The Media We Want:

The Kenya Media Vulnerabilities Study

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June 2010

PUBLISHED BY:

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ISBN: 9966-957-67-7

Published 2010

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I. List of Abbreviations

AMNET	Alternative Media Network
AMWIK	Association of Media Women in Kenya
AWC	African Woman and Child Feature Service
BA	Bachelor of Arts
BBC	British Broadcasting Corporation
CAP	Chapter
CCK	Communication Commission of Kenya
DW	Deutsche Welle
FES	Friedrich Ebert Stiftung
FOI	Freedom of Information
FM	Frequency Modulation
GoK	Government of Kenya
ICT	Information Communication Technology
KANU	Kenya African National Union
KBC	Kenya Broadcasting Corporation
KCA	Kenya Correspondents Association
KCCT	Kenya College of Communication and Technology
KEG	Kenya Editors Guild
KIMC	Kenya Institute of Mass Communication
KTN	Kenya Television Network
KUJ	Kenya Union of Journalists
MA	Master of Arts
MOA	Media Owners Association
MCK	Media Council of Kenya
NGO	Non-Governmental Organization
NMG	Nation Media Group
NTV	Nation Television
ODM	Orange Democratic Movement
PhD	Doctor of Philosophy
PNU	Party of National Unity
RMS	Royal Media Services Limited
SG	Standard Group
SOJMC	School of Journalism and Mass Communication
VOA	Voice of America
UNESCO	United Nations Education, Scientific and Cultural Organization
US	United States

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4. Executive Summary

The Friedrich Ebert Stiftung (FES) in Nairobi commissioned the African Woman and Child Feature Service (AWC) and the Media Diversity Centre (MDC) to investigate the underlying factors that influence media behavior and to make recommendations on how the sector could be reformed in a manner that would approximate aggregated expectations in Kenya.

The researchers used focus group discussions, key respondent interviews and desk research to collect data. The study also benefited from deliberations and validation by media stakeholders during the Media We Want conference organized by FES in May 2009.

The main finding of this study is that the Kenyan media have been operating in an unpredictable and swiftly changing political, social, cultural, economic and technological environment that has heavily influenced its development. A hostile and inadequate political, legal, policy and regulatory environment continues to negatively impact on the media in Kenya. Unsophisticated liberalization of telecommunications since 1998 led to slow, uneven and haphazard growth in broadcasting.

Government attitude towards media and communication – as a necessary evil – is grudgingly changing as manifested in the drafting of the Information and Communication Master Plan, 2008, National ICT Policy, 2008 and Freedom of Information Policy, 2008. For a while there were misgivings within the media industry about The Kenya Information and Communications Act (No.2 of 1998). However, the Act has since been amended with input from the media industry to address some of the grievances, among others, the establishment of and assignment of functions to a Broadcasting Content Advisory Council. The Broadcast Council was inaugurated by the Ministry of Information and Communications in June 2010 after the media industry, through the Media Council of Kenya appointed three members as required by the amended Act.

The media lack the will, intellectual leadership and capacity to address the diversity of legal, policy and regulatory challenges facing them. Their desultory handling of media laws and regulation is indicative of its lack of commitment to address critical issues facing the sector radically and speedily.

Big investment media organisations that are well managed, have financial resources and employ trained journalists also tend to maintain high standards of professionalism. Poorly managed small investment media organisations face financial constraints and rely on untrained and less experienced journalists.

Because of the absence of common journalism education standards, quality training of journalists is wanting. Inadequately trained and inexperienced journalism lecturers, ineffective regulation of training colleges and lack of financial and material resources all militate against a quality journalism education. Added to this is the fact that corruption is endemic in all media and cuts across all levels of staff. Journalists, editors and owners are politically co-opted and openly show editorial bias.

Although the code of conduct for journalists is available, conformity and adherence is problematic across the board. Employers rarely promote it among entry-level journalists. Journalists' poor working conditions undermine gains already made in encouraging professional behavior.

Media organizations place a low premium on investigative journalism and hardly prioritize it. Training institutions do not teach it well. Kenyan journalists have not received sufficient training in peace journalism or been exposed to it, nor have they received training on a variety of specializations that would enable them to explain the world around them to their readers and audiences.

Though widely popular, ethnic language radio stations easily excite ethnic passions. The national broadcaster, the Kenya Broadcasting Corporation (KBC) falls short of the standard as a public interest information service because of its bias and partiality in reporting politics.

Weak and disorganized professional associations perennially suffer from poor leadership, financial constraints, disinterested members and poor networking capacity. Although a few specialized media non-governmental organisations have the capacity to carry out advocacy and lobbying for the sector, they face a variety of financial constraints.

For some time now, the media in Kenya have been moving towards monopoly, concentrating ownership in a few hands and spreading it to cover more fields. Media owners, driven by the profit motive, have opposed government proposals (National Information and Communications Technology Policy, 2008) to limit cross-media ownership.

Insufficient broadband frequencies, limited investment in the television sector, opaque licensing and allocation of frequencies undermine diversity in the ownership of broadcast media outlets. Persistent official hostility towards some media owners discourages investors and confuses owners.

Media owners with strong political affiliations tend to be politically co-opted and influence editorial policy in line with their persuasions. The confluence of opinion on the editorial direction media should take is sometimes mitigated by stiff business competition, which creates disharmony among media owners. Media owners are largely driven by the profit motive and often ignore social responsibility roles. Small media investors represented by the Alternative Media Network (AMNET) are not well integrated into the Media Owners Association (MOA). Community media, on the other hand, also face an uncertain future due to financial sustainability challenges as well as interference from political representatives in the constituencies where the community media outlets are sited. The umbrella body for community media (KCOMNET) is also facing funding challenges that has reduced program activities.

The MOA is perceived to wield unduly immense influence over the regulatory Media Council of Kenya – directly through representation and indirectly through its financial clout since currently it provides much of the funding for the MCK.

Kenya's audiences can access diverse media choices but they are heavily fragmented. Audience habits, preferences and patterns affect media behaviour. Kenya's media consumers use radio the most, followed by television and newspapers. They expose themselves to more than one channel and media per day.

Kenyans have adapted to mobile telephony quickly as manifested by their use of mobile phone banking such as M-PESA, but many still prefer ethnic language media to English and Kiswahili radio stations. They demand media loyalty and ignore media that are unable to satisfy their unique political susceptibilities and sensitivities.

Audiences in Kenya change quickly, forcing the media to adapt to their needs and interests promptly. Although media literacy is low, trust in the media to report accurately on political issues is very high.

With an annual Sh17 billion advertising base, Kenya can support media growth. Advertisers are resilient and use media even during economic down turns. Media revenue from advertising has steadily grown since 2003; and is consistent with the growth of additional segments of the media.

Although the government – easily the largest spender in the Kenyan economy – has a tendency to punish independent and critical media through denial of advertising, other private advertisers use their financial muscle to have their way with the media on sensitive matters that touch on them.

An advertising code is in place, but adherence is weak. Advertisers in the tobacco and alcohol industry use mediated corporate social responsibilities strategies to bridge the gap created by anti-tobacco and alcohol advertisement laws. Some big advertisers and sponsors pay journalists and editors to guarantee positive coverage.

Despite these challenges, the media in Kenya has a sunny side. The information and technology revolution has positively affected the media in Kenya. Technological convergence has provided multiple information platforms that have increased the diversity of information sources for audiences, brought greater efficiency in media operations and encouraged the growth of citizen journalism.

Large media houses, such as the Nation Media Group, the Standard Group, Wananchi Group and Multi-Choice, are quickly adapting to new technologies. The small media houses continue to use old and expensive technology because adopting newer technology has high cost implications. The state-run KBC forks out Sh120 million in monthly bills — money it does not have – because of relying on old technology.

Digital migration from analog to digital technology can bring huge benefits to the sector as it will avail more television channels to investors. However, digital migration is overly expensive for the television sector. The government has given KBC Sh100 million to pilot digital TV from 2009. Although technological convergence is good, it has brought with it new challenges such as the need for reliable high-speed Internet connectivity.

A desirable media

- Kenyans desire a free, independent, assertive, vibrant and responsible media that would effectively advance democracy, human rights, good governance and socio-economic transformation. Such media would provide platforms for campaigning against the culture of impunity that is a key challenge to Kenya's political and socio-economic transformation.

- Kenyans want professionally run media that promote, respect and adhere to the fundamental principles and global standards of journalism practice. They yearn for media that promote professional behaviour in newsrooms and respect the code of conduct.

- Kenyans also want media that support efforts to promote professionalism in journalism practice in the country; and gather and provide accurate, fair, balanced and impartial information, education and entertainment to all Kenyans.

- Kenyans want plural and diverse media that promote diversity of opinions and respond to the diverse aspirations and expectations of the entire population, embracing age, education, gender, social status, interests and ethnic backgrounds.

- They want media that respect and operate under the principles of public interest and impartially balance competing interests against the attention and susceptibilities of different audiences in Kenya.

- Kenyans want media that would promote a Kenyan identity and national cohesion within a global context; a media that are sensitive to the welfare of journalists and provide competitive working conditions.

- Kenyans want an independent and assertive public service broadcaster that would discharge its mandate efficiently and impartially to all Kenyans without fear or favor.

- They want accountable ethnic language radios that are not politically captured and do not propagate hate speech nor ethnic disharmony.

- Kenyans want commercially viable, independent and accountable community multi-media platforms that amplify the voices of local communities on issues that affect them while promoting a development agenda.

- Kenyans want media that promote the development of local content and talent. There is need to undertake further research on applications and the financial viability of emerging local content industry in Kenya.

- Kenyans want private media that balance commercial interests and the development imperatives of the country; media that are accountable and corruption-free; and media that promote media literacy among their audiences.

Towards the desired media in Kenya

No single strategy can deliver the media Kenyans want. The following are offered as some of the steps that must be taken together to deliver the media Kenyans desire.

1. Strengthen professionalism in the practice of journalism through training programmes, associations and organizations.
2. Strengthen lobbying and advocacy for the repeal of all anti-media laws alongside the enactment of a media-friendly constitution and laws, with emphasis on pressurizing the government to act expeditiously.
3. Intensify efforts to lobby for the enactment of a Freedom of Information Act to guarantee greater access to information held by the government and other public bodies and review sections of the Kenya Information and Communication Act 2008 and the Media Act, 2007 that inhibit or constrain effective operations of the media industry.
4. Build capacity of the Media Council of Kenya (MCK) to enable it to effectively and efficiently act as a regulator for journalism practice in Kenya. Also, strengthen MCK to develop industry guidelines on working conditions for journalists and monitor adherence to them. There is need for MCK to upscale their act to speedily register all media and compel them to support strategies for professionalizing journalism practice in Kenya. There is need to strengthen the MCK capacity to monitor media content and adherence to code of conduct for journalists.
5. Build capacity for small media organizations, especially ethnic language and community radio stations, to effectively handle interactive live broadcasts as a way of nurturing a culture for peace journalism. There is need to provide clear guidelines for monitoring hate speech and incitement in radio stations.
6. Strengthen peace media in Kenya. There is a need to integrate conflict management and peace journalism in journalism training programmes at university level as well as in in-house training. Media houses should encourage journalism that has a unique Kenyan identity and image.
7. Promote media literacy as well as other efforts that scrutinize media behavior. There is need for media to promote media literacy among audiences. Media products and services are most useful to audiences when they know how to make informed decisions from them.

8. Establish media watch and accountability programmes and indices. A periodic evaluation of media performance should be encouraged. Already, some effort is being made through the African Media Barometer. There is need for a further study on corruption in the media.
9. Support the use of media as platforms for promoting development in Kenya. There is need to support efforts that leverage civil society development programmes on the media. Policy guidelines on minimum development content for broadcasting media is required, as is periodic monitoring of media coverage of development issues.
10. Promote citizen media and journalism. There is need to strengthen efforts that exploit the potential of technological convergence to expand the diversity of information choices for communities.
11. Encourage media to embrace corporate social responsibility as a way of giving back to their audiences.

1.0 Introduction

An unprecedented public debate has been raging in Kenya over the role of the media before, during and after the 2007 General Election. Questions about media conduct continue to rise as the country attempts to define what it considers a desirable media.

The manner in which the media reported and portrayed the violence that erupted between various ethnic groups around the country in January 2008 has come under special scrutiny.
Religious organisations, civil society, government departments and foreign missions are some of the interest groups that have spoken out about the role of the media in that period. They have accused the media of incitement, promoting stereotypes, misreporting events and general misrepresentations.

On many occasions, media in Kenya have dismissed these criticisms as the ranting of individuals speaking in the heat of the moment. Yet, the scale of the debate as well as its spread is unprecedented – never in the history of Kenya have ordinary citizens debated the media in the manner in which they have since 2008. The government took these concerns seriously enough to propose the formation of an investigative task force on the media.

This study collates views on the kind of media that would be desirable for Kenya as well as ways through which to achieve that ideal. Its findings are critical in understanding the grievances Kenyans have continued to express about the media. They also add a new dimension to this interesting but complex debate on the true roles of the media in a changing society.

In the past several years, debate on media regulation, ownership, ethics and professionalism has increased. The general concern that Kenya's media may not be fulfilling its social responsibilities has, however, not been based on any particular academic assessment of the media and its relationship to the Kenyan society.

By examining the factors underlying media performance in Kenya, this study seeks to move this debate towards a consensus about a media that can serve the interests of Kenyans. It also hopes to enrich the current debate by providing a context within which the country can envisage the changes needed for the media to play their true democratic roles.

Media audiences globally are in a state of change. This phenomenon ultimately heavily influences how media will behave in any society. The rise of popular culture as an important element of contemporary media is difficult to ignore. Nevertheless, knowledge of the various factors that influence media behaviour can provide a compass in a difficult debate such as this one.

By bringing the various factors underlying media behaviour in Kenya to the fore, this study opens an oft-ignored dimension to the debate on media professionalism and ethics. It also provides a basis for rethinking media's social responsibilities as well as the changes necessary to orient media to the day-to-day aspirations of Kenyans.

Kenya's media are one of the most respected, thriving, sophisticated and innovative in Africa, according to a policy briefing by the BBC World Service Trust. The report, which records the role of the media and communication in the 2007 General Election and their aftermath, notes that over the past 15 years, the media in Kenya have been increasingly assertive and self-confident. They have played a substantial role in mediating relationships between citizens and state, in shaping the democratic dispensation in the country and have transformed how some of the marginalised people in society access information on issues that shape their lives.

This obviously strong endorsement of the Kenyan media reflects an ideal that ought to be the basis for measuring performance. However, the fervent public debate about the media in Kenya in recent times does not approximate this assessment.

During the FES-Media Council of Kenya's monthly public debate series in 2005, in which ordinary citizens spoke directly to media practitioners, the range of opinions expressed strongly indicted the media. Most of those who spoke expressed grave dissatisfaction with the media, questioning why they should continue to listen to radio stations whose interpretation of reality were often misplaced.

With the benefit of hindsight, it seems that the liberalisation of the airwaves in the early 1990s created opportunities for a more diverse media playing field. The number of voices and perspectives in the media also grew while government control of the sector reduced. Prior to this, many Kenyans could only tune into the sole, government-owned radio and television station. The Kenya Broadcasting Corporation (KBC), and its predecessor – the Voice of Kenya (VoK), was then more of a government mouthpiece than a public space where citizens' voices could be speak on a range of issues.

The return of multiparty democracy in 1992 opened the way for the licensing of frequency modulated (FM) radio stations; increased freedom for the public and other institutions to express themselves through the media, and increased political content. Inevitably, political battles would be fought through the media. The socio-political changes in the country also increased public demand for news and information.

A 1996 study by the African Media Development Initiative noted that Kenyans were extremely reliant on the media for various types of information rather than on the government or other sources. This would explain the general national interest in debating whether the media are fulfilling their social obligations, or not.

Over the past 15 years, the media industry in Kenya has grown exponentially. This growth has also been characterised by the deployment of the latest technological innovations in the field of communication, regional expansion within East Africa, increased number of professional media practitioners and the growth of citizen media.

