



**UGANDA
COMMUNICATIONS
COMMISSION**

**REGULATORY FRAMEWORK FOR
COMMUNITY BROADCASTING
SERVICES IN UGANDA**

COMMUNITY BROADCASTING SERVICES REGULATORY FRAMEWORK

1 INTRODUCTION

One of the objectives of the Uganda Communications act 2013, is to expand the existing variety of communication services available in Uganda to include modern and innovative communication services. The Uganda Communications act gives the Commission powers to classify communications services and licenses and allows the Minister to develop regulations or standards for the regulation of community broadcasting.

Community broadcasting is defined as broadcasting, which is for, by and about the community, whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit.

Community broadcasting services are complimentary to the commercial and public broadcasters, and are a crucial part of a healthy, pluralistic media sector. Community broadcasting usually serves rural or grassroots groups that are often excluded from wider social, political and economic trends and benefits in society.

Community broadcasting has emerged to help fill this major communications gap, and to enable these groups to access basic information that can help them to improve their situations, and to articulate their concerns and attract the attention they need to address them. Community broadcasters have in many cases become a vital means by which the voiceless can exercise their right to express themselves freely and to access the information they need to bring about positive change.

2. MAIN CHARACTERISTICS OF COMMUNITY BROADCASTERS

Community broadcasters are generally characterized by three principles:

- i. **Independence and not for profit:** Not-for-profit in nature and independent of government and commercial forces.
- ii. **Governance:** Owned and/or managed by the community, who participate in policy, programming and operations.
- iii. **Service:** They focus on issues of local concern and represent the interests of all in the community.

They are managed by various types of non-profit social organizations. Their fundamental characteristic is the participation of the community, in ownership as well as programming, management, operation, financing and evaluation. They are independent and non-governmental media that do not depend on or are part of political parties or private firms.

3. OBJECTIVES OF COMMUNITY BROADCASTING

Community broadcasting exists to satisfy the communication needs of their communities' members and to enable them to exercise their rights of access to information and freedom of expression. The main objectives of community broadcasting include:

- i. Promotion of social development, human rights, cultural diversity, pluralism of information and opinion, peaceful coexistence,
- i. Promote a diverse range of broadcasting for the public
- ii. Strengthening and development of social and cultural identities that reflect Ugandan identity, character and cultural diversity
- iii. Provide local content

4. THE PROPOSED FRAMEWORK

The Framework sets out the guiding principles and policies to be followed by community broadcasting stations. The framework provides the requirements and conditions under which community broadcasting will operate. These include license application requirements, governance, management requirements and principles to ensure community participation.

4.1 Principles for guiding community broadcasting

Community broadcasting services are guided by the following principles:

- i. Promote harmony and diversity and contribute to an inclusive, cohesive and culturally diverse community
- ii. Pursue the principles of democracy *and good governance*, access and equity, especially for people and issues not adequately represented in other media
- iii. Enhance the diversity of programming choices available to the public and present programs that expand the variety of viewpoints broadcast in Uganda
- iv. Demonstrate independence in programming as well as in editorial and management decisions
- v. Support and develop local content, arts and music *and other talents*.
- vi. Increase community involvement in broadcasting *through election of Board Members, making policies for the station, management of the station, selection and provision of contents and programming, production of different programmes reflecting the community, external representation of the station etc;*

- vii. *Inclusion of disadvantaged and vulnerable groups in the community;*
- viii. *Mainstream local content and crosscutting issues e.g. environment and climate change, gender, pandemics and epidemics. etc; and*
- ix. *Promote social change, emancipation and transformation.*

4.2 LICENSING

An application shall be made in writing to the Uganda Communications Commission. The applicant must demonstrate plans for community development and empowerment with respect to the community located within the coverage area it would like to render community broadcasting services. The application will be accompanied by the following documents: -

