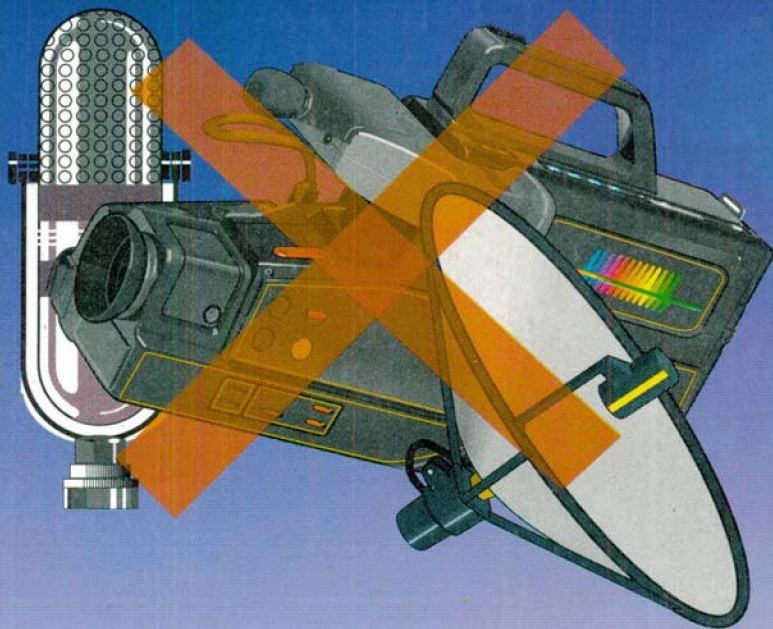


MEDIA CENSORSHIP IN A PLURAL CONTEXT

A Report on the Kenya Broadcasting Corporation



**Kenya Human Rights Commission & Article 19
1998**



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INTRODUCTION

A joint initiative of the Kenya Human Rights Commission and Article 19, the monitoring of the state owned Kenya Broadcasting Corporation (KBC) Radio and Television was part of a three-pronged “Elections 97 Project.” The other two components included a programmatic pre-election campaign for a level playing field and the monitoring of election-related violence in the country.

The campaign for a level playing field

This component could be described as the “activist” leg of the project. It included advocacy and mobilisation activities whose central objective was to raise public awareness of, and harness national support for, the constitutional reform movement in the country. In the process, KHRC, in conjunction with the Citizens Coalition for Constitutional Change (4Cs), was able to conduct several successful “awareness workshops” and “reform clinics” throughout the country between July and November, 1997. In some cases — as in the North Eastern Province — these workshops resulted in the formation of community-based organisational networks with a human rights and constitutional reform agenda emerging directly from reflections on local needs, priorities and experiences.

Part of the programme of the campaign component of the project was linked to the activities of the National Convention Executive Council (NCEC) where there was an obvious overlap of

goals and objectives. Sometimes this included the provision of logistical and financial support for the conferences of the National Convention Assembly and NCEC's public rallies nation-wide. Equally important, however, was a National Students' Conference which provided an excellent opportunity for students from tertiary institutions or learning to discuss ways of networking and organising with a view of shifting their location from the periphery to the centre of the constitutional and political reform process. In conjunction with Muslims for Human Rights, KHRC and 4Cs also organised a very well attended public lecture in Mombasa by the renowned political thinker, Professor Ali A. Mazrui on "Constitutional Reform in Africa: Kenya in a Comparative Context." Even more significantly, perhaps, the two organisations concluded the project with a national symposium on "The Media and Human Rights in Kenya" intended to explore the institutional potential and capacity of media houses to promote a human rights culture, in the broadest sense of the term, within a plural context. As it turned out, the performance of the Kenya Broadcasting Corporation became a major issue of focus and discussion throughout the symposium.¹

There is a sense, then, in which a number of activities of the campaign component served an important function as indirect media to fill a major gap in KBC's coverage in the pre-election period of providing civic education. The platforms also countered, inadvertently, the Corporation's pro-Kanu bias with a more balanced picture of the plural political terrain.

Unfortunately, what began as a relatively smooth process was suddenly derailed by the advent of the Inter-Party Parliamentary Group (IPPG) initiative. Hitherto, the Kanu government of Presi-

¹ *Sunday Nation*, February 22, 1998

dent Moi felt strongly besieged under popular reform pressures galvanised by the National Convention Assembly and its executive arm, the National Convention Executive Council. The launching and eventual “success”, from Kanu’s point of view, of the IPPG package restored the confidence of the regime, generating once again autocratic inclinations towards excessive control of the political space and attempted repression of alternative voices. As a result, our workshops were repeatedly disrupted either directly by local authorities or indirectly by political thugs seemingly in the employ of local Kanu hawks. By the end of October 1997, therefore, we had to abandon most of our workshops as they had become too dangerous for our facilitators, and concentrate on “safer” campaign activities.

As we shall see in the following pages, the IPPG negotiations impacted on the KBC in much the same way as it did on the state as a whole. Within weeks of the final agreement, KBC proceeded to violate the principles of equality and impartiality with virtual impunity as we approached the 1997 General Election.

The violence monitoring component

The 1992 General Election was marked with recurrent acts of politically motivated violence especially by the infamous “Youth for Kanu ‘92” group. It proved effective in evicting thousands of Kenyans from their homes, as well as keeping people away from registering and voting. For the 1997 General Election, therefore, the Kenya Human Rights Commission established a unit with the aim of

monitoring the use of violence as an election weapon. The unit had trained monitors stationed in various violence-prone areas of the country who sent weekly field reports to our main offices in Nairobi.

As in the 1992 election period, the KBC was usually silent on the many incidents of political violence that flared up in several spots throughout the nation in the 1997 election period. Indeed, in its objective to intimidate, the violence was itself complementing the KBC, serving as an instrument of censorship against free expression, instilling fear in dissenting voices and interfering with the exercise of free choice in the electoral process. The Kenya Human Rights Commission thus decided to compile its field data into analytical reports which, by making the public as well as local and international organisations more aware of the phenomenon, would hopefully serve as a source of pressure against this emergent “culture of violence” in Kenya’s political space.

The Commission has so far produced a comprehensive report on the pre-election violence at the Coast entitled *Kayas of Deprivation, Kayas of Blood: Violence, Ethnicity and the State in Coastal Kenya*. A supplementary report on the effects of the violence on the election process and the post-election situation in the area has also been published under the title *Kayas Revisited: A Post-Election Balance Sheet*. Forthcoming are reports on the state of violence in the nation as a whole for the entire election period, and the 1998 post-election violence in Laikipia and Nakuru districts. All these reports will serve as a permanent complementary record to the more established media coverage of this bloody chapter of Kenya’s post-colonial history.

The media monitoring component

One of the most effective instruments of political campaign used by Kanu in the 1992 election period was, in fact, the state owned KBC Radio and Television. It effectively popularised Kanu and sought to discredit and, at times, even demonise the Opposition. And it is against this backdrop that, in conjunction with Article 19, the Kenya Human Rights Commission launched the media monitoring component of the "Elections '97 Project". The unit concentrated on documenting KBC's coverage of news, news commentaries, documentaries, and press conferences for the six months' period leading to the 1997 General Election, and the month immediately after the polling exercise. Its primary goal was to observe and assess the impartiality and independence of KBC's coverage of the various political party issues and events, both in scope and substance.

The unit had a total of fifteen monitors who worked in four hourly shifts. A total of sixteen hours were monitored daily from 7.00 am to 11.00 pm, except during the polling period when monitoring became a 24-hour exercise. Normally the monitoring covered all of KBC's stations: KBC Television, Radio National Service (aired in Kiswahili), Radio General Service (in English), as well as Central, Western and Eastern broadcasts in local languages.

The monitors focused on news features and news commentaries as well as documentaries that had a political bearing. They also viewed alternative broadcasts, particularly the Kenya Television Network (KTN) for comparative and control purposes. Beyond that, the monitors read national print media, including the *Nation*, the *East African Standard*, the *Kenya Times* and the *People*

for additional information.

The focus on KBC to the exclusion of other media sources of information was based on two considerations. First, KBC is the only broadcasting station that is supported directly by the Kenyan tax-payer. In principle, therefore, its coverage ought to represent the heterogeneity of views and interests manifest in the plural society from which it receives much of its financial resources. Secondly, KBC is required by law, under the provisions of the Kenya Broadcasting Corporation (KBC) Act to provide independent and impartial broadcasting services. These two requirements and expectations do not apply to privately owned media, whether belonging to corporate bodies, like the *Nation* group of newspapers, to political parties, like the *Kenya Times*, or to individuals, like the *People* or Stellavision, except in a moral sense related to the principle of ethical journalism.

