helicopter story as earlier stated. Journalists were frisked, their desk drawers turned inside out and several central processing units and servers carted away.<sup>93</sup> Nearly every year for the last 10 years, the government has found reason to quarrel with the newspaper. It has sought court

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<sup>91</sup> Reporters Without Borders, Uganda  
<[http://www.rsf.org/article.php3?id\\_article=17395&Valider=OK](http://www.rsf.org/article.php3?id_article=17395&Valider=OK)>.

<sup>92</sup> Mwesige, “Can You Hear Me Now?”.

<sup>93</sup> The present author was the chief-sub-editor of Daily Monitor at the time and witnessed the entire operation.

injunctions to stop publication of contents of some state documents,<sup>94</sup> had one journalist spend a weekend in the police cells, and constantly gets other journalists from the newspaper to make statements before police detectives. The government also still maintains the sedition and criminal libel laws on the statute books. Plus sections in the Anti-Terrorism Act which say that a journalist reporting on the activities of a terrorist group, such as the Lord's Resistance Army fighting in northern Uganda, abets terrorism and could face death upon conviction. This particular law has not been applied yet but the threat always remains creating an eerie sense as one journalist, writing about 1960s Uganda, noted:

Scissors and blue pencils are not the only reason for a muted press. The main factor is the *threat* of action, backed in Uganda by the knowledge that the continued implicit threat *will* be carried out if necessary ...<sup>95</sup>

We must now ask ourselves what, if anything, the *Transition* story teaches us about contemporary Ugandan media and politics.

### **3 Obote and Museveni: Two of a Kind?**

*The media are inconvenient; they get in the way. But they do so not just because they are congenitally members of the awkward squad but because national leaders need to have their claims to unquestioning legitimacy, to be the sole arbiters of their nation's destiny, subjected to test* – John Tusa, 1991

One Ugandan president once said:

Since the Constitution purposely provided for press freedom – in order that this freedom could serve the interests of the people as a whole, if any newspaper

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<sup>94</sup> For an example, see “Uganda: 2004 World Press Freedom Review,” International Press Institute, 11 Dec. 2006  
<[http://www.freemedia.at/cms/ipi/freedom\\_detail.html?country=/KW0001/KW0006/KW0181/&year=2004](http://www.freemedia.at/cms/ipi/freedom_detail.html?country=/KW0001/KW0006/KW0181/&year=2004)>.

<sup>95</sup> Nelson 30.

adopted an anti-Ugandan attitude [and] created division – all in the name of press freedom – such publications were unconstitutional<sup>96</sup>

Yet another Ugandan president said:

We want freedom of the press, but we cannot have enemy agents working against us here.<sup>97</sup>

You may guess who said what. What is for sure is the Ugandan leaders' well-developed skill to smell "anti-Ugandan" or "enemy" attitude and agents lurking around the media world. Milton Obote made the first statement in the 1960s; Yoweri Museveni the second shortly after becoming president in 1986. This rendering of the press as an enemy of Uganda, as unpatriotic, and the whole notion of criminalisation of dissent, is not that strange. What these men were saying is that the press was being critical of *their* governments. They did not want that. They wanted a free reign. They wanted their voice to be the "sole, unchallenged national voice".<sup>98</sup> The voice of God. To what end?

The ultimate aim, in both cases, was power retention. As already indicated, Obote expelled Ted Jones and Billy Chibber and shut down *Ssekanyolya* and jailed the *Transition* duo and concentrated powers in his hands as part of a wider crackdown on civil liberties on his way to cementing himself as unchallengeable president. One historian has commented on the Obote I government:

The way in which Uganda drifted into a state of dictatorship should be emphasised ... The state of emergency, first declared in Buganda early in 1966, was extended in 1969 to other parts of the country ...

Under the draconian laws and conditions that followed, the liberty of the individual became eroded, and for the first time in Uganda's history accusations of human rights violations began to be heard.<sup>99</sup>

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<sup>96</sup> "A Matter of Transition" 44.

<sup>97</sup> The Guardian [London] 20 Nov. 1986, 12 qtd. in Maja-Pearce 63.