- i. Category of broadcasting technology.
- ii. the applicant's founding documents such as the Constitution and Memorandum and Articles of Association
- iii. physical address that shall serve as the official address of service.
- iv. statement of ownership, disclosing the full identities of shareholders.
- v. Minimum capital requirements
- vi. Evidence of financial solvency and ability to fund the business venture
- vii. Evidence of technical capability in terms of personnel and equipment to carry out broadcasting.
- viii. Evidence of relevant experience and expertise to carry out broadcasting services.
- ix. Proof of possession of interconnect agreement, signal distribution agreement or access agreement with a public infrastructure provider or public service provider.
- x. Evidence of proprietorship of premises where programming and distribution of content will be done.
- xi. Evidence of capacity to offer the broadcasting services including a draft programming guide and list of producers required by section 30 of the Uganda Communications Act, 2013.
- xii. Installation licenses authorizing the construction of facilities
- xiii. Type approval for equipment issued under the Uganda Communications (Type Approval) Regulations 2019 to be used for broadcasting under section 21 of the Uganda Communications Act, 2013.
- xiv. Editorial policy of the station
- xv. Curriculum vitae of board members and management
- xvi. Business plan
- xvii. Proof of demand, need and support for the community broadcasters in the coverage area and programming format
- xviii. *Human Resource Policy of the Station*
- xix. *Minutes and written resolution of the meeting approving establishment of a radio station held by the Community where the Applicant seeks to establish a*

radio station. For avoidance of doubt, the Meeting shall be convened in accordance with the Local Government structure of the area.

License fees: Fees for community broadcasting are provided for in the Uganda Communications (Fees and Fines) Regulations. Application fees are shillings 4,368,000/= for a community radio station, and annual fees of shillings 1,400,000/=.

4.3 GOVERNANCE AND MANAGEMENT

The founding documents of an applicant must reflect defined roles of management and the board members. The composition of the Board may exclude immediate family members such as: parents; siblings; children connected by birth or adoption; spouses through marriage, civil partnership or cohabitation; grandparents; great-grandparents; grandchildren; great-grandchildren; aunts; uncles; siblings-in-law; half-siblings; cousins; adopted children.

The Board represents the community and is there to ensure, amongst others, that the interests of community are served. Board members are not employees of the radio station. The Board is not supposed to control daily administrative functions of the station as this is the responsibility of the Station Manager. The Board is also responsible for the employment of the station manager, to assist with the formulation and updating of the legal/ founding documents, policy documents and the overall oversight of the licensee's operations.

The role of the Board includes but not limited to: -

- i. ensuring compliance with all relevant laws, regulations and codes of good practice
- ii. approving policies for the station
- iii. giving strategic direction to the station
- iv. development of a corporate code of conduct
- v. identification of risk areas and performance indicators
- vi. appointing and supervising the Station Manager
- vii. approving the appointment of other senior management of the station
- viii. monitor implementation of the Board's plans
- ix. supporting the station management in fundraising activities through its networks

To ensure inclusivity, the management of the radio station shall include all special interest groups and particularly Persons With Disabilities (PWDs). The involvement of such special interest groups shall be subject to qualification of the persons and their willingness to serve on the management of the radio station. For avoidance of doubt, throughout the recruitment process, PWDs and other special interest groups shall be afforded an equal opportunity.

4.4 PROGRAMMING

Community broadcasting licensees must broadcast programming that supports and promotes sustainable development, participatory democracy and human rights as well as the educational objectives, information needs, language, culture and entertainment interests of different groups such as women, youth, civic and sport interest groups. The majority of programmes broadcast by a community broadcasting service, news bulletins and current affairs shows in particular, are supposed to be produced and sourced locally.

Community broadcasting applicants/ licensees shall be required to submit their proposed programming format with majority of programmes produced and sourced locally.

Programme syndication/ networking and programme sharing between broadcasting licensees shall not exceed 20% of the community licensee's programming.

The Commission must ensure that programming reflects community needs and interests, which must include amongst others cultural, religious, language and geographic needs and must:

- i. provide a distinct broadcasting service dealing specifically with community issues which are not normally dealt with by the broadcasting service covering the same area
- ii. meet the needs of the specific geographical community or communities of interest and pursue a social development agenda.
- iii. Operate on a not-for-profit basis
- iv. be informational, educational and entertaining
- v. focus on the provision of programmes that highlight grassroots community issues, including, but not limited to, developmental issues, health care, basic information and general education, environmental affairs, local and international, and the reflection of local culture
- vi. promote the development of a sense of common purpose with democracy and *good governance* and improve quality of life.
- vii. Ensure that its programming promotes national unity and prevents sectarianism
- viii. Reflect the character of the community for which the broadcaster is licensed.

