

**THE ROLE OF MEDIA IN CONFLICT PREVENTION: THE CASE OF GENERAL
ELECTION IN KENYA, 2013**

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DECLARATION

I, Asenath Nkatha Mwithigah, declare that this research project is my original work and that it has not been presented to any other institution for the award of a degree.

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This research project has been submitted for examination with my approval as the University supervisor.

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DEDICATION

To my daughter: Adelle Moraa

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Dr. Maluki has been the ideal thesis supervisor. His advice, insightful critics and immense patience and encouragement aided the writing of this thesis in innumerable ways.

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My daughter, Adelle Moraa, for being patient with me as I worked late hours on the finalization of this thesis, I Love you baby.

And to the Almighty God, Thank you for your faithfulness.

ABSTRACT

In most cases, media is viewed as a tool to fuel violence in during election process in a democratized government in Africa because it brings out the reality on the ground and therefore ends up escalating political tensions. However, media possesses the strength in its role as an agenda setter and therefore can be the best avenue to promote peace during election processes. In the Kenya General Election 2013, the media was overtly accused of failing to undertake its mandate of reporting irregularities and other injustices but sought to impose self-censorship. This study therefore set out to examine the role of media in conflict prevention during the Kenya's General Elections, 2013 with a special interest to find out how media and democracy in Kenya has evolved, critically examined the legal frameworks governing media operations in Kenya as well as analyzed the media strategy employed for creating awareness to prevent conflict in Kenya. To be able to realize this goal, the study used the Agenda Setting theory which explained the strength and the ability of the media to replicate socio-cultural aspects of the society through provision of information. The theory informed that the media concentration on a few issues leads the public to perceive those issues as more important than any other issues. A descriptive survey was used to study the role of conflict prevention in Kenya. The study concentrated on the major mainstream media with fifty eight questionnaires being circulated to the media practitioners in those five selected media houses. The study found out that the Kenya General Elections 2013 were viewed as peaceful and that indeed media as medium of communication contributed to the prevention of conflict by media stations selecting which content to broadcast or print and what messages to put across to the nation. The numerous peace messages across the mainstream media too were a strategy to preach peace and shun any incitement of violence. The study realized that media is the best avenue to preach peace during election processes in Kenya due to its influence in the society. The airing of the presidential debate also contributed to the peaceful elections because it symbolized oneness among the presidential candidates. The study recommends the need for the government ministry responsible for communication to ensure that every media station has a written station policy that guides on material for broadcast and print; the Media Council of Kenya undertakes vigorous capacity building programmes among the members of the public to create awareness of the obligations of the media and their rights and the management of the media stations to set up capacity building trainings to build the journalists capacity on the existing legal frameworks that govern media in Kenya.

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LIST OF ACRONYMS/ABBREVIATION

CAK-Communications Authority of Kenya

ICC-International Criminal Court

ICT-Information, Communication and Technology

KBC-Kenya Broadcasting Corporation

KTN-Kenya Television Network

MCK-Media Council of Kenya

MDI-Media Development Institute

PEV- Post Election Violence

UN- United Nations

CHAPTER ONE: INTRODUCTION

1.0: Background of the study

The World Bank calculates that conflict in some way affects more than 45 countries and the lives of more than 500 million individuals. In these environments, access to information can often make the difference between life and death.

The media has been criticized overtime as taking advantage of the public's need to get information. The over reliance by the public on the media for information has in some cases lead to the media inciting the public. Hence, according to Bagdikian (2005), media is known to cause problems because the society relies on it for news and information. In German, Hitler used the media to create an entire worldview of hatred for Jews, homosexuals, and other minority groups.

There has been positive news about media though as media programs have been used to establish media outreach initiatives. There are Non-Governmental Organizations such as Foundation Hirondelle, based in Switzerland that works in countries such as Sudan, Iraq, and Afghanistan to strengthen existing independent media organizations or build new ones, with the view of improving the media's ability to serve as information providers, and political and social watchdogs.

The introduction of multi-party politics in the early 1990's in Kenya caused conflicts among political and tribal lines in the country. Berger (2002) noted that these conflicts were not major as compared to the 2007 Kenya's general elections when almost all of the major tribes turned on specific tribe(s) at alleged instigation and support of political heavyweights. This saw two major

political parties (Party of National Unity and Orange Democratic Movement) supporters turn against each other. This is a clear indication of how Kenya, as a country is an ethnically divided.

Therefore, the purpose of this study is to critically examine the importance role media played in providing reliable and credible information so as to avert conflict during Kenya's General Elections, 2013 and to make appropriate recommendations based on the findings, on how media should be regarded as a social change agent that is useful in conflict prevention during the subsequent General Elections in Kenya.

1.1: Statement of the Problem

Conflict is not something that started yesterday but has been in existence since the colonial rule and has gradually evolved and escalated due to politic power and ethnicity. In most cases, the media has been viewed to be passive while the country grapples with violent clashes of both political and tribal magnitude. Most critics have argued that the media has not actualized its role as the "fourth estate" and it has failed to realize the power it possesses in shaping the agenda. Other times, the Kenyan media has fallen victim of self-censorship during general elections. Hence, the question of what role the media should play in conflict prevention and whether self-regulation by the media during volatile times is necessary in conflict prevention?

In 2013, the Kenyan media was overtly accused of failing to undertake its mandate. Debates were held and various thoughts were put across on how the Kenyan media was failing the populace. But, the two underlying questions that emerged and these questions form part of this study are: what exactly was the media expected to report and did it fail? During discussions by the media experts and the election monitors, there emerged perception that the media ought to

have reported irregularities and other injustices between the police and the people in some areas. In as much as this perception could have been valid, the bigger picture in all this was; had the media done so, the outcome of the media reports of such irregularities would have been dire because there was immense ethnic division in the country in a hotly contested election, in a country that has had a history of post-election violence.

1.2: Objective of the study

1.2.1. General objective

The general objective of this study is to establish the role of media in conflict prevention during the Kenya's general election 2013.

1.2.2 Specific Objective

- i. To analyze how media and democracy in the global and Kenyan perspective has evolved.
- ii. To examine the legal framework governing media operations in Kenya.
- iii. To critically analyze the media strategy for creating awareness to prevent conflict in Kenya.

1.3: Research Questions

1. Are the legal frameworks in the media sector in Kenya, (if any) operational?
2. How do these laws guide the media practitioners in performing their daily duties?
3. What strategy has the media employed to create awareness to avert conflict in Kenya?

1.4: Justification of the study

Kenya's Vision 2030 which is the country's blue print envisions the country as a middle income economy and with a guaranteed quality life for its citizens. This cannot be achieved with the rampant insecurity which happens in the day to day activity of our economy. The media in most cases has concentrated on the negative as the common journalistic principle states, "*if it bleeds, it leads.*" For Kenya to realize its Vision 2030 there is need for the media to understand its role in the awareness creation in order to counter propoganda of political and tribal conflict in Kenya.

The results of this research will be beneficial to media practitioners, the Government of Kenya, media regulatory institutions, conflict managers and peace practitioners who compose the main actors that provide humanitarian intervention activities and can thus provide best practices in terms of activities provided; the findings will also be beneficial to educators, politicians and administrators by providing lessons from which they can learn and shape national policies.

1.5: Literature Review

Introduction

The literature review intends to look at the different literatures written by different authors related to the study and bring out the gap on the role of media in conflict prevention. The review is as follows: foundations of media ethics; ethics and mass media; ethical principles guiding the mass media, conflict prevention; the Kenya perspective on conflict prevention; and the role of media in conflict.

