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## Factors contributing to non-compliance with media regulations among tv operators in Kampala, Uganda

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**THE AGA KHAN UNIVERSITY**  
**Graduate School of Media and Communications**

**FACTORS CONTRIBUTING TO NON-COMPLIANCE WITH MEDIA  
REGULATIONS AMONG TV OPERATORS IN KAMPALA, UGANDA**

By

Kasajja Moses Ateng  
559505

A capstone project submitted in partial fulfilment of the requirements for the degree of  
Executive Master's in Media Leadership and Innovation

Nairobi, Kenya

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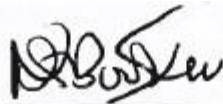
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APPROVAL PAGE

The Aga Khan University  
Graduate School of Media and Communications

A capstone project submitted in partial fulfilment of the requirements for the degree of  
Executive Master's in Media Leadership and Innovation

Members of the Capstone Project Evaluation Committee appointed to examine the  
project of KASAJJA MOSES ATENG-559505, find it satisfactory and recommended  
that it be accepted.



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Prof. Nancy Booker,  
Interim Dean,  
Chair, Capstone Project Evaluation Committee



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Prof. George Nyabuga, Supervisor



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Member,  
Capstone Project Evaluation Committee

20/02/2023

## DECLARATION

### **FACTORS CONTRIBUTING TO NON-COMPLIANCE WITH MEDIA REGULATIONS AMONG TV OPERATORS IN KAMPALA, UGANDA**

I, **KASAJJA MOSES ATENG-559505**, declare that this capstone project does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university and that, to the best of my knowledge, it does not contain any material previously published or written by another person except where due reference has been made in the text. The editorial assistance provided to me has in no way added to the substance of my capstone project, which is the product of my research endeavours.

---

Signature

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Date

## DEDICATION

I dedicate this capstone project to media practitioners in Uganda for sustainable media management.

## ACKNOWLEDGEMENTS

I would like to extend my sincere thanks to Prof. Allawi Semanda and Prof. Joel Isabirye for the words of encouragement while I was conducting this study. I also wish to thank Irene Akurut-Legal Manager at Vision Group, Paul Ekochu-Chairman Media Council Uganda, Meddie Kaggwa and Paul Mukasa at Uganda Communications Commission for the warm reception and valuable information provided to the study. Many thanks to Ronah Nuwankunda and Kenneth Kazooba for the detailed description with examples for non-compliance among TV operators in Kampala. Special thanks to all the TV owners, managers, broadcast engineers, producers and content managers that participated in the interviews. I cannot leave out my supervisor Prof. George Nyabuga for taking the time to work with me on this project. May God bless you!

## ABSTRACT

This study investigates factors contributing to non-compliance among TV operators towards media regulation as per the 2013 Uganda Communications Commission ACT using the Theory of Planned Behaviour (TPB). In-depth interviews were conducted with TV owners, legal officers, academia, broadcast engineers, managers, business development managers and content producers to establish the factors contributing to non-compliance. The findings show that attitude, subjective norms and perceived behavioural control influence the behaviour of non-compliance. The results will help TV operators and regulator to understand the critical factors that influence non-compliance with media standards among TV operators and there are recommendations to help them improve compliance towards media regulation.



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## ABBREVIATIONS AND ACRONYMS

<b>BTM:</b>	Break Through Media
<b>CATV:</b>	Community Antenna Television
<b>CCTA:</b>	California Cable and Telecommunications Association
<b>CEO:</b>	Chief Executive officer
<b>CFO:</b>	Chief Financial Officer
<b>CHRO:</b>	Chief Human Resource Officer
<b>DBS:</b>	Digital Broadcast Services
<b>DVD:</b>	Disc Versatile Device
<b>EXCO:</b>	Executive Committee
<b>MD:</b>	Managing Director
<b>MTN:</b>	Mobile Telephone Network
<b>NBS:</b>	Next Media Broadcasting Services
<b>NDA:</b>	National Drug Authority
<b>PWDS:</b>	People with Disabilities
<b>TPB:</b>	Theory of Planned Behaviour
<b>TV:</b>	Television
<b>UCC:</b>	Uganda Communications Commission
<b>UMOA:</b>	Uganda Media Owners Association
<b>UNBS:</b>	Uganda National Bureau of Standards
<b>USA:</b>	United States of America
<b>UTV:</b>	Uganda Broadcasting Corporation

## OPERATIONAL DEFINITION OF TERMS

**Theory of planned behaviour (TPB):** A psychological theory that links belief to behaviour. The theory maintains that three core components, attitude, subjective norm, and perceived behavioural control, together shape an individual's behavioural intentions.

**Regulation:** All mechanisms of social control or influence set by government or any of its agencies.

**Compliance:** Abiding to set rules, law or guidelines.

**Non-compliance:** A tendency to work outside set rules, laws or guidelines.

**Media:** Platforms for communication like radio, television, newspapers, books, magazines and social media.

**Media Regulation:** Accepted guidelines for operating a medium of communication like a radio or tv station.

**TV operator:** Any individual or company licensed to operate a TV channel or station.

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Introduction

Media refers to the different platforms like television, newspapers, magazines, radio, books, essays, websites and social media, face book, twitter, and recently Tik Tok (Justin Stoltzfus, 2020). In Uganda, according to the Uganda Communications Commission (UCC) there are over 300 radio stations, 54 TV stations, and many physical and online newspapers. Through media, people access information which impacts society either positively or negatively (Noam, 2021). It is because of media's impact on society that there is media regulation and continued advocacy to have media activities regulated as a way of controlling the nature and extent of its influence on society (Noam, 2021).

Regulation is broadly defined as the sustained and focused attempt to alter the behaviour of others according to defined standards or purposes, with the intention of producing a broadly defined outcome or outcomes which may involve mechanisms of setting standards, gathering information and modifying behaviour (Black, 2022). In Uganda, the Uganda Communications Commission (UCC) regulates media. The Commission undertakes a range of functions in licensing and standards setting, spectrum management, regulating tariffs, research and development, consumer empowerment, policy advice and implementation, rural communication, and capacity-building (Babirukamu, 2020).

The proposed study focused on the television medium and the factors contributing to non-compliance to media regulations in Kampala, Uganda. A

television-operator license agreement issued by the UCC shows that compliance to media regulation means fulfilling among others the following conditions:

- a) Applying for a compliance certificate from the licensor for each year of operation;
- b) Displaying the license certificate at the licensee's premises;
- c) Installing equipment that is technically compatible with the public networks, and conforms to the regulator standards;
- d) Complying with inspection procedures, and reporting standards established by the licensor;
- e) Appropriate scheduling of content and programs; and
- f) Protecting children from program content that might seriously impair their physical, mental or moral development.

The conditions are many and were further examined below. There is evidence to show that while TV operators are aware of the compliance conditions, there are tendencies of non-compliance to some or many of these conditions. Some of the notices of violation from the UCC accessed, read as follows:

1. Non-compliance to minimum broadcast standards. All broadcasters. Received 4 September 2017. Ref: CMM/433.
2. Non-compliance with Commission Directives. All Broadcasters. Received 25 October 2019. Ref: UCC/10/19/OED/DIAC.
3. Notice to show cause why Bukedde TV 1 license should not be suspended for breach of the law and license obligation. Received 4 August 2020. Ref: CMM/181/1.



4. Complaint against advertisement with therapeutic claims by the National Drug Authority. Bukedde TV 1. Received 19 November 2020. Ref: CMM/181/1.
5. Non-compliance to annual certificate and related reports on operations of license. Bukedde TV 2, Urban TV and Bukedde TV 1. Received 11 Feb 2022. Ref: CMM/503.
6. Complaint against the Program “Short Circuit Sonsomola” on Urban TV. Received 4 October 2021. Ref: CMM/533.
7. Notice of Violation. Wan Luo TV. Received 4 July 2022. Ref: BI/181/151.
8. Notice of Violation. TV West. Received 4 July 2022. Ref: BI/181/57.
9. Notice of Violation. Urban TV. Received 4 July 2022. Ref: BI/181/27.
10. Notice of Violation. TV East. Received 20 September 2022. Ref: BI/181/150.

Compliance to standards is important because non-compliance can lead to dire consequences for the TV operators like fines, suspension and revoking of their licenses. The proposed study will investigate factors contributing to non-compliance with media regulation among local channel TV operators in Kampala, and propose strategies for achieving compliance to mitigate the risks associated with non-compliance.