Community broadcasting Licensees will be required to have policies dealing with programming matters that include, amongst others

- i. mechanisms for community participation
- ii. programming format
- iii. language policy
- iv. the provision of access to views/ opinions under-represented by the mainstream media

- v. the accurate presentation of factual material and ensuring that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity
- vi. clear distinction between factual material, commentary and analysis
- vii. avoiding the misrepresentation of viewpoints by giving *factual information*.
- viii. editing out of context or withholding relevant available facts
- ix. respect for different cultures, customs and religions
- x. seeking appropriate advice on how to best respect different cultures, customs and religions
- xi. the promotion and development of local musicians and other *talents*.

Whilst taking advantage of other platforms such as online broadcasting and social media, the programming content should be relevant to the community being served within the licence area. The other platforms should be a means to share the local experience or stories but not to dilute the localness of the community broadcaster.

4.5 MANAGEMENT CONTRACTS

Community broadcasting licensees shall be required to submit Management contracts to the Commission for approval. Management contracts may be a useful arrangement under which operational control of a licensee is vested by contract in a separate entity/ company that performs the necessary managerial/ administrative functions in return for a fee or payment. The main purpose of management agreement is to moderate lack of skill and knowledge of operation within a licensee. The agreement should clearly state the method of reimbursement and the duration of the agreement. The licensee must always retain editorial and programming control and independence.

The Commission will consider the following conditions for approval of a management contract:

- i. ownership of the community broadcasting licensee remains with the community being served
- ii. administrative control in the operations of the community broadcasting licensee remains with the board of directors and management
- iii. method of reimbursement and the duration of the management contract
- iv. a licensee retains editorial and programming control and independence
- v. Management contract does not render a third-party entity a shareholder/owner of a community broadcasting licensee
- vi. The board of directors must be from the coverage area. *However, where the management is not from the same coverage area, the Applicant shall demonstrate that it has failed to obtain a Board Members residing in the same coverage. For avoidance of doubt, exemption of this requirement shall be treated on a case-by-case basis.*
- vii. The duration of the management contract which must not exceed a period of two (2) years.

4.5 COMMUNITY PARTICIPATION

Community participation means availing mechanisms that ensure the participation by members of the community served, in the running of the operations, policy making, and programming of the licensee, and representation of the different sectors of the community in influencing the direction the licensee should take. This in turn results in the equitable representation of the linguistic, cultural and religious diversity within the geographical boundaries of the area.

Please note that the community broadcasting operating model challenges the traditional division between broadcasters on one side and listeners on the other side. In community sound broadcasting the listener becomes the broadcaster. Listeners get access to the airwaves.

Affording community members who are experts in various fields such as community health, education, culture, language, customs, environment, science, etc, an opportunity to host programmes in their respective fields, is one of the means of ensuring community access to the airwaves

Community broadcasting licensees are solely meant for the benefit of the community not the board, individuals and/or directors of the entity/ company that holds the licence. Therefore, a non-profit company that holds a licence must account or report back to the community it serves as a community broadcaster. The AGMs are the best way to report and account to communities. This also brings the licensee close to the people it serves.

The Commission shall therefore ensure that:

- i. A licensee must ensure that ownership of the community broadcasting licensee remains with the community served
- ii. A licensee must involve the community members in the management of the community broadcasting licensee.
- iii. A licensee must establish programming councils/committees to enable community members to participate in the selection and provision of programmes. The programming councils/committees must be representative of different interest groups within the community served: such as youth, women, or people with disabilities.
- iv. A licensee must submit proof of community participation at every annual general meeting, and other forums that require community participation.