1.5.1: Ethical Principles guiding Media conduct

a): Sources

A source is a person who provides the media with the information that forms the story. Sources are very important people who must be treated with a lot of care. The source is a part of the news story and therefore the media practitioner has to quote the source explicitly. There are some instances that the source has to be treated as anonymous, when such a situation arises, it is the responsibility of the editor to ensure that it happens and when reporting the story, it has to be clearly indicated why the anonymity although the fundamental principle of protection of confidential sources exists in journalism. Usually, in such cases of anonymous source, questions might emerge how the media house can substantiate that the information provided is legitimate. That is why before any story is put out to the public, the media house has to ensure that it is credible to avoid libel and slander law suits.

b): Privacy

Media in most cases is viewed as not being hungry for news and as long as it is negative it sells. However, the media in many cases edits a lot of information that may appear private for the sole purpose of maintaining human dignity. The ethics of privacy applies at all times to guard against disclosure of personal affairs. The main function of the media is provision of information and therefore it has to ensure that in the process of provision of such doesn't ruin other personal lives of the people.

c): Responsibility

Responsibility entails the public interest advocacy. Therefore, it is the audience to which the media delivers news to that it is answers to. Therefore, all the information relied in the media must be justifiable so that the media is not viewed as though it is violating any moral principle or rules.

d): Accuracy

Accuracy reflects reality. In as much as the media has to get information on a daily basis to pass along to its audience, it has to ensure that this information is accurate and avoid telling lies because its responsibility is to tell the truth.

e): Impartiality

Impartiality is a state of not being influenced by personal bias, prejudice, feelings and opinions. Impartiality and honest are of a moral nature; so lofty that one cannot sacrifice them, nor go against them on the pretext of any political commitment.¹

1.5.2: Conflict prevention

The idea of conflict prevention was dominant during the congress of Vienna in 1815.² Michael Lund defines conflict prevention as, “any structural or intercessory means to keep intrastate or interstate tension and disputes from escalating into significant violence and use of armed forces, to strengthen the capabilities of potential parties to violent conflict for resolving such disputes peacefully, and to progressively reduce the underlying problems that produce these issues and disputes.”³This definition includes all preventive measures to violent conflict and empowers stakeholders to work in coordination to avert conflict.

Conflict prevention is divided into direct and structural prevention. Direct conflict prevention is the measures aimed at preventing looming threat of a potential conflict while structural prevention focuses on more long term measures that address the underlying causes of a potential

¹Karikari, K(ed 1996): *Ethics in Journalism: Case studies of Practice in West Africa*, Ghana Universities Press, Accra p.22

²Gendron, R., & Hoffman, E. (2009).Resource scarcity and the prevention of violent conflicts.*Peace and Conflict Review*.

³Michael Lund, “Preventing Violent Intrastate Conflicts: Learning lessons from experience”, in *Searching for Peace in Europe and Eurasia: An Overview of Conflict Prevention and Peacebuilding Activities*, eds. Paul van Tongeren, Hans van de Veen& Juliette Verhoeven (Boulder, CO: Lynne Rienner, 2002)

conflict. In the process of addressing the long term measures, the escalating and triggering factors are also put under consideration.⁴

Modern wars have been found to have their origins in different internal causes. This has been attributed to by the increase in inequalities and social tensions. Conflict prevention therefore, aims at stopping the escalation of such tensions that fuel up causing destruction of lives and property. It has been proven theoretically that the more effective the preventive action, the less there will be tension hence able to avert the violence. This can be enforced using different strategies to achieve the end result. Coercive diplomacy; cooperative management; and systematic transformations⁵ may be used.

The masses have the power of choice to determine how the direction as which any conflict takes making it difficult for the prediction of the end result. Lund noted that, preventive measures are especially effective at the level of unstable peace, which is a “situation where tension and suspicion among parties run high but violence is either absent or only sporadic” therefore, “prevention should signify immediate diplomatic or military interventions so as to bring about an immediate halt to violence and towards political and socio-economic structural changes, which improve people’s standards of living.”⁶

According to him, prevention constitutes: actions, policies and institutions that are used in order to avoid a significant and constant escalation of violence; internal or international disputes at times or places which are particularly vulnerable; the promotion of activities that bring about

⁴ibid

⁵ibid

⁶ ibid

non-violent reconciliation of the interests in disputes; and the reconciliation that includes helping to prevent the conflict from starting up again once attention is turned to avoiding other conflicts.⁷

1.5.3: Understanding Conflict from a Kenyan Perspective

Kenya has all along been the envy of many countries in Africa due to its peaceful nature. It has in the past years been known as the pillar of peace in the Horn of Africa and hence has been strategic in the enforcement and brokering peace in the neighbouring war tone countries like Sudan, Somalia among others. But with the Post-Election Violence (PEV) of 2007/08, Kenya was subjected to a war that left the entire world perplexed due to the harm it caused. Although in the past, Kenya had witnessed low level and sporadic violent ethnic conflicts, the PEV was the worst of the conflict the country experienced. The main effects of the conflicts in Kenya included: a society divided along ethnic lines; marginalization of certain communities from state governance and economic development especially women, youth and people with disabilities; slow economic growth; and proliferation of armed gangs and militia.

Kenya continues to face threats of violent conflict at community, regional and national levels. The aftermath of PEV created a security gap that can easily be manipulated especially due to the delicate nature of inter-ethnic relations. The growth of militia groups and the impunity displayed by members of the outlawed groups like Mungiki sect among others, continue to threaten the security of Kenyans everywhere since they are targeted by politicians during elections to cause mayhem.

⁷ibid

1.5.4: The Role of media in conflict prevention

a) Media as Information Provider and Interpreter

Media provides people with important information about their environment and responds to more imminent problems. It further interprets the information, the best way possible, so that the information it has provided makes sense. With the improvement of technology and advancement of new media like the internet; media plays an increasingly prominent role in our daily communication and entertainment. Most people rely on media to get information about almost everything therefore making media a very crucial tool of provision of information.

b) Media as Watchdog

Media sometimes acts as a third party ‘watchdog’ which provides feedback to the public on local problems because it has the ability to bring out hidden stories into the public.

Since Media has the responsibility to provide information to its audience, who it reports to; it must act as the link between the audience and the government of the day. People may not know about everything that happens on a daily basis if it is not the media’s initiative to relay this information.

c) Media as Gatekeeper

Media also act as a gatekeeper who sets agendas and tries to maintain a balance of views about issues. Media must be seen to convey information in a fair and balanced way to avoid being compromised. There are times though it privately seeks to promote particular ideas hence limiting the public’s exposure to a wide range of information.

d) Media as Peace Promoter

Since media is widely used, it is the best tool to act as a peace promoter. Peace messages are usually covered on broadcast and print media with a lot of repetition to symbolize emphasize of

the peace being promoted. Media has also been seen promoting roadshows during certain periods like the Inooro FM roadshows, the standard media road shows, events that could be used to mark certain celebrations of peace agreements and negotiations among other events. These events are used to promote and mobilize public support for agreements and even at times used to woe the public to engage the government pertaining pertinent issues affecting the “mwananchi.”

In summary, the influence of the media on society has attracted international agencies closely involved in peace-building since the early 1990.⁸ The media can contribute to peace, by engaging in reliable reporting, representing a balanced opinion in its editorial content, and opening up communication channels among parties in a conflict. It can also identify and articulate without bias the underlying interests of the warring factions. By doing so, the media will be disseminating information that builds on the confidence of stakeholders in a conflict.

1.6 Theoretical Framework.

a) Agenda Setting Theory

This theory explains the strength and the ability of the media to replicate social and cultural aspects of society through the provision of information. The agenda in this context refers to the dominant issue, which is not a pre-determined goal of the media to influence audiences. This theory suggests that media has the power to affect people’s thinking.

When this theory is applied to the post-election crisis, through daily reporting of the elections agenda tends to transform to public agenda.⁹ Therefore if the agenda being set by the media is on

⁸ Ross (2002) demonstrates how the Institute for Media, Policy and Civil Society (IMPACS) in Vancouver, British Columbia has been instrumental in developing the first operational framework for media’s involvement in peace. While in 2009 the United States Institute of Peace (USIP) published a qualitative study of local peace initiatives on Kenya’s IDP’s.