Most of the changes occurred after the 2002 General Election when the independence political party, KANU, lost power for the first time to a new broad-based coalition. The media ownership base expanded to include faith-based organisations.

The growth of ethnic language radio stations, with their appeal particularly at the grassroots, continues to generate the most heated debates. Questions on the place of ethnic language radio stations, which some see as potential platforms for promoting ethnic nationalism at the expense of national cohesion, abound. On the other hand, vigorous defence is mounted for ethnic language radio stations that they have and continue to play a functional role in empowering marginalised and excluded voices --particularly at the grassroots.

Ordinary people now have the opportunity to take part in national debate, thanks to community and ethnic language radio, which provides linkages between the local, national and global levels. They also bring down class barriers that have for many years locked the greater population in rural areas out of national and global debates.

Increased competition in the media sector in an unregulated environment continues to pose significant challenges for the common good. Big media organisations have tended to deploy enormous resources to better their products and to diversify into new areas. Their expansionist tendencies continue to raise fears that the industry might end up in the hands of only a few actors, hence narrowing diversity.

Yet the debate on the state of Kenya's media has also found its way into current political and constitutional discussions.

In its report, released in early 2008, the Commonwealth Secretariat Observer Group said the various media outlets – print and electronic – generally played a positive role in disseminating information on the electoral process to Kenya's voters. The media carried candid debates, panel interviews and discussions that were essential to educate and inform the about issues and the candidates.

As part of Kenya's efforts to recover from the crisis that followed the 2007 elections, the country established two critical Commissions of Inquiry to investigate what led to the electoral dispute and the violence that followed it – claiming close to 1,200 lives and displacing another 600,000.

The Independent Review Commission, chaired by a retired South African Judge Johann Kriegler, investigated weaknesses in the country's electoral system while the Commission of Inquiry into the Post-Election Violence, chaired by Judge Philip Waki, examined the extent of the violence and the causes.

In the course of their work, both commissions have made extensive comments and recommendations on the country's media and their conduct before and after the disputed general elections. Such attention underlines the important place the media occupy in Kenya's emergent democratic politics.

The commissions indict the media quite strongly, giving credence to public opinion about the negative role the media may have played in promoting or inciting violence. The Kriegler report, for instance, notes that some radio stations are owned by politicians, who influenced media output. It documents a number of weaknesses such as corruption among journalists covering the elections, partisan ethnic language radio stations, untrained journalists and failure by most journalists to adhere to the professional code. The government's view was that several media establishments fanned the violence by publishing inciting content and propagating lies and rumours that exacerbated an already tense situation.

Indeed, the stream of criticism that continues to pummel FM radio stations underscores the ironies of a liberal media that fails to provide society with the diversity of viewpoints necessary to manage the ever complex problems of life, politics, economics and general social organisation.

The debate on what the media did or did not do in this sad phase of Kenya's history has increasingly brought attention to several core issues around media practice in Kenya such as professionalism, regulation and an appropriate national media policy framework.

A discussion of these issues is not only urgent, but also necessary to construct a consensus on the things that ought to be done to improve the media in Kenya to enable them to perform their democratic responsibilities for society.

Study questions

This study sought to answer the following questions:
1. What media do we have in Kenya?
2. What media do we want?
3. How do we achieve this?

The study sought to give a detailed description of the current media environment and an analysis of the context within which the media is currently working. It examines the policy and legal environment, media ownership and interests, institutions relevant to the sector, consumer behaviour, and technology as well as market forces and how they influence media behaviour in the country.

A synthesis of the views of various respondents enabled the researchers to structure a vision of the media that Kenya needs in future.

The study targeted the media in Kenya – consisting of the various print and broadcast outlets – and the forces that influence it. Some of the forces that influence the media are noted as the government, advertisers, owners, audiences and civil society groups.

Study methods

Desk research, key respondent interviews and focus group discussions were the tools used to collect information for this study. A list of the documents reviewed and the respondents interviewed is annexed to this report.

2.0 Kenyan Media Scenarios

2.1 Media culture and environment in Kenya: a historical perspective

As is the case in any other society, the development of media has over time been influenced by the social economic changes in Kenya. Christian missionaries – under the Rev Albert Stegal of the Church Missionary Society – started the first press in Kenya and published the *Taveta Chronicle* in 1895.

After the partitioning of the continent by colonial powers and the establishment of administrations, settler authorities began to have a direct influence on the development of the media in Kenya.

In 1901, Asian trader Alibhai Mulla Jeevanjee set up *The East African Standard* and later sold to people keen to use it to serve the settler community interests. Colonial media generally excluded indigenous African voices. In many ways, the colonial media served as a tool for perpetuating settler ideals across the Kenyan protectorate.

The clamour for self-rule by the indigenous African population, starting from the mid-1920s to the 1950s led to the development of several African language publications in Kenya. These publications were essentially vehicles for spreading the liberation gospel among African communities, and ventilating the grievances of African nationalists. The concern then was not about professionalism or the quality of the publications but rather on their utilitarian value in mobilising African populations towards independence from the colonial powers.

The dawn of independence in 1963 heralded new roles for the media. The challenges of poverty, disease and ignorance faced by most of the newly independent states in Africa, forced a certain understanding about the roles of media. From purely liberation platforms, the media transformed themselves into vehicles for speeding up development. Indeed, it is this thinking that saw many African governments nationalise media or begin to exercise unfettered control over them with the aim of using them to popularise the government's development agenda.

In Kenya, government control of the media and media practice remained tight under Presidents Kenyatta and Moi. The Kenya Broadcasting Corporation was transformed into the Voice of Kenya at independence and back again to its old name when the pressure to liberalise the economy was brought to bear. It was mainly a government mouthpiece. Dissenting voices were shut out while those in power got time on national radio and television to talk to *wananchi* (citizens). Gradually, in the years following independence, the Voice of Kenya transformed into a propaganda department for the state – a complete deviation from the purely developmental goals it was supposed to play in the fight against poverty, disease and ignorance.

Draconian press laws curtailed press freedom and other forms of public agitation. The new leaders realised that influence and control over the flow of information was a necessary precondition for stemming undue criticism, consolidating political power and ultimately ensuring that the masses played only a passive role in national affairs.

The history of the Kenyan media in the 1970s and the 1980s is, consequently, filled with episodes of state interference, harassment and torture of journalists. This gave rise to media self-censorship where journalists gave certain stories a wide berth if they sensed that they would attract official anger. Media ownership at the time was restricted to the government, with the handful private investors playing safe.

The re-introduction of multiparty democracy in 1991 after a long stretch as a single party dictatorship heralded a major opportunity for the media. The ownership base expanded and media content became bolder. This progress has not, however, been accompanied by more progressive legislation to entrench media freedom in the country. The 1990s saw spirited attempts, mainly by the government, to create laws that would curtail rather than expand media freedom. All of them came to nought because of vigorous resistance from civil society and the media.

Although freedom of expression is provided for in the Constitution, under section 79, there is no specific protection in law for the media in Kenya. In fact, there appear to be more derogation that undermines freedom of speech and expression than there are provisions to promote it. Media continue to be regulated through various laws such as the Public Order Act, the Defamation Act, the Preservation of Public Security Act, the Books and Newspapers Act and the Media Act, among others.

Since the 1990s, debate on the media has mainly centred on ethics, ownership, content and regulation, among other concerns. The key players have included civil society groups, media lobby groups such as the Kenya Editors Guild, the Media Council of Kenya, and the Kenya Union of Journalists. The formation of media-focused civil society organisations such as the African Woman and Child Feature Service, the Media Diversity Centre and the Media Institute, among others, has boosted lobbying efforts to frustrate the passage of draconian laws that give the government undue control over the media in Kenya.

2.2 Legal, policy and regulatory framework

The current Constitution of Kenya[1] is the supreme law. Although it guarantees the right to freedom of expression, it does not mention freedom of the press and of the media specifically. The constitution provides limitations to the fundamental rights and freedoms under vague circumstances[2]. This has often allowed for violations of the same rights.

1. A draft new constitution for Kenya is to be voted on at a national referendum in August 2010. This has included the media unlike in the current constitution. See *http://www.coekenya.go.ke/*
2. See FES-Media Africa's report: African Media Barometer Kenya, 2005 at *http://fesmedia.org/*

There are several laws in Kenya that touch on the media. They comprise, but are limited to,

1. The Defamation Act, Cap 36;
2. The Penal Code, Cap 63;
3. The Books and Newspapers Act, Cap 111;
4. The Copyright Act, Cap 130;
5. The Preservation of Public Security Act, Cap 57;
6. The Public Order Act, Cap 56;
7. The Films and Stage Plays Act, Cap 222 (1962);
8. The Chief's Authority Act, Cap 128;
9. The Official Secrets Act, Cap 187 of 1968;
10. The Police Act, Cap 84;
11. The Armed Forces Act, Cap 199;
12. The Communication Commission of Kenya Act of 1998;
13. The Kenya Broadcasting Act, Cap 221 of 1998;
14. The ICT Act of 2007, and
15. The Media Act, 2007.

2.2.1 Hurdles to media freedom and journalism practice

Kenya has strong anti-media laws. Most of them undermine media freedom as they are largely retrogressive, punitive and repressive. They promote censorship and encourage self-censorship[3]. Some journalists are afraid when working on expository stories, and therefore approach them with trepidation and fear of stepping on the toes of powerful politicians and corporate leaders, the consequences of which are usually grave.

The defamation law[4] provides for criminal libel, which is punishable by imprisonment, and is a serious disincentive to journalism. The Books and Newspapers Act[5] requires that publishers and printers execute a bond of Sh1 million each. It also requires publishers to deposit two copies of each publication with the Attorney General. The vendors must also display the bond as proof of registration of the publications.

The Official Secrets Act[6] prohibits the media from telling the public the truth. It is a claw-back to freedom as it stops the media from performing their job freely and effectively. It also hinders journalists from accessing information and discourages public officials from providing sensitive information while awarding huge penalties against journalists found in breach.

The Judiciary has often abused the various media laws by awarding unreasonable sums of money in damages against media organisations found to have defamed or slandered certain persons. That the integrity of Kenya's Judiciary has been in question[7]

3. See FES and AWCFS's Report Card: Media Coverage of the 2005 Referendum, 2006.
4. See The Defamation Act, Cap 36 of the Laws of Kenya.
5. See Books and Newspapers Act, Cap 111 of the Laws of Kenya.
6. See The Official Secrets Act, Cap 187 of 1968.
7. See International Commission of Jurists Kenya: Judicial Independence, corruption and reforms at *www.icj.org/IMG/pdf/kenyareport.pdf* (November 11, 2008)

creates a legal uncertainty: Powerful people who have a bone to pick with the media could easily influence the Judiciary to undermine and even frustrate the media.

The framing of the Kenya Broadcasting Act, in its preamble[8], has been the source of numerous challenges at KBC over the years. The law makes KBC the state broadcaster and not the public broadcaster as expected. It gives KBC the mandate to operate both radio and TV stations across the country. KBC has been facing serious political, administrative and financial constraints because of the weak and inadequate legal framework under which it was established. The law is inadequate to guide KBC in a liberalised market.

Section 21 of the Act empowers KBC to act as a licensing authority and to levy fees on owners and dealers in radio and TV sets to finance its operations. However, the minister of information and communication revoked this provision in June 2003. This move undermined the financial viability of KBC, especially since the corporation had to compete for advertising revenue in a liberalized market

In 2004, KBC's monthly expenditure stood at Sh84 million while it only made Sh28 million. In 2008, KBC had a Sh2 billion debt – mainly because the government hardly honours its grants and credits to it. The government paid Sh120 million to KBC as part of its bailout plan early in 2008.

KBC also lacks independence from government interference. The law gives too much power to the President, who appoints the chairman, while the Minister for information and Communication appoints the board of directors. The board is, therefore, not independent. Although Section 8 of the KBC Act states that the corporation shall be independent, impartial, fair and balanced in its coverage, that has not been the case since independence. Rather than being a public broadcaster, KBC serves at the pleasure of government as a state broadcaster[9].

KBC has lost much public credibility because of the lack of fairness and balance in its coverage of issues since the early 1980s.

2.2.2 Required media laws

Kenya needs a progressive constitution and laws that protect and defend the rights of the media. Up to June 2009, the Proposed New Constitution of Kenya (2005) was perhaps the most progressive legislation in the country's history[10]. Although it failed at the referendum, it guaranteed the freedom of the media by restricting government control, interference and harassment of media and journalists. The latest Proposed

8. The preamble states that "An Act of Parliament to establish the Kenya Broadcasting Corporation to assume the Government functions of producing and broadcasting programmes or parts of programmes by sound or television; to provide for the management, powers, functions and duties of the Corporation; to provide for the control of broadcast receiving sets, and for the licensing of dealers, repairers and importers of broadcast receiving sets; and for connected purposes".
9. See Inter Party Political Group, 1997 Recommendations.
10. See The Proposed New Constitution of Kenya, November 22, 2005 in the Kenya Gazette Supplement No. 63. Nairobi: Government Printer.

Constitution which is to the subject of a referendum in August 2010 retains and enhances some of these progressive provisions that will enhance media freedom. The government should also repeal all repressive and retrogressive laws that undermine media freedoms and the industry's performance.

Kenya needs a Freedom of Information law that enhances access to official information. Initial efforts by the media and the civil society groups to lobby parliament to pass the laws floundered in parliament in 2007. However, the Bill was redrafted with joint participation of both government and the media and civil society groups and now awaits cabinet approval before being tabled in parliament. The Proposed Constitution has elaborate provisions guaranteeing access to information and mandating parliament to pass a Freedom of Information law. But right to information campaigners have criticized the fact that the timelines for such legislation after the constitution is adopted have not been clearly spelt out making it difficult for Kenya to get the law in the next few years as parliament is expected to focus its energies on the more politically urgent legislative needs that will give effect to various settlements of the most vexing political questions of the day.

But it is not in doubt that such a law will enable Kenyans to access information in the hands of public authorities, as well as establish systems and procedures to promote proactive publication and dissemination of information. The Freedom of Information Bill, in its current form sets the parameters for the right to information, exemptions to information and disclosure of information. It repeals The Official Secrets Act and protects whistleblowers. If passed, this will dramatically increase access to information. Although progressive, experts have pointed out some weaknesses in the Bill.

2.2.3 Policy environment

For a long time, Kenya did not have a specific media policy in a single document. However, policy directions abound in various Acts of Parliament, government strategies, ministerial papers, taskforces, master plans and related documents.

The Freedom of Information Policy, 2007, aims to ensure maximum access by all Kenyans to information held by public authorities to enable the country to make a transition to a knowledge-based society. The draft Freedom of Information Policy springs from the understanding that an individual's ability to access information held by government officials promotes a robust democratic culture. Only an informed citizenry can shape public policy and actively participate in nation building.

The draft policy is emphatic that government secrecy undermines good governance and democracy. It establishes mechanisms for ensuring access to official information and limits government power to censor official information while putting in place laws that increase citizens' access to information in official hands. It also provides for the publication of the Freedom of Information Act, 2008, which would detail how citizens can access official information and the exceptional circumstances when requests or information can be denied.

The policy is expected to apply to all government offices including the executive branches. It recommends comprehensive administrative reforms in the management of public records through the enactment and establishment of an administrative information policy framework.

The Freedom of Information policy proposes to set up the Freedom of Information Commission to oversee the implementation of the Freedom of Information Act. The Freedom of information Bill, 2008, is currently under review.

This policy is a successor to a more conservative government attitude to govern information management. Until now, the government has placed great stock in the management of information held by public authorities. The government had created restrictive rules, procedures and guidelines that inhibit Kenyans and the media's access to information held by public authorities. The government policy on information collection and processing is contained in laws that provide for statutory collection of information. However, restrictions are in place to protect the public from gaining access to this information once compiled and stored by government.

It is over-protective about its records for a variety of reasons, among them that
- public records provide evidence and information;
- public records represent a need to protect the rights of citizens and organizations;
- public records are a means of measuring government efficiency; and
- Public records ensure government accountability and a cultural and historic resource for the country.