4.6 RECORD KEEPING

The Community broadcaster shall keep the following documents:

- i. documentation relating to the person or entity who or which is in control of or in a position to exercise control over the licensee concerned including documentation relating to; its legal status including all founding documentation pertaining to the licensed entity and any member organizations of the entity, details of the board members or trustees including gender, race and address of such person or entity, as the case may be, Disclosure of interest of Board members in programming and finance
- ii. a list of capital assets, books of account, financial records and financial statements compiled by an accounting officer
- iii. a list of donors and details of all financial and non-monetary donations
- iv. documentation pertaining to the opening, maintenance and changes in the status to banking accounts
- v. contracts entered into by or on behalf of the licensee in connection with the daily operational activities of the licensee
- vi. a log of programmes broadcast in the form acceptable to the Commission
- vii. a public file for keeping written complaints received by the licensee and correspondence between the licensee and complainant which may include a log of telephonic complaints received by the licensee
- viii. a log of advertisements broadcast especially a log of the percentage airtime per hour allocated to advertisements
- ix. a log of sponsorship for programmes together with details of payment, financial or otherwise, received for such sponsorship
- x. a log of all direct and indirect on-air fundraising activities for the stations.

4.7 TECHNICAL STANDARDS AND SPECIFICATIONS

A licensee must adhere to the Authority's regulations relating to technical standards and specifications, this will include regulations speaking to:

- i. spectrum management
- ii. license fees
- iii. Standard Terms and Conditions Regulations applicable

4.8 COMPLIANCE

The Community broadcaster will comply with all the laws, regulations and standards that are issued by the Commission from time to time.

All community broadcasting licensees will be required to comply with the obligations set out in the Act, license conditions, and codes of practice

4.9 FUNDING

Community broadcasting service are usually funded by donations, pledges, grants, sponsorships or advertising or membership fees, or by any combination of the

aforementioned. The Commission has placed caps on the number of minutes per hour for advertising by community broadcasting licensees. However, most radio stations have the following problems:

- i. the inability of stations to properly market themselves
- ii. lack of knowledge of potential advertisers that could be approached within their areas and lack of adequate audience profiles of the community broadcasting sector that could be used by advertisers

It is recommended that the Revenue generated from advertisement and announcements shall be utilized only for the operational expenses and capital expenditure. After meeting the full financial needs of the station, surplus may, be ploughed into the primary activity of the organization i.e. for education in case of educational institutions and for furthering the primary objectives for which the NGO concerned was established.

4.10 SPONSORSHIP

Transmission of sponsored programmes shall not be permitted except programmes sponsored by the government and other organizations to broadcast in public interest. In addition, limited advertising and announcements relating to local events, local businesses and services, employment opportunities shall be allowed. (*limited advertising and announcements relating to local events, local businesses and services, employment opportunities* need to be quantified for ease of regulation). For avoidance of doubt, limited advertising entails recovery of the costs involved in the running of the program and or station. The maximum duration of such limited advertising will be restricted to five minutes per hour of broadcast.

Community broadcasting service licenses may:

- i. broadcast sponsorship announcements that are appropriately tagged and do not exceed hourly sponsorship limits (five minutes for radio and seven minutes for television)
- ii. broadcast station promotions
- iii. broadcast community information or community promotions
- iv. sell airtime if they comply with license obligations, including the limits that apply to community television

4.11 ELIGIBILITY CRITERIA

The following types of organizations are eligible to apply for Community Broadcasting licenses:

- i) Community based organizations,
- ii) Registered Non Governmental Organisations ,
- iii) Civil societies,
- iv) Education institutions
- v) social and cultural organisations
- vi) local community through its representatives
- vii) Special interest group

The following shall not be eligible to apply for a community license:

- a. Individuals;
- b. Political Parties and their affiliate organizations;
- c. Organizations operating with a motive to earn profit;
- d. Organisations expressly banned by the government.
- e. Applicant with total assets exceeding UGX 200 million
- f. An applicant owner or partially owned by a licensed commercial broadcaster.
- g. An applicant operating in more than one locality except where the applicant can demonstrate the autonomy of operations and activities in each of the localities.

4.12 RESTRICTION ON HOLDER OF COMMUNITY BROADCASTING License

A person licensed to hold a community broadcasting license shall not: -

- a. own more than one broadcasting frequency
- b. operate in more than one locality: but may share programming with another community broadcasting license.
- c. Engage in commercial broadcasting services as may be prescribed by the Commission from time to time.
- d. Be assigned power not more than 500 watts.