⁹Shaw, M. (2003) War and Genocide, Cambridge: Polity Press

peace-building, then the stakeholders are able to collectively shape the public agenda to foster constructive dialogues. The perception that the media has power to directly change behaviors and attitudes in the minds of people, this theory merely suggests that all the media does is to affect the scope of their thinking. This argument is furthered by Bernard Cohen (1963) in a statement that “the press may not be successful much of the time in telling people what to think, but it is stunningly successful in telling readers what to think about.”¹⁰ This means that through the daily reporting, over time, the media agenda will eventually become the people’s agenda.

This theory operates under two assumptions. Firstly, the media does not reflect reality they filter and shape it. Secondly, the media concentration on a few issues and subjects leads the public to perceive those issues as more important than other issues¹¹. This results to the media portraying the public as a passive receiver¹².

In conclusion therefore, media does not passively relay information from sources; they select or reject it according to the reality of the day and its credibility. All the content relayed to the public passes through quality check point as per the media houses guidelines. In the absence of effective guidelines on conflict sensitive journalism, practitioners are likely to infuse their own biases in news commentaries.

1.7 Research methodology

Introduction

The research methodology covers research design, target population, sampling design, research instruments, validity and reliability of the instruments, data collection procedures and data analysis methods.

¹⁰ Dearing, W.J. and E.Rodgers (1996) Communication concept 6: Agenda Setting, London: SAGE.CHs 1, 5, And 6

¹¹McQuail, D. and S. Windhal (1993) Communication Models for the study of Communications (2nd Eds), London:

¹²Street, J. (2001) The Media, Politics and Democracy, New York: PALGRAVE

a): Research design

A descriptive survey study design was used to study the role of media in conflict prevention in Kenya. According to Best & Kahn (2005), descriptive research is used to obtain information concerning the current status of the phenomena and to describe their existence with respect to variables or conditions in a situation. This research design was preferred by the researcher for the study as it does not permit manipulation of the variables under investigation; therefore the independent variable will be studied after they have already exerted their effect on the dependent variable. The researcher therefore studied the independent variable in retrospect for its possible relationship to, and effects on, the dependent variable.

b: Location of the Study

The media industry has evolved since 1982 from a state owned broadcast to private owned broadcasts. The study was therefore confined in Kenya only because is the largest country in industrialization, technologically as well as it is the area where the researcher and study is based in. Kenya has a population of approximately 40,000,000 with most concentrated in the capital city of Nairobi where the media houses headquarters are based. In this in mind, Nairobi was the location where the study will take place.

c: Target population

The target population for the study was carried out in 120 media houses, 204 media practitioners in Kenya. This group was chosen due to the fact that they have information on the research subject and thereby adding the credibility of the findings.

d: Sample size

Guys sample determination technique was used to select 30% sample size from the target population as follows;

$$n = \frac{N}{1 + N(e)^2}$$

Where; e= Margin of error of 0.05

n=sample size and

N= target population size

Required Sample

$$n = \frac{1000}{1 + 1000(0.05)^2}$$

$$n = \frac{1000}{1.25}$$

1.17

$$n = 870$$

The sample size for this study will be 58 respondents

e): Sampling Technique

Given the small number of sample size, convenience sampling technique was used by the researcher to select the needed respondents. First among reporters, the researcher selected all those found on site during field work to participate in the study, the same applied to editors of the media stations. The researcher ensured that there is an equal (50:50) gender representation in the study from all the study groups.

f): Sampling technique

The research employed a purposive sampling technique as it allowed for the selection of only those respondents with relevant information for the study. The study was administered to the

respondents of the following media houses: Nation group, Standard Media, Royal Media, MediaMax as well as Kenya Broadcasting Corporation.

g): Research instruments

All the research instruments were structured, having both open ended and closed ended questions, the instrument included;

i) Questionnaire

This instrument gathered both open and closed ended questions. The closed ended questions were used to ensure objectivity and clarity of the subjects' responses while the open-ended items allowed the respondent some room for independent opinion. Section **A** of the instrument gathered demographic information of the respondents, section **B** gathered education background information, section **C** gathered decision making process in the media sector, section **D** gathered data on the role of media during the Kenya's General Elections 2013, and section **E** gathered data on methods effectiveness to mitigate conflict.

h): Data collection procedures

All the research instruments were structured to have open ended and closed ended questions, for respondents who were be busy, both face to face and telephone interviews were used to gather information from them but the other respondents were given structured questionnaires to answer and then collected after two weeks.

i): Data analysis

The collected information was analyzed qualitatively with the data collected denoted inform of percentages.

j): Ethical issues to be observed

During the study the respondents were informed of their rights of either participating or refusing to participate in the study. They were also informed that participation in the study was not compulsory and that consent was sought from the respondents. The participants were informed of their right to remain anonymous and that their identity would not be revealed in this study. All ethical issues were observed during this study.

1.8: Chapter Outline

This study is divided into five chapters:

Chapter one: Introduction to the study. It sets out the background content of the topic of research, problem statement, hypotheses, objectives of the study, study justification of the literature review, theoretical framework, study methodology and chapter breakdown.

Chapter two: Media and Democracy in the global and Kenyan perspective.

Chapter three: Legal framework governing media operations in Kenya

Chapter four: Data Analysis and Interpretation. A critical analysis of the effective methods applied by the media in conflict prevention during the Kenya's general elections, 2013.

Chapter five: Summary of findings Conclusions and recommendations.

CHAPTER TWO

MEDIA AND DEMOCRACY IN THE GLOBAL AND KENYAN PERSPECTIVES

2.0 Introduction

The previous chapter looked at the background of the study, the problem statement and objectives that drives this research. Moreover, it contains study justification, the Literature Review, theoretical framework and the study methodology to be used. This chapter covers Media and democracy in the global and Kenyan perspectives. Furthermore, the chapter evaluates the Kenya's 2007 general elections and the role media played as well as discuss in an overview the 2013 Kenya's general elections.

2.1 Media and Democracy - A historic perspective

The place of communication in national development received considerable attention in the heyday of modernization thinking in the later 1950s and early 1960s. The focus in those days was not democracy but rather on socio-economic development, the assumption being that democracy would only be feasible once society had been modernized.¹³ With time, the mass media became the link in modernization but there was a realization that it could grow only if supported by a critical mass of the people. That's why Lerner (1958) saw urbanization and literacy as other prerequisites of modernization; forces that would produce the outcome of a democratic government later in the development process. Having this in mind, he fashioned an ideology that the wealth, power and stability of the western states could also be attained by the poor, weak and unstable nations.¹⁴

¹³Goran Lyden, Michael Leslie, Folu F. Ogundimu (2002) *Media and Democracy in Africa*, New Jersey: Transaction publishers

¹⁴Lerner, Daniel, *The passing of traditional society: Modernizing the Middle East*. New York, NY, US: Free Press. (1958)

In 1958, the United Nations General Assembly introduced a program to the developing states to expand and include mass media in their economic development plans.¹⁵ This move was welcomed by the western states, according to Rostow (1960) as they had earlier experienced revolutionary influence of the television medium and therefore felt that the idea would propel the nations of the third world towards take off point where development would become self-sustaining and accelerating. Hence, the conclusion that development took precedence and that democracy was a by-product of the socio-economic conditions.¹⁶

In the African context, Pye (1963) noted that there was uncritical position by scholars on the role of government ought to play in the use of communication for national development. It is this unclear position that led to the control of media by the governments, in their first decades of independence, in their interest of national unity and development.