The Public Archives and Documentation Act (Cap 19 of the Laws of Kenya) gives only permanent secretaries, chief executives of semi-autonomous government agencies, heads of departments, the Government Printer and the Director of Central Bureau of Statistics access to official records. The Kenya National Archives and Documentation Department sets the standards for the management of public records. Archival records of classified documents are only open to the public after 30 years, upon payment of a fee.

Most laws, such as the Registered Land Act and Communication Commission of Kenya Act, allow inspection of statutory registers only after payment of a fee.

The Statistics Act, 2006, provides for the dissemination of statistical information. Only the Director General of the Kenya National Bureau of Statistics can authorize the release of statistical information to anyone – but only upon payment of a fee.

The Government Code of Regulations (Revised 1996) mandates the Government Printer, as the publisher of all official reports and documents.

The Ministry of Foreign Affairs and International Cooperation is in charge of dissemination of diplomatic reports and publication. Access to official documents is restricted.

Security classifications such as 'open', 'confidential', 'secret' and 'top secret' are used to limit access to classified documents by unauthorized staff and the public. These restrictions extend to electronic records as stipulated in the e-government strategy of 2004.

The Official Secrets Act provides for the protection and preservation of national secrets and state security. The law prohibits the use confidential and secret information in public trust for purposes that could compromise the safety and security of the country.

The Oath/Affirmation of Office and Secrecy Act prohibits disclosure of information to the public or media. Those who have taken the oath of office and secrecy must not disclose secret or confidential government information to the public. Disclosure of public information to unauthorized persons can lead to summary dismissal.

The Freedom of Information policy aims to replace this strict public records regime.

The government has also drafted the ICT Policy, 2007, to meet the demands of a rapidly growing telecommunication and broadcasting sector. The ICT policy addresses the challenges of lack of a legal, policy and regulatory framework, inadequate ICT infrastructure; insufficient skilled human resource, ICT convergence, under-development of local content, e-government and electronic commerce.

The ICT policy creates a comprehensive framework for the establishment, ownership, control and management of broadcasting services in Kenya. It also creates a framework within which national public broadcasting, private broadcasting, community broadcasting and signal distribution can be carried out.

Under this regime, the Communications Commission of Kenya (CCK) will regulate the private and community broadcasting sector and as well as the public broadcaster, KBC, which is funded by government. The policy promotes development of local content and proposes the establishment of a Broadcasting Content Advisory Council. This council will be expected to monitor content, compliance with the programming code and ethical standards as well as to handle complaints.

Through support for media pluralism as dictated by market forces, the policy hopes to set and maintain broadcasting standards. It supports the licensing of broadcasters for a period of 10 years at a time, but prohibits their issuance to political parties or their affiliates. Although a provision for community broadcasting exists in the policy, it is still left to the vagaries of the marketplace.

The policy supports licensing of signal distributors to broadcast licensees, digital migration from analog to digital, and human resource development for broadcasting. Public participation is encouraged through equity ownership of broadcasting services. However, the policy discourages concentration of media in a few hands by limiting cross-media ownership through competition laws. It supports the principle of corporate responsibility by broadcasters.

2.2.4 Regulatory environment

Several institutions in Kenya are responsible for regulating the media and journalism. Newspapers and periodicals require registration under the Books and Newspapers Act. The Office of the Attorney-General issues bonds to newspaper publishers and printers, while the Ministry of Information and Communications licenses broadcasters. The Communications Commission of Kenya (CCK) allocates frequencies and maintains a register of broadcasters.

The Media Council of Kenya registers journalists, monitors the conduct of journalists and handles complaints against media organisations and journalists. The Kenya Film Censorship Board regulates film content for broadcasting.

The Media Act, 2007; the Communication of Kenya Act, 1998; and the KBC Act 1989 are the main laws regulating the media in the country.

The Media Act, 2007, set up the MCK as a regulator[11] for the sector. MCK's functions include mediation between stakeholders, promotion and protection of freedom and independence of the media, promotion of high professional standards and promotion of ethical standards. It also underwrites protection of the rights and privileges of journalists, provision of advice to the government, making recommendations on employment criteria for journalists, upholding ethics and discipline of journalists, compiling and maintaining a register of journalists and media, and conducting annual reviews of performance and general public opinion surveys.

Glaring weaknesses in this law have forced the government and other stakeholders to go back to the drawing board to review it. As it stands, the Act does not have a provision for resolving conflict between MCK and the government. It does not provide for a legal mechanism through which government can be made to submit to the jurisdiction of the MCK. There is fear that an overbearing government could ignore the verdict of MCK's Complaints Committee in the event that the Act does not provide for a legal mechanism that binds the government to respect its decisions. Although the law provides for the MCK to advise the government, it does not provide for a link with government or Parliament.

Under the law, the MCK is mandated to make recommendations on the employment of journalists but it is not clear to whom it should direct its efforts. Similarly, the law requires MCK to maintain a register of journalists and media organisations, but there is no requirement for journalists or media organisations to register with the council.

Additionally, the law requires MCK to conduct annual reviews and public opinion polls,

11. See the Kenya Gazette Supplement No. 93 (Acts No. 3). October 2007. The Media Act, 2007. Nairobi: Government Printer.

but does not say how its findings would be validated. There is no requirement for MCK to hand in its report to Parliament or the Ministry of Information.

The law's provisions on the council's sources of finances are weak. Although MCK performs a public function, the Act initially denied it access to government and foreign donor funds. However the Act has since been amended to provide for government funding and the Council's budgetary needs have been factored into the 20010/11 Annual Budget Estimates tabled in parliament in June 2010.

Although the media industry initially resisted government funding to the council fearing government influence, the situation has changed and most players are convinced that a balance has to be struck between concerns over government funding give it undue leverage over MCK and the council's need to enjoy a certain level of financial security necessary to carry out its functions. The perception that donor funding would encourage donors to set the agenda for the media are not rational. Donors also finance government activities, such as Communication for Development Programme that creates a partnership between UNDP and Ministry of Information and Communication[12].

The Act empowers MCK to levy fees on journalists and media enterprises. MCK has asked journalists to pay Shs 2,000 as registration fees and media organisations between Sh20,000 and Sh100,000 each year. Some sections of the media have been reluctant to pay the registration fee for several reasons.

First, they argue that journalism as profession, globally, does not require licensing. Second, professional fees are often paid to professional associations. Lawyers in Kenya pay fees to the Law Society of Kenya and not to a quasi – government body. Third, journalists in Kenya often pay fees to the Kenya Union of Journalists and other professional societies such as the Kenya Correspondents Association (KCA), the Kenya Parliamentary Journalists Association (KPJA), the Association of Media Women in Kenya (AMWIK), and the Kenya Journalist Association, among others. However, this position is changing and most journalists and media organizations have started paying the accreditation fees.

Although MCK is a public organ, it operates like an independent enterprise with no statutory accountability. MCK financial accounts are audited by independent auditors rather than by the Auditor General. Overall, it appears that the legal mechanisms for accountability are weak. It is however expected that the council will the subjected to government audit once it starts receiving funds from the Exchequer from 2010 and the process has been the subject of discussions between the council, the Ministry of Information and Communications and the Treasury.

The dispute resolution mechanism proposed under the law seems inadequate. The MCK's Complaints Commission has no immunity from prosecution by aggrieved par-

12. See UNDP Kenya Country Program at *www.ke.undp.org*

ties. There is need to insulate it, through a dispute resolution law, from litigation arising from their decisions.

The law makes no provision for addressing people offending journalists or media enterprises. The law does not have a mechanism through which the media and u can appear before the council as aggrieved parties. For example, it has no provision to address a journalist's complaint against the government.

Penalties for transgressions are weak and inadequate – ranging from a Sh50,000 fine or three months in jail for refusing to adhere to the decisions of the MCK, to a Sh200,000 fine or six months imprisonment for breach of the Act's provisions.

In any case, the Council has no powers to send anyone to court. Traditionally, such commissions complain to public prosecuting authorities through the court.
The law makes no provisions that link it to other relevant legislation, such as immigration and national security laws.

Generally, from the preamble to the Act, there is a supposition of bad faith on the part of the regulators. It states that MCK shall discipline journalists and media. It should seek to regulate not to discipline journalists.

The definition of journalism is not sufficiently broad to include those who practice journalism as a pastime. It fails to acknowledge the phenomenon of citizen journalism and does not specify the social responsibility for the media or its role in communicating development.

Owing to these weaknesses, the government formed a taskforce to review the Media Act, 2007, with a view to amend it and provide for government funding for the MCK, which had been hampered by lack of financial resources However, the Task Force only dealt with the issue of funding but did not conclusively handle the other identified weakness in the Act.

The CCK uses the **Kenya Communications Act, 1998** to regulate the telecommunication and broadcasting sectors. The law empowers CCK to provide broadcasting radio frequencies and to monitor frequency interference. Section 88 of the Act provides for the Minister of Internal Security to take control of broadcasting houses or equipment during a state of emergency or in the interest of public safety and tranquility. The government invoked this section of the law to ban live broadcasts after the 2007 elections. Unfortunately, the government had not declared a state of emergency, in as much as the post election violence posed a serious threat to national security.

The law is inadequate for regulating the telecommunication and broadcasting sector. The government has drafted the Kenya Information and Communications Bill, 2008 to remedy these shortcomings. In November 2008, Parliament debated the Kenya Communications (Amendment) Bill, 2008 which seeks to introduce new regulatory provisions for the ICT sector. The Bill provides for an Act of Parliament to protect, promote and facilitate the development of the carriage and communications sector (broadcasting, multi-media, telecommunication and postal) in an orderly manner. It provides for the establishment of a commission to regulate all communications, facilitate electronic commerce among other related functions. The Bill seeks to amend the Kenya Communications Act, 1998, and replace it with the Kenya Information and Communications Act, 2008.

Under the new legal regime, CCK will carry out the following functions:

- Regulate the broadcasting sector,
- Promote the development of public interest broadcasting in line with international standards and local sensibilities,
- Facilitate and encourage the development of Kenyan expression in broadcast programming,
- Promote the development of local content, promote maintenance at all times,
- Meet public interest obligations in all broadcasting categories,
- Ensure provision by broadcasters of internal means of disposing of complaints; and
- Ensure respect for individual privacy.

Under the law, sending offensive short text messages, destroying electronic records and cyber crime are offences. The commission will issue licenses for national public broadcasting, private broadcasting, community broadcasting and subscription broadcasting. Only broadcasters with valid licenses shall go on air while those in breach shall pay a Sh1 million fine or serve a three-year jail term. The proposed law sets out eligibility criteria for obtaining a license. Political parties will not get broadcasting licenses.

The proposed law makes KBC the public broadcaster under the Public Broadcasting Services Act, Cap 221 of the Laws of Kenya. CCK will also design a programme code and outline the responsibilities of all broadcasters. It can revoke licenses if broadcasters breach the law or conditions of the license or do not use the frequencies for a year. Additionally, CCK shall set up an appeals tribunal to arbitrate on its decisions. During emergencies, or when public interest and tranquility is threatened, the proposed law gives the minister for internal security powers to ban or possess broadcasting stations or equipment.

Stakeholders have criticized the Bill for not creating a one-stop shop for media regulation. Penalties are unnecessarily punitive; media and communication related definitions are inadequate; conflict with Media Act, 2007, looms and the minister wields excessive powers over broadcasters. There is lack of clarity over license renewals and procedures for government action during a state of emergency.

2.3 Training and professionalism

Standards of professionalism in the media vary from one organization to the next. Generally, large media organisations such as Nation Media Group, Standard Group, Royal Media Services and Radio Africa produce products and services that indicate a high level of professionalism. The same is not necessarily the case for smaller media organizations[13].

Table 1: Key findings on the legal, policy and regulatory environment
i. Hostile and inadequate legal, policy and regulatory environment negatively affect the media in Kenya.
ii. Unsophisticated liberalization of the telecommunication and broadcasting sectors has yielded slow, uneven and haphazard growth.
iii. Government attitude towards media and communication is grudgingly changing as manifested in the drafting of the ICT Policy and FOI Policy.
iv. Government is pursuing selective broadcast media regulation through the enactment of the proposed Kenya Information and Commission Act. It has ignored industry suggestions that it enacts the Freedom of Information law first and urgently reviews the Media Act, 2007.
v. The media lack intellectual leadership and capacity to address the diversity of legal, policy and regulatory challenges facing the sector.

The Media Act, 2007, contains the code of conduct. MCK has published and distributed hundreds of copies of the code to newsrooms but few journalists know about or use it[14]. The low utility of the code of conduct[15] suggests professional negligence on the part of trained journalists. Although media organisations have adopted the code of conduct for journalists, they have not been keen to promote its use among their employees[16]. Corruption among journalists and editors is rampant in Kenya[17].

Some media products disseminate content that borders on obscenity, pornography, and vulgarity[18]. Content that shows little respect for good public taste is likely to run counter to the code of conduct for journalists.

MCK uses the code of conduct to arbitrate between complainants on the one hand, and journalists and media houses on the other[19]. Unfortunately, compliance with MCK's decisions is low because of various weaknesses in the Media Act, 2007.

13. See BBC World Service Trust Policy Brief No. 1. The Kenyan 2007 elections and their aftermath: the role of media and communications.
14. See The International Research and Exchange Board. 2008. Media Sustainability Index: Kenya Media Ratings, 2006-2007 at *www.irex.org*
15. See African Women and Child Feature Services. 2005. For Better or Worse? Impact of the Code of Conduct on Journalism Ethics in Kenya. Nairobi.
16. See The International Research and Exchange Board. 2008. Media Sustainability Index: Kenya Media Ratings, 2006-2007 at www.irex.org
17. See Media Institute. 2008. Expression Today, June 2008.
18. See Media Institute. 2008. "Media behaving badly", "Airing dirt" in Expression Today, October 2008.
19. Interview with Esther Kamweru, Executive Director of MCK in September, 2008

Editors complained of poor reporting skills among many journalists.[20]

The independence of Kenyan journalists is seriously in doubt. They were politically co-opted during the 2005 referendum on the Proposed New Constitution. Their independence was equally in question in the 2007 elections and the violence that followed. There were editorial biases, largely by senior editors, in some newsrooms[21].

One could identify a level of political and ethnic bias in the stories filed around these three events[22]. Kenyan journalists failed to report the 2007/2008 violence because they had no experience or training in reporting conflicts of the magnitude witnessed in early 2008[23]. Self-censorship among journalists and editors was rife and posed a big challenge in the run-up to the 2007 elections and its aftermath because of fear of reprisals from media owners and threats from politicians, militia and an overzealous public[24].

Media owners routinely run interference for various interests in newsrooms and editorial decision-making processes.

Even so, the leading media in Kenya report and reflect a diversity of news from across the country. Their fare includes political, social, cultural and economic events[25]. The leading news organisations like Nation Media Group (NMG), the Standard Group, KBC and Royal Media Services (RMS) have regional news bureaus. The small media houses, especially those that run a single radio station, do not have the capacity to report events outside their usual coverage area. The tendency is to air stories already ran in other leading media or provided by foreign news agencies.

Kenya's media tend to give more priority to advertisements and materials that support commercial interests rather than news and content oriented towards development. Newspaper design appears organized to shore up corporate interests rather than public interest – they have more space for advertisements and entertainment oriented content than for anything else. Music dominates radio airtime while movies, soap operas and soft entertainment programmes take up more airtime than news on private television stations in Kenya[26]. The focus on entertainment stems from its renown to bait, capture and deliver audiences to advertisers.

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20. See Africa Media Barometer Kenya, 2005 at www.fesmedia.org
21. See Commonwealth Secretariat. 2008. Kenyan editors see big responsibility after elections, March 2008 at *http://www.thecommonwealth.org/news/34580/34581/176109/060308kenyaeditors.htm* (November 19th 2008).
22. See BBC World Service Trust Policy Brief No.1. 2008. The Kenyan 2007 elections and their aftermath: the role of media and communication; TNI's story on the Kenya case and media bias by Anthony Otieno, February 8th 2008 at *http://www.tni.org/detail_page.phtml?act_id=17922* (November 19th 2008); and Commonwealth Secretariat. November 19th 2008. "Kenya editors see big responsibility after elections"
23. See Rose Howard. 2008. My Tribe is Journalism: Conflict Sensitive Journalism. Nairobi: International Media Support.
24. See Media Institute. 2008. *Expression Today*, June 2008. "Are Editors too Powerful?" and The International Research and Exchange Board. 2008. Media Sustainability Index: Kenya Media Ratings, 2006-2007.
25. Ibid.
26. Ibid.