<sup>98</sup> John Tusa, "Fourth Estate or Fifth Column," speech delivered to the Nigerian Institute of International Affairs, Lagos, 12. Nov. 1991 reprinted in Index on Censorship Vol. 21 No. 7, July-Aug. 1992: 4.

<sup>99</sup> Mutibwa 65.

Those accusations of human rights violations are still very much a part of Ugandan society today.<sup>100</sup> By tightening his noose around dissidents, Obote sought to forestall any further challenge to his power. He acted to keep his power only to lose it – to Idi Amin.

When Museveni proposed to change the 1995 Constitution, especially Article 105(2) limiting the number of five-year terms a person could serve as president to two so he could rule again, he met with stiff resistance from a wide section of the Ugandan public.<sup>101</sup> His response was not unlike Obote's,<sup>102</sup> only a little more finessed. He sacked dissenters in cabinet.<sup>103</sup> He followed up with a brazen display of executive patronage. He handed out money to parliamentarians allied to him<sup>104</sup> allegedly to go solicit the views of their constituents on the proposed constitutional amendments<sup>105</sup>. Journalists reported and commented on these and other related stories in detail including, of course, the arrest of

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<sup>100</sup> For the latest report on the state of human rights in Uganda, see United States, U.S. Department of State, Country Reports on Human Rights Practices – 2006, 6 Mar. 2007, 24 Mar. 2007 <<http://www.state.gov/g/drl/rls/hrrpt/2006/78763.htm>>.

<sup>101</sup> One opinion poll found that 68.8% of Ugandans wanted the presidential term limits to stay as opposed to 31.2% who thought otherwise. See Bernard Tabaire, "Poll Says 66% Want Museveni to Retire," Daily Monitor 19 Aug. 2004, 26 Mar. 2007 <<http://www.monitor.co.ug/specialincludes/polls/pol08191.php>>.

<sup>102</sup> For a neat summary of the similarities between the politics of Obote and Museveni, see J. Oloka-Onyango, "'New Breed' Leadership, Conflict and Reconstruction in the Great Lakes Region of Africa: A Sociopolitical Biography of Uganda's Yoweri Kaguta Museveni," paper delivered at the 10th General Assembly of Codesria, Kampala, 8-12 Dec. 2002: 14.

<sup>103</sup> Those dismissed were interior minister Eriya Kategaya, a childhood friend and long political ally of the president who has since returned to cabinet; local government minister Jaberu Bidandi-Ssali; and ethics and integrity minister Miria Matembe.

<sup>104</sup> At the time Museveni's ban on political parties was still on and thus parliamentary representatives had been elected on the basis of "individual merit" not party platforms. Museveni was ruling under what he called the no-party all-embracing Movement system in which all political persuasions were supposedly represented. The reality, however, was that parliament was divided between members who supported Museveni and thus fraternised under the Movement Caucus, and those who openly identified themselves as multi-partyists.

<sup>105</sup> Each NRM member of parliament pocketed a minimum of \$2,800, something the opposition and commentators in the media declared a bribe. Parliament is mandated to enact constitutional changes; hence it was important for the president to work to assure himself enough votes to see through amendments he favoured.



key presidential challenger Kizza Besigye<sup>106</sup> on charges of rape and treason three months before election day. All this culminated in the denial of re-entry into Uganda of a Canadian freelance journalist<sup>107</sup> just after the 23 February 2006 general election. The media rights group Reporters Without Borders saw it this way:

In Uganda, at the start of the year [2006], Yoweri Museveni's government was prompted by the fight to hold on to power to maintain tight control of news during the election period, going so far as to expel a foreign correspondent, [whom it] saw as nothing less than a "threat to the state".<sup>108</sup>

Consequently, Uganda's ranking on the Worldwide Press Freedom Index slid from position 80 out of 167 countries in 2005 to 116 out of 168 countries in 2006.<sup>109</sup>

Although we are not suggesting that the Museveni government will fall through military action as Obote's did in 1971, the president's popularity has eroded steadily over the last three elections held under the current constitution.<sup>110</sup> The point that we have belaboured here is that Obote in the 1960s and Museveni now sought to curtail freedom of the press as part of a strategy to stifle dissent and hold on to power.