2.2 Historical development of media in Kenya

The history of Kenyan media is closely related to the political and economic interests of the colonial government and white settler communities. The colonial government established a radio station in 1927 and the first English Radio Broadcasting went on air in 1928.¹⁷ The main reason why the white settlers owned media was to disseminate government information to their counterparts. The first radio broadcasts for Africans went on air during the World War II to create awareness of the war and seek support from the Africans. In 1953, the African Broadcasting Service was established.

¹⁵ Stevenson RL,(1988) Mass Media and National Development, New York: Longman

¹⁶ *ibid*

¹⁷History of KBC at <http://www.kbc.co.ke/info.asp?ID=1>

The colonial state strictly controlled and censored radio programs. The state sponsored radio station that intensified propaganda against the Mau Mau and the nationalist independent movement in 1952. The nationalist movement, the Mau Mau war, the 1952 Emergency and Her Majesty's government commitment to give Kenya independence influenced colonial policy towards media. The authoritarian colonial government's dominant perception of the Press was always that of an unnecessary evil that deserved close supervision and control.¹⁸

However, the colonial government adopted draconian laws such as the Newspapers' Ordinance in 1906, to address political realities of the time. As early as 1920s, the small but growing nationalist press had started opposing paternalistic colonial policies such as forced alienation of land, forced labor and taxation and racial segregation.¹⁹

The colonial government feared a free and thriving nationalist press that acted as the mouthpiece for political independence. It enacted the Penal Code in 1930, the Emergency Order in Council in 1939, retracted The Newspaper Ordinance in 1950 to control alleged rebellious nationalist publications such as *Sauti y Mwafrika*, *Uhuru was Mwafrika*, *African Leader*, *Inoororia Agikuyu* among others. The breakout of the Mau Mau war and the declaration of emergency in 1952 gave the colonial government the excuse to ban all indigenous publications and to intensify propaganda against the nationalist movement.²⁰ However, the ban was lifted, after it emerged that the search for independence was irreversible.

The country's political change from colonization to an independent country was echoed by the

¹⁸David Makali's Media Law and Practice: The Kenyan Jurisprudence (2004)

¹⁹ibid

²⁰ibid

change in the mass media in Kenya. In 1963 when the country became an independent, most of programmes on government-owned radio and television stations were western. It is under the late President Jomo Kenyatta regime that the Kenyan culture was promoted through the mass media. Programmes broadcasted in the national language, Swahili, began airing on the broadcast media. These programmes highlighted the rich culture and tradition of Kenya as well as introduction of the African music and dance in the media. The print media too concentrated more on the African culture and traditions. It is important to note that during those days, Kenya was the first East African country to place its broadcasting services under state control and to establish a news agency.

Kenya's founding father valued a free press and therefore ensured that the media practitioners of those days enjoyed such; unlike Tanzania's counterpart whose regime was interested in a strong, centrally controlled paper. Although the media operated in different situation, the content and style of reporting was similar, those days, most media houses used to spread propaganda.

Although there was a press, most analysts noted that the media in the African set up experienced legal and administrative procedures and others threats of censorship. The editors in most cases had to exercise high levels of self-censorship leaving the public urge to get detailed information unmet.

During the regime of the retired President Moi, the successor of the founder father, the media did not enjoy much freedom of press as before because there were a lot of restrictions. This was even made worse because his rule was that of a unitary state, which was passed into law in the constitution that was promulgated in 1982. Due to many frustrations, it is during the same year

that there was an attempted coup by factions of the public who were pleased with his rule at the time. This resulted to further restrictions of the media many arrests and imprisonment of journalists who dared bypass the then constitution. The state officials then viewed the media as a threat and an “enemy of development.” Due to the attempted coup, the restrictions of the media were labeled as sanctions to the media that was trying to challenge the “arm of government.” However, civil societies and the church continued to lobby until there was the reintroduction of multiparty democracy in 1992.

The rebirth of multi-party democracy saw the media drastically expand as a result of persistent calls from the Kenyan activists, civil society organizations and international community. It is due to the efforts of all the stakeholders who lobbied for multiparty democracy that the Kenyan media has been able to expand tremendously. Today, Kenya’s local media is comprised of 118 FM stations²¹, more than 15 licensed TV stations²², unconfirmed number of newspapers and magazines and social media that has overtaken the country with majority of the nation’s population using the social media platform to advance debates. Most of the media houses use English and/or Kiswahili as the primary language of communication while others have explored the vernacular or the community-based language.

The media in Kenya is regulated by the Media Council of Kenya, a statutory independent national institution established by the Media Act, 2007 as the leading institution in the regulation of media and in the conduct and discipline of journalists; whose mandate amongst other to register and accredit journalists, register media establishments, handle complaints from the

²¹<http://buzzkenya.com/radio-stations-in-kenya/>

²²<http://buzzkenya.com/tv-stations-in-kenya/>

public and create and publish yearly media audit on the Media Freedom in Kenya. During accreditation the journalists agree to adhere to the Code of Conduct and Practice of journalism in Kenya, which was created by media practitioners and stakeholders with the view of making journalism in Kenya a more professional and respectable field (MCK, 2013).²³

2.3 Independent media and ethnic radios in Kenya

Between 1930 and in mid 1990s the media was state controlled and it was subjected to harassment, torture, imprisonment and fines on journalists expressing their views²⁴. The independent media include the Kenya Television Network and its standard newspaper, daily Nation media, has the only significant Kiswahili daily, Taifa Leo and operates Nation TV, Easy FM and QFM radio frequencies.²⁵ The Royal Media Services has become a power house for it is the home to a Television station that is ranked as one of the leading Television stations in Kenya and numerous ethnic radios across Kenya. These independent media run both in Kiswahili and English as official national language²⁶. With the current competitive nature in the media industry in Kenya, the mainstream media has gained a reputation for exposing corruption, promoting human rights and providing a platform for public debates. It has also taken the responsibility to guard public interest against the state power.

2.4 Ethnic radios

These are the radios stations that broadcast in the ethnic or vernacular language of a particular community. They are not necessarily stationed at the community but their frequencies are

²³ Media Council of Kenya, 2013

²⁴ Steadman Group, Info track, Strategic Research and Consumer Insight were the major pollsters in 2007 elections (Larfague, 2009).

²⁵ ibid

²⁶ Krieglner and Waki Report on the 2007 post-election violence

reached by the community members in those areas. According to research, these radio stations command 30 percent of the market share and operate in over 21 ethnic languages out of 44 in Kenya.²⁷ Powell (2010) noted that Radio, as a means of communication reaches 90% of the population. Therefore, it is the most effective tool for passing information because it has a wide reach of audience. However, in Kenya due to the weak regulatory and legislative framework, this has contributed to the ethnic Radio's reckless and irresponsible approach.²⁸

Some of the challenges facing the ethnic radio stations in Kenya according to the MDI report (2009) was the use of untrained partisan individuals who have no regard for the legal framework guiding media in Kenya and therefore result to using this delicate platform to advance their agenda. Sometimes and especially during election period, these untrained individuals even advance their political bias on air and use derogative language and interactive culture. These individuals on these channels manipulate the rural community's sense of insecurity and ethnic dissent during the crisis.

Powell (2010) highlights that low literacy levels in rural and minority communities has meant that large numbers of Kenyans in these areas do not speak the official languages and prefer their mother tongue because it is easily understood especially in such places where there is the prevalent low illiteracy levels. The ethnic radio has therefore filled the gap in local language information, formally provided by the national broadcaster and other informal networks. The other challenge that faces these ethnic radios as viewed by Oriarie (2008) is the use of outdated technology and lack of expertise in the media and management.