Although Kenya has a robust tradition of investigative reporting, it is limited only to larger commercial media organisations like NMG and the Standard Group. The quality and quantity of investigative reports is still low. The number of trained investigative reporters is low, the training and preparation of journalism students inadequate, budgetary allocations to investigations miniscule, and the legal barriers daunting.

Big media organizations, such as NMG, SG, RMS, Radio Africa and locally-based international ones such as the British Broadcasting Corporation (BBC) have sophisticated equipment and facilities that enhance their ability to deliver professional services and products[27]. The same is not true of the majority of the smaller media organizations that use old technology, have inadequate numbers of trained journalists and managers, and suffer huge financial constraints.

Pay scales for journalists also vary greatly from one media organization to the next. While the larger commercial organisations pay relatively well, the same is not true of smaller media. Stringers and correspondents, who make up 70 per cent of reporters in media organisations, receive considerably lower pay than staff reporters do. Correspondents often earn less than Sh10 000 a month while entry level trained journalists receive Sh60,000 as salary in most large media organisations. Correspondents earn on the basis of the size of stories they publish in a month.

Senior writers and editors in large commercial media houses earn between Sh250,000 and Sh600,000 as salary. These sums compare well with other professions in Kenya. Journalists working in smaller media houses take less than their counterparts do in larger media houses[28].

2.3.1 Media training institutions

Inadequate training is often at the core of low professionalism in the media. Kenya has several media training institutions that offer journalism and other mass communications courses[29]. The institutions offer degree, diploma and certificate level programmes. Some of the institutions that offer degree level journalism and communication programmes include the University of Nairobi, Kenyatta University, Jomo Kenyatta University of Agriculture and Technology, Moi University, Egerton University, Maseno University, Masinde Muliro University, Daystar University, St. Paul's University, Catholic University of East Africa, and United States International University, among others. The School of Journalism and Mass Communication at the University of Nairobi has started a doctoral degree programme.

The institutions that offer diploma programmes comprise Kenya Institute of Mass Communication (KIMC), which is the oldest; Tangaza College; Multimedia University of Kenya (formerly Kenya College of Communications Technology (KCCT)); Kenya Polytechnic, and Mombasa Polytechnic.

27. See BBC World Service Trust & Africa Development Initiative. Chapter on Kenya by Lucy Maina. 2006

28. See BBC World Service Trust and African Media Development Initiative. Chapter on Kenya by Lucy Maina, 2006.

29. See a complete list in the annex and also on MCK website.

A bevy of colleges and schools offer certificate level programmes in journalism and media studies in Kenya. They comprise Nairobi Institute of Business Studies, Nairobi Aviation College, Kenya Institute of Professional Studies, Universal Group of Colleges, Pago Media Institute, East African School of Media Studies, Wilnag Media School, Shang Tao, Multimedia University College of Kenya and East African School of Journalism, IntraGlobal Training Institute, Andrew Crawford Productions, and Kenya School of Professional Studies among others[30]. Some of these institutions offer short courses and in-service training. These institutions attract thousands of students each year, despite some of them having low credibility.

The Nation Media Group has set up the Media Lab, a training programme to build the capacity of potential recruits and staff.

2.3.2 Media training at a crossroads

Media training institutions do not have common standards in Kenya[31]. The absence of a harmonized media curriculum, as well as the use of varied syllabi frustrates the achievement of common standards of training. Some of the training institutions have hardly any curricular or syllabi outlines or descriptions of the courses on offer.

No standardized examination system is used to assess journalism proficiency in students in Kenya. Instead, training institutions examine candidates and grade them. In this environment, some small colleges tend to copy examinations given by universities. Entry requirements into journalism courses are not standard either; while some institutions admit students with a B grade in the Kenya Secondary Certificate Examination (KSCE), others admit Grade C and even D.

Instructors in media training programmes have varied qualifications, but the majority are unqualified[32] to teach. There are less than 10 doctoral degree holders in journalism, media and communication studies in the country. Most of these teach outside the country where pay is more attractive. Universities, therefore, hire Masters-degree holders as lecturers for their journalism and communication programmes, including at the post-graduate level. In small schools and colleges, lecturers with more humble qualifications take classes merely to make money.

Despite these constraints, some universities and colleges have a reputation for providing quality journalism training. The School of Journalism and Mass Communication (SOJ&MC) of the University of Nairobi and Daystar University[33] are known Centers of Excellence in Africa. UNESCO awarded the two universities the status of Centres of Excellence in 2007 following rigorous evaluation that assessed the quality of their

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30. See a complete list in the annex and also on MCK website.
31. See Dr Levy Obonyo's paper presented at the Stakeholders Conference on Excellence in Communication and Media Practice in East Africa "Media Training in Kenya: The Challenges". Dr. Obonyo is the Chairman of the Department of Communication at Daystar University, Nairobi, Kenya.
32. See Canadian International Development Agency's Kenya Media sector Analysis Report, 2008.
33. See Daystar University at *www.daystar.ac.ke*

training programmes. The Kenya Institute of Mass Communication has a reputation as a credible centre for training broadcast journalists in Kenya. The School of Journalism and Mass Communication, founded in 1971, offers a Bachelor of Arts degree programme in Journalism and Media Studies, a postgraduate diploma programme in mass communication, a Master of Arts degree programme in communication studies[34]. Its doctoral degree programme started in 2008.

The lack of quality training in journalism especially in broadcast journalism has created a proliferation of specialized training studios in Nairobi. The low calibre of journalism graduates entering practice motivated the NMG to establish the Media Lab.

Table 2: Key findings on professionalism and training

i. Professionalism is low in small media houses that are not well managed, face financial constraints and rely on untrained and less experienced journalists.
ii. Professionalism is high in large media houses that are well managed, have financial resources and employ trained journalists.
iii. Quality of journalism training is wanting because of lack of common standards, trained and experienced lecturers, effective regulation, and financial and material resources.
iv. Corruption is endemic in media and cuts across various levels of staff.
v. Investigative journalism is not prioritized in media and not well taught in training institutions.
vi. Code of conduct for journalists available to journalists but adherence is problematic. Media houses rarely promote it among new journalists entering the practice.
vii. Journalists, editors and owners are politically co-opted and show editorial bias.
viii. Poor working conditions undermine gains already made in encouraging professional behaviour.
ix. Ethnic language radio stations are popular yet easily excite ethnic passions.
x. KBC failed the test of public broadcaster because of its bias and partiality in covering politics.
xi. Professional associations are weak and disorganized because of poor leadership, financial constraints, disinterested members, and poor networking capacity.
xii. A few specialized media NGOs have the capacity to do advocacy and lobbying for the sector but face various financial constraints.

An inadequate legal, policy and regulatory framework is at the root of the challenges facing journalism and media training in Kenya. The Media Act 2007, mandated the MCK to improve professionalism in the media. MCK has initiated processes to engage media training institutions in standardizing courses and providing quality control mechanisms.

The various university charters and the Commission of Higher Education laws provide for the regulation of journalism and communication training. The Kenya Information

34. See University of Nairobi Calendar 2007-2008 at *http://www.uonbi.ac.ke/*

and Communication Act 2008, together with the policy that creates it mandate CCK to promote professionalism and support capacity building for broadcast journalism training[35].

Financial constraints inhibit performance in media training institutions. Government funding for universities and colleges plummeted following the introduction of cost sharing policies in education sector in 1990s. The School of Journalism and Mass Communication at the University of Nairobi, as well as other public universities and colleges, do not have the facilities or equipment – such as broadcast studios, editing suites, digital processing machines, and digital cameras among others[36]. Most institutions have obsolete technology, the use of which compels journalism students to seek further training elsewhere immediately after completing college or while on the job.

Inadequate library facilities also hinder the performance of media training institutions[37]. Public universities and colleges as well as some private ones do not have new and relevant reference materials such as books, journals and online databases. Owing to lack of facilities and equipment, most universities and colleges put a lot of emphasis on theory rather than the practical aspects of journalism. Many journalism graduates in Kenya are unable to operate cameras, editing machines, tape recorders or to use online databases.

Over-enrolment in journalism programmes also reduces the quality of training. Some classes at School of Journalism and Mass Communication have as many as 65 students. This puts a lot of pressure on lecturers and facilities.

2.4 Media institutions, unions, civil society, associations and interest groups

There are a dozen professional media associations, a trade union and media lobby organisations in Kenya. They represent the diverse interests of various segments of the media.

Kenya has diverse professional media associations, such as the Association of Media Women in Kenya (AMWIK), the Kenya Journalists Association, the Kenya Parliamentary Journalists' Association (KPJA), the Foreign Correspondents Association of East Africa, the Kenya Business Writers' Association, the Kenya Correspondents Association (KCA), the Science Reporters' Association, the Kenya Sports Writers Association, the Environmental Journalists Association, the Kenya Association of Designers and Illustrators and the Association of Women Journalists, among others. Most of these organizations aim to promote professional behaviour by providing networking opportunities.

Kenya has a few media NGOs that support the ideals of free speech and independent

35. See the Information and Communication Policy and Bill at *www.information.go.ke*

36. See SOJ&MC Strategic Plan, 2006-2011, University of Nairobi

37. See Dr Levy Obonyo's paper presented at the Stakeholders Conference o Excellence in Communication and Media Practice in East Africa "Media Training in Kenya: The Challenges, April, 2008.

media. These include African Woman and Child Feature Service (AWCFS), Kenya Community Media Network (KCOMNET) and The Media Institute[38]. Most of these institutions enjoy a measure of credibility because they are professionally managed and contribute towards capacity building and networking for journalists and editors.

The Kenya Editors Guild (KEG) is a professional association of senior media editors. It provides professional networking opportunities for its members by holding regular consultative meetings to review media performance in Kenya. KEG also builds the capacity of its members and journalists on special issues of editorial interest. KEG is a powerful lobby group canvassed by businessmen and politicians who seek to court the favour of its members to ensure favorable publicity.

Editors have come under increasing criticism for being corrupt, heavy handed and biased[39]. In March 2008, the then NMG Editorial Director, Mr Wangethi Mwangi, told a meeting of editors in Nairobi that they were guilty of perpetuating various biases in unnamed media before and during the post election violence in Kenya[40].

The KEG challenged the government in the courts over its decision to ban live broadcasting imposed by government of December 30, 2007[41]. Similarly, KEG has been a champion of media freedom and freedom of expression over the years. In 2006, it led the media fraternity in condemning the attack on the Standard Group and campaigned for the removal of clause requiring journalists to name their sources in the Media Act, 2007. KEG lacks administrative capacity and is hosted by the African Woman and Child Feature Service.

The Kenya Union of Journalists (KUJ) is registered as a trade union and is affiliated to the Central Union of Trade Unions (COTU) in Kenya. KUJ has been weak because of power struggles, poor leadership and lack of accountability[42]. Between the late 1990s and early 2000, membership in KUJ drastically reduced because of hiring practices in the media that required new employees to forego membership in a trade union as a condition of employment. While KUJ cut an image as a professional association, it is actually a trade union. The confusion between KUJ's mandate and its operations undermined its effectiveness. This led to irreconcilable differences among the membership, who desired to have it focus more on welfare issues and promote the emergence of an independent national association for all journalists in Kenya. The Union also suffered credibility at some stage after it was embroiled in a controversy over the handling of the Journalists of the Year (JOYA) Awards which many in the industry felt was bungled.

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38. See profile of media institutions in the annex.
39. See Media Institute. 2008. "Are editors too powerful?" in Expression Today, June 2008, p30-31.
40. See Commonwealth Secretariat. 2008. Kenyan editors see big responsibility after elections, March 6th 2008 at *http://www.thecommonwealth.org/news/34580/34581/176109/060308kenyaeditors.htm* (November 19th 2009).
41. See VOA. 2008. Kenya's Editors Guild give government ultimatum to lift ban on live coverage, January 24th 2008 at *http://www.voanews.com/english/archive/2008-01/2008-01-24-voa10.cfm?CFID=66696578&CFTOKEN=32782035* (November 19th 2008).
42. See International Research and Exchange Board. 2007. Media Sustainability Index: Kenya Media Ratings, 2006-2007.

However, previously, KUJ had played an important role in promoting and protecting freedom of expression and the search for progressive media laws in Kenya[43]. In 1995, KUJ formed a taskforce to review media laws and recommend to the government various actions that would provide for a legal, policy and regulatory framework. It played a critical role in developing a code of conduct for journalists in Kenya[44]. KUJ is a member of the Media Council of Kenya. However, it remains opposed to the licensing of journalism within the framework of Media Act, 2007 and has expressed misgivings about the effectiveness of the Council since its founding as a statutory body in October 2007.

Generally, most media professional associations are weak because of poor leadership, low credibility, and a disinterested membership[45]. The associations lack intellectual leadership especially because senior journalists do not patronize them. Most of the associations do not offer attractive professional networking programmes that would motivate senior journalists to register as members[46]. The membership often comprises low cadre professionals, the majority of whom work as freelance journalists. The associations often charge high membership fees of about Sh1,800[47], which acts as a disincentive to potential members. However, a few associations such as AMWIK and the Kenya Correspondents Association have the wherewithal to survive as effective professional media networking organizations. Financial constraints remain a critical challenge to the survival of the professional media associations.

The majority of the associations lack the muscle to deal with errant members because of weak internal governance structures and regulations. Lack foresight and the transient nature of some of the associations undermine their effectiveness. Most of the associations appear to have been formed by groups or individuals to pursue short-term goals and wound up when sponsorships for their causes ceased[48].

Power struggles within some of the associations have, over years, weakened them[49]. Squabbling in some of the associations has led to schisms and membership decline. Some disgruntled members of AMWIK, for example, formed the Senior Women Editors Group.

Media organizations have been a huge stumbling block for some of the professional associations. There has been unexpressed apprehension among media managers that strong professional associations would empower journalists and weaken the control of media houses over them. Despite their internal problems, the professional media associations highlight the right to practice journalism without hindrance.

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43. See BBC World Service Trust Policy Brief No.1. 2008. Kenya Media Legal Framework in The Role of Media in Kenya Crisis, 2008.
44. See International Research and Exchange Board. 2007. Media Sustainability Index: Kenya Media Ratings, 2006-2007.
45. See Canadian International Development Agency's Kenya Media Sector Analysis, 2008
46. See The International Research and Exchange Board. 2008. Media Sustainability Index, 2007. Kenya Media Ratings, 2008
47. See The International Research and Exchange Board. 2008 Media Sustainability Index, 2007. Kenya Media Ratings, 2008
48. See proceedings report for the Economic and Development Journalism Conference, 2008, organized by the Ministry of Planning and National Development and Directorate of Monitoring and Evaluaton, Nairobi, Kenya.
49. See International Research and Exchange Board. 2007. Media Sustainability Index 2006-2007.

Media owners' lobbies

There are two media owners lobby groups, namely the Media Owners Association (MOA) and the Alternative Media Network (AMNET). MOA represents mainstream media while AMNET represents the proprietors of alternative media. Media proprietors formed the MOA to lobby with government and safeguard their business interests.

For a long time, the MOA patronized the MCK as a self-regulating agency for the industry. MOA was instrumental in setting up MCK through the Media Act, 2007 and has three slots on the council – a fact that is perceived to give it undue influence over the affairs of MCK. MOA dominates the affairs of the MCK not only because of its financial clout as a donor but also because of its authority as the chair of the council.