The problem of media bias becomes even more acute when we consider how widely spread the radio is in Kenya. Based on data from a 1994 survey of KBC's marketing department, it is claimed that there are approximately six million radio sets and six hundred thousand television sets in the country.² These figures give us an approximate ratio of one radio set per every five Kenyans, with each set serving several people at the same time. It is quite conceivable, therefore, that as much as 70 to 80 percent of Kenya's demographic space is covered by KBC radio. Against the backdrop of Kenya's high rate of illiteracy, especially in the rural areas, therefore, the pervasiveness of the radio renders KBC a highly potent instrument of information and propaganda, and a large section of the country's population captive to its messages.

² Kibisu Kabatesi, "Sound and Vision," *Daily Nation*, May 15, 1995

With the objective of transforming KBC into the independent and impartial broadcasting agency it is required to be, results of the monitoring exercise were compiled into monthly reports, under the general title of *Media Watch*, which were disseminated to a broad spectrum of individuals and organisations in Kenya and abroad. Furthermore, about six weeks before polling, a weekly summary report, the *Weekly Flash*, was also launched to intensify the campaign for fair and impartial coverage on the part of KBC. In each of these reports we made some specific recommendations. Short term recommendations specifically pegged to the elections included:

1. Suspension of the services of the Presidential Press Service which seemed to have had the final authority on much of the KBC coverage of presidential functions and events to the great disadvantage of other presidential candidates.
2. Putting KBC under a caretaker management made up of seasoned journalists of integrity to ensure suitable operations in the run up to, and during, the general election.
3. Retraining KBC journalists and managers, and resocialising them in the virtues of fairness, independence, impartiality, and accuracy with specific regard to the election process.
4. Allocation of free and equal airtime to all political parties throughout the campaign period.
5. Granting free airtime to civic education initiatives by relevant non-governmental organisations operating in the country to raise public awareness on the importance of voting, the mechanics involved, the significance each vote plays in shaping the future of the nation, and so forth.

All these specific recommendations were in conformity with the general spirit of the proposal of the IPPG Committee on Consti-

tutional, Legal and Administrative Reforms that the Corporation “keep a fair balance in all respects in allocation of broadcasting hours as between different political parties.” But by the end of the election period, neither the broad agreement of the IPPG nor the specific recommendations detailed in our reports had any noticeable impact on the KBC. Even the Inter-Party Committee that was established on November 21, 1997, to assist the Electoral Commission and the KBC to set the parameters for and to monitor the airtime allocation to political parties in the run up to the December 29 Election, did not make a dent on KBC’s operations. KBC’s commitment to Kanu and President Moi seemed unshakable!

Among the long-term recommendations with intended effects beyond the electoral exercise, on the other hand, were:

1. Reviewing and repeal of all laws restricting the freedom of the media, and amendment of the Kenya Broadcasting Corporation (KBC) Act to sanction a more independent board and management.
2. Re-examination of the Kenya Posts and Telecommunications Corporation (KP&TC) Act that deals with the technical procedures for licence allocation to ensure that licences are granted on merit and not on the basis of political considerations. In particular, the law should allow greater competition in the broadcasting field.
3. Reducing KBC’s dependence on the Kenya News Agency (KNA) for its information and establishing a more diverse news gathering network of local and international suppliers. Like the KBC, the KNA is government-controlled and censors and vets all incoming news, especially the kind of information that is critical of the government or of Kanu, resulting

in products that lack credibility and news value.

4. Seeking greater financial independence from the government by raising funds from commercial activities to support its broadcasting operations.

As the evidence in this report demonstrates, these recommendations continue to be valid for the post-election period and are particularly crucial in setting the stage for a more level playing field for the next round of Kenya's General Election. But obviously, the recommendations also require review and reprocessing as part of the broader agenda of the comprehensive constitutional reform movement.

This can be regarded as the final report of the media monitoring component of our "Elections '97 Project". It differs from earlier reports, first, in its comprehensiveness, covering the entire period of the monitoring exercise, from July 1997 to January 1998. Secondly, it provides a broader historical context, stretching from the mono-party era since the enactment of the KBC Act in 1989, through the multiparty era following the repeal of Section 2A, to the 1992 General Election and its aftermath of struggle for a level playing field. This is a historical context which is crucial to our assessment of KBC's strengths and weaknesses, and its capacity for change towards a more independent and impartial broadcasting agency.

Finally, unlike all previous reports, this final report uses not the month as a frame of analysis, but the political phase. The entire election period, from July 1997 to January 1998, has been divided into seven inter-related phases corresponding to certain dynamics of the 1997 electoral politics. This approach has allowed us to better contextualise, politically, the fluctuations in KBC's coverage of Kanu and its presidential candidate vis-à-vis the opposition parties

and their respective presidential candidates. The report, however, also makes note of crucial intra-phasal differences which may be relevant to our understanding of KBC's "media psychology" within the broader political context of its existence and operations.

THE KENYA BROADCASTING CORPORATION: A Background

The Kenya Broadcasting Corporation Act came into effect in February 1989, creating a broadcasting authority that replaced the Voice of Kenya which had hitherto operated under the Kenya Broadcasting Corporation (Nationalisation) Act of 1967. VoK was a product of the nationalisation of the colonial Kenya Broadcasting Service (KBS), and operated as a Government department under the Ministry of Information and Broadcasting. The KBC Act created a parastatal out of VOK, making the Kenya Broadcasting Corporation largely a commercial entity but with certain powers in law derived primarily from its relationship with the political establishment.

At the time of the enactment of the KBC Act, Kenya was deeply steeped in a monolithic political management style, with absolute power not only being centred around a single party, but even more so around an individual and his close associates. Dissenting voices were often categorised with Mwakenya, a clandestine pro-democracy organisation, and hundreds of dissidents were arrested, tortured and imprisoned in a dubious trial process.³ University students and lecturers bore the brunt of the crackdown, and many of them were arrested and charged in court while others were detained without trial.

The country moved from a *de facto* to a *de jure* single party state in 1982 when Jaramogi Oginga Odinga tried to register the Kenya Socialist Party. He was subsequently detained, and Section 2(A) was enacted, decreeing that there shall be only one party in

³ For more details see, *Africa Watch. Kenya: Taking Liberties*, 1993

the country, Kanu. For the next 10 years, therefore, multiparty democracy ceased to be an option for the people of Kenya. Lone voices such as that of Odinga could be faintly heard persisting in the call for the registration of alternative political parties, but this sounded impossible, irrelevant and even suicidal. Most of the anti-Government activities remained largely underground.

At the same time, the economy was in dire straits, with the shilling having dropped by over 300 per cent in the 10 years of President Moi's rule. The State was finding it increasingly difficult to sustain its propaganda organ, VoK, largely from its own resources, especially at a time when it was under pressure from the World Bank, the International Monetary Fund and other donor institutions to liberalise the economy. Transforming the media unit from a Government agency to a parastatal, therefore, allowed the State to widen the financial resource base for KBC while continuing to exercise its monopoly over it.

The KBC Act came into being with little debate both in and out of Parliament. Yet this was a vital piece of legislation that not only sought to regulate the activities of the KBC as a broadcasting station, but also gave the corporation wide-ranging powers to control many aspects of broadcasting activities.

For example, Section 2(1) of the Act gives the Corporation "The power for the control of receiving sets for wireless and television broadcasts, and for the licensing of dealers in and repairers of such sets." To emphasise the corporation's authority, the Act decrees that "No dealer or repairer shall carry on trade or business unless he holds a valid dealer's or repairer's license." The authority's control extends to the living rooms of owners of television sets to the extent that they are required to have KBC permits for the

sets. Section 26 says "No person shall be in possession of a set unless he is also in possession of a permit relating to that set." This means the Corporation was intended to receive substantial revenue from the public in terms of permit fees, among other commercial activities. Power, revenue, and little responsibility.