²⁷Media Development Institute (2009)

²⁸The Commission of Inquiry into Post Election Violence (CIPEV, 2008) Chapter 8

2.5 Multi-party Democracy in Kenya

The attainment of independence in Kenya in 1963 was welcomed by every Kenyan at the time with the view and belief that the new regime would restructure and introduce democratic practices both in politics and economic management. However this was an illusion, since the leaders never met the people's expectation. A basic requirement of democracy is that there should be a popular consensus on how state affairs are conducted. The administrators then instead of being accountable to the masses, concentrated on making the country a unitary state; which saw most, if not all powers bestowed on the executive as opposed to decentralizing them. These decisions resulted to class division with the gaps of the elite and the proletariat widening to date.

However, pressure for democratic change started earnestly in early 1990 in what Kenyans were later to refer to as the multi-party debate. These calls came from both individuals and civil society organizations which included the church, which persistently agitated for the political system in Kenya to be widened. With all the lobbying and consultations, the then parliament in the year 1992 revoked the section of the Constitution that made Kenya a one-party state and hence the rebirth of democracy in Kenya.

The re-introduction of multi-party politics in Kenya in 1992 sprouted the animosities hence reviving the long-suppressed grievance resulting to the escalation of violent conflicts. These violent conflicts heightened in the disputed 2007 Kenya's general elections when almost all major tribes turned on one another at alleged instigation and support of political heavyweights.²⁹

²⁹Berger CR (2002). *Base-Rate Bingo: Ephemeral Effects of Population Data on Cognitive Responses, Apprehension, and Perceived Risk*. Communication Research 29: p.99-124

In the African continent, elections have become triggers for conflict. Mostly because of other societal related events that trigger the matter. For example: issues of land; culture and identity, the gaps of the rich and the poor; patriarchal setup where the monarchy lineage takes precedence and so forth.

According to Cussac (2008), land is very important in Kenya primarily because Kenyans are an inherently agrarian society. The issue of land has dominantly contributed to many conflicts in the country that even date back to independence because some original owners of land were forcefully removed to give way to the white settlers who practiced large scale farming. And since after independence, compensation was never pursued; some communities continue to demand for ancestral land as part of their identity and political right.

Secondly, the questions of how culture and identity shape people's views in regards to conflict are very similar questions in the Kenyan context, and have their roots in their tribal identity. Political parties in Kenya typically fall under tribal lines, valuing ethnicity above political ideology and policy. This is due to the perception, as Mutua (2008) argues, that the party offers the best hope for one within the tribe to assume power and then share state resources with tribal members. In a country which is deeply tribal, majority of its citizenry identify and value the tribe.

In the hotly contested Kenya's general election of 2007 and the eruption of the post-election violence put the Kenyan media under a lot of scrutiny with questions arising of the role of media in conflict prevention. At the time, the Kenyan media neglected its watchdog role and decided to air content that was disturbing to the audience. Although the media had the platform to preach

peace, and play its watchdog role and advise on areas that the violence was brewing, it choose to take the active role of broadcasting the events as they happened causing a lot of panic and inciting more violence.

2.6 In-depth analysis of the role of media during 2007 Kenya's General Election

Generally, the Kenyan media has a reputation of a fierce defender of good governance and democracy. The mainstream private media provided a platform for opposition and civil society organizations to champion democracy since 1992. All the years since multiparty democracy, the media had been scrutinizing government policies and actions by exposing corruption and checking official excesses. It indeed played its watchdog role perfectly. It further played a crucial role in political mobilization of voters in 2007 elections. The media not only supported voter education efforts but also scrutinized the actions of politicians and Electoral Commission of Kenya officials to ensure free and fair elections.³⁰

During this period, the politicians exploited the media's effective platform by spreading propaganda. Instead of the media censoring these messages, it sent them out instead. This further divided the media because it became compromised and partisan aligning itself with various politicians. The vernacular radio stations too gave the politicians a stage to use ethnic stereotypes and idioms to ridicule their political opponents and specific communities. Since in the ethnic radios, it is the local dialects used these politicians took advantage of this fact and began to fuel violence to accusing other ethnic communities. Generally, the media failed to denounce negative ethnicity and hold politicians accountable for inciting ethnic hatred and animosity through their

³⁰ Kenya media sector analysis

utterances and actions. The Kenya National Commission on Human Rights report on Post-Election criticized the media for carelessly and irresponsibly covering the elections as they would in an “electrifying football match”.³¹

This report further noted that the media’s framing of opinion poll results as “too close to call” heightened tensions long before the casting of votes on December 27, 2007. According to KNCHR live coverage of bitter contention and exchanges between Party of National Unity and Orange Democratic Movement leaders over the election results on December 29th led the country along a dangerous path of post-election violence. However, the media played a significant role in mobilizing national and International opinion to promote peace and reconciliation immediate after the break out of the PEV.³²

According to a survey by the Steadman Group (2008), about 7.5 million homes had access to radio sets (1.9 million in urban and 5.6 in rural areas) and about 3.2 million homes in Kenya had TV sets (1.4 million in urban and 1.8 in rural areas).³³ With the positive structured information, the media would have shaped the perception as well as would have helped avert a certain percentage of the violence experienced in the PEV of 2007/08.

2.7 The 2013 Kenya’s General Election

The Kenya’s general elections, 2013 was somewhat different from the 2007. Although the elections too were highly contested with the then Right Prime Minister and his Deputy Prime Minister taking the lead candidacy, the ethnic perception was heightened because Kenya is a

³¹ See Kenya National Commission on Human Rights Report on Post-Election Violence, 2008.

³² *ibid*

³³ See, Steadman Group Report for Kenya Advertising Research Foundation, 2008.

country known to vote according to tribal lines and therefore, as analyst observed, the elections were expected to further divide the country along these ethnic lines.

The media was successful in agenda setting in during the election period of 2013. Content aired in the media was carefully thought through and to a point that different media houses regardless their competitive nature in airtime, held the Presidential Debate, a first ever activity of the kind, where all the media in Kenya dedicated their airtime to a common event. The Presidential debate brought together all the contesting candidates of the presidential seat to one room where they shared their manifesto with the public. These candidates' demonstrated oneness in that they were able to shelve their political differences and share a common room. This is one of the pointers of promoting peace the media was able to rely to its audience. Media campaigns on peace messages concentrated the airwaves and in every program, a message of peace of preached and encouraged. Emphasizes was placed on the country's wellbeing as top in the agenda with all the media houses vowing to discard propaganda. At this time, the entire world was watching the outcome of Kenya's election with apprehension as fears of fresh wave of violence were anticipated since the country would be expected to vote under new system of devolved governance since the constitution had just been promulgated in 2010. The international media flocked the country before the elections because of the anticipated chaos and violence that brought the entire world into awe.

In an article on the Kenya's Elections 2013; the authors argued that the country avoided disaster as a result of four interconnected processes. The decision of the International Criminal Court (ICC) to prosecute Kenyatta and William Ruto for crimes against humanity for their alleged role

in the post-election violence of 2007/08 had the unexpected effect of bringing these former rivals together in the Jubilee Alliance, which reduced the prospect for violence between their respective Kikuyu and Kalenjin communities. This criminal case according to many analysts was expected to fetch the Jubilee Alliance sympathy votes as it united the unexpected rival communities.

Second, the existence of persistent monitors and early-warning mechanisms from all stakeholders all in unison preaching messages of peace and warning of the burden of war. There was heavy deployment of security forces in the mapped out hot spot areas to avoid a repeat of the PEV 2007/8.

Third, the partial democratic reforms implemented in the run up to the election worked to undermine Odinga's position because he has been in government and therefore had no alternative but to abide to the rules and the democratic institutions he had participated in reforming in line with his own demands in the years leading up to 2013. Therefore he came under great pressure to accept the outcome of the process despite significant problems with it.