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<sup>106</sup> Besigye, Museveni's physician during the 1981-'86 guerrilla war and a retired army colonel, was the first person from the president's inner circle to openly criticise his boss's politics in a document published in the Ugandan press in November 1999.

<sup>107</sup> Blake Lambert wrote for The Christian Science Monitor and The Economist from Uganda where he had lived three years. Declared by the government as an "unwanted person" for not providing a "balanced outlook" on Uganda, Lambert was prevented from re-entering the country from South Africa on 9 Mar. 2006 and put on the next plane out. He landed in Nairobi without his passport, which the Ugandan authorities had confiscated.

<sup>108</sup> "Introduction Africa— Annual Report 2007," Reporters Without Borders, 13 Mar. 2007 <[http://www.rsf.org/rubrique.php3?id\\_rubrique=660](http://www.rsf.org/rubrique.php3?id_rubrique=660)>. The Economist commented: "Indeed, Mr Museveni bent just about every rule to stay in power. He meddled with the courts, muzzled the press and brought out his own presidential guard to stymie protests," 15 Mar. 2007, 17 Mar. 2007 <[http://www.economist.com/world/africa/PrinterFriendly.cfm?story\\_id=8856018](http://www.economist.com/world/africa/PrinterFriendly.cfm?story_id=8856018)>.

<sup>109</sup> "North Korea, Turkmenistan and Eritrea the Worst Violators of Press Freedom," Reporters Without Borders, 16 Mar. 2007 <[http://www.rsf.org/article.php3?id\\_article=19386](http://www.rsf.org/article.php3?id_article=19386)>. The reason for Uganda's slip, the organisation said, was "tight control of news and hostility towards foreign journalists during the election campaign".

<sup>110</sup> These are the results of the top two candidates in each of the last three presidential elections in Uganda. The rest of the candidates scored too poorly to merit mention here. Presidential election of 9 May 1996: Yoweri Museveni - 75.5%, Paul Ssemogerere - 22.3%; presidential election of 6 Mar. 2001: Yoweri Museveni - 69.3%, Kizza Besigye - 27.8%; presidential election of 23 Feb. 2006: Yoweri Museveni - 59.26%, Kizza Besigye - 37.39%. Source: Electoral Commission.

That strategy, it must be said, has extended beyond the press to include co-optation of state institutions. In 1966 Obote used the military to hit back at political opponents such as the kabaka<sup>111</sup> by having units raid the monarch's palace forcing him into exile in London where he died in 1969. In contemporary Uganda, we have seen the police's Directorate of Criminal Investigations ordered by the presidency to investigate criminal allegations against key opponents. The police has obliged as emerged in the rape case brought against Besigye, that former close ally-turned-main-challenger to Museveni in the 2001 and 2006 presidential elections. The rape allegedly took place in 1997 but Besigye was charged only after he announced that he would challenge Museveni again for the presidency in 2006. Weeks after returning from exile<sup>112</sup> and on the road to being elected his party's presidential candidate for the election of February 2006, Besigye was charged with rape. He was forced to split his time between the courtroom to answer the charges and the campaign trail. He won the case and lost the election. In acquitting him, the judge pointedly said:

The best way to describe the way the investigations were conducted and carried out is that it was "crude and amateurish" and betrays the intentions behind this case.<sup>113</sup>

Beyond the naked pursuit and retention of political power, however, could there be other reasons why Obote I and Museveni have tended to view the press, and civil

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<sup>111</sup> The painstakingly negotiated 1962 Independence Constitution at Lancaster House in London made Uganda a semi-federal state largely to accommodate the wishes of Buganda, which as the major interlacustrine kingdom at the advent of colonialism had also been critical in its spread across present-day Uganda. Thus a year after independence, the kabaka became ceremonial president with Milton Obote as executive prime minister. But Ganda particularism never died out and soon collided with Obote's brand of republican nationalism with tragic consequences for both men and for the country.

<sup>112</sup> Besigye fled to exile in South Africa in August 2001 claiming he feared for his life from state security agents.