One of the few "responsibility" clauses in the law requires the Corporation to "Provide independent and impartial broadcasting services of information, education and entertainment, in English and Kiswahili and in such other languages as the Corporation may decide." The Corporation is also required to conduct the broadcasting services "with impartial attention to the interests and susceptibilities of the different communities in Kenya." Yet both these provisions are immediately diluted by the exclusive control that the Government has over the directorship and management of KBC. The Chairperson of the Board of Directors is a presidential appointee and the remaining eleven members are all civil servants appointed by the Minister of Information and Broadcasting (Section 4). The Government may even second civil servants to the corporation at any time it deems fit to do so (Section 16 (1) and 16 (2)). While it is true that a government-appointed body, if composed of people of integrity, need not be necessarily partisan, there is not in Kenya a political culture that can readily sustain the delinking of government appointments from government interests. Invariably, therefore, government appointees end up owing their allegiance to the political establishment.

Government control of the electronic media established by the KBC Act is complemented by the provisions of the Kenya Posts and Telecommunications Corporation (KP&TC) Act. This is the Act that ensures government monopoly in electronic media. Section

86 (2) of the Act puts the responsibility of licensing radio communication stations, installation of broadcasting equipment and facilities, and the determination of their location in the country, directly under the control of the corporation. These are provisions that have been effectively used to limit competition as well as to silence alternative voices in the electronic media scene.

The problem of Government control in a plural society is further aggravated by the relationship between it (the government) and the ruling party. The KBC Act came into being at a time when Kanu, the Government and the broadcasting station were inseparable. This link was aptly illustrated by the signature tune for the station's radio news bulletins, which was an adaptation of *Kanu Yajenga Nchi* (Kanu is building the Nation), the party's anthem. This preceded every news bulletin in virtually all the services.

This was the season of patriotic music, and numerous praise songs that described the magnanimity, courage and the eternal wisdom of the President were aired several times a day, every day, on both radio and television. And the practice was enforced with frightening efficiency. When a *Nation* journalist, Joseph Odindo, commented on the praise songs in a satirical piece in his radio and television review column, the matter became an issue in Parliament where a chorus of condemnation was sounded by indignant MPs.⁴

Another aspect of broadcasting at this time was the widely held view that radio and television coverage, like votes and campaign promises, belonged exclusively to politicians. Presidential events took the pride of place in every news bulletin. While this is still the case today, in the pre-1992 days, the presidential events took as much as 15 minutes in a 25-minute bulletin.⁵ The clips for

⁴ Interview with Joseph Odindo, February 24, 1998

⁵ Ibid

the Presidential news came directly from the State House-based Presidential Press Unit (these days known as the Presidential Press Service), and the editors at Broadcasting House were obliged to run it in its entirety. Most of the presidential events were covered live, sometimes on both radio and television. Many were the instances when important programmes were shoved aside for several hours to allow live telecasts of the President at the Nairobi International Show or at the University of Nairobi officiating at a lengthy graduation ceremony.

Few things epitomised the folly of the preoccupation with the person, rather than the event, as the determinant of an item's news value than KBC's treatment of Nelson Mandela's release from prison. The world had waited with bated breath for days on end to see how Mandela would look after 27 years behind bars, years when no photographs of the man had been seen by the outside world. Cartoonists in many places were outdoing themselves with anxious portraits of how they imagined Mandela would look, an exercise which only heightened the anxiety of audiences across the world. So what was KBC TV's lead item in their news bulletin that day? The President at church, the perennial Number One item, with nothing more happening than the singing of hymns and the sermon from a regular preacher! And that historic footage of Mandela walking out of prison with his defiant fist punching the air to the chant of *Amandla!* was delayed for 10 minutes!

After Presidential reports over the KBC of those days always came a chronology of ministers' utterances and a dreary account of routine work by administration officials. A combination of ineptitude and political brow-beating made the KBC news programmes particularly dry of inspiration. Joseph Odindo captured

this scenario candidly in a radio and television review: “Not a thought goes into a report’s news value, not a care for the dozens of viewers eagerly waiting to be informed and entertained. The Minister said Kenya was a developing country. He urged pupils to attend schools regularly. He said fire was dangerous and could burn you if you handled it carelessly . . .”⁶

The end result of this media trend was that Kenyans learnt to ignore local bulletins and tune out to external broadcasting services for news. British Broadcasting Corporation (BBC), Radio Cologne, Radio Deutsche Welle, Voice of America, and nearer home Radio Dar es Salaam became the darlings of Kenyan listeners. Out there was the “external” space that the *wananchi*, both rural and urban, turned to for a variety of information, from reports of starving compatriots to speculation on political intrigues and sports, events that were taking place right in the “backyards” of their national home.

KBC after the repeal of Section 2(A)

Far from solidifying the “culture of fear and silence” that the State had managed to establish over the years, however, the increasing Government repression only succeeded in reawakening the spirit of dissent and resistance. By the middle of 1990 the local movement for political pluralism was in full swing, further inspired as it were by similar developments in other parts of Africa and in Eastern Europe, and receiving additional support from mounting international pressure on the Moi-Kanu regime.

⁶ *Daily Nation*, October 16, 1984

Leading politicians such as Kenneth Matiba and Charles Rubia had come out to openly campaign for pluralism, joining stalwarts Oginga Odinga, James Orengo, Martin Shikuku and others. In the process both Matiba and Rubia were arrested and detained under the provisions of the Preservation of Public Security Act. But the momentum continued, culminating in the *Saba Saba* rally that was called at the historic Kamukunji grounds in Nairobi on July 7, 1990. The Government brutally broke up the rally, arresting scores of pro-democracy politicians and ordinary Kenyans. A number of people were killed in the ensuing battle with the police; but the agitation for change continued, this time organised around the broad-based Forum for the Restoration of Democracy (FORD).

By the end of 1991 the Government could no longer hold the tide of change, and was forced to capitulate to the popular momentum for democracy by repealing Section 2(A) which had mandated a one party polity. With this development began the formation of several opposition political parties, prominent among which were FORD, which later split into FORD Asili and FORD Kenya, and the Democratic Party of Kenya.

This birth of multi-partyism brought along many promises, among them that KBC would shed its partisan cloak, reconceptualise “impartiality” as fairness to individuals as well as to different political entities and redeem itself from the shackles of sycophancy that for years defined its operations. Initially, there were signs of hope. The Kanu signature tune disappeared from the news bulletins and the praise songs, including a particularly flattering one that talked of Moi “roaring like a lion,” were no longer heard on radio or television.

Amid the din of noise from Opposition politicians, the live

coverage of Presidential events was also reduced and his share of airtime during news went down slightly, though not the permanent position as the No. 1 item. Now he was probably getting a paltry five minutes, on average, down from 15. Little else changed. Kanu events got the pride of place on the broadcasts and what Opposition politicians said and did was ignored. Unless, of course, they were tearing at each other.

KBC and the 1992 General Election

By the time of the 1992 multi-party elections, KBC had changed the signature tune for its news bulletins, but not the content nor the perspective. However, dissatisfaction with its behaviour was rising; the Opposition was clamouring for more positive coverage and fewer insults. Ford Kenya leader Jaramogi Oginga Odinga, along with the Democratic Party of Kenya's Mwai Kibaki, took the clamour beyond the rostrums and went to court, asking that KBC be compelled to give equal air time to all presidential candidates. They accused the station of airing provocative songs and other biased coverage against the Opposition. Some members of the civic community, notably Professor G.M. Sande of the Professionals' Committee for Democratic Change, threatened to also go to court unless equal air-time was allocated to all political parties. He demanded an air-time sharing schedule.

Odinga's and Kibaki's suits, in which President Moi, Kanu and the Attorney-General were named as respondents, were dismissed by the High Court.⁷ As for Professor Sande's threat, the

⁷ *Sunday Nation*, March 7, 1993

then Information Minister, Burudi Nabwera, promised that all presidential candidates would get equal news coverage “including live coverage where possible.” It did not happen, and even as many Opposition politicians counted their losses in the December 1992 elections, they were blaming KBC for their performance. Presidential events were getting saturation coverage and in some instances “news” of his proposed rallies would be lead items for days on end.