Business rivalry causes disharmony among media owners, evident in aggressive actions such as jamming a competitor's frequencies and poaching of staff from them. Failure by some media houses to pay the MCK and MOA dues cause tension among media owners[50]. MOA was unable to meet bills at MCK leading them to request the government to review the Media Act, 2007, to provide for state funding. This request contradicts MOA's earlier opposition to government funding for the MCK, indicative of the level of disharmony among media owners on how to address critical issues in the sector. The frequent change of guard at the MOA, which brings in new officials virtually every year, reflects the disquiet among some media owners.

Although the MOA represents the media owners, its leadership reflects an identity and image characterized by the big media owners especially NMG, SG, RMS, and Africa Radio Group. Other members include People Newspaper, Family Media, Kass FM, Hope FM and Star FM.

MOA is a well organized and efficient lobbying machine with easy access to the political elite, business community and the government. Apart from lobbying for press freedom and access to information, MOA has been accused of supporting the MCK merely to fend off government regulation and not to strengthen the institution as a strong MCK could bring fundamental changes in the way media relate to government and the citizenry.

The MOA is however very reactive in nature; it is mostly active when the business interests of members are threatened. This was the case in 2008 when the government threatened to shut down some FM stations because of their perceived role in the post-election violence. The MOA also mobilized members in 2007 when the government threatened to ratify the Kenya Media Council Bill, 2007, that would have forced editors to disclose sources; it also protested following the government raid on the premises of the Standard Group[51]. The media owners also successfully persuaded the government to postpone its intentions to control cross-media ownership. Although the govern-

50. See Media Institute. 2008. "True Royalty" in Expression Today, October 2008.

51. See All Africa Archive. 2007. "Kenya: Angry Kenyans condemn raid on Standard and KTN" at *allafrica.com/stories/200603030078.html*

ment is committed to limiting cross-media ownership, it does not give provisions for doing so directly in the Kenya Information and Communication Bill, 2008[52].

52. See the ICT Policy, 2007 and ICT Bill, 2008.

3.0 Media ownership and consolidation in Kenya

There are over 80 radio stations in Kenya, 16 television stations and 13 newspapers among other media. Unfortunately, the owners are largely anonymous. The government has issued hundreds of broadcast licenses to individuals and organisations but their true identities remain obscure. A report by the Media Council of Kenya – "State of the Media Report 2008" – lists the ownership behind the stations.

The Ministry of Information and Communication and CCK keep registers of media owners but these documents are often secret. Lack of transparency, impartiality and fairness in the allocation of broadcast licenses and frequencies during the era of former President Daniel arap Moi led to the secrecy with which the identities of broadcasters were treated. Generally, Kenyans perceive that the government awarded, at a price, political cronies and organisations controlled by them most broadcast licenses and frequencies. Even MCK, which is mandated by the Media Act, 2007 to keep a register of media owners, has not succeeded in collecting ownership information. Lack of disclosure laws makes the whole exercise much harder than it should be.

3.1 The media owners

His Highness the Aga Khan is the principal shareholder in the Nation Media Group (NMG); former President Daniel Moi, his son Gideon Moi and Joshua Kulei own the Standard Group (SG) through Baraza Limited while Samuel. Macharia and his wife own Royal Media Services Limited. Industrialist Chris Kirubi owns the Capital Group, while the politically well-connected Transcentury Group owns Kenya Times Media Trust.

Mr Patrick Quarcoo and Mr William Pike own six radio stations and a newspaper through Radio Africa Group; Ms Rose Kimotho owns Kameme FM, GTV and K24 TV through Regional Reach but it is believed other politically connected personalities have come on board. Leo Slingerland is the proprietor of Family Radio and Family TV while Mr Joshua Chepkwony owns Kass FM[53]. The Standard Group also launched a radio Station, Radio Maisha, in mid May 2010 after buying out Ms Sheila Amdany's Simba Radio.

Prime Minister Raila Odinga and others are associated with Radio Umoja and Nam Lolwe FM, while former presidential candidate Kenneth Matiba owns The People newspapers through Kalamka Ltd.

The government owns and controls Kenya Broadcasting Corporation (KBC), the Catholic Church owns Radio Waumini; while Christ is the Answer Ministries is the proprietor of Hope FM.

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53. See Canadian International Development Agency. 2008. Kenya Media Sector Analysis Report, 2008; and Media Institute. 2008. Expression Today, October 2008.

Mang'elete Community Integrated Development Programme, a women's organisation, owns and controls Radio Mang'elete in Kibwezi in the eastern part of Kenya. Shinyalu Community Multi-Media Centre, started by Masinde Muliro University in partnership with UNESCO, owns Shinyalu FM while the people of Rarieda through Bondo Community Multi-Media Centre own Radio Maendeleo. Koch FM in Korogocho slums, Pamoja FM in Kibera slums and Ghetto FM in Pumwani are community-owned radio stations[54].

The British Broadcasting Corporation (BBC), Deutsche Welle (DW), Radio France Presse (RFP), Voice of America (VOA) and Radio China among other foreign news agencies represent international media ownership. The BBC relays FM signals to Nairobi, Mombasa and Kisumu.

3.2 Trends in media ownership

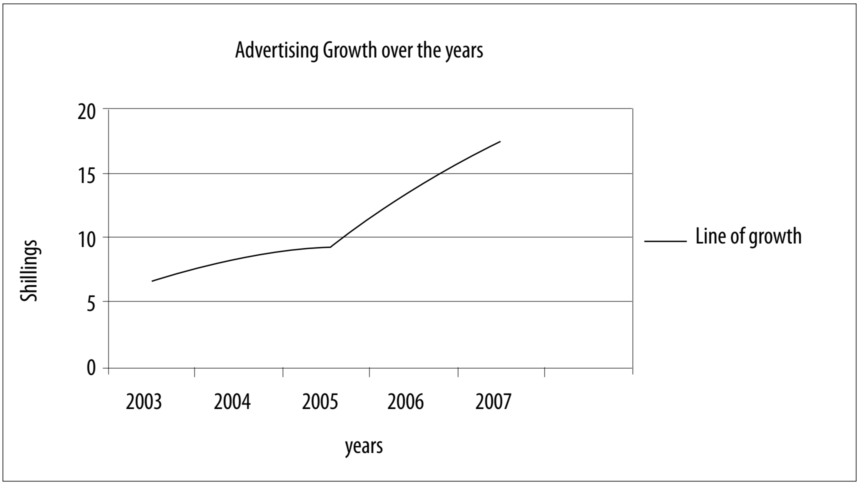
There is a tendency towards media concentration and cross-media ownership in Kenya. KBC has over 20 radio stations, Royal Media Services Limited owns 11 radio stations, Radio Africa Group has over five FM stations, and NTV owns two FM stations among others. NMG also owns seven newspapers, several magazines and NTV while SG has not only acquired a radio station but also owns three newspapers and KTN. Regional Reach owns Kameme FM, K24 TV, and the local franchise for GTV while Radio Africa Group runs the Star newspaper as well as six radio stations. Royal Media Services Limited owns the Citizen TV network, a newspaper and a network of 11 radio stations broadcasting in different vernacular languages. They include Ramogi FM (Dholuo), Chamgie (Kalenjin), Mulembe (Luhyia), Egesa (Ekegusi), Muuga (Kimeru), among a host of others. Royal media also holds onto a number of unutilized frequencies and has argued strongly against governments attempts to repossess the frequencies arguing this would discourage investors or make those who invested incur losses.

Stiff competition in an increasingly crowded liberalized market led to the emerging trend of media concentration and cross-media ownership in Kenya. Growth in advertising revenue since 2003 also presented unprecedented growth[55] opportunities to investors as illustrated below:

54. Interview with EcoNews Africa in September 2008

55. The economic growth the Kenya experienced since 2003 was reflected in advertising growth. For example 2003 when sponsors spent Sh6.6 billion, Sh8.4 billion in 2004, 9.3 billion in 2005, Sh13.6 billion in 2006 and 17.4 billion in 2007.

Figure 16: Growth in advertising in Kenya



Source: Steadman Group, 2008

Hannington Gaya, the chief executive of Media Seven Group Magazines, owns five magazines, among them *Monthly Motor, Mum and Dad, G Magazine, Business Monthly* and *HM*[56]. Partnerships are also emerging in the media market. MultiChoice and Safaricom partnered to give Kenya its first TV on mobile. Wananchi Group, an Internet service provider, has given Kenya its first cable TV on an Internet platform.

Equity ownership has improved with Kenyan owning shares in NMG and the Standard Group (SG).

International media networks such as BBC and VOA are also in partnership with local media to air their broadcasts. BBC is in partnership with Kameme FM to relay its programmes.

Education institutions also own media. Kenya Institute of Mass Communication (KIMC), Kenyatta University, Maseno University, Masinde Muliro University of Science and Technology, and Daystar University all own educational FM radio stations.

The National Assembly of Kenya also has a license to start live coverage of proceedings of Parliament. Currently, Parliament uses KBC to relay live parliamentary proceedings to the public. Kenya's model of allowing Parliament to own a channel and relay live broadcasts directly to the citizens is pioneering. In South Africa, parliamentary proceedings are covered live and aired to viewers on a specific state channel, while in Rwanda, a special unit covers the proceedings and provides the press with recordings[57]. The live coverage of proceedings has motivated increased citizen participation in government.

56. See Media 7 Group Magazines at *http://www.media7group.com/Media7SubscriptionForm.pdf*

57. See IDG News Service. November 13, 2008. Rebecca Wanjiru's "Kenya Parliament Airs Proceedings to Involve the Public" (February 8, 2008) at *http://www.networkworld.com/news/2008/082008-kenya-banking-on-triple-play.html.*

The Speaker of the National Assembly Hon Kenneth Marende argued that live coverage of parliamentary proceedings put Kenya's level of debate and interaction with the public at pace with other countries. Live coverage encourages citizen participation because it enables citizens to be more aware of parliamentary discussions and decisions. It is envisaged that live coverage will motivate parliamentarians to improve the quality of their participation in debates.

Digital migration from analog systems to digital is set to dramatically change ownership of broadcast services because TV broadcast frequencies will be readily available to investors. Although CCK's decision to stop allocating television frequencies in 2007 to prepare for digital migration negatively affected growth in the sector, transition to digital from analog broadcasting will reduce the number of waiters because digital technology has higher spectral efficiency that will release from a current holder about eight frequencies per channel. CCK has been unable to issue new broadcast licenses due to scarcity of the resource. During the 2006/2007 year, the total number of pending applications for frequencies stood at 470 for FM sound and 138 for TV broadcasting. CCK issued 104 frequencies for sound and 34 for TV in 2005 and only 20 FM and 4 TV frequencies in 2006/2007[58].

CCK's decision to award low power broadcasting frequencies to education institutions and community organisations gave additional impetus to the development of community radio across the county. The distribution is as below:

Table 3: Low power community broadcasters.

Broadcaster	Frequency	Area or region
Koch FM	99.9	Korogocho, Nairobi
SIDAREC	99.9	Pumwani, Nairobi
Sarakasi Trust	99.9	Kawangware, Nairobi
Pamoja Development Centre	99.9	Kibera, Nairobi
St. Pauls Theological University	99.9	Limuru, Nairobi
Kenya Inst. of Mass Comm.	104.7	Nairobi
Masinde Muliro University	103.9	Kakamega
Maseno University	98.1	Maseno
Radio Maria Kenya	88.1	Muranga

Source: CCK, 2007.

The government has allocated Sh100 million to KBC in partnership with other TV stations to pilot digital broadcasting. It will give 16 to 20 digital channels by January 2009 to TV investors and stations to enable Kenyans to migrate to digital TV[59].

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58. See CCK, 2007. Annual Report2006-2007.
59. IDG News. February 8, 2008. Kenya banking on triple play to lower digitization costs at http://www.networkworld.com/news/2008/082008-kenya-banking-on-triple-play.html

3.3 Advertising and media in Kenya

The advertising market is large enough to sustain media diversity in Kenya. Advertising revenue has grown steadily since 2003 to stand at Sh17 billion in 2008. Advertisers are resilient and tend to place new advertisements even during economic recession[60].

Traditionally, the advertising to editorial content ratio is 3:2 in media, with break-even point set at 38 per cent for advertisements (60 per cent adverts and 40 per cent editorial content)[61]. The trend in Kenya is that advertisements take more than 60 per cent of media space and airtime.

Advertisers have immense influence on media because advertising is the backbone of the media business. The commercial media cannot survive without advertising. The media are often careful not to annoy advertisers. Correspondingly, media houses rarely publish offending stories about advertisers.

Government has a tendency to place advertisements selectively in media that it perceives to be politically correct. In the run up to the 2007 elections, the Standard Group complained that government was crippling it by denying it advertisements. During the Moi era, government withdrew adverts from the *defunct Weekly Review* in 1979 and *Kenya Times* in 1981 when the two papers became overly critical of it[62]. Besides the government being the biggest spender in the economy, its negative action has an indirect influence on advertisers who are reluctant to do business with media critical of it.

3.3.1 Advertising regulations in Kenya

The Advertising Practitioners Association of Kenya's rules mainly target alcohol and cigarettes in the Kenyan media. Otherwise the code of ethics for advertising is largely ignored and few bother about it.

The government prohibited alcohol and cigarettes advertising during prime time when children are still watching TV or listening to radio. The Tobacco Control Act, 2007, prohibits tobacco advertising, promotion and sponsorship. It prohibits the sale of cigarettes to minors[63].

The media often look the other way even though some advertisements from leading companies in Kenya are misleading[64]. Regulations on the control of misleading

60. See Consumer Insight's How Ads Behave in Kenya at *http://www.ciafrica.com/howadsperform.html#* (November 18, 2008).
61. See the International Research and Exchange Board's Media Sustainability Index 2006-2007 at *http://www.irex.org/programs/MSI_Africa/2007/MSI07_kenya.pdf*
62. See Africa Media Barometer: Kenya Report at *http://www.fesmedia.org/power_presen/MEDIA%20BAROMETER%20KENYA%20REPORT.doc*
63. See The Standard online's story "BAT to spend Sh100 million to comply with Tobacco Act (March 13th 2008) at http://www.eastandard.net/archives/InsidePage.php?&id=1143983217&catid=14&a=1
64. See The Standard online's story "Telkom response failed" on December 3rd 2005 at http://www.eastandard.net/archives/InsidePage.php?&id=33119&catid=190&a=1

advertising outlaw falsehoods. Big advertisers often put a lot of pressure on media to conform to their requirements and are intolerant to hostile media coverage. They often withdraw or threaten to withhold adverts if their wishes are not met. Some big firms also pay journalists to tilt coverage in their favour[65].

Table 4: Key findings on media and advertising

i. The advertising base in Kenya is large enough to support the growth of the media.
ii. Advertisers are resilient and use media even during economic downturns.
iii. Advertising revenue has been steadily growing following the growth of additional segments of the media.
iv. Government has a tendency to punish media houses by denying them advertising.
v. There is a tendency for advertisers to use financial clout over media to have their way in sensitive editorial matters.
vi. Adherence to advertising codes is weak.
vii. Advertisers in the tobacco and alcohol industry use mediated corporate social responsibility strategies to bridge the gap created by tough anti-tobacco and alcohol advertisement laws.
viii. Some big advertisers and sponsors pay journalists and editors to ensure positive coverage.

65. See The New Vision's Uganda: Advertisers should propel media freedom at *http://allafrica.com/stories/200811180090.html* (November 18th 2008).

4.0 Technology influence on Kenyan media

Kenyan media have not been left behind by technological convergence. The Kenyan media use print, TV, radio, mobile and internet platforms to deliver news and advertising.

Technological convergence has made live coverage easy and quite convenient, even reducing the number of personnel engaged in a live broadcast. The Internet databases have made it easier for journalists to research and verify information and sources. Technological convergence (visual, audio and print) has made online publishing and broadcasting possible. E-mail has also made filing of stories from remote locations less difficult and encouraged feedback from consumers of media products and services. . Feedback, which is an important aspect of communication, is today possible and easy to access.

New technologies have encouraged the development of citizen journalism. Audiences proactively collect and share emerging information with media houses. Media have become receivers of content from the public. The audiences are invading an arena that has been the preserve of journalists.