Finally, the creation of a new constitution with 47 new county governments in which many Odinga supporters were able to secure county-level seats, meant that, while CORD lost nationally, they often won locally, softening the blow of the controversial presidential elections.³⁴

³⁴Democracy and its discontents: understanding Kenya's 2013 elections, Nic Cheeseman, Gabrielle Lynch, Justin Willis *Journal of Eastern African Studies* Vol. 8, Iss. 1, 2014

It is of importance to note that Media houses together with local, national and international organizations offered targeted training for journalists on the idea and importance of conflict-sensitive reporting, the aim of which ‘was to sensitize journalists to be careful in what they report so that they don't arouse passions’.³⁵ This included guidance on ‘setting agendas right, avoiding words that are alarming, and ensuring that different voices are given an opportunity to speak’.³⁶ However, the constant reiteration of these messages also instilled a strong sense that individual journalists would ‘be the first person to be held responsible’ for any report published.³⁷

In conclusion therefore, this chapter set out to discuss media and democracy from the global to the Kenyan perspective, delving deeper into the historic emergence of media and democracy in Kenya. The chapter further evaluated the role media played in the 2007 general election to fuel to violence in Kenya as well as evaluated in an overview, how media, as one of the actors in conflict prevention, changed its strategy in 2013 to avert violence.

³⁵Lynch, Gabrielle. “Durable Solution, Help or Hindrance?The Failings and Unintended Implications of Relief and Recovery Efforts for Kenya's Post-Election IDPs.”*Review of African Political Economy* 122 (2009): 607–613.

³⁶Lynch, Gabrielle. “Electing the Alliance of the Accused: The Success of the Jubilee Alliance in Kenya's Rift Valley Province” (in this issue).

³⁷Lynch, Gabrielle. *I Say to You: Ethnic Politics and the Kalenjin in Kenya*. Chicago, IL: University of Chicago Press, 2011.

CHAPTER THREE

LEGAL FRAMEWORK GOVERNING MEDIA OPERATIONS IN KENYA

3.0 Introduction

This chapter seeks to explore various legal frameworks governing media operations especially in Kenya. The chapter further highlights the various institutional bodies put in place by the Government of Kenya to ensure that media performs its functions as provided in the legal frameworks; further examines the contexts under which ethical decisions are made in regard to broadcast media, emphasizing on various attributes that determine the foundations of decisions making during relaying of information to the audience.

Kasoma (1996) observed that for media to be considered effective in delivering credible and reliable information there ought to be presence of institutional and legal frameworks that are supportive of the press freedom. In the absence of this, it becomes challenging for the media to be termed as a medium of credible news source. However, much of the debate about communication ethics in Africa, particularly media ethics, points to the lack of stable, deep value commitments in the lives of journalists and others working in the media.

Responsible news coverage in conflict situations requires that the media is fully conversant with the competing agendas of all interested parties. This is where training comes in hard for the media practitioner to be able to identify such prevailing circumstances. In Kenya however, there are individuals working in the media sector because of the aesthetic nature rather than the academic background in journalism. This in some instances proves to be challenging especially when these individuals are expected to make sound decisions pertaining newsworthiness of the

content to be aired. That is why all journalists should have some occupational training, whether academic or professional so as to have a sense of obligation.

Media practitioners need to be able to apply the provided guidelines for ethical practice. But, as Kasoma (1996) noted, the most important source of moral obligation is rooted in our humanity, the almost spontaneous desire to reach out to those who are seeking help, are suffering in some way and need the support of other humans.

Elliot (1997) observed that all theories of moral maturity maintain that the best pointer of maturity is the empathy. This is achieved through sharing the perspectives of others, and knowing how to communicate with others to build trust. This he likened to the ability of the medical doctor to listen to the patient and is able to diagnose the patient. Pippert (1989) however noted that the greatest journalists of all times revealed a great compassion and sense of justice.

Therefore there is similarity between the two professions-medicine and journalism. It is the mandate of a journalist to know and discover the information that needs to be sent out to the audience, search for the source of the information and eventually communicate the message to the public. In doing so, the media practitioner will have served both the source and the public intentions.

However, the important factor of the media practitioner is to distinguish what is newsworthy and when it is newsworthy. In the agenda setting, the journalist has to know how and when to set the

agenda because at the end of it all the audience must be protected and that is the force behind the professional media ethics.

3.1: Existing legal frameworks.

To measure the effectiveness of Kenyan media in the coverage of conflict in the Kenya's elections required a critical examination of the broad factors that impeded the development of an effective press. Issues such as underdeveloped technological infrastructure, limited resources, low levels of skilled human resources, oppressive press laws and uneven flow of information are some of the reasons that were suggested as the main reasons why media was considered compromised then. However, several appeals by participants at the IPI World Congress, hosted in Nairobi in May 2005, were made to African journalists to be more responsive to originating their own stories about Africa rather than rely on foreign press to tell the African story. Giving the example of Al Jazeera TV, the Kenya Broadcasting Corporation (KBC) then Managing Director commended the initiative taken by Al Jazeera in reporting their own news on the Iraq war. "We saw from the western media how they relied the bombing on the TV screens. It was Al Jazeera that brought the news of the death and destruction that as taking place in the homes in Iraq. Al Jazeera told the story until it became part of the global media agenda. We in Africa must set the pace by telling our own story."³⁸

During the IPI World Congress meeting held in Nairobi in May 2005, the fundamental issue under discussion was how African governments continue to interfere with the running of private media houses and the lack of democratic space to enable the free flow of information.³⁹ However,

³⁸ Daily Nation, Thursday May 26, 2005 Nairobi pg 20

³⁹ibid

in abiding to the IPI World Congress, the Kenyan Journalists during the PEV 2007/08 indeed told the Kenyan story but they were not mindful of the damage it would cause. The media disregarded its function as a mediator and a promoter of peace and went ahead to rely the gory images of people killing each other and people being burnt in the church. This escalated tension bearing in mind that Kenya is a country that is ethnically divided. Communities turned into one another after seeing what was happening in various parts of the country in the name of protecting and fighting for their own.

In 1983, UNESCO made a constitution guiding international journalists on how to operate and fulfill their professional role as the “4th estate.” It laid down basic principles of professional journalism stressing the need for media to operate under the certain guidelines namely: independence, fairness, impartiality, accuracy, freedom, decency and responsibility. These guidelines were set to support the watchdog and social responsibility role of the media and also to ensure that the profession maintains a high standard of integrity.

One of the UNESCO’s principles highlights identified the need for media to adopt an ethical commitment to universal values, which journalists had to adhere to. It demanded that media has a responsibility to guard against perpetuating violence through careless reporting and abstain from any justification of war. The principle notes that media must guard against promotion of aggression that may revoke tension hence accelerating violence. The overall intent of the principle was to ensure that journalists promoted impartiality and independence while reporting conflict. This principle is also in line with the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights that both emphasize that freedoms of

expression should be exercised “with respect to rights and reputation of others”.⁴⁰ The African Charter on Human and People’s Rights advocates for the freedom of expression too.

Since the state cannot be trusted to exercise restraint at all times in the performance of its functions. Terrou et al(1972) noted that the ideals of democracy, constitutionalism and a free press could not be left to state discretion alone because they are deep-rooted in the law as constitutional rights.

In Kenya, the media is governed by different laws. The Constitution of Kenya is the supreme law of Kenya and guarantees the right to freedom of expression. Article 34 of the Kenya’s Constitution 2010, addresses the freedom of the media.

“Freedom and independence of electronic print and all types of media is guaranteed, but does not extend to any expression specified in Article 33 (2).”⁴¹

The relevant sections of the Statutory Law of Kenya that address the media include: The Defamation Act, Cap 36; The Penal Code; The Books and Newspapers Act; Copyright Act, communications Act, amongst others.