What compounded the situation was the fact that by this time, Kenya Television Network had already come onto the scene with a style of news presentation that demonstrated to Kenyans the potential of television as an “independent” news medium. However, the owners of KTN, the selfsame people who controlled Government media, were getting impatient with their inability to rein in journalists and tightly control the news that came out of it. A news editor had already been dismissed for allowing a story to be aired that announced the resignation of Mwai Kibaki from the Government and the formation of the Democratic Party of Kenya.⁸

After the 1992 elections, a frustrated management seemed to say that if it could not tightly control what came out the KTN news, then it would altogether scrap the programme. Chairman Jared Kangwana went ahead and scrapped local news, saying it had been realised that local events were being sufficiently covered by KBC and the print media, thus making their own participation in the exercise unnecessary. In actual fact, what had infuriated the station’s owners was a lead report in news that carried generous footage of FORD Asili chairman Kenneth Matiba issuing an ultimatum to the State over ethnic violence that had hit many parts of the country, particularly the Rift Valley Province. The decision was rescinded a

⁸ *Daily Nation*, Jan 16 & 17, 1992

few days and thousands of complaints later, but not before the unrelenting determination of the ruling party to control the airwaves had been demonstrated.⁹

Threatened, for the first time, by the politics of opposition, therefore, the Moi-Kanu regime used the KBC even more decisively as its campaign organ. The quality and quantity of pro-government, or pro-Kanu, content in the broadcasts continued, while virtually all references to Opposition parties and politicians was negative. The principle of impartiality that was even a greater imperative now in the multi-party context became more and more estranged from KBC's journalistic practices.

KBC and the struggle for a level playing field

With Kanu back in power and the voice of the Opposition weakening badly as a result of the incessant bickering within the parties, there was little happening towards changing KBC. In fact, the Government, having seen the "damage" an unfettered Press can cause, particularly the free-wheeling alternative press that criticised and campaigned against Kanu vigorously in 1992, appeared determined to control through legislation the operations of all media practitioners. Thus came the proposed Press Bills which, among other things, created a regulatory commission empowered to license and discipline individual journalists as well as media institutions.¹⁰

Reaction to the proposed law was fast and furious, and the Government retreated. At the same time, agitation for freeing the

⁹ *Daily Nation*, March 16, 1992

¹⁰ *Daily Nation*, June 12, 1995

airwaves was mounting, with some applicants for broadcasting licenses such as Samuel Macharia's Royal Media Services going to court to argue that their constitutional rights were being denied by the Government's continued refusal to grant them the licence.¹¹

Across the border in Uganda and Tanzania, the waves were being liberalised more generously. By February 1994, for example, three private broadcasting stations - one radio and two television - had been licensed in Tanzania. In Uganda, three radio and two TV licences had been granted to the private sector by the Uganda Investment Authority. The liberalisation had been preceded by the creation of institutions that worked to facilitate the spread and operations of private broadcasting entities.

In Dar es Salaam, the Tanzania Broadcasting Commission was set up in 1993 to oversee the establishment of private stations. This followed the enactment of the Broadcasting Services Act in March 1993, giving the Commission authority to consider and issue licences.

In Kenya, control of the air waves was still in the hands of the Government. When this control was slightly loosened in June 1994, it was to allow Cable Television Network (CTN), said to be owned by Australian business people, to begin operations. This was the first indication that the Government would allow private individuals to compete with the Government-owned KBC and the Kanu-linked Kenya Television Network. The *Sunday Nation*, while embracing the news of the licensing of the new station, said in its editorial that the Government should set up a board, "such as the one in Tanzania, to look at, supervise and regulate the establishment of private radio stations in the country." Declaring the Nation Group's own

¹¹ *Shackled Messengers: the media in multiparty Kenya*, KHRC, 1997 p. 27

interest in the electronic media business, the editorial said "several organisations, among them the National Council of Churches of Kenya (NCCCK), the proprietors of Royal Credit Limited, Mr Matiba and the Democratic Party of Kenya, have also shown interest in setting up private or independent radio stations."¹²

By this time, a task force reviewing press laws had been set up and had already been at work for close to a year. The task force was expected to produce guidelines on such broad areas as defamation and libel, media licensing and journalistic ethics and principles. But the potential benefits of the substantial work being put in by the well-constituted committee was being constantly eroded by such Government pronouncements as Information Minister Johnstone Makau's that independent electronic media would not be licensed, the recommendations of the task force notwithstanding.¹³

Subsequently, a number of new licenses were issued, both to radio and television stations. Hilary Ng'weno's Stellavision got its license, and so did a private FM station and a few offshoots from KBC, and finally, Royal Media Services, in a battle that was taken out of court and settled in what observers saw as a political compromise. Mr Macharia changed his previously vigorous anti-Government tune and joined a group of wealthy businessmen and technocrats who went around Central Province campaigning for Kanu under an organisation called Central Province Development Support Group, also named Kikuyu Elites.¹⁴ This meant that all the new stations were owned by people known to be sympathetic to Kanu. The net effect was that while the entertainment content of

¹² *Sunday Nation*, June 12, 1994

¹³ *Shackled Messengers: the media in multiparty Kenya*, KHRC, 1997 p. 27

¹⁴ *Shackled Messengers: the media in multiparty Kenya*, KHRC, 1997 p.29

Kenyan broadcasting was changing dramatically for the better, the political content was still restricted in scope and quality.

Meanwhile, KBC was changing little. This was a period of heightened agitation for a level playing field in the political arena. The crusade, with the civic sector at the forefront, was gathering momentum with the rallying cry being minimum constitutional and administrative changes before the elections. The National Convention Executive Council (NCEC), through a series of high profile activities such as holding well-publicised rallies for which they refused to apply for permits, had managed to make constitutional change a leading item on the nation's political agenda. The leveling of the playing field was seen as a prerequisite for fair elections, and central to this leveling was the enforcement of fairness on the part of KBC.

What were some of the political developments relevant to the KBC that were precipitated by this campaign for a level playing field? And how did the KBC respond to those developments? This is the subject matter of the following section to which we must now turn.

THE KBC AND THE 1997 GENERAL ELECTION

The Media Monitoring project of the Kenya Human Rights Commission and Article 19 was launched at a time of an intense campaign for reforms towards a level playing field in the electoral process. This struggle was characterised by all kinds of maneuverings and shifting alliances, as individuals and groups sought to strategically position themselves in the arena of contest for political power in the run up to the 1997 General Election. These shifts, in turn, influenced and, perhaps more indirectly, were influenced by, the KBC media coverage of events and processes in the country. And it is on this interplay between the media and politics in the 1997 election period that this section of the report will focus.

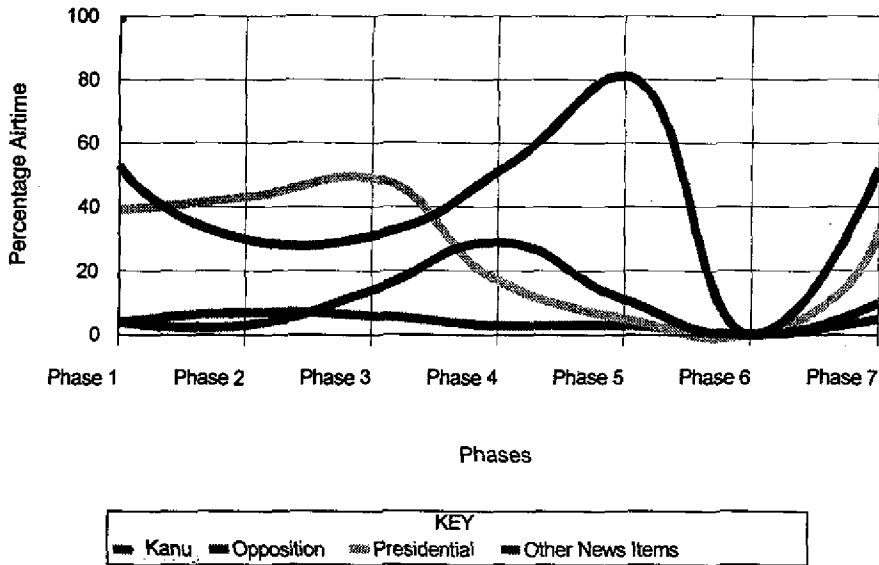
In particular the section will endeavor to present concise data and analysis on KBC's coverage of seven political phases that Kenya went through in relation to the 1997 General Election and its immediate aftermath. These phases include the following:

- PHASE 1: The Pre-IPPG Agreement Phase
- PHASE 2: The IPPG Negotiation Phase
- PHASE 3: The IPPG Implementation Phase
- PHASE 4: The Nomination Phase
- PHASE 5: The Campaign Phase
- PHASE 6: The Polling Phase
- PHASE 7: The Post-Polling Phase

As the graph below demonstrates, there were major fluctua-

tions with regard to KBC's allocation of airtime as between KANU, the Opposition parties and the President.

Summary of KBC airtime from the pre-IPPG period to the post polling period



The period began with a characteristically disproportionate coverage for Kanu and Moi. After going through several intermediate phases, it attained its most equitable and balanced coverage of the entire election period during the polling phase. But in the post-polling phase the curve rose again rapidly to its pre-IPPG levels in favour of Kanu and Moi.