## 1.2 Background of the Study

Television in Uganda started in 1963. The first TV channel was called Uganda Television (UTV), and operated as a national television (Babirukamu, 2020). According to information guide Uganda; an entertainment website, in the 1990s, a new player, Sanyu TV, was established as an alternative to UTV. According to Babirukamu (2020), Peter Katiti, launched the first cable TV platform in Uganda, called

Cablesat TV. These were later joined by WBS TV in 1997. Since then, more players have joined the TV industry. According to the UCC, there are over 54 licensed local-channel TV operators, over eight licensed, satellite TV service providers, and over 5,000,000 TV sets in the country.

As a media practitioner, I have observed that, now that the Internet enables the distribution of video content, there will be more Internet-enabled TV channels or online TVs accessed through devices like mobile phones and computers. Some of the online TV channels in Kampala include; YO TV owned by MTN, Airtel TV owned by Airtel, and Squid TV; and there is a growing trend of local TV channels carrying real-time feeds of their broadcasts on streaming apps, like Afro Mobile which is owned by Next Media, StarTimes Mobile App, Dstv Mobile App, and the New Vision Digital Experience App.

In Uganda, TV became a threat to the print and radio media that existed before it. It led to sharing of advertising budgets that previously belonged to print and radio, and advertisers shifted from print and radio media to television, leading to a decline in print and radio advertising revenues.

Part of the content TV offered was political talk shows that shaped political debate and discourse, and the foreign content introduced Ugandans to new cultures that posed a threat to the indigenous cultures, including language and lifestyle. It is at this point that the need and advocacy for media regulation in Uganda started.

The desire to regulate media activities led to the establishment of the Uganda Communications Commission (UCC) by the Communications Act of 1997. This Act, gave UCC the role of industry regulator (Babirukamu, 2020). While the UCC has communicated clear standards of operation to TV operators, there are cases of non-

compliance. That is why it is necessary to investigate the reasons for non-compliance to media regulations among TV operators in Kampala in order to be able to generate strategies for improving compliance.

### 1.3 Rationale of the Study

TV stations are very useful information, education and entertainment medium. However, if their content is not regulated, they can be used to violate people's human and constitutional rights, including those of children. That is why UCC has instituted regulatory, operational standards for TV operators in Uganda. However, it has been observed that some TV operators are not complying fully to these standards, leading violation of people's rights, fines, suspension and revocation of TV licenses, and the concomitant loss of employment in the media, all of which do not augur well for the consumers of TV content, for TV operators, and for Uganda as a developing country. It is, therefore, desirable and urgent that the TV operators' level of compliance to UCC-set operational standards be established, that the factors accounting for that level be identified and explained, and that strategies for improving the level of compliance be generated.

### 1.4 Current Literature Review

#### *1.4.1 What is Media?*

According to Justin Stoltzfus (2020), media is the main means of mass communication, encompassing broadcasting, publishing and the Internet. The same author states that media are the different channels of communication, which range from printed-paper to digital data, including art, news, educational content and any other form of information. This means that devices like phones, television and the Internet are

considered as media. In Uganda media constitute 300 radio stations, 54 TV channels, newspapers, both traditional and E-papers, and Internet-enabled platforms like Instagram, WhatsApp, Face book and Tik tok.

There has been progressive innovation around media over the years. In the beginning, there was print media, which included printed paper, publications such as magazines, newspapers, books, reports, clinical journals, leaflets and essays. Radio and TV later joined print media during the 20<sup>th</sup> Century, and were referred to as broadcast media. The two, print and broadcast media, are referred to as traditional media.

Broadcast media started in the form of radio and later television. When television started, it disrupted the media space for print and radio. It reduced the role of radio as the key means for people to access information in the form of news. Today, the importance of television as a source of entertainment and information is being overtaken by online video content now known as digital media.

Digital media is modern communication that allows users to access and share information through the use of encoded signals, enabled by physical and virtual infrastructure, like satellite, fibre cable, phones and computers (Stoltzfus, 2020). Therefore, modern media are the websites, blogs, podcasts, video, online TV, digital radio, video calls, WhatsApp, face book and emails we use to access and share information today.

There is a lot of information shared through media. This takes the form of news, entertainment and edutainment, cooking tips, entrepreneurial tips, beauty tips and classes for students. This information has a significant impact on society (Noam, 2021), which may be positive or negative. Positively, such information may inform, educate or entertain people. For example, investigative stories in local newspapers and TV

stations inform and educate people, a televised discussion may improve people's comprehension of current issues, and a comedy show may entertain viewers or listeners. Negatively, such information may misrepresent facts, and thus incite anger and create unhealthy socio-political divisions. For example, tabloid magazines and political talk shows often distort or misrepresent facts, and may cause domestic violence and threaten national security. In addition, content from foreign media, received via satellite and the Internet, promote foreign cultures and norms, thus posing a threat to the local culture.

It is this variegated impact on society that created the need to regulate or guide the media operators on how to continue sharing information without violating the public interest (Noam, 2021).

#### *1.4.2 Media Regulation.*

Black (2002) suggests that regulation manifests itself at three levels. First, it is the promulgation of rules by government, accompanied by mechanisms for monitoring and enforcement, usually assumed to be performed through a specialist public agency. Secondly, it is any form of direct state intervention in the economy, whatever form that intervention may take. Thirdly, regulation is all the mechanism of social control or influence, affecting all aspects of behaviour, from whatever source, whether they are intentional or not.

According to Feintuck and Varney (2007), regulatory standards used in media regulation are recognized in Black's first and second definitions of regulation, that is, specialized agencies regulate activities of media operators and regulation are rules or guidelines by the government, monitored and implemented by a government agency. In Uganda, TV operators' activities are monitored by the Uganda Communications Commission-UCC to ensure that they comply with the set standards or guidelines.

Feintuck and Varney (2007), argue further, that there are other forms of regulation, highlighted in Black's third definition: regulation is all the mechanism of social control or influence, affecting all aspects of behaviour, from whatever source, whether they are intentional or not, and this leads to the concepts of self-regulation and co-regulation. In Uganda, for instance, TV and Radio operators have an association called Uganda Media Owners Association (UMOA), formed by the operators for the operators, and it regulates advertising standards among the operators, which is essentially a case of self-regulation. There is also evidence of co-regulation where organizations, like the National Drug Authority (NDA) and the Uganda Bureau of Standards (UNBS), must first approve an advertisement message for a product before the advertisement is aired on a TV channel.

In addition to state agency regulation, co-regulation, and self-regulation as forms of media regulation, there are other actors that affect the process of regulation in its totality. While these may not have much input into the process, they affect the behaviour of both the regulator and the regulated, and they include courts of law, lawyers, and industry associations (Noam, 2021).

Therefore, it is necessary to adopt a position that looks across and beyond government media regulation. This necessity is likely to be further accelerated by the ever-increasing alternative means of distributing TV content, such as the Internet where self-regulation is, and looks like it will remain, the best way of implementing control (Murray & Scott, 2002).

#### *1.4.3 Television and its Regulation Journey.*

According to Noam (2021), there have been three major TV generations: one that was limited over the air broadcasting, starting with black and white pictures and

later progressing to colour ones; then came the generation of multi-channel TV, driven by distribution platforms of cable, satellite and home video players, and finally the third generation which is of TV over the Internet.

At its inception, TV was simple. There were few TV stations, licensed by government, controlled tightly, and regulated, depending on the region or country of broadcast. They were expected to be politically balanced across the existing political parties, limited in their way of conducting business and ownership, and expected to preserve national culture (Lule, 2010). The influence of TV on society was huge, having been preceded by radio; and many of the existing operational guidelines for radio were applied to TV stations. While it was initially thought of as a medium for purposes of information, education and news, it turned out to be more of an entertainment platform, but with great influence on news content (Noam, 2021).

Although the second generation of TV started around 1948 (Nossek et al., 1996), TV only came to Uganda in 1963 as UTV, which operated as a national broadcaster (Babirukamu, 2020). According to the California Cable and Telecommunications Association (CCTA), around 1948, electric appliance dealers operating in the remote parts of Pennsylvania, unable to sell TV sets because of bad and poor signal reception, crafted the idea of setting up antennas on top of hills and running cables to homesteads in the valley for a price.

When the cable service started, it was looked at as just a community antenna TV (CATV) set up for regular TV. The CCTA further states that, at the time (1948), viewers received few channels, about three to five, over cable TV. By the 1980s, more channels had been added, and cable TV was in most homesteads in the United States of America. In 1989, nearly 90% of homes in the USA received TV channels via cable, and 57%

were active subscribers to the service. In the year 2000, cable penetration was estimated at 70% of the USA households.