<sup>113</sup> Col. (Rtd) Dr Kizza Besigye v. Uganda, High Court Criminal Session No. 149/2005, High Court of Uganda, 16 Mar. 2007 <[http://www.judicature.go.ug/uploaded\\_files/1142236737Besigye-rape%20case-Judgement.pdf](http://www.judicature.go.ug/uploaded_files/1142236737Besigye-rape%20case-Judgement.pdf)>. The judgement is not dated but it was actually delivered on 7 Mar. 2006.

liberties in general, with undisguised disgust? Museveni has said his government derives legitimacy from the “mandate of liberation” and the “mandate of the people”.<sup>114</sup> By mandate of the people he means he has been elected three times since 1996. It must be remembered, however, this was after he had ruled for a decade as an unelected president having come to power militarily and stopped presidential contests along with political party activity. By mandate of liberation he means that he led a guerrilla campaign leading to his assumption of power and the beginning of the general turn-around of Uganda’s fortunes. In a sense, this mandate of liberation, which in Ugandan parlance is rendered as “we fought”, entitles the Museveni government to behave more or less as it wills. The feeling is that Ugandans owe it everything because its leaders sacrificed, shed blood and lost comrades to “liberate” Uganda. So Ugandans must be forever glad because they owe their improving lot – unless they live in the camps<sup>115</sup> in northern Uganda – to the former bush war fighters. Those who did not go to the bush are told they have no right to criticise ills in government. Judges have been a particular target for trashing by the Museveni generals. One told the chief justice, betraying the militarism that still informs the political outlook of the present government in Kampala, that it is the generals who hold the country together having liberated it while the “judges were hiding under their beds” during the bad old days. For Obote, the idea was that Ugandans owe him because he led the country to independence. His was the mandate of independence or nationalism. He viewed himself as a hero struggling for the masses of Uganda who must forever be

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<sup>114</sup> Emmanuel Gyezaho and Jude Luggya, “Opposition Too Weak to Destabilise Us – Museveni,” Daily Monitor 9 Mar. 2007, 9 Mar. 2007 <<http://www.monitor.co.ug/news/news03092.php>>.

<sup>115</sup> Because of the brutality of the long-running armed conflict in northern Uganda between the government forces and the rebels of the Lord’s Resistance Army of Joseph Kony, the state ordered up to 1.5 million people into shabby “protective” camps in the region so as to prosecute the war without endangering civilian lives.

accommodating of any transgressions even if those transgressions involved not being allowed to criticise any state actions. This wise know-it-all father-figure, or big man, mentality has informed some of the authoritarian acts against civil liberties.

So has something else. It possibly cannot be that presidents in Uganda make all the decisions all the time by themselves. They have advisors, they have fixers. These presidential aides must have their own motives in both pushing for and enforcing draconian measures. This has to do with the country having a small, though growing, private sector which cannot provide livelihoods to all the power elites. As a result the state becomes the source of their mainstay, and anything that disturbs or threatens to disturb the status quo touches their very lives and sense of self and thus must be opposed.

A student of Ugandan politics has noted:

... the nature of our politics has been such that most political leaders look to the state for their economic and social advancement. In order to protect themselves, they are only too happy to enact stringent laws to punish their adversaries.<sup>116</sup>

If those adversaries are in the form of the independent press, they shall be punished. If they come in the form of political opposition or civil society, they shall be closely monitored<sup>117</sup> and punished when need arises.

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There are, however, differences between the Obote I era and the still-unfolding Museveni one. While Obote managed to brutally and effectively counter the democratic forces that emerged with the excitement of independence, Museveni may yet fail to

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<sup>116</sup> Gariyo, "The Media" 49.

<sup>117</sup> Although a proposal to have security agents sit on the body that regulates NGO activity in the country was removed, the newly passed NGO Registration (Amendment) Act 2006 is still pretty restrictive. See "Ugandan NGO Bill: Another Step in Restricting Civic Space," Monthly Bulletin, Civil Society Watch, 23 Mar. 2007 <[http://www.civicus.org/csw/ANALYSIS-Ugandan\\_NGO\\_Bill.htm](http://www.civicus.org/csw/ANALYSIS-Ugandan_NGO_Bill.htm)>.

completely roll back all the democratic forces his otherwise reasonable policies have unleashed since 1986. Unlike the Obote I government that dealt with only one broadcaster, the current government now has to deal with 153 FM radio stations,<sup>118</sup> thanks to the liberalisation of the communications sector in the early 1990s. Indeed, while Obote was only wary of *Transition*'s international reach, Museveni fears the Internet which now carries websites of Ugandan newspapers and some FM radio stations plus blogs of individuals. All these websites provide spaces for debate for all Ugandans with access to the World Wide Web and hence closer scrutiny of government deeds and misdeeds. Of course, the Internet has a much wider international reach, instantly making the local global.