Equally significant is the interaction between KBC's coverage of Kanu events and presidential events: The two virtually feed

on each other in an inverse relationship, such that a drop in Kanu coverage is almost automatically complemented by a rise in presidential coverage, and vice versa. But beyond these broad, if systematic, fluctuations for the period of the project each of the phases manifested its own peculiarities and specifics, which are discussed in the sub-sections below.

The pre-IPPG agreement phase (July 7-August 29)

This is the phase that roughly stretched from the beginning of our project on July 7, 1997, to the formation of the IPPG, and upto the moment when the group was about to begin its deliberations. It began with a relatively isolated Moi-Kanu regime as virtually all other stakeholders formed a loose alliance under the National Convention Assembly (NCA) and its executive arm, the National Convention Executive Council (NCEC). This historic alliance had gained so much popularity that it successfully mobilised the Kenyan people around the question of constitutional reforms, organising major rallies and other mass activities throughout the country, to which the government usually responded with an iron fist that left many dead or injured.

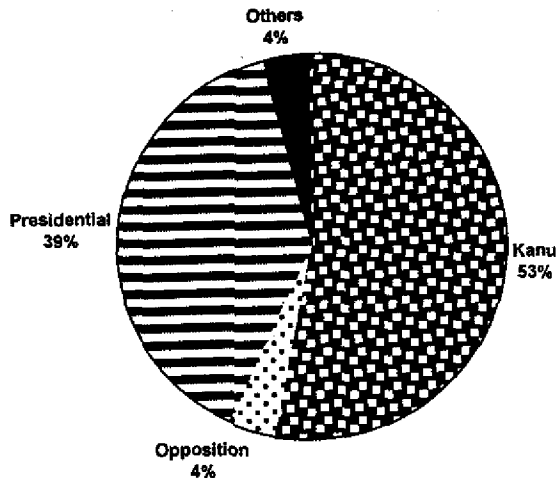
By the beginning of August 1997, however, a significant section of the religious “wing” of the NCA/NCEC had been neutralised by a mediating role hurriedly imposed on it by President Moi in reaction to the popular pressure harnessed by NCA/NCEC. Soon after, Kanu succeeded in winning the support of a large section of the political party opposition associated with the NCA/NCEC to

form what came to be known as the Inter-Party Parliamentary Group (IPPG) initiative. But before the deliberations of the group began it was uncertain how it would all affect the political terrain. By the end of the phase, therefore, the Moi-Kanu regime was still acting from the perspective of a quasi-besieged animal, taking advantage of every possible arsenal at its disposal, including the KBC, to prop itself up and counteract the NCA/NCEC "menace." In spite of the strong opposition to the regime, and perhaps because of it, the KBC became even more aggressively biased in favour of Moi and Kanu.

The challenges, achievements and successes of the Kenyan Opposition which consistently captured local press and international media attention, therefore, were undermined by the KBC which consistently relegated them to the very periphery of its coverage of national events or accorded them a complete blackout. As seen in the pie-chart below, as much as 53% of the airtime during this phase went to Kanu, with presidential events receiving 39% of the television and radio airtime. In contrast, the whole of the opposition received no more than 4% of the airtime.¹⁵ And while all public presidential events and 91% of all Kanu events were reported by KBC Radio and Television, only 4% of Opposition events nationwide received any coverage at all.

¹⁵ These and all other percentages on KBC coverage represent average percentage values based on both television and radio reportage

Kanu, Presidential and Opposition airtime



In its focus on Kanu, KBC was not satisfied with just highlighting the achievements of the party. Inbuilt into the coverage of the ruling party were both explicit and implicit attacks against those sections of the opposition that supported the pro-reform struggle. A typical example was KBC's coverage of the violence surrounding the *Saba Saba* rally of July 7, 1997. As reported in our July 1997 issue of *Media Watch*, KBC focused on running street battles between university students and the police, on mobs looting shops, barricading roads, and injuring innocent people — with the station attributing all the chaos to the opposition. In its reports of July 7 and 8, KTN, on the other hand, captured policemen thrashing people and members of the clergy hiding inside the All Saints Cathedral, breaking into houses in Bahati estate in Nairobi's Eastlands and beating up their occupants, off-loading people from public transport buses and beating them up, and attacking university students

who were sitting for their exams.

As a result of this footage the two journalists who were in charge of the coverage of the event, Vitalis Musebe and Isaiya Kabira, were reportedly summoned to the State House “where they were put through the wringer” and briefly suspended from their employment.¹⁶ And even though the two were reinstated later, KTN’s action betrayed once again the station’s lack of independence vis-à-vis the political establishment, reinforcing the popular view, arising out of continued mystery surrounding its ownership, that it is essentially a venture of Kanu stalwarts. It also demonstrated the government’s abuse of the KP&TC Act to the extent that it licensed only those media agencies which continued to be under its direct control or agreed to “tow the line.”

A similar pattern of conflicting reportage occurred in August 1997 in the wake of the *Nane Nane* (August 8) strike called by the NCEC. KBC’s version of the event was that workers in Nairobi ignored the call and instead went to work as usual as opposition agents looted shops in the city. Sections of the daily press, on the other hand, reported that most business premises except banks remained closed in Nairobi’s Central district and in Kisumu, Nyeri, Murang’a, Thika and Nyahururu towns for fear of looting — although the densely populated city states of Nairobi’s Eastlands did actually experience some looting¹⁷

Not only was the opposition given scanty coverage by KBC, however, the dismal airtime awarded to its members centered on their depiction as a bunch of hooligans whose only interest was to

¹⁶ *Media focus: Journal of the Media Development Association*,
September 1997, P.3

¹⁷ *Media Watch*, August 1997, p.3

cause chaos and anarchy. 92-percent of the 4% airtime accorded to the opposition went to accusing the NCEC and the Opposition of all manners of crimes, from the violence at the Coast to the deaths of victims of police shooting during pro-reform rallies, and to portraying the pro-reform movement as just another attempt by a few power hungry politicians to have a go at the presidency. On the other hand, KBC's coverage of all Kanu events was positive, depicting it as a pro-people and development conscious party. In the meantime, President Moi continued to be the lead news item throughout this period even as the blood of scores of innocent Kenyans was being spilt in the Likoni-Kwale violence, as people were repeatedly killed in pro-reform rallies, or as the economy was seriously shaken by the World Bank's decision to suspend parts of its aid package to Kenya.

In addition to its reports that often contradicted some other news sources, KBC omitted significant national events in its coverage which received high prominence in the daily press. According to our *Media Watch* of August 1997 (p.7), these included, among other events: the expressed reservations of the NCKK about the substance of the Constitution of Kenya Review Commission Bill and the Statute Law (Repeals and Miscellaneous) Bill; an ultimatum given to President Moi by the NCEC and 22 religious leaders to commit himself in writing to seven resolutions on constitutional reforms passed during a joint-meeting at Ufungamano House; World Bank's suspension of energy sector aid to Kenya; Presidential aspirant Charity Ngilu's highly successful August 20 tour of Makeni District; an announcement by a former school headmaster that he would seek Kanu's nomination to contest the Baringo seat against President Moi; the allegations made by some members of parlia-

ment linking Minister Nicholas Biwott and Rashid Sajjad to the Likoni-Kwale violence; the beating up, by the General Service Unit personnel, of the National Development Party (NDP) chairperson, Mr. Raila Odinga, when he toured Likoni on August 22, 1997; the exodus of thousands of Likoni residents as bloodshed and arson continued in the area. The overall objective of most of these omissions was, seemingly, to downplay the popular opposition as a threatening challenge to the status-quo and as a growing force to reckon with, and to conceal the fact that Kenyans countrywide were discontent not only with the Constitution but also with the government of the day.

At the same time, KBC strove to create the impression that all was well in spite of the tragedies that were taking place in some parts of the country. Coverage of the Likoni violence, for example, was so superficial that to the KBC viewer who did not have access to alternative sources of information, the mayhem on the ground appeared little more than a petty ethnic dispute which resulted in a few unfortunate deaths. If and when the violence was covered, the story often contradicted other news sources or omitted some critical facts¹⁸

In sum, then, KBC's coverage of political events throughout this phase was little more than a propaganda exercise on behalf of Kanu and its presidential candidate, Daniel arap Moi. The angle of coverage, the perspective adopted, the selection of covered items, the omissions and the contradictions, all these reflected a Corporation in the service of a regime unwilling to give room to genuine democratic reforms and one determined to stifle the "truth," at whatever cost, about the wind of change blowing vigorously throughout the nation.