This trend was similarly experienced in other parts of the world, in small prosperous countries that imported content or where similar challenges of poor signal delivery were experienced. For example, by 2020 over 83% of homesteads in Switzerland received TV broadcasts by cable, and in Israel, 60% of homesteads were cable subscribers by 1994.

Kfarr (2008) suggests that the highlight of the second generation of TV was in satellite TV which started in the 1980s as a by-product of satellite transmission to cable TV systems. It is in 1978 that the very first television signals were delivered via satellite to local TV stations and cable head ends for transmission. According to Kfarr (2008), later users started to pick TV signals using privately owned large antenna dishes, bypassing the popular cable operators. In time, he adds, satellite transmission became something that users would receive directly in their homes, leading to the emergency of satellite TV industry providers of Direct Broadcast Satellite (DBS) or Direct to Home (DTH).

By 2010, TV had moved from a low-resolution black and white analogue over-the-air broadcasting a few channels to a system that enabled user access to hundreds of channels, and there were attempts to integrate it to the Internet. To get here, it had taken over 70 years (Noam, 2021).

The attempts to integrate TV to the Internet led to the third generation of TV. As technology revolved in the 1990s, the Internet emerged as a means of mass communication, having outperformed its intended initial purpose as a network for



science and engineering. It was now possible for text to be augmented by pictures, sound and moving images or video (Noam, 2021).

For their part, Arolovitch and Alan (2015) state that by 2015, about 57% of TV content consumers subscribed to online video services, and almost every homestead with broadband installed watched content over the Internet. In addition, smart phones had achieved great penetration, and provided an alternative way to access video; and as a result, many people were watching TV in a new way.

In the same vein, Sadlier and Alison (2020) state that in 2018 Americans watched about 15 hours of video a week on streaming services, which was about 39% of all weekly video consumption during the height of the COVID-19 epidemic, with its stay-home mandates. They indicate that a survey revealed that the average online video-service subscriber during that time streamed for eight hours a day and 56 hours a week, viewers no longer subscribed to satellite and cable TV as they used to previously, and they rarely used their DVD players.

It is evident that with Internet-enabled video, a new generation of television had come into play. According to Noam (2021), six major components or levels characterize the new generation of television: content production; content platforms; infrastructure platforms; data operation; Internet service providers; and user media devices.

Noam (2021), further states that in the real world, these functions overlap and that these components may consist of several other elements, but the providers of content platforms must be distinguished from those providing infrastructure platform services, and from the providers of content production; and it is likely that the various levels mentioned above can be offered by a single provider in a vertical integration arrangement. This has been adopted at the New Vision Printing and Publishing

Company Limited in Uganda. Three years ago, the company restructured, and now operates under two content units: Content generation, which is charged with producing content, and Content distribution, which is responsible for distributing the content.

Having looked at the evolution of television through the first to the third generation, we must appreciate its impact on society that leads to its regulation. As Noam (2021) observes, broadcast TV started in earnest after 1946, rapidly became the main source of entertainment and news, and had a wide and deep impact. This impact included the following:

- a) **National market concentrations for consumer products:** initially, there were very few channels, which made TV advertising very expensive due to the relatively scarce advertising space or slots. This worked in favour of big and major advertising companies that could afford advertising, and contributed to their dominance in the economy compared to the smaller companies with limited resources;
- b) **Low brow programming:** Still due to scarcity of channels, commercial television programming targeted people in society who were least intelligent and would easily accept low-quality products and entertainment. It was organized exploitation done in such a way as to make people inclined to spend their money on advertised products and services;
- c) **Reduction of parental control:** TV requires concentration to consume. It, therefore, required users to sit in one place and consume, and it thus became the focal point of domestic life. People or families then started spending their family time in front of the TV as opposed to the dining table. TV preoccupied children, and this transferred the authority of real-life parents to fictitious model parents,

leaving real-life parents with little or no control over what the children consumed. TV became a replacement of the human element in raising a child; and it was the baby sitter and role model creator. In fact, Time Magazine at one time in 1948 wrote an article that portrayed a TV set as the best nurse in the world;

- d) **News control:** The television channels became the go-between for the news content that the people got. They controlled access to news content, refused to release some news content, and they controlled what met standards for news and what did not. They largely operated with moderate views on politics and policies, and this threatened the influence of politicians and governments;
- e) **Superficiality of news:** While the content of radio news took the format of headlines and commentary, and newspapers largely operated as a more in-depth source of information, when television came onto the scene, it added the visual dimension, and quickly captured people's news attention and advertisers' business. As a result, advertising migrated to TV, which led to a decline in print advertising. Newspaper circulation dropped, and early edition newspapers that came out in the evening, and competed with television, largely disappeared. National general magazines that were known for heavy use of illustration died in the US, and they included *Life* (which at the time sold more than 13.5 million copies per week), *Look* and the *Saturday Evening* (Noam, 2021);
- f) **Advancement of a more socially aware and global perspective:** Television made people connected to the world outside their physical borders. It showed them what was happening beyond their immediate community, which was a good thing. Televised coverage of events, like major political events, gave viewers an almost live experience. This was the case during the live telecast of

the J. F. Kennedy assassination in 1963 and the Vietnam War in the 1960s. Besides news, this exposed people to new languages, norms and behaviour, which posed a risk to the indigenous cultures.

The impact of television on the social, political, economic, technology, legal and environmental aspects of society outlined above ignited public interest in the activities of TV, which in turn sparked advocacy for TV regulation in different countries of the world, including Uganda.

#### *1.4.4 The Role of the Uganda Communications Commission-UCC*

The desire to regulate media activities led to the establishment of the Uganda Communications Commission (UCC) through the Communications Act of 1997. This Act gave UCC the role of industry regulator (Babirukamu, 2020). The UCC regulates telecommunications, radio communication, postal communication, data communication and infrastructure as well as TV broadcasts. It undertakes a range of functions in licensing and standards, spectrum management, tariff regulation, research and development, consumer empowerment, policy advice and implementation, rural communication development, and capacity-building.

#### *1.4.5 What is Compliance?*

According to Fathima (2021), compliance means abiding by a set of rules. For a business to function legally, it needs to comply with specific industry standards, laws, regulations, and ethical conduct standards that apply to that business. Compliance can be categorized into two: regulatory compliance, which refers to what a TV operator does to ensure they comply with external guidelines, laws and regulation, like the UCC guidelines, and corporate compliance, which refers to what the TV operator does to

comply with internal guidelines and policies. The proposed study will focus on regulatory compliance.

Compliance is important for TV operators. It saves time and money. When an operator ignores regulatory compliance, they can be sued, fined, and may have their license withdrawn or revoked. Suspended or revoked licenses lead to unemployment adding to an already worse situation of unemployment.

#### *1.4.6 The Theory of Planned Behaviour*

This theory was a basis for my study to understand factors contributing to non-compliance behaviour towards media regulations among TV operators in Kampala.

According to Vaidya (2019), non-compliance is the practice of denying, or failure to comply with, a regulation or rule, which leads to various consequences and probable risk. The proposed study focused on non-compliance to guidelines set by the UCC, among TV operators in Kampala.

The definition above, uses phrases like “practice of denying” and “any failure to obey” to illustrate or describe what non-compliance is. This qualifies non-compliance to be behaviour of individuals, systems and artificial entities (Merriam-webster, 2022).

Since the act of “non-compliance” is behavioural, the factors leading to non-compliance can be linked to the theory of planned behaviour (Ilyia Nur Ab Rahman et al., 2011). The theory of planned behaviour (TPB) is a psychological theory that links belief to behaviour. The theory maintains that three core components, attitude, subjective norm, and perceived behavioural control, together shape an individual’s behavioural intentions. In turn, a tenet of TPB is that behavioural intention is the most proximal determinant of human behaviour.

While TV channels or stations are artificial entities, they are operated or run by human beings. Therefore, the behaviour of non-compliance by the TV operators towards media regulation may be dependent on the attitudes, subjective norms, and perceived behavioural control factors. The proposed study seeks to investigate the veracity of this contention, with a view to generating strategies for enabling TV operators to comply with regulator standards.

### 1.5 Problem Statement

Media regulation entails application of rules and procedures by government and other administrative authorities to all kinds of media activities. This is to ensure that these activities do not violate industry and public rights, such as fair competition within the industry and the right to quality content. From observation, TV content consumers in Kampala are very sensitive to the quality of the content they access through the television channels, especially given the impact of content on politics, society, economy, technology, law and the environment.