It is not that Ugandan leaders have never had use of the press. They do. It is simply that they have a specific role for it. That role is fostering “national unity and development”.<sup>119</sup> Appearing on a popular talk show on 12 April 2003, Museveni – yes he does use the media to politick when it suits him – began talking by saying:

I came into the studio today to help our people of Uganda to focus a bit more. We liberalized the media, enabling all this multiplicity of radio operators and newspapers... My wish was that this diversity of newspapers and radio stations [would be] used to educate the population of Uganda so that they can know how to chart their own course in the modern world; so that they can get out of their problems; [so that they can] learn how to earn a decent living.

However, from what I see in the newspapers and—although I don't listen to the radio stations much, once in a while I pick what they are saying—most of the radio stations, they just confuse our population; demoralize them; try to disorient the people of Uganda. In any case, they don't do anything to help the people of Uganda know what to do regarding their own lives. Much of the time

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<sup>118</sup> There were 178 licensed FM radio stations with 153 on air in Uganda as at 31 Jan. 2007, according to the Uganda Communications Commission, 17 Mar. 2007 <<http://www.ucc.co.ug/RadioAndTVBroadcastingStations.xls>>.

<sup>119</sup> Goretti Linda Nassanga, “Local Considerations in Formulating Information and Communication Policies: Uganda Case Study,” Nassanga 117.

they don't talk about the economy. They don't give guidance to the people about how to earn a living.<sup>120</sup>

Dissent, therefore, does not fit although one would think that better ideas and hence durable progress usually emerge out of a clash of views. But it is ironical that long before he ever rose to prominence, Museveni did personally benefit from a free press.

Referring to his political awakening as a high school student, Museveni wrote:

We were also informed in our political opinions by reading magazines such as the *East African Reporter*, which used to carry articles on East African political matters, and even the *Uganda Argus*, the local national newspaper owned by Lonrho. It was independent of the government and was critical at times.<sup>121</sup>

Some Ugandans today, amongst whom would be a future president or two, could as easily be benefiting, as Museveni did back then, from a reasonably free media. The recent talk radio study referred to earlier observed:

For all their limitations, talk shows have opened up new political spaces that were unimaginable only a decade ago. The Ugandan political talk show phenomenon may not be democracy in action, but it is an important rehearsal for democracy.<sup>122</sup>

The talk-show phenomenon, especially its *ekimeeza* or roundtable variant, has been a most distinctive element of the Ugandan FM revolution. *Ebimeeza* (plural for *ekimeeza*) are two-hour open-air debates, as opposed to in-studio debates, open to all and broadcast live on radio. The first *ekimeeza*, carried live on Radio One, kicked off just before the presidential elections of March 2001. Soon, almost every FM radio station was holding *ekimeeza* every weekend<sup>123</sup> and airing the debate exclusively. Because most of the discussions were critical of the government, which itself sent representatives to bat

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<sup>120</sup> Transcribed by Mwesige and quoted in Mwesige, "Can You Hear Me Now?". The present author was on the panel that debated Museveni.

<sup>121</sup> Yoweri Kaguta Museveni, *Sowing the Mustard Seed: The Struggle for Freedom and Democracy in Uganda* (London: Macmillan, 1997) 16.

<sup>122</sup> Mwesige, "Can You Hear Me Now?".