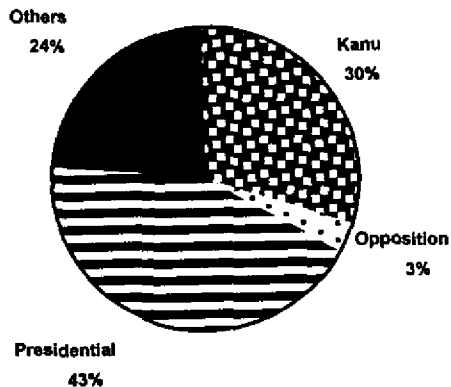
¹⁸ See, for examples, *Media Watch*, August and September 1997 issues

The IPPG negotiation phase (August 30-September 12)

Against the backdrop of a seemingly belligerent and immovable opposition under the steadfast leadership of the NCEC, the success of Kanu's divide-and-rule strategy that pulled out sections of the opposition from the NCEC to share a conference table with the ruling party under the IPPG umbrella, must have been a major surprise even to its conceivers. The camaraderie that animated even the initial meetings of the IPPG were reminiscent of an opposition that had capitulated and eager to be done with the business and move on to the ballot boxes; but it was also a reflection of a yet uneasy Kanu that had not fully regained control of the political arena. It was, in other words, from the point-of-view of Kanu, an uncertain situation that required "careful handling" lest things fell apart before Kanu was firmly back on the political saddle. Naturally, therefore, Kanu had to appear compromising even as it sought to pursue its own agenda. And it is this Kanu's new disposition during the IPPG negotiation phase, stretching roughly from August 30 to September 12, that came to be projected on the airwaves and screens of the KBC.

As a result, even though there was little change in the proportion of airtime accorded to the opposition, there was a dramatic decrease in the airtime awarded to Kanu as a direct response to the newly formed Kanu-Opposition alliance under the IPPG. Kanu airtime dropped from 53% in the pre-IPPG phase to 30% in the IPPG negotiation phase, even though, as seen in the pie-chart below, there was also a modest rise of about 4% in presidential airtime between the two phases.

Kanu, Presidential and Opposition airtime



Likewise, while there was no significant change in the number of presidential and opposition events covered by the KBC, there was a notable decrease in the number of Kanu events covered. Only about 70% of Kanu activities received KBC coverage during this phase in contrast to 91% in the preceding, pre-IPPG phase.

Surprisingly little noticeable shift occurred in the proportion of positive/negative coverage as between Kanu, the President and the Opposition. Kanu and Moi continued to receive positive coverage in all their activities while, as before, about 97% of the coverage of opposition events continued to be of a negative orientation. Only 3% of Opposition coverage could be described as positive.

However, unlike the case in the previous, pre-IPPG phase, the KBC now demonstrated sensitivity to the divisions within the Opposition that Kanu had tactfully created by virtue of its IPPG

initiative. Expectedly, a disproportionate percentage of the negative coverage of the Opposition centered on “anti-IPPG” politicians and political events, while an equally disproportionate amount of the positive coverage went to “pro-IPPG” sections of the Opposition. In spite of its tremendous dynamism around the question of constitutional and political reforms, for example, the NCEC received less than 1% airtime, virtually all of which was of negative depiction, while IPPG activities, which also focused on the theme of reform, were awarded 17% airtime of entirely positive coverage.

Indeed, even when the NCEC made seemingly “compromising” statements — e.g. its declaration that it had no plans to interfere with the IPPG talks that were going on in County Hall — the KBC avoided giving them any coverage lest the NCEC be seen as a body composed of rational and reasoning stakeholders. Likewise, Gibson Kamau Kuria’s denial of President Moi’s widely publicised accusation that the NCEC was collaborating with foreigners to start a revolution in Kenya went unreported by KBC¹⁹

KBC also “blocked” out those statements of the NCEC which had the potential of influencing opposition politicians participating in the IPPG talks. For instance, on September 11, 1997, just as the IPPG negotiations were coming to an end, opposition leaders pinpointed four areas they felt should have been included in the minimum reform package: An independent electoral commission, the winning presidential candidate to get at least 50% of the votes cast in addition to the minimum 25% of votes from each of five provinces, a provision for independent candidates and a provision for a coalition government. This important contribution to the reform agenda, however, was conveniently ignored by KBC.

¹⁹ *Media Watch*, September 1997, p. 3

On the other hand, the strategy of omission was also used whenever coverage of an event might have resulted in negative portrayal of Kanu or its government. The September 8 police detention of NCEC political reformists for six hours at the Kisumu Airport; police cordoning off the Kisumu Kenyatta Sports Ground and beating up people at Kibuye market in a crackdown on pro-reform activists; the fact that Presidential candidate Charity Ngilu was injured in a stampede after the police hurled tear gas canisters at a crowd she was addressing at Mukurueini in Nyeri, all these went unreported by KBC.²⁰

In the meantime, KBC continued to create the impression that all was well in the country either through further omissions or through reports that contradicted those from other sources of information. The Likoni-Kwale violence that had now escalated to alarming proportions, sometimes capturing both local and international headlines, continued to be marginalised by KBC. So was the September 4 notice of the Kenya National Union of Teachers that its 249,000 members countrywide would go on strike on October 1 if the government failed to implement the recommendations of the Teachers Remuneration Committee.²¹ As the press talked of a paralysed business environment following police action to pre-empt an NCEC rally in Kisumu, KBC Radio reported that business in town was going on as usual. According to KBC only 25 people died in the Likoni-Kwale violence when both the *Daily Nation* and *East African Standard* placed the figure at 60. And as over 100 students were said to have missed a practical test in the violence hit areas of Likoni-Kwale, KBC Radio described a relatively smooth

²⁰ *Media Watch*, September 1997, p. 3-6

²¹ *Media Watch*, September 1997, p. 3-4

examination process “due to police and paramilitary efforts to restore security in the area”.²² And so the KBC went on to churn out images of a country at peace with itself and a government in solid control even as other more reliable reports showed a disturbing picture quite to the contrary.

The IPPG implementation phase (September 13-December 2)

By mid-September 1997 the IPPG team had concluded its deliberations and made public its recommendations. One of these proposals explicitly recognised the KBC as a key player in the electoral playing field. To that extent, the Electoral Code Committee of the IPPG recommended, in Part III (IV)(d) of its report, that the “KBC Act be amended to ensure equitable access to publicly-funded media by all political parties and candidates and that the Electoral Commission be empowered to ensure compliance with this proviso.”

This proposed amendment was later incorporated into the Statute Law (Repeals and Miscellaneous) Act obliging the Corporation to:

- (a) Keep a fair balance in all respects in the allocation of broadcasting hours as between different political viewpoints” (Section 8 (1)(I)), and
- (b) “In consultation with the Electoral Commission, during the campaign period preceding any presidential, parliamentary or

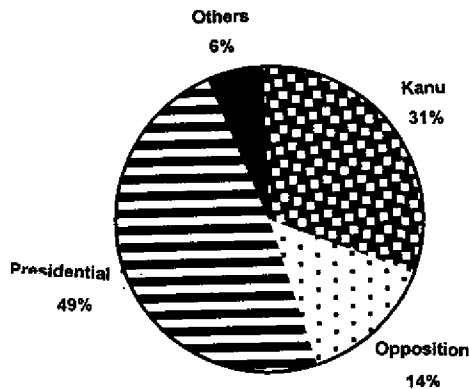
²² *Media Watch*, September 1997, p. 10

local government election, allocate free time to registered political parties participating in the election to expound their policies” (Section 8 (1)(k)).

With these kinds of more specific legal provisions, therefore, one expected the KBC to move speedily towards greater impartiality and fairness in its coverage.

And indeed the initial signs were encouraging. While airtime awarded to Kanu continued to be in the lower thirties in percentage (just as in the previous phase of IPPG negotiations), and presidential airtime showed a further modest increase of 6% (from 43% in the previous phase to 49%), opposition airtime picked up dramatically from 3% to 14% (See the pie-chart below). In fact, even the 31% Kanu airtime is an average of a fluctuating trend within the phase that began with 39% airtime at the beginning, down to 26% during the middle part, and slightly up again to 29% by the end of the phase. The pattern then clearly seemed to be towards more balanced coverage even if Kanu continued to enjoy the lion’s share of KBC’s airtime vis-à-vis over twenty other parties which had to share amongst them only 13% of the airtime.