However, TV operators are not fully complying with recommended practices and relevant media regulations, leading to loss of revenue through non-compliance fines, suspension and revoking of licenses, and the concomitant loss of employment in the media, and promotion of immorality like use of toxic drugs, misuse of alcohol, domestic violence that has led to loss of lives, increase in orphans, increase in child led families, high levels of school dropouts, and an end to rather promising careers in spite of the existence of clear guidelines. Therefore, the reasons for non-compliance to media regulations among TV operators need to be studied in order to identify and understand the factors hindering TV operators' compliance to recommended practices and media

regulations, and generate strategies for improving compliance, and the quality of TV content to mitigate the non-compliance associated risks highlighted above.

## 1.6 Objectives

### *1.6.1 Main Objective*

To understand the factors contributing to non-compliance with media regulation among TV operators in Kampala and come up with strategies to help improve compliance with regulations.

### *1.6.1 Specific Objectives*

- a) Identify the operational standards set by UCC for TV operators.
- b) Establish the level of compliance to UCC-set operational standards, achieved by TV operators in Kampala City.
- c) Assess the factors accounting for non-compliance to UCC-set operational standards, by TV operators in Kampala City.
- d) Propose strategies for improving TV operators' compliance to UCC-set operational standards, in Kampala City.

### *1.6.3 Research Questions*

In pursuit of the above objectives, the study posed and answered the following questions:

- a) What are the operational standards set by UCC for TV operators in Kampala City?
- b) To what extent do TV operators in Kampala City comply with the operational standards set for them by UCC?

- c) Which factors account for the level of compliance to UCC-set operational standards, achieved by TV operators in Kampala City, and how do they influence compliance?
- d) What can be done to improve TV operators' compliance to UCC-set operational standards in Kampala City?

## 1.7 Methodology

The study adopted a qualitative research design. The data collection method used in the study was in-depth semi-structured interviews which were used to get responses from experts in media; legal officers, the academia, broadcast engineers, TV owners, TV managers, business development managers and producers. A total of 30 interviews was planned for but only 17 honoured the request thus giving a response rate of 56.6% and a representation of up to 16 TV stations operating in Kampala (Bukedde TV 1, Bukedde TV 2, Urban TV, TV West, Wan Luo TV, TV East, Makula TV, Pearl Magic TV, Delta TV, BTM TV, Spirit TV, Family TV, NBS TV, Sanyuka Premium TV, Sanyuka Mini TV and NBS Sports TV) which is 29.6% of the 54 licensed TV stations in Uganda.

## 1.8 Scope and Limitation of the Study

### *1.8.1 Scope*

The proposed study focused on the UCC-set operational standards for TV operators in Kampala City, the TV operators' level of compliance to those standards, the factors accounting the established level of compliance by the TV operators, and strategies for improving compliance to the UCC-set operational standards for TV



operators in Kampala. The study was thus confined to TV operators within Kampala City.

The study covered a period of 5 years from 2017 to 2022. This is because the 5 years were perceived as sufficient to show a reliable trend of compliance with media guidelines among TV operators. The study was also conducted over a period of 21 days from 14<sup>th</sup> Nov to 4<sup>th</sup> Dec 2022.

### *1.8.2 Limitation*

I was unable to reach all the targeted respondents; most of the interviews with respondents were rushed because they had limited time for me; some of the respondents were not able to effectively answer the questions posed to them; I had limited time with the recorder, which is the tool I was using to record the data from the respondents and was therefore forced to rush some of them because the recorder was needed by the owner; working against the deadline of submission forced me to leave out some information during the transcribing process that would otherwise be useful to the study; I also had limited time to analyse the respondents data. These limitations may affect the quality of my findings and my ability to effectively answer the research questions to the study. It is important for a researcher to always start the process of data collection early to mitigate the impact of these limitations on the quality of their study.

### 1.9 Structure of the Document

Chapter one contains a detailed explanation why a study on factors contributing to non-compliance among TV operators in Kampala, Uganda is important; Chapter two, contains the findings to the study and Chapter Three contains the conclusions drawn from the findings and recommendations arising from the study.

## 1.10 Summary

The chapter contains the introduction to the study, background, rational for the study, literature review, problem statement, study objectives and research questions, methodology, scope and limitations of the study. In chapter two, we look at the study findings.

## CHAPTER TWO

### FINDINGS AND DISCUSSIONS

#### 2.1 Introduction

This chapter is about the identified operational standards for TV operators, the operators' level of compliance, factors contributing to the established level of compliance and proposed strategies to improve the level of compliance.

#### 2.2 Findings

##### *2.2.1 Operational Standards for TV Operators in Kampala Uganda.*

I set out to find out and identify the operational standards for TV operators. This required me to engage the regulator and I was advised that the guidelines are contained in the license agreement signed between a TV operator and the Uganda Communications Commission. I was able to access the TV license agreements for the Vision Group TVs and below, are the operations standards in the license agreements for all TV operators in Kampala, Uganda;

- a) Applying for a compliance certificate from the licensor for each year of operation;
- b) Display of the license certificate at the licensee's premises;
- c) Installing equipment that is technically compatible with the public networks and conforms to the regulator standards;
- d) Offering services that meet the quality-of-service standard specified by the regulator from time to time;
- e) Operating within the specified area of coverage;

- f) Charging rates of services approved by the regulator;
- g) Operator not subsidizing or cross-subsidizing, permitting self to be subsidized or cross- subsidized, or give or receive undue preference to, or from, any of their associated businesses or persons as concerns the provisions of the licensed services and/or any other licenses granted to the operator by the regulator;
- h) Installing equipment, facilities or systems that do not damage, interfere or in any way harm installations, facilities or operations of other operators;
- i) Seeking for authorization from the regulator to use essential resources and facilities to facilitate provision of licensed services;
- j) Maintaining accessible records and regular submission of quarterly reports relating to the operations of the TV operator to the regulator;
- k) Seeking written consent from the regulator to directly or indirectly transfer their rights under the license;
- l) Operator operating their services in a manner that promotes public safety, that is, alleviates a state of emergency;
- m) Having a consumer-complaints handling mechanism in place, that guarantees the confidentiality of content of all communications, data and information obtained as a result of serving a customer or interconnecting to public networks;
- n) Providing content in accordance with all the laws of Uganda;
- o) Operator sharing with the regulator quarterly schedule or program lineups and synopses of new or repackaged programs not less than one week before the beginning of the quarter;
- p) Ensuring that every scheduled broadcast item, including spot announcements are scripted and can be accessed and approved by a producer or head of programs.

- q) Having pre-listening devices and time-delay equipment installed in studios and broadcasting systems;
- r) Taking due care in broadcasting depictions and/or descriptions of violence in program material;
- s) Appropriately scheduling content: a TV operator must take into account, among other things, the nature of the program material, the likely age range of the audience, the nature of the broadcast service, the particular program and time of day when children are likely to be watching or listening to program material and television services, the use of a watershed which operates or starts after 11pm;
- t) Taking due care, such as prior warning when broadcasting program material containing characters, actions and personal circumstances with which audiences may identify and which can cause distress, particularly in relation to content such as sexual violence, self-harm or suicide, reconstruction of factual events and archive footage;
- u) Complying with inspection procedures and reporting standards established by the licensor;
- v) Protecting children from program content that might seriously impair their physical, mental or moral development;
- w) Respecting groups and persons of society: a TV operator must not broadcast material involving threatening, abusive or insulting visual images or sounds, with the intent to stir up hatred or where it is likely that hatred will be stirred up as a result against persons or groups in society, including on the grounds of race, religion, sex, ethnicity or sexual orientation or nationality;

- x) Ensuring accessibility to persons with disabilities (PWDs): a TV operator must take specific steps as provided for in the constitution to promote the understanding and enjoyment of their programs;
- y) Protecting public interest: a TV operator must not broadcast material likely to promote or to incite violence, crime or tending to underestimate the authority of the state;
- z) Respect for privacy: a TV operator must ensure that any encroachment on the privacy of an individual in a program or in the means of making a program is unwarranted, having regard to, in particular, the protection of the right and privacy, and ensuring that such encroachment is appropriate and limited to the degree that is required to inform the audience in the public interest;
- aa) Complying with the local content obligations as stipulated in the regulations, guidelines and standards set by the regulator;
- bb) Complying with the any regulations and guidelines on live broadcasts and exclusive rights issued by the regulator; and
- cc) Submitting to the regulator a human resource development plan outlining a strategic succession plan and empowerment of local staff on an annual basis.