In the 2007 general elections, Kenya did not have any media policy in existence. The few existing policies were mixed up in various government policies and reports of various Semi-Autonomous Government Agencies. However, the government had put in place the Kenya National ICT Policy in 2005 and the ICT Strategy for Economic Growth in 2006. The ICT policy

⁴⁰Ibid

⁴¹Kenya Constitution 2010

and strategy indicated government recognition of the role ICTs can play in enhancing social and economic development by spurring economic growth. The ICT policy puts emphasis on the deployment, development and exploitation of ICTs to spur the development of productive sectors of the economy. The ICT policy provides a framework for navigating Kenya's socio-economic transformation in a globalizing world dominated by information and knowledge economies. The ICT strategy on the other hand, provided the government's strategic platforms for harnessing the potentials of ICTs for economic growth and poverty reduction. The government then was committed to ICT infrastructural development, human resource development, stakeholder participation and putting in place required regulatory framework.⁴²

3.2 Media Institutional Frameworks in Kenya

3.2.1 Ministry of Information, Communication and Technology

The Ministry of Information, Communication and Technology has a wide variety of mandate amongst which is: Broadcasting, Language Management Policies, Public Communications, Promotion of E-government, ICT Training and Standards Development and Administration, Development of National Communications Capacity and Infrastructure, and Provision of Public Relations Services.

Under the Ministry of Information, Communication and Technology are autonomous bodies that help in the performance of the mandate of the Ministry. These bodies include the Media Council of Kenya, Communications Authority of Kenya, Kenya Broadcasting Corporation, and Kenya

⁴²ibid

Institute of Mass Communication. Each autonomous body has its role to play to ensure that the overall mandate of the Ministry is achieved.

3.2.1a) Media Council of Kenya

Media Council of Kenya is an independent national institution established through the Media Council Act 2013 as the leading institution in the regulation of media, improve professionalism in the media industry, capacity building for journalists and standardize media training in the country. The Council is the leading institution that brings together and regulates all media institutions and conduct of journalists in Kenya. It has established a strong network of journalists, media owners, correspondents (both local and foreign) and journalists' professional bodies such as the Kenya Editors Guild, Kenya Union of Journalists and the Kenya Correspondents Association which provides an effective framework for engaging journalists and decision makers in media houses.⁴³

The Council draws its mandate and authority from the Media Act 2013. Some of the functions of the Council are: To promote and protect the freedom and independence of the media; prescribe standards of journalists, media practitioners and media enterprises; ensure the protection of the rights and privileges of journalists in the performance of their duties; promote and enhance ethical and professional standards amongst journalists and media enterprises; amongst others.⁴⁴

⁴³Media Council of Kenya: <http://www.mediacouncil.or.ke/en/mck/index.php/about-us/who-we-are>

⁴⁴ibid

3.2.1b) Communications Authority of Kenya

The Communications Authority of Kenya is the regulatory authority for the communications sector in Kenya. It was established in 1999 by the Kenya Information and Communications Act, 1998. The Authority is responsible for facilitating the development of the Information and Communications sectors including; broadcasting, multimedia, telecommunications, electronic commerce, postal and courier services.⁴⁵

3.2.1c) The Kenya Broadcasting Corporation

The Kenya Broadcasting Corporation Kenya Broadcasting Corporation (KBC) is a state corporation established by an Act of Parliament Cap 221 of the Laws of Kenya to undertake public broadcasting services. Its main mandate is to inform, educate and entertain the public through radio and television services and propagate all that consolidates national unity, peace and development. Its primary objectives are to: Increase understanding among the people on government development policies and strategies, Impart knowledge through the process of effective communication with the public, Promote an effective approach to the use of radio and television as tools for National Development and, Offer suitable entertainment services to the people of Kenya. Under the Plan period the Government will facilitate the migration process from analogue to digital broadcasting. In addition the Ministry plans to spearhead KBC restructuring over the planned period.⁴⁶

⁴⁵Communications Authority of Kenya website: <http://www.ca.go.ke/index.php/what-we-do>

⁴⁶Ministry of Information, Communication and Technology website: www.information.go.ke

3.2.1d) Kenya Institute of Mass Communication

The Kenya Institute of Mass Communication was established vide Legal notice 197 of 2011 to develop talent pool for the sector. The institution offers training in mass media.⁴⁷ Most of the media practitioners were trained by this institution as it is one of the oldest media institution to offer courses on media in Kenya.

Although there exists all these legal frameworks around media, Kenya's media cannot be said to be "full of age" yet in terms of controlling what it "feeds" its audience. Although, with the 2013 Kenya general election, much maturity was witnessed as the media in all its ability tried to preach peace and embraced its agenda setting role positively. This could be argued that it was because of the 2007 general elections and the aftermath conflict that resulted to the drastic change in the way media decided to step in a play this role. Within six weeks of the Election Commission of Kenya declaring incumbent Mwai Kibaki the winner of the 2007 election, more than 1,000 people across the country had died as a result of violence following the political opposition's allegations of electoral malpractice. An estimated half a million people were driven from their homes⁴⁸ Analysis following the 2007 elections by Abdi et al (2008) indicated the media's role in inciting this violence.

This chapter set out to conceptualize the legal and institutional frameworks inexistence in Kenya, that is responsible for the media's performance of duties and have delved deeper to understand the various government institutions that are responsible to regulate the media.

⁴⁷ ibid

⁴⁸ UN estimate, available from: <http://www.cbsnews.com/stories/2008/02/11/world/main3815702.shtml>

CHAPTER FOUR

DATA INTERPRETATION AND ANALYSIS

4.1: Introduction

This chapter puts into perspective the original research question and the findings. The results are put in accordance to the objectives of the study which the researcher set out to investigate. Additionally, this chapter will present data qualitatively based on the themes that emerged during the analysis.

The instrument used for generation of the data analyzed, which is the questionnaire was structured to bring out as many responses as possible on the areas of examining the role of media in the Kenya General Election 2013. The questionnaire was circulated in Nairobi in the following media houses: Kenya Broadcasting Corporation, Nation Media Group, Media Max, Royal media Services and the Standard Group.

The results presented generalized findings of the 58 questionnaires printed out. Having vividly explained the role of media in the Kenya General Elections, 2013; the researcher decided to have this as a marking scheme from the media practitioners to confirm that indeed the media played that role.

4.2: Evolution of media and democracy in Kenya

Kenyan media has become of age after the introduction of multiparty in Kenya. This evolution of the media has brought about freedom of expression that was not present during the former regime of the President Moi when there was a unitary state.

It is not until the regime of the former President Kibaki who brought about significant media freedom. The Kenyan Constitution was promulgated during his regime which according to Article 34 gave the media the freedom to independence. This has brought about drastic change and the increase of media stations as opposed to when there was only one government owned Television station that was broadcasting at specific hours of the day and the station would be closed at midnight.⁴⁹

During this regime, the government would be sole responsible to regulating what the media would air and when to air it. However, with time, the Media Council of Kenya has the mandate to regulate the media content guided by the ethics law, the penal code and the Communications Act 2013 that are in place.

4.3: Decision-making process in the media industry in Kenya

A majority of the respondents, about 51 out of 58 respondents were aware of the existence of legal frameworks in Kenya that govern media operations. These respondents however confirmed that they couldn't clearly list the exact frameworks but they were sure that the media was guided by them.

55 respondents interviewed elaborated that there was existence of media station's policy that controls programme content. The material for broadcast of print is selected according to: prominence, newsworthiness and proximity.⁵⁰

⁴⁹ Respondent from KBC, Nairobi on questionnaire filled between 25th August to 5th September 2014

⁵⁰ Respondent from Standard Media, Nairobi on questionnaire filled between 25th August to 5th September 2014

4.4: The role of the media in the Kenya's General Elections, 2013

The study sought to find out the views of the respondents on the Kenya's General Elections 2013. The following is how the respondents answered in the table below.