Kanu, Opposition and Presidential airtime



There was also a dramatic increase in the number of opposition events covered during this period: The proportion increased from about 3% at the beginning of the IPPG implementation phase to 15% during the mid-phase period, rising to a record high of 58% towards the end of the phase — giving us a 25% average for the entire phase. There was also some slight improvement on the positive-negative portrayal axis. Negative portrayal of the opposition decreased during this period from its previous 97% to 94%.

It was during this phase of media monitoring of the KBC that the Kenya Human Rights Commission and Article 19 released their first report demonstrating serious media bias on the part of the Corporation throughout the IPPG pre-implementation phase. And it was to this report that the KBC responded in its 9.35 p.m *Heart of the*

Matter program of October 14, 1997, in the following words:

. . . We would like to assure all our publics that KBC is also experiencing the wind of reforms blowing across the country. We take criticism in good faith and use it as a mirror for our performance. We try to satisfy as many of our publics as possible.

We take this opportunity to briefly respond to issues raised by the Kenya Human Rights Commission (KHRC). The commission has accused the KBC of manipulating information to suit the needs of a particular political party. This is far from the truth. KBC does not take a deliberate step aimed at manipulation of information. The commission has also raised issues discussed and agreed upon by the IPPG. KBC is of course committed to the spirit of IPPG. We, however, feel that we have been judged hastily. We desire that we should be judged by what we are now trying to achieve in the spirit as enunciated in the IPPG recommendations. We remain committed to serving Kenyans equally and without bias. For that is the heart of the matter.

Even as it was making this declaration, however, KBC continued to expose itself as an organ that could not rise above the political prerogatives of the Moi-Kanu regime. The IPPG recommendations that became law reflected a mood of compromise at a time of some uncertainty on the part of the Kanu government about its own degree of control of the political terrain. But in the course of this same phase, it became clear that the popular Opposition that

had been spearheaded by NCEC had now been diffused and the NCEC itself was on the verge of isolation. Even in its hour of weakness, therefore, Kanu had emerged stronger partly by virtue of the very success of the IPPG initiative. And this relative strength translated into more “games” against the opposition, some of which were, expectedly, reflected in KBC’s coverage.

In as much as there was some improvement in KBC’s coverage during this period, therefore, the underlying political mood of Kanu’s success and regained control undermined the pressure on the Corporation towards greater balance and impartiality. While, as explained above, Kanu airtime demonstrated a downward trend, the proportion of Kanu events covered rose from 70% during the IPPG negotiation phase to 90% during the IPPG implementation phase. Furthermore, the drop in Kanu airtime was partly made up by a further increase in presidential airtime from 43% at the beginning of the phase to an average of 49% by the end of it. This was the time when President Moi began coming across even more than before as Kanu’s spokesperson during state events. The rise in opposition coverage centered mainly on IPPG politicians while those outside the IPPG circle continued to be marginalised. And while there was some modest increase in positive coverage of the opposition, much of this again went to the IPPG supporters, as Kanu and Moi received nothing but positive portrayal. Finally, defections from the opposition to Kanu received detailed coverage, while defections of Kanu members to the opposition were left out, or if covered, received minimal air time. KBC thus seemed completely entrapped by the contradictions that bedeviled Kanu and its government during this phase.

In the meantime, the KBC continued to “muzzle” any criti-

cism of the IPPG deal or of voices that cast any doubt on the government's commitment to the spirit and substance of the IPPG recommendations. These voices included the October 12, 1997 statement of Amnesty International that while reforms were being debated in parliament, Kenyans were being brutally prevented from expressing their opinion or hold peaceful protest, calling into question the Government's commitment to real human rights reforms. They included the October 28 statement of the Swedish Ambassador to Kenya that implementation of the IPPG political reform package would send strong messages to Kenyans and the world about the Government's commitment to enhance democracy and accountability; the Law Society of Kenya's criticism of the exclusivist approach of the IPPG and Rt. Reverend Peter Njenga's description of the IPPG as "a bunch of failures," both of which appeared on September 14, 1997. And several others.

And more and more omissions and conflicts of information pervaded this entire phase, all pointing to one underlying theme: That Kanu was the "good guy," the Opposition the "bad guy," and — even as the violence at the Coast continued and striking teachers, as reported in other media sources on October 2, were being beaten by riot police in Siaya, Nyamira, Kikuyu, Nyahururu and Kisii — all was well in the country except when the NCEC and its supporters decided to incite innocent and gullible citizens.²³

But being a moment of many contradictions, hopeful signs never ceased to emerge. One of the most encouraging ones among these signs was the establishment on November 22, 1997, at KBC's initiative, of an inter-party committee to assist the Electoral Commission and the Kenya Broadcasting Corporation in setting the pa-

²³ *Media Watch*, September, October and November 1997 issues

parameters for and monitoring the airtime allocation to political parties in the run up to the December 29 General Election. A few days later, the committee came up with its set of resolutions which included the following:

1. All political parties participating in the December 29 General Election be awarded 25 minutes of free air time on KBC to expound on their ideals and policies
2. KBC should shift away from personality-oriented to issue-oriented news
3. Coverage of election rallies, press conferences, meetings and other party events should be done in an equitable and balanced way and as frequently as editors consider professionally and logistically possible
4. Broadcast opinions and commentaries must be clearly identified and separated from news and news reporting
5. Broadcasters are required to give proper coverage to the campaign in both rural and urban areas within the limit of their resources
6. The Electoral Commission accepts responsibility for initiating a substantial and comprehensive series of voter education programmes for broadcast in Kiswahili and English on TV and radio
7. KBC will not permit or conduct opinion polls during the period
8. KBC to relay results of the elections without delay, and
9. The Electoral Commission will be the arbiter in the event of any complaints.²⁴

All these, of course, were resolutions pegged mainly to the cam-

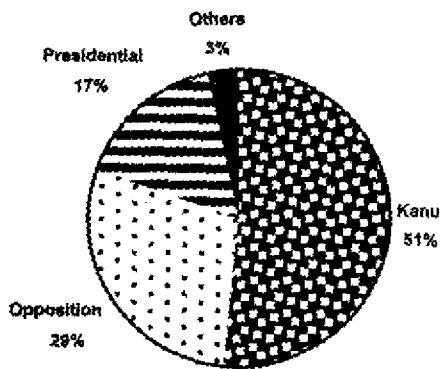
²⁴ *Daily Nation*, November 26, 1997

paing and polling phases of the election period. How was KBC going to perform against the above indicators of the inter-party committee? The evidence from the Campaign phase would dash the hopes of even the most optimistic observer. But let us first look at the six day period that we have named the Nomination Phase.

The nomination phase (December 3-December 9)

This phase, when candidates were presenting their nomination papers for the presidential, parliamentary and civic seats, continued to record some improvement in KBC's coverage.

Kanu, Opposition and Presidential airtime

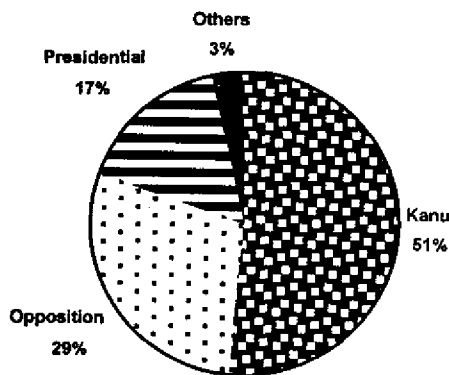


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Kanu, Opposition and Presidential airtime



In particular, and as shown in the pie-chart above, opposition air time took a dramatic boost from 14% in the previous phase to 29%. Presidential airtime, on the other hand, dropped dramatically from 49% in the IPPG implementation phase to 17%.

But Kanu's political contradictions, seeking to be "on top" while appearing to be compromising, continued to unfold during this phase. After seeming to acquiesce to the IPPG requirements during the IPPG implementation phase, KBC gradually turned its resources again in open support of Kanu. From 31% in the IPPG implementation phase, Kanu's airtime now rose to 51%. Furthermore, while there was an overall reduction in presidential air time, the most important moment of the phase, the actual submission of nomination papers to the Electoral Commission, was virtually dominated by President Moi. On that material day of December 23, 1997, Moi clinched 6.25 minutes of the 1:00 pm, and 6.12 minutes of the 4:00 pm, news broadcasts of 15 minutes each. No other presidential candidate was covered despite the fact that Mwai Kibaki of the Democratic Party of Kenya presented his papers that very morning immediately after President Moi.