### *2.2.2 Level of Compliance to UCC Set Operational Standards Achieved by TV*

#### *Operators in Kampala*

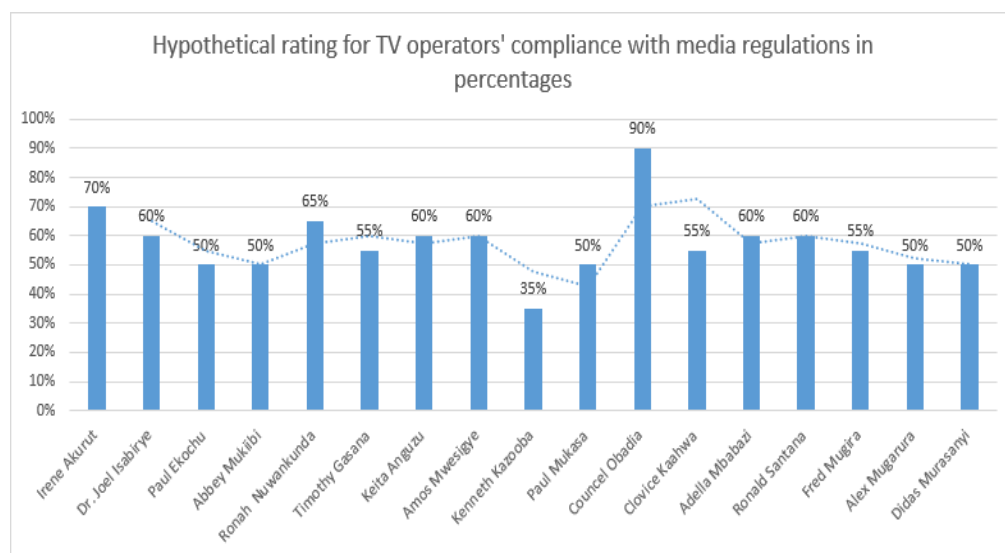
When asked to hypothetically rate the level of compliance with media regulations among TV operators in Kampala, the respondents gave the following ratings on a scale of 100.

*Table 1: Level of compliance with media regulations among TV operators in Kampala*

Name of respondent	Title	Hypothetic rating for TV operators' compliance with media regulation in percentages.
<i>1. Irene Akurut</i>	<i>Legal Manager Vision Group</i>	<i>70%</i>
<i>2. Dr. Joel Isabirye</i>	<i>Media Consultant and Practitioner, Lecturer of Journalism and Media Studies at Kampala International University.</i>	<i>60%</i>
<i>3. Paul Ekochu</i>	<i>Chairman Uganda Media Council and Lawyer</i>	<i>50%</i>
<i>4. Abbey Mukiibi</i>	<i>Director Delta TV</i>	<i>50%</i>
<i>5. Ronah Nuwankunda</i>	<i>Regulatory and Compliance Manager Multichoice Uganda</i>	<i>65%</i>
<i>6. Timothy Gasana</i>	<i>Managing Director BTM TV</i>	<i>55%</i>
<i>7. Keita Anguzu</i>	<i>Director at Spirit TV</i>	<i>60%</i>
<i>8. Amos Mwesigye</i>	<i>Director Church of Uganda Family TV</i>	<i>60%</i>
<i>9. Kenneth Kazooba</i>	<i>Head of Content &amp; Broadcast Partnerships at Star Times Uganda</i>	<i>35%</i>
<i>10. Paul Mukasa</i>	<i>Manager Multimedia and Content Regulation at UCC</i>	<i>50%</i>
<i>11. Counsel Obadiah</i>	<i>Corporation Secretary Next Media &amp; Legal Officer National Broadcasters Association Uganda</i>	<i>90%</i>
<i>12. Clovice Kaahwa</i>	<i>Regional Sales Manager &amp; Team Leader Vision Group Western</i>	<i>55%</i>

<i>13. Adella Mbabazi</i>	<i>Program Controller TV West</i>	<i>60%</i>
<i>14. Ronald Santana</i>	<i>Station and Content Manager TV West</i>	<i>60%</i>
<i>15. Fred Mugira</i>	<i>Senior Producer TV West</i>	<i>55%</i>
<i>16. Alex Mugarura</i>	<i>Marketing Officer Vision Group Western.</i>	<i>50%</i>
<i>17. Didas Murasanyi</i>	<i>Broadcast Engineer</i>	<i>50%</i>

Below is a hypothetical rating of the level of compliance in a graph;



*Figure 1: Hypothetical rating of the level of compliance*

Basing on the graph, the respondents hypothetically rated the level of compliance with media regulations among TV operators in Kampala at an average of 57%.

### *2.2.3 Factors Accounting for Non-compliance to UCC-set Operational Standards, by TV Operators in Kampala City*

According to Ilyia Nur Ab Rahman et al (2011), “The theory of planned behaviour (TPB) is a psychological theory that links belief to behaviour. The theory



maintains that three core components, attitude, subjective norm, and perceived behavioural control, together shape an individual's behavioural intentions. I set out to find out if this was true in relation to non-compliance behaviour with media regulation among the TV operators in Kampala and my finding is that; it is true TPB indeed influences the behaviour of non-compliance among TV operators in Kampala.

*Does attitude contribute to noncompliance?*

When the respondents were asked if one's attitude can lead to non-compliance behaviour many of them said yes except Abbey Mukiibi as indicated below;

“Yes, sometimes non-compliance is an individual's choice. For example, Tamale Mirundi, a famous journalist in Uganda holds a degree and Masters in communication but he chooses to communicate in disregard of acceptable communication ethics like accuracy, fairness and objectivity. No amount of reminding and sensitization can change him because he has a fixed mindset that his way is the right way.

“Andrew Mwenda, is often a defiant journalist and has no problem insulting the head of state on TV. This is an attitude driven behaviour. An individual may be born obstinate but again they can be natured into obstinacy. When they remain in the company of resistant people, after some time they would become resistant.” Dr. Joel Isabirye.

“Attitude plays a role but overall if one is into a business that is regulated, there are things expected of the players in that business. So, it does not then matter if an operator has the right or wrong attitude to comply.” Amos Mwesigye.

“Yes. Operators observe what is happening on the channels of the other operators and if something wrong is happening with one or more operators and the regulator does nothing to them, the rest do also get complacent on compliance and eventually the entire industry can get noncompliant.” Counsel Obadiah.

“Well, this is a hard one to confirm but I will tilt towards a yes. What I have observed is some of the things the regulator asks of the operator are a toll order but operators choose to because they are market leaders. Start-ups will not comply because of the general feel that the regulator is detached from the realities of operating a TV.” Irene Akurut.

“Yes. One of the TV owners in Kampala went to court for four years because he was not willing to pay royalties to an artist of UGX 1,000,000/-. His argument was that his TV station had already done a lot for the artist by playing their music video. This is example of non-compliance because of one’s attitude.” Keita Anguzu.

“Yes. Compliance like observance of the law is a moral issue. There are people that naturally do not respect standards, regulation and laws. So, attitude can lead to non-compliance with media regulations.” Paul Mukasa.

“Yes. Some will seek to understand what the obligation is, and why they should meet it while others will just say; I don’t like what is going on there. I will not do it. If they choose to remain adamant for a year or two, that amounts to non-compliance.” Ronah Nuwankunda.

“Yes. There are stubborn operators that will choose not to follow guidelines. One may argue that they are noncompliant because they are not aware but it is also possible that they can just choose not to do what is right. For example, a TV producer who is aware that something wrong with the content will go ahead and broadcast it because in their conviction they feel it is okay for it to pass since they always go away with it. Such an attitude breeds noncompliance.” Timothy Gasana.

“Yes. If an operator has a gain from not complying, they would go against what is right for example, if broadcasting the latest movies for which they do not have rights to broadcast can improve their viewer share, they will go ahead and violate guideline of ensuring that an operator must have an agreement with the content owner giving them consent and rights to the content before they broadcast it.” Ronald Santana.

“Attitude, does not contribute to non-compliance but ignorance. TV operators do not know what is right and what is wrong. Many do not read the license agreements to understand what is contained in there. Therefore, there is noncompliance with regulations because the operators are not fully aware of what they are supposed to do.” Abbey Mukiibi.

*Does subjective norm (religion and culture) lead to noncompliance?*

When the respondents were asked if one’s religion and culture can lead to non-compliance behaviour, many of them said yes as shown below;

“Yes. In general Ugandans like to question and resist rules and the law first time. When this meets non reasonable regulations, noncompliance with the regulations is inevitable.” Kenneth Kazooba.