<sup>123</sup> According to Mwesige, "Can You Hear Me Now?" the names, most of which are in the predominant Luganda language, of "Ugandan political talk shows suggest that the radio stations market them as forums for citizen opinion expression, deliberation and public debate".

for it, it moved to gag them. In December 2002, the information minister claimed that the FM stations were licensed to broadcast from indoors not outdoors and were thus breaking the regulations. He was, therefore, banning *ebimeeza*. The public's outraged response was as swift as it was intense, as a media scholar has noted:

Opposition activists ... worked on a petition that was signed by 6,000 people opposing the ban ... The Uganda Law Society also wrote to the information minister telling him there was no legal and constitutional basis for the ban.

It appears that the *ebimeeza* ban provoked a louder public outcry than the occasional government muzzling of newspapers because they have a much bigger audience, and also because they gave members of the public opportunities to participate. The public pressure appeared to have paid off, as the government later "clarified" that it had not banned the *ebimeeza*, but only streamlined their operations so that they are conducted in the studios.

Still, the private radio proprietors had to improvise new ways of maintaining the *ebimeeza*. Some started holding the shows at their premises, but still in the open. Radio One's '*Ekimeeza*' continued at the same venue, but the broadcast was delayed by 30 minutes to go around the government's prohibition of live outdoor broadcasting. But in other cases, the *ebimeeza* were never the same. For instance, CBS changed from its popular venue at Mambo Bado to its studios, where only five or so people could go in at a time. In Masaka, Buddu FM's '*Muteseza Mmeeme*' was taken off the air altogether.<sup>124</sup>

For the Museveni government, controlling the media is on-going policy presumably because they "disorient" the people. The point is that the media should not deal with politics yet, as one talk-show host has said quite correctly, "politics is the primary problem in Uganda".<sup>125</sup> Having made quick work of parliament's

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<sup>124</sup> Mwesige, "Can You Hear Me Now?". Another observer has noted: "...the sting has gone out of the discussions as a lot of radio proprietors find it is wiser to steer clear of issues that attract the wrath of government and threaten their business interests." See Adolf Emmanuel Mbaine, "Why Radio Continues to Matter in Uganda," 30 Jan. 2007 <<http://highwayafrica.ru.ac.za/presentations/Adolf%20Mbaine%20-%20Why%20radio%20Continues%20to%20matter.doc>>.

<sup>125</sup> Mwesige, "Can You Hear Me Now?".

emasculat<sup>126</sup> by arm-twisting it to change the constitution to allow him run again, Museveni has moved on to the judiciary.

First it was simply a series of denunciations of the courts especially for decisions the executive detested. Then on 16 November 2005, a military unit laid siege to the high court compound in Kampala to re-arrest treason suspects<sup>127</sup> just freed on bail. The suspects chose to return to jail. And as this paper was being written, in March 2007, armed men wearing police uniform<sup>128</sup> went one better and stormed the high court building itself to re-arrest nine from the same group of men who were finally due to come out on bail. They were later charged with murder. This latest raid on the court on 1 March 2007 led to an unprecedented act: the entire judiciary went on strike denouncing the executive for refusing to respect the rule of law and the doctrine of separation of powers. The strike ended five days later after the president “regretted” the incident, promised an investigation and that such a thing would not happen again. In solidarity, Ugandan lawyers went on a three-day strike the day after the judges and magistrates called off theirs. After both strikes ended, the president met separately with the judges and lawyers within three days of each other to smooth things over. Effectively, the president was

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<sup>126</sup> George Kanyeihamba, a former constitutional law scholar and now one of seven judges of Uganda’s Supreme Court, has noted that over the last decade the power of parliament to legislate and to make the executive accountable has been eroded slowly with the effect that the assembly has turned into a tool of the executive in its authoritarian pursuits. See Patrick Jaramogi, “Kanyeihamba Lauds Dissident NRM MPs,” The New Vision 19 Mar. 2007, 19 Mar. 2007 <<http://www.newvision.co.ug/D/8/13/554889>>. This is despite the fact that one of the amendments to the 1995 Constitution that Museveni wanted was the power to dissolve parliament at will, in effect create an imperial presidency, just like Obote did with the 1967 Constitution. Parliament defeated Museveni’s amendment.

<sup>127</sup> The government claims Besigye was their leader as they planned from two neighbouring countries to overthrow Museveni by force of arms in the aftermath of the 2001 presidential elections. Besigye too still faces the treason charge although legal complications have thus far tied up commencement of the trial.