Table 5: Key findings on media and technology

ii. The information and technology revolution has positively affected media in Kenya.
iii. Technological convergence has provided multiple information platforms that have increased the diversity of information sources for audiences.
iv. Technological convergence brings efficiency in media operations.
v. Technological convergence encourages citizen journalism.
vi. New technologies are very expensive, thus hindering quick adoption.
vii. Large media houses (NMG, SG, Wananchi Group, MultiChoice) quickly adapting to new technologies compared to small media houses that continue to use old and expensive technology.
viii. KBC is uses old medium wave technology that costs it Sh120 million in monthly bills.
ix. Migration from analog to digital technology will bring huge benefits to the sector as it will avail more TV channels to investors.
x. Digital migration is overly expensive for the TV sector. Government has given over Sh100 million to KBC to pilot digital TV by 2009.
xi. Technological convergence brings new challenges such as the need for reliable Internet connectivity.

Convergence of media technology has made it possible for stations to break news easily. It has enhanced interaction between the media stations and the audience. The media are today able to spread news far beyond traditional borders. Today, reporters working in remote and inaccessible areas can meet deadlines easily if they have Internet or mobile connectivity.

Journalists perform tasks faster and swiftly using these new technologies. With modern technology, the reception of digital signals is better and the quality of the output, that is, the sound and picture, is of a high standard. Digital cameras have made the traditional 'dark room' obsolete

Technological convergence has enabled journalists to report for print, radio, TV, online and mobile platforms. It has provided immense opportunities for media in Kenya. Media organizations like the NMG and SG have integrated their news operations. NMG runs its entire news platforms in Kenya, Uganda and Tanzania (radio, TV, newspapers, online and mobile) from its headquarters in Nairobi. NMG put in place a content management system called Core Media[66] that allows it to automatically select content from various news platforms and place it on a converged platform. Media organizations are also planning for newsroom integration that will bring together various newsrooms into one multi-media newsroom with a single news basket. This enables all news brands to select news from a converged platform and repackage according to brand needs.

Lack of Internet reliability has been a critical challenge to media convergence in Kenya[67]. Kenya has been relying on very small aperture technology to boost the speed of its Internet connectivity. However, the construction of an undersea fibre-optic cable has increased access to broadband in Kenya. This will bring phenomenal growth in the media sector. Already, Wananchi Group, one of Kenya's pioneer Internet service providers, has established a convergence platform that offers TV on cable, Internet and mobile platforms. MultiChoice, a satellite TV provider, and Safaricom, a mobile service provider, have combined forces to offer Kenya's first TV on mobile platform.

i. Stiff business competition creates disharmony among media owners.
ii. Media owners have undue influence over MCK through representation and financial clout.
iii. Small media investors represented by AMNET are not well integrated in MOA.
iv. Media owners guided by profit motive and ignore social responsibility roles.
v. Community ownership of media threatened by financial sustainability challenges.

66. See The Editors Weblog's story by Katherine Thompson. November 13, 2008: "Kenya Media Part 1: Is newsroom integration possible for multi-media conglomerates?" at *http://www.editorsweblog.org/analysis/2008/11/integration_challenges_for_media_conglom.php*
67. Ibid.

5.0 Media independence versus owners interests

Kenyan media face immense government, commercial and political pressure that constrains journalistic independence and integrity.

KBC is a state owned and controlled broadcaster whose independence has been compromised for a long time[68]. KBC has failed to offer impartial coverage because of interference from government officials and politicians. For a long time, KBC was a monopoly in broadcasting and this enhanced political competition for its microphones. The liberalisation of the airwaves and the political environment in 1991 did not seem to change it. This is because KBC is controlled and funded by the state. There is lack of political will to reduce political interference at KBC[69]. Election observers in 2007 roundly criticised KBC for its bias against Prime Minister Odinga and partiality for President Kibaki[70].

Private media in Kenya face immense commercial and political pressure that could erode their editorial independence[71]. Media owners often curry favour with advertisers and sponsors of media products and services to secure or retain advertising contracts. For most media owners, commercial interests are more important than media independence[72]. Media owners directly interfere with editorial decisions to preserve and protect the interests of big-time advertisers and sponsors. Commercial interests also come from shareholders and strategic business partners.

The listing of NMG and SG on the Nairobi Stock Exchange puts a lot of pressure on senior managers to protect and preserve the business interests of shareholders and strategic partners.

Although media owners profess independence, the case is different in the real sense. Big spenders on advertising such as Safaricom, Kenya Revenue Authority (KRA) and East African Breweries Limited wield immense influence in media houses. They can influence the angle that news coverage will take. For example, it is almost impossible to see a negative story on the companies that spend heavily on advertising.

News coverage is geared towards protecting the interests of media owners. So the content is manipulated (to such an extent that sometimes it takes priority over objectivity in news coverage) to reflect political and commercial leanings. This undermines media independence.

68. See Marcel Rutten, Alamin Mazrui and Francois Grignon. 2001. Out for the count: The 1997 general elections and prospects for democracy in Kenya. Kampala: Fountain; and BBC World Service Trust policy Brief No. 1, 2008.
69. See BBC World Service Trust discussion on public broadcasting in Nairobi, October 2008.
70. See Kenya Election Domestic Observation Forum Report, 2008.
71. See BBC World Service Trust policy Brief No. 1. 2008. The Kenya 2007 elections and their aftermath: the role of media and communication.
72. See *www.fesmedia.org* for Africa Media Barometer Kenya; and International Research and Exchange Board. Media Sustainability Index: Kenya Media Rating, 2006-2007 at *www.irex.org*

There is a thin line between the interest of editors and owners in Kenya. Media owners in Kenya often delegate authority to senior editors to transact business and make industry decisions on their behalf. Under this arrangement, it is difficult to know the interests the editors serve when making critical decisions that could affect the independence of the media.

Table 6: Xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
i. There is a tendency towards media monopoly, concentration and cross-media ownership. Media owners oppose government intentions (Kenya Information and Communications Technology Policy, 2008) to limit cross-media ownership.
ii. Inadequate frequencies limit investment in TV sector.
iii. Lack of transparency in licensing and allocation of frequencies hinder ownership in the sector.
iv. Government hostility towards some media owners a disincentive to investors and confusing to owners.
v. Media owners with strong political affiliations tend to be politically co-opted and influence editorial policy.
vi. Stiff business competition creates disharmony among media owners.
vii. Media owners have undue influence over MCK through representation and financial clout.
viii. Small media investors represented by AMNET are not well integrated in MOA.
ix. Media owners guided by profit motive and ignore social responsibility roles.
x. Community ownership of media threatened by financial sustainability challenges.

Media owners tend to be politically co-opted by political parties. In the lead up to 2007 elections, media owners took sides and supported various political parties and candidates. NMG, Royal Media Services, Capital Group were perceived to support PNU and President Kibaki while Standard Group, Radio Umoja and Kass FM were perceived to support ODM and Prime Minister Odinga. While there is nothing wrong in endorsing a political party and candidate, it is unethical for media owners and their mouthpieces to do so without full public disclosure to their audiences.

Only S.K.Macharia of Royal Media came out publicly to declare his media's support of the 'Yes' side in the 2005 referendum on the Proposed New Constitution[73]. Endorsement of a party or candidate is not an excuse for biased and unfair coverage as witnessed on KBC and other mainstream media in 2007[74]. After the general elections, the NMG embarked on a strategy to correct these perceptions[75].

Politicians either own or have shareholding in most media in Kenya. During elections,

73. See Media Institute. 2008. "True Royalty" in Expression Today, October 2008.
74. See BBC World Service Trust's Policy Brief No. 1. The Kenyan 2007 Elections and their aftermath: the role of media and communication, 2008
75. See Media Institute's ET, June 2008.

politicians and political parties are sources of advertising and sponsorships. As such, media may curry favour to get advertising revenue or goodwill from supporters.

The Media Owners Association also wields a lot of influence in the sector. MOA often sets the agenda for issues affecting media independence and freedom. Recently, the media ridiculed the Director of Information for threatening to dissolve the MCK over the role of some media organizations in the post election violence. They were exerting their influence over rights for self-regulation. The government has repeatedly retreated on the regulation of cross-media ownership because of threats from MOA. The issue of cross-media ownership is conspicuously missing from the Kenya Communications Amendment Bill (2008), which is under debate in Parliament, because of opposition from MOA.

5.1 Problems facing media owners

The cost of doing business in the media sector is prohibitive. The high cost of newsprint reduced profitability in the print media, forcing newspapers and magazines to raise prices. Daily newspapers retail for Sh35 while weekend editions go for Sh40. The average Kenyan living below the poverty line cannot afford a newspaper. Kenya has a Gross National Income per capita of $1,470 and a two-digit inflation rate of 26 percent (GoK, 2008).

Government hostility towards media houses is legendary in Kenya. Armed security agents raided *The Standard* and KTN in March 2006[76] because they had "rattled a snake"[77]. First Lady Lucy Kibaki stormed the NMG's newsroom, harassed journalists and slapped TV cameraman Clifford Derrick Otieno in May 2005.

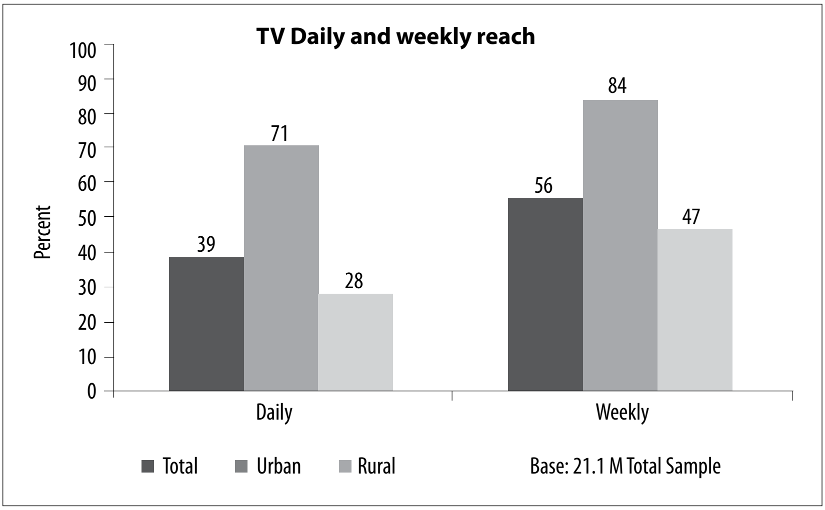
76. See CNN story at *www.cnn.com/2006/WORLD/africa/03/02/kenya.press/index.html*

77. When asked who raided the Standard Group offices, the then Minister for Provincial Administration and Internal Security, Mr John Michuki cynically replied "If you rattle a snake, prepare to be bitten". See The Standard and KTN, March 2008

6.0 Media consumer behavior and influence

Kenyan audiences are fragmented along the various media channels. Over 39 per cent of Kenyans watch TV, over 90 per cent listen to radio, 23 per cent read newspapers. Nearly 3 million use Internet services while over 14 million use mobile phones[78]. The advertising revenue for 2007 stood at about Sh17 billion. Over 3.2 million households have TV sets across the country. There are more TV viewers in urban centers than rural areas. Urban areas enjoy higher standards of living than rural areas and have better access to TV resources. Figure 17 summarizes the daily and weekly TV reach in Kenya.

Figure 17: TV reach in Kenya

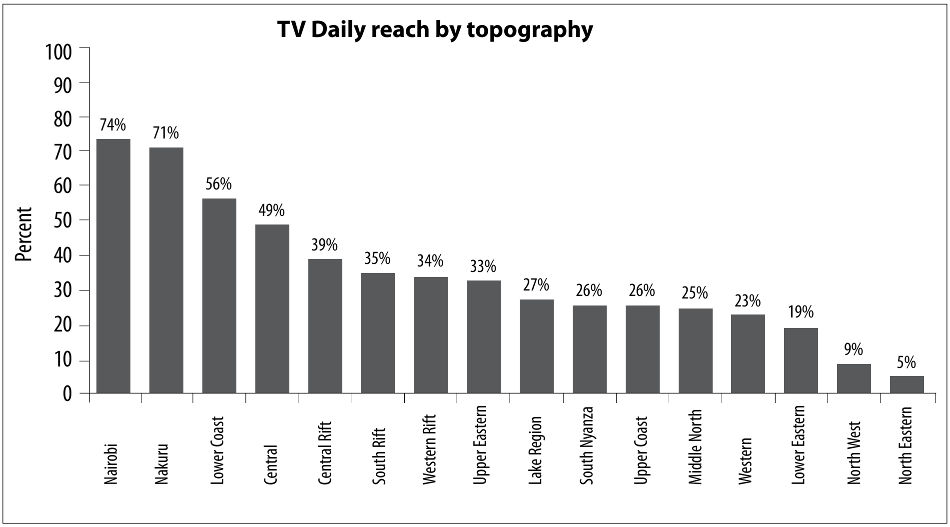


Source: Steadman Group, 2008

The figure shows that Nairobi, Nakuru and Mombasa have the highest daily TV viewership. These areas are the more urbanised areas of the country. As such, they have better access to TV resources than rural areas. Urban areas have wider TV coverage because access to electricity. Private TV stations such as NTV, KTN and Citizen TV were initially only allowed to broadcast to a restricted area around urban centres, but this is changing.

78. See Steadman Group. The Kenya Advertising Research Foundation Report, 2008

Figure 18: TV reach by region



Source: Steadman Group, 2008

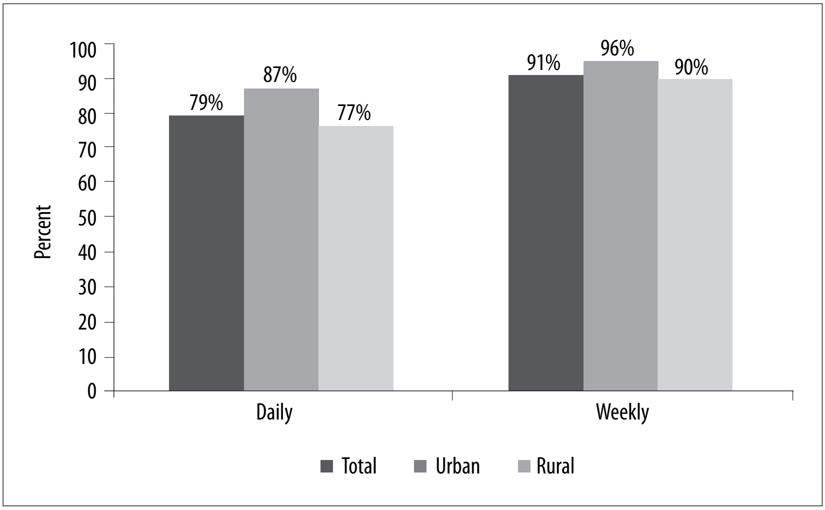
KBC TV has the highest TV reach nationally because of its widespread coverage area. KBC TV is the oldest TV network in the country and reaches all the regions. It reaches remote regions where most of the private TV networks do not reach. More people view TV during prime time especially during news bulletins.

The Steadman Group 2008 report also showed changing audience preferences across major TV stations in Nairobi on Mondays with NTV leading at 7 pm while Citizen TV leads at 8 pm and KTN is ahead at 9 pm. This is indicative, perhaps, of the strength of programme offers by the various TV stations. It is clear that TV viewers watch more than one channel at a time.

Figure 19: National radio reach

The figure shows that radio reach varies according to location of residences. Radio reaches over 79 per cent of the population, most of who are in urban centres. People in urban centres tend to have access to more than one radio set. They listen at home, in transit vehicles, offices and even in business premises. This may explain the high urban radio reach. Rural households are poor and do not enjoy similar levels of access to radio as urban ones.