“Yes. Individual behaviour is a product of our socialization that is how we are cultivated. A TV Station Manager that has attended Journalism school, chances are that they will comply with guidelines but if they did not go to journalism school chances are they will resist regulation because they have limited understanding of the rationale or justification for regulation. This has an influence on compliance behaviour. More conservative cultures tend to be compliant, they follow the rule of law, they are obedient to authority while liberal cultures tend to challenge instructions for example BBS TV is owned by the Buganda Kingdom and the kingdom encourages obedience to the law as a value for Baganda people and will be compliant with the law any day while foreign owned TV stations like NTV struggle with compliance because of a conflict in cultural approach to issues between what is perceived as acceptable according to the owner’s culture and that which is perceived as acceptable in the Ugandan perspective.” Dr. Joel Isabirye.

“Yes to a certain extent but it is important to note that when it comes to regulation, there are some minimum broadcasting standards that one has to comply with irrespective of their religion when it comes to content. It is likely that if it is something that an operator is interested in, values and believes in and the regulator is for it, they will comply and support it. But if it is something their faith and values are against, they are likely to think about it before complying and therefore it is true religion and culture greatly influences behaviour of an operator towards compliance.” Amos Mwesigye.

“Yes. It is true that what an operator believes in will influence how they behave towards business guidelines and standards.” Counsel Obadiah.

“Yes. Some of the religious beliefs emphasize healing and miracles. So, one is operating a faith-based TV station, they would want to push that agenda and sometimes some of the faith based healing and miracles may not have scientific proof. So, they will push an agenda that goes to show that no matter what, my belief can heal a person which is against the minimum broadcast standards OR their belief works in total disregard of the standards.” Irene Akurut.

“Yes. At Spirit TV, they believe in miracles and therefore if regulation is of the position that miracles are not factual, they will broadcast testimonies of miracles in disregard of regulation because they believe in miracles.” Keita Anguzu.

“Yes. They shape what one believes in. So, if the regulation happens to be what one does not believe in, then they are likely not to comply.” Paul Mukasa.

“Yes. TV operator behaviour to an extent is depend on what they believe in for example, religion TV stations operators have faith and the belief that even when noncompliant, God and not being compliant

will deal with the situation concerning the minimum broadcasting standards.” Ronah Nuwankunda.

“Yes. The behaviour of people that operate TV stations is dependent on what they believe in. Some of the operators are to the extreme, they have drawn a line what is acceptable and not acceptable to them because of their faith and values. This causes a struggle with accepting guideline if they are perceived to be against what they believe in and can lead to either compliance or noncompliance. For example, at one time BTM TV could not host a Muslim Sheikh because it is something the Christian management of the station didn’t believe in. So, their belief or religion made them fall short on an all-inclusive media guideline.” Timothy Gasana.

“Yes. In Uganda, religious and cultural leaders are highly respected. There is a tendency to be lenient whether the TV platforms they represent comply or not. This breeds a culture of complacency towards compliance with regulation among faith and culture base TV stations.” Clovice Kaahwa.

*What perceived behavioural control factors contribute to non-compliance to media regulation among TV operators in Kampala?*

When asked what other factors contribute to non-compliance other than attitude and subjective norm, below are the factors the respondents shared;

“There are too many regulations. Because there is too much guidelines that a TV operator has to comply to, combined with the inability of the regulator to monitor every second of the broadcasts, it defeats compliance. In the absence of a complaint to the regulator against an operator, no enforcement would be done for them if they are doing something against the standards of broadcast hence breeding non-compliance with regulations.” Kenneth Kazooba.

“Economic pressures. The desire to make money leads operators to accommodate funded bias. Bias or violation of guidelines at a TV station may be driven by funding of different actors in society. As a result, a channel will be one sided because it has been financed by someone to push a certain agenda from behind the scenes under the table. In the eyes of the regulator, this is non-compliance because it excludes another perspective of society from their broadcasts.” Dr. Joel Isabirye.

“Limited exposure of the TV operators to regulation best practice. Part of the non-compliance with regulations is a result of media owners not knowing or having experienced a culture of regulation. For example, when the demand to pay royalties for music videos came

into effect in 2004, local TV owners fought it and did not comply. They believed that the musicians benefited already from them playing their music videos. Contrary to this, foreigners that operated channels in Uganda who had knowledge on royalties, immediately complied.” Dr. Joel Isabirye.

“The high level of liberalism. There has been too much freedom for media in Uganda for a very long time and media operators did what they wanted without enforcement of ethics by the regulator. The operators got used to the freedom and now it is a challenge to get them to comply to guidelines whose enforcement has come after a long period where they were free to do whatever they wanted. This has contributed to non-compliance with regulation among the TV operators.” Paul Ekochu.

“A weak law on guidelines enforcement. This is mainly on the part of the Uganda Media Council. The law that created the council and gave it a mandate to regulate movie content restricts it to a complaint hearing body as opposed to an enforcer of guidelines on movie quality among TV operators. The council has no power to put an operator in line. It has to go through the Uganda Communications Commission to put a non-compliant operator in line. It is also likely that if no complaint about an operator is made to the Council the operators will go away with the wrong, they are doing.” Paul Ekochu.

“Bureaucracy and red tape in the regulator processes. The process of accreditation of TV reporters from other countries to cover a function in Uganda requires a number of documents and these include a clearance letter from Interpol that has to be verified by the media council. The process is long and tedious. Many of the foreign TV reporters find this as unfair, unnecessary and time consuming. They then resort to illegally getting into the country without accreditation which is a violation of existing standards.” Paul Ekochu.

“Resistance to rules accelerated by the ideology of free press. The activists for free press have promoted a narrative that any regulation on media is a clampdown on TV journalists’ rights. This has made the TV journalists to resist regulation under the perception and conviction that it is an infringement to their rights hence leading to non-compliance with media regulation.” Paul Ekochu.

“The high enforcement costs. The regulator is unable to afford monitoring all the TV operators by the minute of their broadcasts. Therefore, when there is something going wrong on one or two TV channels and no complaint is raised and brought to the attention of the regulator. There will be no enforcement and the wrong things will continue happening hence breeding non-compliance.” Paul Ekochu.

“Ignorance of the viewers or public on the minimum broadcasting standards. The public does not know what is right and wrong as far as TV broadcasts and operations are concerned, yet the regulator to a

great extent relies on the public to notify it on what is going wrong at the different TV stations.” Paul Ekochu.

“High cost of compliance. Indeed, for the operators keeping the TV business, complying is expensive. In the absence of funds to comply, there will be a delay in the operator complying therefore making them noncompliant until they comply.” Amos Mwesigye.

“Poor record keeping at the regulator level. Often a time operator are pronounced non-compliant because of missing paper work or documents yet in actual sense, these were submitted and their receipt acknowledged but get misplaced on the regulator’s side.” Didas Murasanyi.

“New licensing conditions that make the existing technology obsolete or non-compliant. This creates a situation where new law requires that a TV operator to align to a condition but they cannot afford it given the timing. Even when the regulator gives the operator time to comply, the economies may not allow. It is such situations or scenarios or requests made by the regulator that make the compliance incomplete. The practicability of them.” Counsel Obadiah.

“Viewer preference for satiric, hard talk and immoral tending content. In Uganda we hardly recognize the freedoms like satiric expression under the freedom of expression or the press and international human rights. We have not been very emphatic on satiric expression being an expression that is recognized in the rights to freedom of expression but the population that the TV operators serve are very interested in it and it is the content they want to watch on TV. So, when it comes to the operators that are licensed and have to comply with the minimum broadcasting standards, when they do not carry such content, they are labelled boring and not rated highly. To grow ratings so as to attract advertising revenue, the operators opt to broadcast satiric content and this leads to violation of standards.” Counsel Obadiah.

“Unclear objectives for starting a TV station. Compliance is driven by the objective of the owner of the TV station. Operators that start TV channels for business purposes will ensure that there are professional standards and systems put in place. They self-regulate, have a self-regulation mechanism like an editorial policy, legal officers, proper editors that are experienced and trained. They want to do things right because they know the implication of not doing things right. But operators who start a station for say political motivation, the intention is counter their political opponents or for non-business objective, they are likely to react negatively towards guidelines leading to non-compliance.” Counsel Obadiah.

“Selective application of sanctions. It is possible that the tendency of a regulator to be strict on a particular TV operator and not on other operators may breed a tendency of complacency towards compliance for the compliant operator especially if in the first place they would

otherwise not be compliant but are only being compliant because the regulator is tough on them to comply and no sanctions are imposed on the other operators in the same market. Such a scenario takes away from the operators that want to do the right thing. Some will continue to do the right thing and some will get the impression that they can get away with non-compliance behaviour for example, if they were paying their license fees on time, they may relax on that and soon or later they are falling behind on compliance.” Ronah Nuwankunda.