<sup>128</sup> Not everybody wearing police uniform in Uganda is necessarily a police constable or officer. Many times soldiers disguise the fact by wearing police uniform to carry out activities otherwise falling within the purview of the police.



forced into a recognition, if he needed it, that there are other players in Uganda other than the presidency.

## Conclusion

*... bad governments are far worse for their citizens than even the worst media* – John Tusa, 1991

The era of “craven acquiescence to power”<sup>129</sup> is far from over but the spirited sense of dissent and activism that many Ugandan individuals and groups are beginning to display points in a good direction. Examples abound. When the government dilly-dallied to pass the access to information law as required by the constitution, a member of parliament moved a private member’s bill. Realising how embarrassing the whole thing was turning out to be, the information minister rushed in with a government bill. This culminated in the passing of the Access to Information Act in 2005. After barring political parties from organising since January 1986, domestic public pressure coupled with foreign exhortations forced the Museveni government to relent 20 years later.<sup>130</sup> As of writing, a public campaign unprecedented in size and technique is raging to stop the government, on environmental grounds, hiving off forestland in central Uganda to allow sugarcane growing by a corporate sugar company. The Internet,<sup>131</sup> mobile phone text messaging, all types of media, litigation, representations in parliament and street demonstrations have been employed. It is too early to say whether the government will

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<sup>129</sup> Lawrence Rosen, “Orientalism Revisited: Edward Said’s Unfinished Critique,” [Boston Review](http://bostonreview.net/BR32.1/rosen.html) Jan.-Feb. 2007, 23 Mar. 2007 <<http://bostonreview.net/BR32.1/rosen.html>>.

<sup>130</sup> The general election held on 23 Feb. 2006 was under a multi-party system. It was the first such election since December 1980. Political parties were by law not allowed to participate as parties in the elections of 1996 and 2001.

<sup>131</sup> For the online petition, see <<http://www.petitiontime.com/ViewPetition.aspx?key=savemabira>>.

back down. Journalists have now rejected the government-controlled Media Council, the body that regulates the press in Uganda. They want a self-regulating media council – meaning one run by journalists themselves – as obtains in neighbouring Tanzania. The contestation continues.

It does not hurt, of course, if there is continued international support for democratic forces in Uganda. Obote carried out internal repression while benefiting from foreign acclamation because Uganda was peaceful and looking up economically in a dodgy African neighbourhood back then. Museveni is a master at that manipulation of international goodwill. Thus in November 2005 he could jail his key political challenger and unleash the military on people protesting the action and then fly days later to Malta to be endorsed by Commonwealth leaders as host of their next summit – in 2007. All because Uganda is a continuing African economic success story having turned a kind of corner from the days of Idi Amin.

Only a much more democratic Uganda will ensure a freer press. A freer media environment will lead to the development of serious journalism. Lack of a serious, probing journalism would be a tragedy for media and for country. As Abu Mayanja wrote, maybe not in a particularly original way, “The price of liberty is eternal vigilance. If we want to be free men, we must be prepared to undertake some reasonable risks.”<sup>132</sup> Bad politics destroys what is good in societies and it may take a lot longer to recover. There has not been another publication such as *Transition* in Africa, for example.

How things shape up for the press and all media in Uganda from now on may largely hinge on whether Museveni keeps around much longer. And what kind of change it will be going into a post-Museveni era as and when it comes. A peaceful change will

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<sup>132</sup> Mayanja, “The Government’s Proposals” 24.

likely embolden the press and other emerging “independent social forces” to demand greater respect for civil liberties something that could help establish the notion of “legitimacy of opposition”<sup>133</sup> in the country. That can only be good thing. A violent change could easily lead to big reversals. If there was a time when a *Transition*-like magazine was needed in Uganda, it is now so it may unstintingly record, to use Rajat Neogy’s phrase, “the lyricisms and laments”<sup>134</sup> of our time. Otherwise much of the unappetising past could still lurk ahead.

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<sup>133</sup> Phrase by Ivor Gaber while contributing to a debate on media and power in Africa at the London School of Economics, 22 Mar. 2007.

<sup>134</sup> Neogy, “Do Magazines” 32.

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