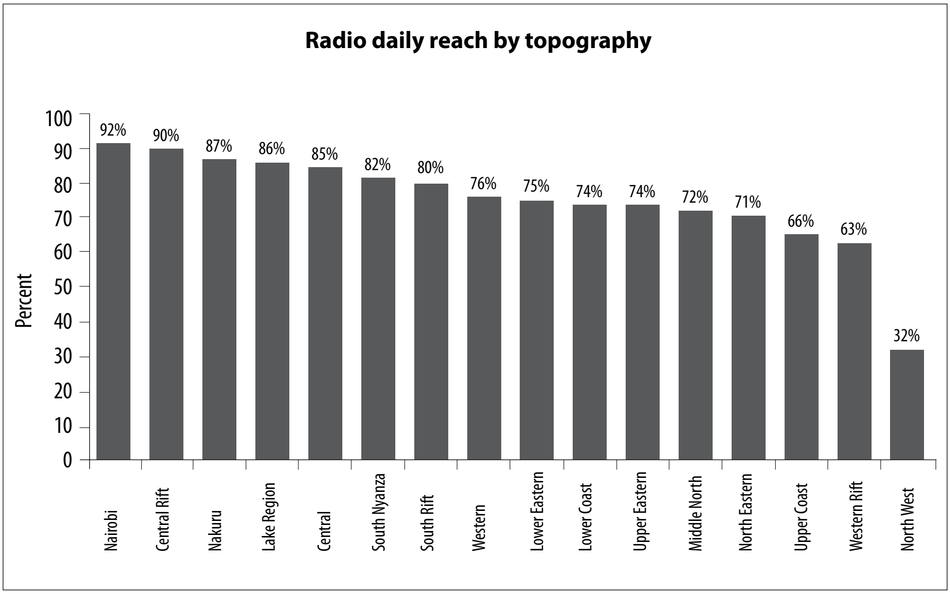
See BBC World Service Trust's Policy Brief No. 1. Peter Oriare's "Kenya's Legal Framework" in The Kenya 2007 Elections and their aftermath: the role of media and communication.



Source: Steadman Group, 2008

Figure 20: National radio reach by region

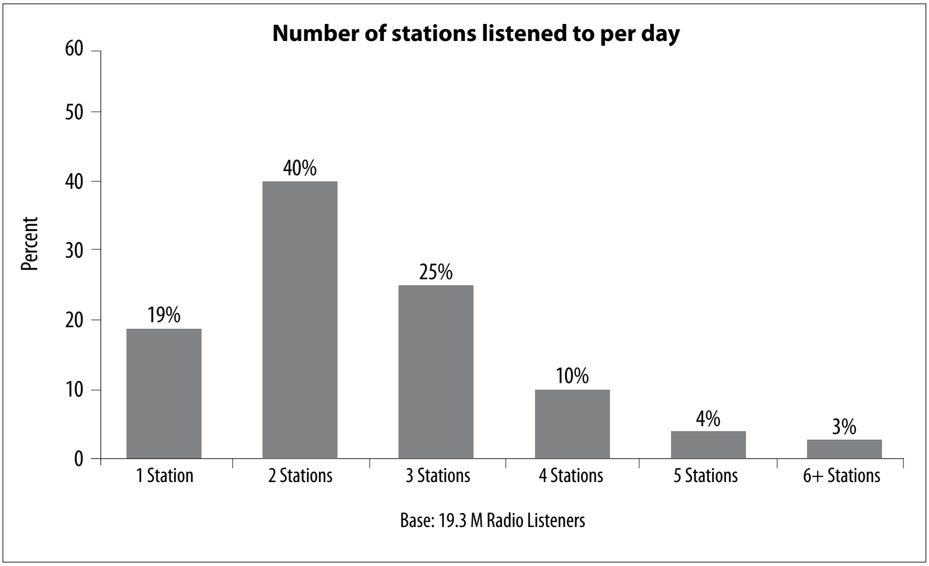
Radio reach is high across the country (from 60-92 per cent) with the exception of North West Kenya, which has less than 32 per cent reach. North West Kenya is a region characterized by poverty, difficult topography and low access to radio resources and telecommunication infrastructure. Figure 22 summarizes the trend in radio daily reaches by region.



Source: Steadman Group, 2008.

Figure 21: Radio listening habits

Kenyans tune in to more than two radio stations each day. Figure 21 indicates that Kenyans switch between stations to get their favourite programmes.



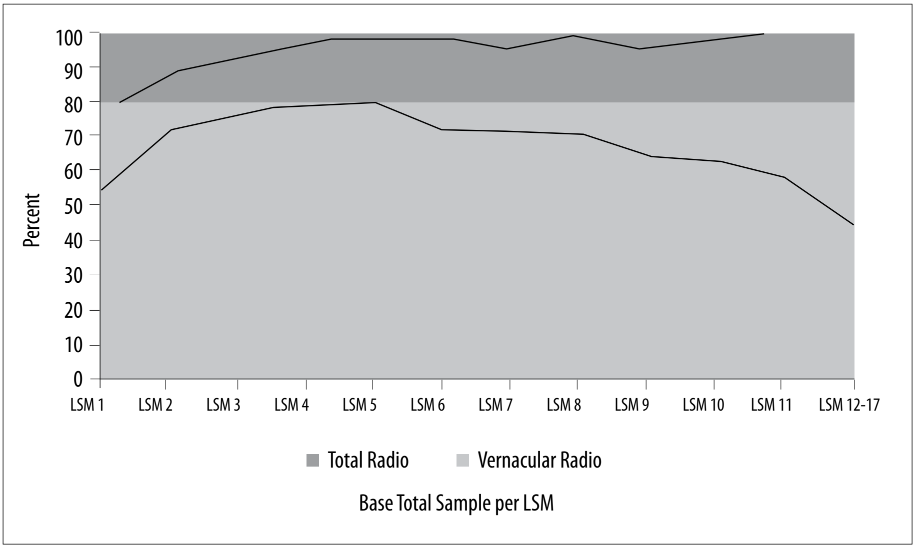
Source: Steadman Group, 2008.

The Steadman Group 2008 report examined changing viewership patterns across media. Radio Citizen was popular early in the morning up to 7 am on Mondays and was eclipsed by Classic FM from 8 am in Nairobi. The tendency among listeners to listen to more than two radio channels and preference for various channel offers, explained this behaviour. bi

Local language radio stations

More and more Kenyans are listening to local language radio. Previously, most Kenyans listened to Kiswahili broadcasts. Kiswahili is the official national language. About 68 per cent of radio listeners tune into local language radio stations – the majority (71 per cent) of who are youth aged 15-34 years. The local language radio stations have wide reach because they are many and spread across the nation. Therefore, their coverage area is wider than that of English and Kiswahili radio stations. They are popular because listeners identify more with the local languages and local events. Kenya has over 42 ethnic languages and all the major communities have their own ethnic language radio stations.

Incidence of listening to vernacular stations by LSMs



Source: Steadman Group, 2008

The popularity of ethnic language radio has led to growth in advertising revenue in the sector. Business interests in the sector continue to grow as investors position themselves to exploit the huge advertising revenue in the sector. They have created thousands of job and business opportunities.

The ethnic language radio stations have given erstwhile marginalized communities a voice to articulate and champion their interests. They contribute to national debate on critical national issues. Rural communities are now more aware about social, economic and political issues.

Local language radios contributed immensely to the high levels of political participation in 2007 elections by delivering civic education platforms. They also gave opportunities for listeners to discuss social and cultural issues and contributed towards cultural renaissance in the country.

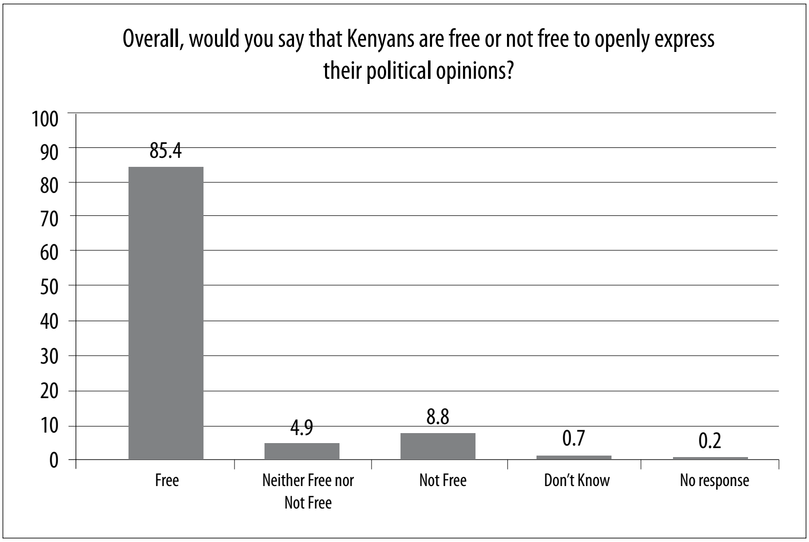
Unfortunately, politicians co-opted most the ethnic language radios to campaign for their political parties and themselves. This co-option took a tribal and regional twist and had a negative impact on the political environment. Generally, most ethnic radio stations perpetuated hate speech[79] and incited ethnic communities against each other. As a result, they fanned the embers of the fires of the post election violence[80].

79. See Kenya National Commission on Human Rights' Report on Post Election Violence, 2008.

80. See Commission of Inquiry on Post Election Violence Report, 2008.

Audience perceptions on media freedom and of the media in Kenya

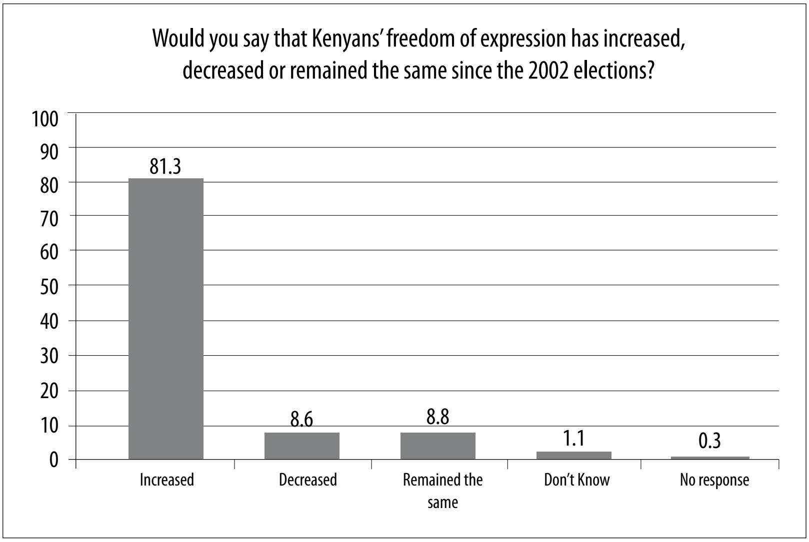
Figure 22: Perception in freedom of expression



Source: Strategic PR and Research Limited, 2007.

Figure 23: Trends in freedom of expression in Kenya

Figure 23 confirms that freedom of expression has improved since the retirement of former President Daniel arap Moi. The Moi era is known for its repressive media laws and harassment of journalists and the media[81].

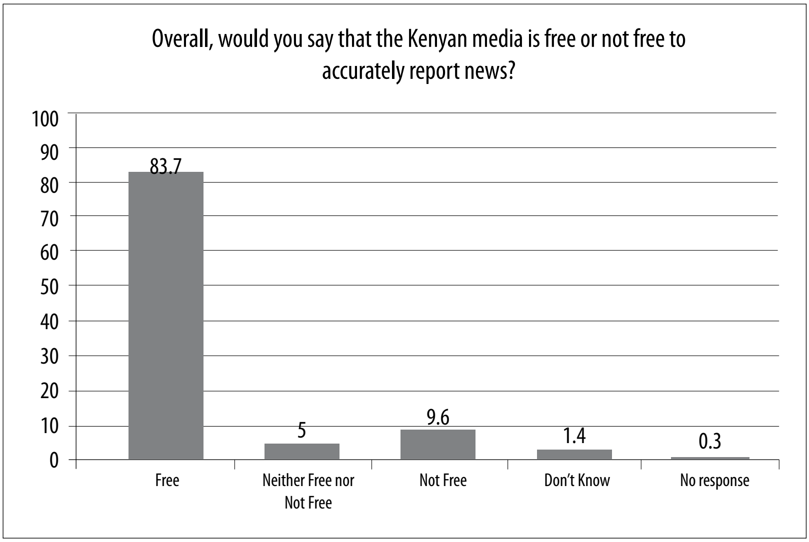


Source: Strategic PR and Research Limited, 2007.

81. See BBC World Service Trust's Policy Brief No. 1. Peter Oriare's "Kenya's Legal Framework" in The Kenya 2007 Elections and their aftermath: the role of media and communication.

Figure 24: Perception of level of media freedom

The figure shows that Kenyan media are free to accurately report news. Although private media in Kenya is independent of government, they face many political and commercial pressures[82]. The most glaring government interference with media took place on December 30, 2007 when live broadcasts were banned after the elections[83].



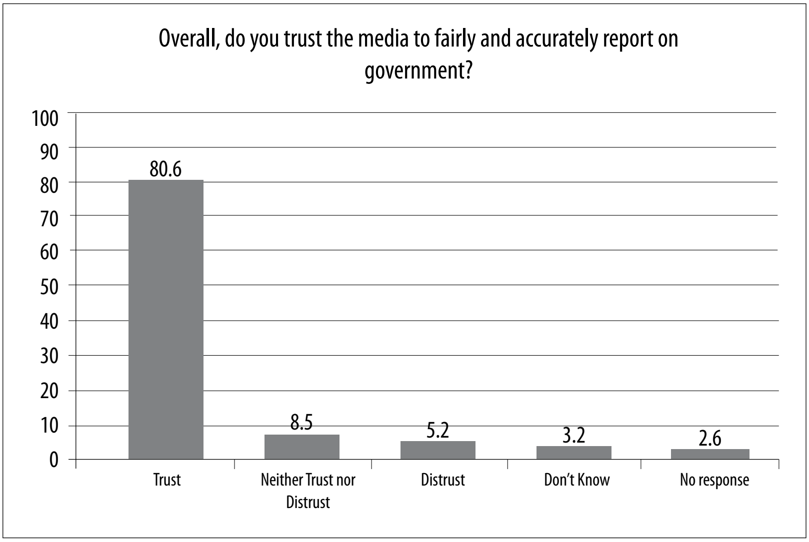
Source: Strategic PR and Research Limited, 2007.

Figure 25: Perceptions of trust of media

Figure 25 shows that Kenyan audiences trust media. In fact, they almost perceive media reports as "gospel truth". The majority of Kenyans are not media literate despite the fact that the national literacy rate is high at 85 per cent. This could explain why media had such a big effect on voters during the 2007 elections and its aftermath. However, the trust levels also vary with media houses. ODM supporters tended to trust the Standard newspapers and KTN among other ODM affiliated media, while PNU supporters trusted the Nation newspapers, NTV, Citizen TV, Kameme FM and other media affiliated to them.

82. See BBC World Service Trust Policy Brief No. 1. The Kenyan 2007 Elections and their aftermath: the role of media and communication.

83. See IRIN. Republic of Kenya: Humanitarian Country Profile. November 18th 2008



Source: Strategic PR and Research Limited, 2007.

Table 3: Key findings on audiences and media

i. Region, status, education, gender, tribe and age fragment Kenyan media audiences.
ii. Kenyan audiences have a diversity of media choices.
iii. Audience habits and patterns affect media behaviour.
iv. Audience gratifications affect media behaviour.
v. Kenyan audiences use radio most, followed by TV and newspapers.
vi. Kenyan audiences prefer ethnic language radio to English and Kiswahili radio stations.
vii. Kenyan audiences demand media that are loyal and satisfy their unique political susceptibilities and sensitivities. Media are under pressure to do what audiences want.
viii. Kenyan audiences trust media to report accurately on political issues.
ix. Kenyan audiences have low media literacy.
x. Kenyan audiences believe they are free to express themselves on critical issues.
xi. Kenyan audiences expose themselves to more than one channel and media in a day.
xii. Audiences change rapidly and transform their habits depending on gratifications and changes happening around them.
xiii. Kenyan media must quickly adapt to the needs of their audiences.