“Lack of compliance resource within the TV stations. Some have compliance professionals who have no compliance skills whatsoever and are in a position because their Chief Executive Officer told them; “You have to deal with the regulator compliance problem” but they have not been equipped to know how to handle compliance issues, nobody has sat them down to show them the license agreement and what the station’s obligations are.” Ronah Nuwankunda.

“Unrealistic and unenforceable guidelines lead to non-compliance. For example, TV operators are expected to have scientific back up and evidence for every advert they air. So, if a client comes with an advert with a message that their concoction heals cough, an operator should be able to prove that this is scientifically correct. By the time they probe the client for this proof, they would have considered or even moved to the next TV station that will not ask for scientific proof. Given the need for money to keep the business running, an operator will broadcast this advert which is in violation of the guidelines.” Keita Anguzu.

“Lethargy. Some operators are in disciplined. They know what they are supposed to do but they do not do it leading to non-compliance with the guidelines and standards for media operators.” Paul Mukasa.

“The desire for high audience ratings because high audience ratings translate into revenue. Media buyers or advertisers consider how well a TV is doing when it comes to audience numbers. So, when a TV has high viewership, they will get the attention from the advertisers. This forces the operators to do what will bring them viewers like pirated blockbuster movies. This is an act against what the regulator guidelines require and is non-compliance with media regulations.” Alex Mugarura.

“The influence of politics and relationships in high places breeds non-compliance. If a non-compliant operator is a powerful politician or has a God father in a position of influence, such an operator may be left to continue doing the wrong thing due to the fear of the enforcement officers losing their jobs in case the powers that be perceive them as being antagonistic to that operator.” Abbey Mukiibi.

#### *2.2.4 Proposed Strategies for Improving TV Operators' Compliance to UCC-set Operational Standards, in Kampala City*

The respondents proposed the following strategies towards improving compliance levels;

“Recognition of compliant TV operates as a way to encourages others to comply. Sometimes behaviour or conduct shaped stimuli like recognition can get operators to comply. For example, the Uganda Revenue Authority awards the best tax payers. This business community is challenged and showed that company X is the award winner and this in a way drives other companies to aspire for an award by being tax compliant. The same can be adopted by the regulator or UCC to inspire TV operators towards compliance with regulation.”  
Dr Joel Isabirye.

“It is important for both the regulator and operators to focus on understanding and appreciating the TV business environment of operation as well as the context of regulation. When the operator and regulator come to table to discuss and understand what is at stake, what the regulation is and why the regulation, there will be appreciation for the regulation by both parties and in turn, there will be a positive response to regulation by the TV operators.” Amos Mwesigye.

“The regulator should not only concentrate on licensing and sanctioning but also support TV operators to set up their stations. They can develop a database of prequalified broadcast engineers and refer the operators to them at a cost to help them do the right thing. For example, UMEME which is charged with power connections in Uganda refers customers to technicians to work with for power installation. The same could be adopted by UCC to enable the operators use the right people to set up their stations and comply with the standards.” Didas Murasanyi.

“Self-regulation. A culture of self-regulation using tools like an editorial policy among TV operators should be emphasized through media associations like National Broadcasters Association. Operators must seek to understand their obligations as broadcasters train their workers on those obligations and regularly remind their workers on the desired and required conduct in their different roles at TV stations. This will go a long way in promoting compliance as a culture internally and externally.” Counsel Obadiah.

“TV operators should ensure that they comply. If the industry is running smoothly, it is lucrative for everyone but if there is chaos,



there will be unfair competition which affects their earning from the industry.” Paul Mukasa.

“Sensitization of the operators on regulation should be a continuous process. One of the regulator’s strategic objectives is stakeholder engagement. As a result, there has been a lot of improvement in adherence to guidelines among TV operators.” Paul Mukasa.

“Regulator to make guidelines based on best practice for TV broadcast. There is need for the regulator to understand best practice for TV broadcast and allow it to inform the decisions made for the Ugandan market. For example, if a Pay TV is operating in over 50 markets and 49 of them require that it should do something in a certain way but in Uganda the regulator demands otherwise and for the operator it is not technologically possible, such an operator will find themselves unable to comply technologically however much they would want to because the regulator is going against best practice. It is likely that if such an operator is to implement something across many markets and the rest of the markets are aligned, it becomes difficult for them to comply with the single unique demand for the Ugandan market.” Ronah Nuwankunda.

“The regulator and the operator should be open to engage when the operator is unable to meet the entirety of the regulation obligation. The operator should show the complexity, demonstrate the challenges and show the options of cards on the table or a plan for compliance. This approach can go a long way in working towards compliance.” Ronah Nuwankunda.

“The Regulator needs to take the approach of an enabler than an enforcer. Compliance of one size fits all will not work especially if the operators are diverse in character and capabilities when it comes to technical licensing conditions. This cannot be approached from the angle of everyone should take this direction. By being an enabler, the regulator would achieve more in promoting compliance among the TV operators.” Ronah Nuwankunda.

### 2.3 Summary

In Chapter two we mainly looked at the what the existing operating standards for TV operators in Kampala are; the hypothetical level of compliance with regulations among the TV operators; the factors contributing to non-compliances among TV operators in Kampala and the proposed strategies to improve compliance among the operators.

## CHAPTER THREE

### CONCLUSIONS

#### 3.1 Introduction

This chapter is about my conclusions from the study and recommendation on what needs to be done.

#### 3.2 Conclusions

The TV industry is rapidly growing with over 54 licensed TV stations so far and many license applications being processed by the regulator. Compliance issues remain a serious matter for the TV viewers, media practitioners and government yet the study found a hypothetical compliance level among TV operators of only 57%. There is a 43% that the operators need to strive to close so as to achieve 100% compliance. The study also indicated that perceived behavioural control factors were the biggest contributor to non-compliance followed by attitude then religion. Therefore, specific interventions as indicated in the recommendations must be made both at the regulator and TV operators' level to improve the compliance levels. This will guarantee the operators conducting their activities in a manner that embraces the media standards set by the regulator. The data from the study consistently highlighted the following as the cause for non-compliance;

1. Operators have characters, they have personalities, traits and ways they prefer to do business. Some will do the right thing even when it is uncomfortable, others will do the wrong thing because that is the way they are, and others would want to do the right thing but are constrained to meet the obligation. They either do not know how or they cannot afford to or by nature of how their business is

performing, they are just unable to merge the two. For instance, if say they are going to strictly be compliant then they cannot run the business. The business just does not perform well enough for them to meet all the running costs of the business plus the cost of compliance.

2. Operators know what is expected of them but they don't appreciate the need to comply or work within the guidelines. Often a time they wonder if their business challenges are taken into consideration before the regulator arrives at a guideline. This lowers their appreciation for the instructions from the regulator and get slow on implementation which makes them non-compliant.
3. The lack of knowledge of the guidelines among the TV operators. The guidelines are contained in a license agreement. It is a document that is usually kept under key and lock by the TV owners and many of the workers do not have access to this document to get to know what their obligations are.

### 3.3 Recommendations

The regulator should recognize compliant TV operators as exemplary players. Recognition can take the form of publishing such operators in the newspapers, organizing a recognition event where such operators are given certificates of recognition and awards. This can go a long way in encouraging the non-compliant operators to comply. This has been adopted by the tax body that is the Uganda Revenue Authority which recognizes best tax payers annually and it says, the recognition has acted as stimuli to tax compliance among the different companies doing business in Kampala.

The regulator and the TV operators should be deliberate about understanding the TV business environment and the purpose for regulation respectively. This will

enable the regulator to come up with realistic regulation and the operators to appreciate and comprehend the need for the guidelines hence improve compliance.

The regulator should be deliberate at working as an enabler for TV operators' compliance. For example, it should identify and put together a database of qualified broadcast engineers for operators to work with at the cost of the operators. This can go a long way in eliminating technology related non-compliance like operating technology that has been labelled obsolete.

TV operators should self-regulate. It is important that they fully understand the guidelines as per the license agreements, put in place internal tools of compliance like an editorial policy and have internal checks like recruiting a compliance officer. This allows for regular and timely checks on their performance against the set standards. This way they are able to put right what is going wrong before the regulator issues notice of policy or guideline violation.

The regulator should continuously sensitize the TV operators and the public about the acceptable TV operations and broadcasts. This way the public knows how to check the operators and the operators are aware that their customers are knowledgeable of what is acceptable and what is not acceptable. TV viewers that know what is right and wrong can help can help promote compliance among the operators.