Table 4.1: The role of the media in the Kenya's General Elections, 2013

Election Category	Percentage (%)
Very Peaceful	0
Peaceful	75
Average	25
Violent	0
Extremely Violent	0
Total Score	100

44 out of 58 respondents viewed the Kenya General Elections of 2013 as peaceful. Although they termed the elections peaceful, they agreed that it was still clear to the audiences that the elections were not as peaceful only that the media chose to edit a lot of information to avoid a reoccurrence of the 2007/8 PEV. These 44 respondents confirmed that during coverage of the political campaigns, messages of hate speech and derogatory language was still used only that the editors decided not to have the content aired.

Respondents from the radio stations in these media houses confirmed that the ethnic radio stations played a big role in educating people on the voter registration system as well as the

devolved levels of governance and how people were expected to vote. As opposed to 2007, in 2013, radio stations were the civic educators of why the people were expected to vote.⁵¹

Different views emerged as to why the respondents thought that the media played a role in these elections. 8 out of the 52 respondents agreed that media avoided broadcasting or printing violent material. All the respondents agreed that in the 2013 Kenya General Elections, the media chose to spread messages of peace and advising Kenyans against ethnic violence.

In terms of priority in coverage of the general elections, the respondents were 50-50% because some argued that media covered all the peace initiatives by different stakeholders without favor while others felt that the media failed to capture the exact picture of what was happening during the polls because it was compromised and that it was evasive to avoid an eruption of another Post Election conflict.

4.5: Strategy for creating awareness to prevent conflict during the general elections

32 out of 58 of the respondents viewed the airing of the Presidential debate as one of the strategies the media used to preach togetherness. Journalists agreed that although the media industry is competitive, the coverage of the Presidential debate by every mainstream media was a sign to show that they were not biased. The remaining 26 out of the 58 respondents felt that the Presidential debate was aired by all mainstream media because it was a first time event in Kenya and therefore passed as newsworthy.

⁵¹Respondent from the Royal Media Services on questionnaire filled between 25th August to 5th September 2014.

Other strategies mentioned by respondents as used during the general elections 2013 that contributed to prevention of conflict was the fact that there was no negative messages of ethnicity was aired during campaign rallies. The media censored all the derogatory language used by the politicians and instead concentrated on preaching and airing messages of peace.

Some respondents mentioned that they had undergone training on how to cover conflict, trainings that were in-house sponsored. Others agreed that the events of the PEV 2008 taught them on what to air and not to cover during hotly contested elections.

4.6: Summary of the findings

The objectives of the study were met although not satisfactorily because the respondents were also in a hurry and did not want to speak much about the elections. Their main worry was that disclosing their identity referring to it as being loyal to their employer. However, from the information gathered, 92% of what the researcher set out to find was accomplished. Since the Kenya General Elections 2013, not much peace messages are being broadcasted and that is some of the recommendations the journalists pointed out that Kenya is a country that does issues at the last minute.

CHAPTER FIVE

SUMMARY OF FINDINGS AND RECOMMENDATIONS

5.0: Introduction

This chapter offers the summary of the findings of the study. It also gives recommendations on how media can be used as a medium of peace building in the subsequent General Elections in Kenya.

5.1: Summary

a) Perception of the legal frameworks governing the media in Kenya

The Penal code; code of conduct and practice of journalism; and Communications Act 2013 was viewed to be effective as it guided the media practitioners on how they discharge their daily duties in ensuring that they adhere to the penal code and the ethics put in place by the Media Council of Kenya.

The Kenya's Constitution was also termed as the main legal framework that gave powers to the media practitioners due to article 34 that ensures there is freedom of expression in the media stations.

b) Practitioners awareness of policy controls for content

All media practitioners interviewed were aware that content is guided by some stations' policy controls. They attributed these controls to the code of conduct and practice of journalism in Kenya to ensure that the content is credible, authentic and impartial.

5.2: Recommendations

a) The Ministry of Information, Communication and Technology should ensure that it steps up its mandate of ensuring that all the media stations have written station policies that guide the media practitioners on the material for broadcast and print.

b) The Media Council of Kenya has to undertake vigorous capacity building programmes among the members of the public for them to be in the know on the obligations of the media and their rights.

c) The management of media stations must set up capacity building trainings to build the journalist capacity on the legal frameworks that in place so that each media practitioner is conversant with the provisions of these laws and policies.

5.3: Suggestions for Further Research

Since this study was exploratory, there is need for further research into the subject to find out why Kenya is not too proactive in prevention but rather waits until the last minute and starts putting into place hurried mechanisms to prevent conflict. That study would establish lasting mechanisms that the government can put in place to ensure lasting solutions in the wake of general elections in Kenya.

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APPENDIX 1: QUESTIONNAIRE

Introduction

My Name is Asenath Nkatha Mwithigah, a student at the University of Nairobi, Institute of Diplomacy and International Studies (IDIS). I am carrying out a research study for my thesis on, **“The role of media in conflict prevention: The case of the General Elections in Kenya, 2013”** This study is being undertaken solely for the academic purposes as part of course work for the Masters of Arts in International Studies. As a media practitioner, you have been selected to participate in the study. Your responses to the questions will remain confidential.

Thank you for sparing your precious time.

SECTION A: BASIC INFORMATION

1. Name of the respondent. (Optional)

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2. Sex of the Respondent. (Optional)

.....

3. Name of the Institution (Media, Civil Society)

.....

4. Where are you based?

.....

5. To which category do you belong? (Kindly tick the appropriate answer)

a) Correspondent

b) Freelance

c) Reporter

- d) Senior Reporter
- e) Sub-Editor
- f) Editor
- g) Other, Specify.

6. How long have you served in the media industry?

- a) 1 to 12 months
- b) 2 to 5 years
- c) 6 to 9 years
- d) Over 10 years

SECTION B: EDUCATIONAL BACKGROUND

7. What is your level of education?

- a) High School
- b) Tertiary College
- c) University Education
- d) Graduate School
- e) Others, Specify.....

8. Do you have any formal training in Journalism?

YES NO

9. If yes to question 2 above, what level of Journalism training do you have?

- a) Certificate level
- b) Diploma Level

- c) Degree Level
- d) Post Graduate Level
- e) Others, specify.....

SECTION C: DECISION MAKING PROCESS

10. Are you aware of the existence of any legal frameworks in this country that govern operations of the media: YES NO

(If yes, please list them.)

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11. Do these laws strictly control how you discharge your duties?
YES NO

(If yes to the above question, please indicate how)

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12. Does your employer have a written station policy that controls programme content?
YES NO

13. List down the factors that determine how you select material for broadcasting?

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.....

SECTION D: MEDIA AND ITS ROLE IN THE KENYA’S GENERAL ELECTION, 2013

14. In your opinion, how would you rate the 2013 Kenya’s General Elections? (tick the appropriate box)

Very Peaceful Peaceful Average Violent Extremely Violent

15. In respect to your view above, do you think the media (broadcast or print) played any role in these elections?

YES NO

(please provide details to support your view)

.....
.....
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.....

16. Media professionals have the responsibility in ensuring accurate and relevant reporting on issues going on around us. In your opinion, did the media play a significant role in highlighting key issues related to the Kenya’s General Elections, 2013?

YES NO

(Please provide details to support your view)

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17. The media has a significant role to fulfil in creating awareness and influencing public opinion. The media can expose or highlight issues that would help facilitate peace during general elections in Kenya. In your opinion, did the local media play an active role to avert conflict during the much contested general Elections, 2013?

YES NO

(Please provide details to support your view)

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18. In your view, do you think that the media played a key role in educating the public on the Kenya's general elections 2013 and peace-building initiatives?

YES NO

(Please provide details to support your view)

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.....
.....

19. General elections in any country are a true indicator of democracy and good governance. In the light of this, do you feel that the local media gave the general elections and peace initiatives the priority in coverage as the issue deserved?

YES NO

(Please explain your answer)

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SECTION E: CONCLUSION

20. In your view, what can be done by media to prevent conflict before, during and after in the subsequent general elections in Kenya?

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