6.1 Market forces and influence on Kenyan media

The development of media is closely tied to the economic performance of the country. Until 2002, Kenya's economy was in decline. In 2002, Kenya's GDP dropped to 0.2 percent because of lack of direct foreign investment, suspension of donor funds, adverse weather conditions and bad governance. Low investment and growth in the media sector characterized the era before 2002. The economy rebound in 2003 and the GDP skyrocketed to 6.1 percent in 2007. The transport and communications sector grew by 10.6 percent, accounting for 9.6 percent of the GDP in 2006. The cumulative national tele-density increased from 19.3 percent in 2005/2006 period to 27.9 percent in 2006/2007 period[84]. Mobile telecommunications subscribers increased from 6.4 million in 2006, 9.3 percent in 2007 and 14 million in 2008[85]. The media has growth phenomenally during this period. Kenya has over 63 radio stations on air, 16 TV stations and over 13 newspapers[86]. There are over 600 websites and over 3 million internet users.

There are no special taxes imposed on media. The government levy for media is similar to that for other businesses. However, the 16 percent VAT on newsprint makes it difficult for publishers to break even[87].

84. SeeCCK. 2007. Annual Report 2006-2007.
85. See CCK. 2007. Annual Report 2006-2007; CCK, 2008 at *www.cck.go.ke*
86. See list of media in Kenya in annex
87. See International Research and Exchange Board's Media Sustainability Index 2006-2007: Kenya Media Ratings at http://www.irex.org/programs/MSI_Africa/2007/MSI07_kenya.pdf

7.0 The Media We Want

The debate on the Media Kenya Wants is part of a larger discourse on the Kenya We Want as a nation. Agenda 4 of the National Accord and Reconciliation Act 2008 contains the key tenets of the conversation over reforms such as the comprehensive constitutional review, police, judicial, parliamentary, civil service, land, employment, equity and youth reforms. Kenyans are desirous of nationally cohesive and integrated communities; a prosperous nation at peace with itself; good laws and properly functioning pubic institutions and responsible citizens. Media reforms that target the widening of the enjoyment of media freedoms and rights form part of the Agenda 4 reforms. The media came under scathing attacks and criticisms over its perceived negative role in 2007 elections that led to post election violence in 2007/2008. Kenyans desire media reforms not only because of their perceived failings to gratify specific audience needs but also because they are facilitative in nature; and have the potential to spur the growth of the culture of civic responsibility that is fundamental for properly functioning democracies.

The Media Kenya Wants mean different things to different people as individuals perceive information differently. Some argue want media to serve public interest while others who perceive media as instruments of power want media that serve sectarian interests. Therefore, the discussion hereunder does not pretend to offer unilateral and all embracing solutions to the Media Kenya Wants. However, the propositions, not prescriptions, being products of research and debates bringing many shades of opinions from all sectors of Kenya, are representative of the desires of a good number of Kenyans.

- Kenyans desire media that is guided by a common vision for the country—the tactics of how to get there, of course, may differ. Although Kenyans trust the media, they are often quick to point out that our media are fractious and polarize the country politically. However, the lack of unified vision in the media is perhaps indicative of the lack of shared common vision at the national level for the entire country. Since independence, our political leaders have failed to unite the country under commonly shared national philosophy and ethos. Therefore, it is foolhardy to expect media, which merely reflects what goes on in society, to have a common philosophical approach to journalism. Despite this, Kenyans seems to have the building blocks of the type of media they want.

- Kenyans want free, assertive and responsible media that would play effective roles in advancing democracy, human rights, good governance and socio-economic transformation of the Kenyan society. Such media would be instrumental as platforms for campaigning against the culture of impunity that is a key challenge to Kenya's political and socio-economic transformation. The public expectation is for media that are not slaves to bad laws and mechanisms set by government and their agencies. For this matter, the public want media friendly constitution that guarantees and protect media and journalists' freedoms and rights; pro-media laws such the freedom of information act and policy supported by a comprehensive media policy. At the same time, the public need is for media that are free from undue influences of media owners and shareholders who manipulate media for profit.

- In this regard, Kenyans desire a balance between laws that promote private enterprise in media and anti-competition laws that would carefully limit undue influence of ownership in the sector. Similarly, public expectation is for media that is self-reliant to the extent that they can withstand unfair strong arm tactics and blackmail by hostile advertising interests. The implication is that the advertising policies and mechanisms must protect media from rogue advertisers. This calls for the nurture of media literate audiences supported by media consumer lobbies that are capable of counteracting the negative influence of advertisers and business lobbies in the sector. Kenyans wish for media that have strong governance systems, structures and instruments that can rebuff the negative influence of rogue editors and senior journalists whose influences may be injurious to media freedom and public interest as was the case in 2007 political campaigns. Kenyan aspirations is for media that are not timid but those with moral authority to put pressure on those in and out of government to do what is right and good for the country.

- Kenyans want professionally run media that promote, respect and adhere to the fundamental principles and global standards of journalistic practice. Kenyans yearn for media that promote professional behavior in and out of newsrooms and respect the journalistic code of conduct with its 26 tenets or articles. Kenyans are desirous of media that would adhere to principles of accuracy, fairness, right of reply, good public taste, respect for confidentiality; privacy of individuals, and protection of rights and privileges of individuals among others. Kenyans also want media that would support efforts, either internal or external, to promote professional journalism in the country. Therefore, Kenyans require that media be run by trained media professionals (not DJs) held accountable by common standards of journalistic practice and codes of conduct. Kenyans support self-regulating mechanisms (Media Council of Kenya and professional associations) that promote professionalism in journalism in the country as well as proper training for journalists. The media must have internal regulating mechanisms to discipline errant journalists and editors as well as support professional media associations to ensure compliance with codes of conduct. Kenyans want media that support professional training of journalists either offering internships, mentorships, scholarships and capacity building for training institutions.

- They want media that would gather and provide accurate, fair, balanced and impartial information; education and entertainment content to all Kenyans. Based on the media and society and gratifications theories, media are social institutions that exist to satisfy social and psychological needs of people. The media cannot survive in any society unless it meets to a good measure the cognitive, affective, diversion, identity and social integrative needs of individuals. Dissatisfactions with media over the years until recently were because large sections of media did not fully satisfy these needs in large segments of the population. For a long time the media has been an urban phenomenon in Kenya where rural communities are underserved by media. Kenyans want media products and services available to rural and marginalized communities at a cost they can afford. This has been so because private media is market and profit driven and because of restrictive laws. The fast expansion of FM radio to rural communities broke the myth that rural communities do not make profitable markets. However, it is not just a matter of reach; the media must provide content that is appropriate and appeal to rural and marginalized communities. Indeed, local radio stations have proved popular across the country because of they satisfy the information, education and entertainment needs of the local communities.

- Kenyans want plural and diverse media that would promote diversity of opinions and respond to the diverse aspirations and expectations of the entire Kenyan population in terms of age, education, gender, social status, interests and ethnic backgrounds. For a long time KBC, the state broadcaster, never promoted diversity of political opinions and denied large sections of the country opportunity to get divergent views from competing interests. Liberalization of the air waves has improved the dissemination of divergent opinions across the country today. However, concentration of media ownership threatens continued diversification of competing voices. Kenyans want equitable media ownership that reflects the diverse mosaic of opinions and promote diverse views from Kenyan communities. The youth continue to raise concerns that mass media content does not address their fundamental desires and needs. Youth programming on television, radio and print continue to contain disproportionate superfluous issues premised on fashion and entertainment rather than socially and economically empowering content. Women want media that would promote gender equality and empowerment. Marginalized communities want media that would amplify their voices at regional and national levels.

- Most Kenyans appear to favour media that respect and operate under the principles of public interest and impartially, balance the competing interests, attention and susceptibilities of different audiences in Kenya. Of course the media as instruments of power and control, all over the world, serve partisan political, faith and even ethnic interests. However, Kenyans want media to principles of best practice and publicly declare and disclose such private or sectarian interests to inform decisions and choices by individuals accruing from their reportage. Even so, reportage of private or partisan interests must not obscure principles of fairness and balance. In any case, Kenyans desire media capable of making clear distinctions between public interest and private interests, case by case, in their reportage.

- They also want media that will promote a Kenyan identity and national cohesion within a global context. Proliferation of ethnic FM radio stations has enhanced ethnic nationalism and identities in Kenya as manifested in effects of post election violence in 2007/2008. As such, in a polarized political and ethnic context like ours, Kenyans are desirous of media that would celebrate both our unique identities and *Kenyanness*. Kenyans would like media that support, for instance, the work of the National Commission on Cohesion and Integration formed in 2009 after the post election violence. What Kenyans need are accountable ethnic language radios that are not politically captured, and promote neither hate speech, nor ethnic disharmony, as some did in 2007/2008.

- Kenyans long for media that is sensitive to the welfare of journalists by providing competitive working terms and conditions. Kenyans are yearning for political and institutional reforms as contained in Agenda 4 of the National Dialogue and Reconciliation 2008. Media reforms are part of these reforms. However, Kenyans also want the media to reform their internal working arrangements to offer better remuneration and terms of service for journalists. There is a correlation between low pay and poor working conditions in most media houses and corruption in media in Kenya. Kenyans need accountable and corruption-free media to selflessly champion the fight against corruption and impunity in the country. A corrupt media lacks the moral authority to fight corruption in high places and undermines its advocacy for institutional reforms.

- There is strong preference for an independent and assertive public service broadcaster that would discharge its mandate efficiently and impartially to all Kenyans without fear or favor. KBC, a victim of state and government manipulation and exploitation, is a state broadcaster rather than a public broadcaster as it should be. Many Kenyans crave for reforms at KBC that would protect it from state manipulation and exploitation.

- Kenyans aspire to have vibrant and accountable community multi-media platforms that would amplify the voices of local and marginalized communities on issues that affect them and promote development agenda. Kenyan audiences are dissatisfied with much of media content because they rarely satisfy their cognitive, affective, identity and social integrative needs. Community media are in a position to do so if government provides them with legal and business support systems to thrive and play this role.

- The popularity of local television programs like *Mother in Law, Tausi, Papa Shirandula* and *Cobra Squad* indicate that Kenyans want media that would promote development of local content and talent. There is need to undertake further research on applications and the financial viability of emerging local content industry in Kenya. This is a manifestation that Kenyans desire that private media to balance commercial interests and the cultural and development imperatives of the country.

8.0 Way Forward

The foregoing discussion has underlined critical issues that underlie media performance in Kenya. In defining a way forward, it is important however to take cognizance of the impact of a changing social context on the media. Questions regarding professionalism, lack of national policy framework as well as other structural concerns relating to the media may be explained better with such understanding. Most of the questions that have arisen as a result of thus study call for a rethinking process that should hopefully lead to a better appreciation of the place of media in our society.

The media in Kenya have been vulnerable because they have been operating in undefined, hostile and often changing political, social, economic, cultural and technological milieu since the colonial era. The numerous challenges discussed in this study—legal, professional, and market constraints are manifestations of these vulnerabilities that continue to inhibit development of professional behavior and practice in the sector.

Therefore, there is no one solution or prescription to the media's problems in Kenya. Despite this, Kenyan media, especially the mainstream commercial media, also have demonstrated great potential and capacity and resilience to survive in unfriendly and unchartered waters. Therefore, the foundations and building blocks of responsible media are in place albeit fragile. This calls for the development and implementation of multi-faceted and multi-layered strategies that address vulnerabilities and exploit existing strengths to realize the media Kenya wants.

- Generally, there is an urgent need to articulate an overarching media philosophy for the media system in Kenya. The government, media industry, media civil society and other key stakeholders should discourse on the media philosophy appropriate for our political, socio-economic, cultural and technological contexts. Agreeing on a philosophical approach will help Kenya to describe major media values that influence our media systems and operations; help define the attitudes of our media and how they approach political, economic, social, cultural and technological issues; and provide a conceptual framework for critical evaluation of media performance over time.

- Above all, the philosophical approach would enable Kenya to develop suitable laws and policies for media and nurture a visionary approach to media development in the country. It is not possible to develop media friendly laws and policies in the absence of a unified philosophical approach to our media system. Therefore, there is need for Kenyans to study the merits and demerits of various philosophical approaches namely authoritarian, libertarian, and social responsibility, socialist, democratic socialist and developmental approaches and pick one or a hybrid to model our media system after. The failure to have a common philosophical approach to media has led to present woes and false starts.

- Strengthening professionalism in the practice of journalism in Kenya through supporting of journalism training programmes, journalism associations and organizations is critical. Journalism training programmes are the seed beds of good journalists that would encourage professional behavior in the sector. Government and industry must develop common standards for journalism practice, for example, training curricular and examinations, minimum teaching aids and entry level for students. Capacity building for lecturers with PhD level of education in journalism and mass media is essential to improve the credibility of the offerings in the training institutions.

- Professional journalism associations play an important ventilating role in the industry. They act as agencies for nurturing professional behavior either through promotion of compliance to standards or discipline of errant members. There is an urgent need for government and industry to support the growth of professional journalism associations such as Kenya Journalism Association, Kenya Parliamentary Journalists Association, Kenya Correspondents Association, Kenya Editors Guild and the Association of Media Women in Kenya among others.

- Strengthening lobbying and advocacy for the repeal of all existing anti-media laws and the enactment of a media-friendly constitution and laws in Kenya is a key concern. There is need to intensify efforts to lobby for reviewing and ratification of a media-friendly Freedom of Information Bill, 2008, the Kenya Information and Communication (Amendment) Bill 2008 and amendments to the Media Act, 2007 among others.

- Capacity building for MCK as an effective and efficient regulator for journalism practice in Kenya would speed up the growth of professional behavior in the sector. There is need to strengthen MCK to develop industry guidelines on working conditions for journalists and monitor adherence to the working conditions of journalists. There is need to build the capacity of MCK to speedily register all media and compel them to support strategies for professionalizing journalism practice in Kenya. There is need to strengthen the MCK capacity to monitor media content and adherence to code of conduct for journalists. A review of the Media Act 2007 is a must to address the legal gaps that make it so ineffective as well as harmonizing it with the Kenya Information and Communication Act 2009. The Media Act 2007 was amended to provide for government funding to the Media Council, which has been effected with the Council getting some Kshs. 60 million in the supplementary estimates by June 2010. At the same time, its budgetary requirements were factored into the 2010/11 National Budget tabled before parliament on June 10, 2010 through the Ministry of Information and Communication.

- Capacity building for small media houses especially ethnic language radios and community radio stations to effectively handle interactive live broadcasts. Such training should target senior managers and producers. There is need to provide clear guidelines for monitoring hate speech and incitement in radio stations.

- There is need to strengthen peace journalism in Kenya and integrate conflict management and peace journalism in journalism training programs at university level as well in in-house training programs. Media houses should encourage journalism with unique Kenyan identity and image.

- Promotion of efforts that scrutinize media behavior is desirable. There is need to establish media watch and accountability programs and indexes. The media barometer, a periodic evaluation of media performance should be encouraged. There is need for a further study on corruption in the media.

- The government, industry and civil society should encourage the establishment of media consumer lobbies that can scrutinize media behavior and seek redress through MCK, courts of law or other commercial means. Citizen lobby groups would play important roles by conducting media literacy civic education for various audiences across the country.

- Support the use of media as platforms for promoting development in Kenya. There is need to support efforts that leverage civil society development programmes on the media. There is need to conduct periodic media monitoring of the coverage of development issues in the media. There should be a policy guideline on minimum development content for broadcasting media. This will reduce over emphasis put on music and entertainment oriented trivia programming. There is need to encourage media and civil society partnerships.

- Promote citizen media and journalism. There is need to strengthen efforts that exploit the potential of technological convergence to expand the diversity of information choices for local communities. The government should expand fibre optic cable capacity to rural areas so that it can support the development of vibrant media and information and knowledge sector in peri urban and rural communities.

- Encourage the media to embrace corporate social responsibility as a way of giving back to their audiences. There is need for media to promote media literacy among audiences. Media products and services are most useful to audiences when they know how to make informed decisions from them. The media industry through the Media Owners Association should also invest and tackle some of the problems discussed in this study as a matter of urgency.

- Encouragement of the development of local media content is urgent. This should be addressed at policy level by giving incentives for local media productions.