The regulator should always be open to engaging and hearing out non-compliant operators. When the regulator understands why an operator is not able to comply with a particular guideline or meet the entirety of their obligations, it becomes easier for both of them to find a solution and resolve the problem hence improve compliance.

## PROJECT DOCUMENT

### Introduction

In Uganda, once an operator fulfils all the requirements of applying for a license, they are issued with a license agreement. This agreement contains all the guidelines for operating a channel or TV station. Many of the TV stations are privately owned and so the owners treat this agreement as a confidential document that is kept away from the rest of the workers. Often a time they also do not read through the agreement and even when they do read, a lot of the guidelines in the document, they do not comprehend in entirety. As a result, many of the workers at the station are ignorant of what is expected of them. This is not any different for TV station operated by corporate organizations. It came out clear that once a license agreement is issued, it would be sent to legal for filing and archiving. It is against this background, that I have developed a compliance check list document.

#### *What is the product?*

A compliance checklist document. The document will ensure that the TV stations within Vision Group comply with all guidelines set in the license agreement. It is a summary of what is the agreement and can be referred to by the respective accountable officers at the group to track performance against compliance on a monthly, quarterly and biannual basis.

#### *How will it be implemented?*

The checklist document will be presented to the Executive Committee for adoption and once adopted; it will become one of the tools that management uses to check their performance against set standards. It will enable timely response to

complacency towards compliance with various regulations. The checklist will mainly be used by the Managing Director, Deputy Managing Director, Legal Manager, Head of Broadcast, Chief Internal auditor, Risk Manager and Head of Content Generation.

*What resources are needed for implementation?*

No financial resources are needed but time to pitch the document to management. I derived the checklist from the license agreement to which many the roles above have no access yet they play a critical role towards compliance of the group's TV stations to media regulations. I plan to seek permission from the CEO/Managing Director to make a presentation in one of the weekly EXCO meetings, where I will display the check list, explain each clause and show how each of the roles highlighted above contributes towards compliance. For example, the CHRO is supposed to put together a human resource development plan outlining strategic succession plan on empowerment of local staff, Managing Director must submit an annual report on operations using a format provided by UCC 90 days before the end of each fiscal year, CFO, is supposed to share audited financials within 120 days of the end of each fiscal year, the head of marketing is supposed to compile a report summarizing customer complaints received and handled on a quarterly basis and the head of content generation is supposed to share an updated program line up not less than one week before the beginning of a quarter. All this detail, many of the roles above are not aware of.

*Time Plan*

I plan to introduce the checklist to management by the end of March 2023.

*How will the check list be monitored and evaluated?*

Once adopted, the monitoring and evaluation of the organization performance against the checklist will be done by the internal auditors on a quarterly basis and findings shared with the Executive committee for action where there are gaps that require intervention for alignment.

**COMPLIANCE CHECKLIST MADE IN REFERENCE TO THE 5-YEAR TV LICENSE AGREEMENTS WITH UCC**

Clause	Compliance requirement	Timeline and responsible officer.
3 (b)	An operator shall not cease operations of its TV stations before notifying UCC	At least 90 days before the actual date of cessation of operations. CEO/DMD guided by the Head of Broadcast and Legal Officer
4 (a)	An operator must apply for an annual compliance certificate for each of our licensed TV stations by way of letter supported by all requisite reports.	At least 2 months before the anniversary of the license. CEO/DMD guided by the Head of Broadcast and Legal Officer
7 (a)	An operator should for renewal of the 5- year license using a form prescribed by UCC	At least 2 months before the expiry of the license. CEO/DMD guided by Head of Broadcast and Legal Office
10 (a)	Ensure that all equipment, apparatus or devices used in providing services have received type approval	Continuous. Head of Broadcast and Broadcast Engineer.
14 (a)	Provide to UCC a copy of our charges for all licensed services for approval. The submission should be filed together with such calculation, information and documentation necessary to support the pricing.  N/B- Promotional tariffs lasting less than one month are excluded from this procedure	Within 14 days after signature of the licensed agreement. CEO/DMD guided by Head of Broadcast.
14 (b)	Notify the regulator where an operator wants to change tariffs	At least 7 working days before application of the new

		rates. CEO/DMD.
21 (a)	Submit to UCC reports relating to the operation of the network in a format provided by UCC	Quarterly. CEO/DMD, guided by the Head of Broadcast.
21 (d)	Deliver to UCC an annual report on operations using a format provided by UCC	Within 90 days before the end of each fiscal year. CEO/DMD.
21 (e)	Deliver to UCC audited financials	Within 120 days of the end of each fiscal year. CEO/DMD/CFO.
24 (a)	Submit to UCC a document detailing operator Consumer complaints handling mechanism.	Within 60 days of being granted a license.
24 (b)	Maintain a data base of all consumer complaints received and handled capturing the	Continuous. CEO/DMD



	date of complaint, complainant's name and full contact address, brief description of the complaint, action taken to resolve the complaint and the date when the said action was taken and any other relevant information	guided by the Head of Marketing.
24 (d)	Submit to UCC a report summarizing the complaints received and handled	Monthly or quarterly. CEO/DMD guided by Head of Marketing.
26 (b)	Submit to UCC a document containing measures put in place to ensure confidentiality of the content of all communications.	Not later than 60 working days after signing the agreement. CEO/DMD guided by Head of Marketing.
Clause 4 of schedule B	Negotiate for signal distribution or channel carriage with another licensed entity or share facilities and should submit a copy of the agreement to UCC	Continuous. CEO/DMD guided by Head of Broadcast.
Clause 5 (i) of	Forward to UCC operator quarterly programs schedule/lineup and synopses of new or	Not less than one week before the beginning of the quarter.
Schedule B	repackaged programs in a format prescribed by UCC.	CEO/DMD guided by Head of Content Generation.
Clause 6 of Schedule B	Maintain broadcast program script including spot announcements. The scripts should be approved by the producer/Head of programs	Continuous. Content Managers and Senior Producers.
Clause 7 of schedule B	Install pre-viewing devices and time delay equipment in the studios and broadcasting systems.	Continuous. Head of Broadcast
Clause 20 of Schedule B	Operator should keep the following list of records: <ul style="list-style-type: none"> <li>i. Reports as guided by Schedule G (Reporting Form for TV Operators)</li> <li>ii. Rights obtained for programming that requires acquisition of copyrights, broadcasting rights and translation rights</li> <li>iii. Clearance of advertisements in accordance with the Advertising Code or any other regulations</li> <li>iv. Service level agreements signed with the signal distributor</li> <li>v. Programming register for all programming schedules at the end of every quarter.</li> <li>vi. Proof of censorship and classification by the government agency mandated to censor and classify all content to be aired.</li> <li>vii. Register of pre-requisite authorization of the producers in accordance with the law</li> </ul>	Continuous. Head of Broadcast and Legal officer.
Clause 21 (i) of Schedule B	Submit to UCC operator human resource development plan outlining strategic succession plan on empowerment of local staff	Annually. CEO/DMD, guided by CHRO
Clause 21 (ii) of Schedule B	Furnish UCC with a report on implementation of human resource planning	Annually. CEO/DMD, guided by CHRO.
Schedule D	Comply with the minimum operational requirements in operator studios as listed in that	Continuous. Head of
	schedule.	Broadcast.

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## APPENDICES

### Appendix A: Interview Guide

1. What comes to your mind when you hear media regulation for TV operators?
2. Out of observation, how do TV operators respond to media regulation?
3. Hypothetically, how would you rate the level of compliance with media regulation among TV operators?
4. Do you think attitude contributes to non-compliance behaviour among TV operators?
5. Do you think religion and culture contribute to non-compliance behaviour among TV operators?
6. What are those other factors other than attitude, religion and culture that contributed to non-compliance behaviour among TV operators?
7. What is it that you think can help improve compliance with media regulation among TV operators?

## Appendix B: Introductory Letter from AKU



THE AGA KHAN UNIVERSITY  
*Graduate School of Media and Communications*

22 November 2022

### **To Whom It May Concern**

This letter is to confirm that Moses Kasajja Ateng is a final year Executive Master's in Media Leadership and Innovation student at the Aga Khan University in Nairobi. He is currently doing his project research as part of fulfilling the requirements for award of the aforementioned degree.

Please accord him the assistance he requires to enable him complete the research and the degree programme.

Please contact via email ([george.nyabuga@aku.edu](mailto:george.nyabuga@aku.edu)) or phone (+254(0)709 931807) if you have any questions.

Yours faithfully,

Prof. George Nyabuga  
Coordinator  
Executive Master's in Media Leadership and Innovation

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