This biased coverage of presidential nominations naturally provoked angry reactions from a number of political parties. On December 6, 1997, for example, the National Development Party accused the KBC of renegeing on its agreement with political parties regarding coverage during the election period. In a three-page letter to the Electoral Commission, the personal assistant to party leader Raila Odinga, Sarah Elderkin, asserted that by no stretch of anyone's imagination were opposition parties given anything like equitable treatment.²⁵

²⁵ *Daily Nation*, December 6, 1997

The impression has sometimes been created that the KBC has no control over presidential coverage and news slots because these are supposedly determined by the Presidential Press Service (PPS). According to some reports, "Sources in the KBC news-room say the basic problem is fear within the station of interfering with TV footage provided by the Presidential Press Service, which, according to hallowed tradition, must be carried in full and which usually takes up much of the local time of the TV news bulletin. An attempt by a deputy news editor to cut back on the PPS footage almost resulted in a fight with PPS sentries."²⁶ But whatever the case, it is precisely because of this presumed control that the PPS seems to exercise over the KBC that we recommended in the *Weekly Flash* of December 1-5, 1997 that the duties and functions of the PPS be suspended until after the elections. But this was never to be.

During this phase and subsequent phases, omissions became KBC's most productive censorship strategy to boost its own image as well as to downplay the force of the opposition. For instance, Amos Kiprotich Kandie who was vying for the Baringo Central parliamentary seat on an SDP ticket against Kanu's Daniel Arap Moi had been harassed and barred from presenting his nomination papers. KBC did not initially cover this story and only mentioned it later in passing after President Moi himself had made a plea to his supporters to allow Mr. Kandie present his papers.

In the meantime and as usual, all continued to be well in the country according to KBC's television screens and radio airwaves. The violence at the Coast had abated. But other violent spots had begun erupting in various parts of the country on the eve of the

²⁶ *The EastAfrican*, December 22-28, 1997.

General Election. There were also scenes of confrontation between the government and nurses who had gone on strike for better terms of service, and of suffering patients in the corridors of government hospitals and clinics in the wake of the strike. And here and there citizens continued to experience the wrath of the police in rallies and demonstrations. But many of these events remained unreported by KBC.²⁷

The campaign period (December 10-December 28)

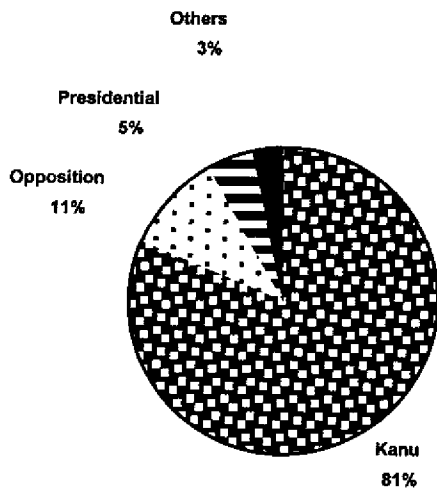
In spite of its regained confidence precipitated by the success of the IPPG initiative, it suddenly dawned on Kanu that, even in its state of disunity and disarray, a section of the opposition was much stronger than Kanu had probably estimated. So intense was the political heat from the opposition that, perhaps for the first time in his post-colonial history in parliamentary and presidential politics, Moi was forced to go around telling the electorate “*Naomba kura zenu*,” desperately pleading for votes that he had hitherto taken so much for granted. Under the circumstances, and cognizant of the role of the media in influencing voters, Kanu’s sense of need for the KBC as its campaign tool became overpowering, and the Corporation was only too keen to come to the rescue.

It was during this phase, therefore, that the KBC gave up any pretensions of balance and fairplay, audaciously abandoning the recommendations of the IPPG and the media inter-party committee,

²⁷ *Media Watch*, December 1997, p. 3-5

and reverting instead to a situation more abysmal than that of the pre-IPPG Agreement phase. As demonstrated in the chart below, within a couple of weeks Kanu had gained an additional 30% of KBC's airtime, rising from 51% in the nomination period to 81% in the campaign period. This was, of course, partly due to the fact that presidential events were now primarily campaign functions in Moi's capacity as Kanu's chairperson and presidential candidate and were, therefore, subsumed under Kanu events. This explains the "false" drop in coverage of presidential events to a mere 5% of the airtime. In actual fact, however, Moi continued to dominate KBC's screens and airwaves. For instance, on December 27, barely two days before polling day, President Moi's campaigns alone received 14.27 minutes of the news bulletin while the remaining parties were left to share a paltry 3.12 minutes.

Kanu, Opposition and Presidential airtime



But just as Kanu experienced a dramatic rise in KBC airtime from the previous phase, the opposition experienced an equally dramatic fall. Opposition air time dropped from 29% in the nomination phase to a dismal 11% in the Campaign phase.

Furthermore, KBC intensified its use of camera tricks to play down the popularity of the opposition. On December 14, 1997, for example, KBC covered the rallies of the DP's and SDP's presidential candidates, Mwai Kibaki and Charity Ngilu, respectively. Kibaki was screened addressing an almost non-existent crowd. At the same time, the KBC camera focused only on that part of his speech during which Kibaki was addressing the audience in Gikuyu. An impression was thus successfully created that Kibaki's political constituency was both limited in size and ethnic bound in composition.

Likewise, when KBC turned to Charity Ngilu's rally, it was only to screen the heads of the people around the dais to the complete exclusion of the rest of the audience around it. In fact, when opposition leaders were covered on KBC television during this campaign period, they often appeared mute and the crowds around them conveniently blocked out of the screen. On the other hand, when Moi addressed his rallies, the camera was always placed at an angle that gave the impression of a massive audience turn out.

Characteristically, KBC news also continued to be marked by omissions and statements contradicted by other print and electronic media. For example, on December 15, 1997, President Moi accused Charity Ngilu of SDP of being a spoiler, and the story was well covered by KBC. But Ngilu's December 17 rejoinder that Moi was right as she had come to spoil his chances of winning, received a complete blackout by KBC. When President Moi visited Kisumu on December 17, where he addressed a public rally,

Kanu, DP and NDP supporters met face to face resulting in violent confrontations within the town. Reporting on this incident the *Daily Nation* of December 18 claimed that "Scores of people were injured and a number of cars stoned in Kisumu when rowdy youths pounced on motorists, smashing windscreens and looting property, following a meeting in town of three presidential candidates." KBC, on the other hand, did not report on this violence. Instead it claimed during its 9:00 pm news that "The political face of Nyanza has drastically changed as political tolerance takes root in the region which voted almost to the man in the region (sic). All political parties competing for votes are getting the chance to explain their agenda without harassment unlike in 1992 when animosity among various parties was rife".²⁸

Perhaps the only duty that KBC fulfilled in this phase that was in close conformity with the agreement between the KBC, the Electoral Commission and the inter-party committee, was the provision of free air time to all political parties. Significantly, the KBC was convinced, albeit reluctantly, to air programmes that were quite critical of the government. Safina party's documentary, for example, which outlined the problems caused by the Kanu government and its vision of a new Kenya was initially refused a screening slot by KBC. This sparked off a controversy that overflowed to the print media, attracting so much attention that the programme became, arguably, the most widely watched of all the political party broadcasts.

Even in carrying out this limited role, however, KBC's performance was replete with interruptions. The twenty five minutes programmes were recurrently suspended to air Kanu advertisements. Even if Kanu paid for these announcements, it was a breach of

²⁸ *Media Watch*, December 1997, p. 9

agreement to insert them within the twenty five minute slots of free air time paid for by the tax payer for the exclusive purpose of airing political party programmes.

All these violations of the spirit and substance of the IPPG agreement expectedly provoked a wave of protest from the opposition. Koigi wa Wamwere, KENDA's presidential candidate, attacked the KBC for failing to screen his party's programme, adding that "KBC's conduct is motivated by Kanu's strategy of giving a blackout to selected individuals and political parties"²⁹ SDP's parliamentary candidate for Kiambaa, Nginyo Kariuki, expressed regret that the KBC did not abide by the IPPG agreement to give fair and equal coverage to all political parties. "KBC TV crews," he continued, "have also been attempting to create the impression that Kanu has a very big following. The opposite has been happening to the Opposition candidates. They edit their films to show either embarrassing shots or where the opposition candidate is seen addressing a small crowd. It appears that KBC is waging a psychological war on opposition candidates".³⁰

Partly in response to these mounting criticisms against the KBC within days of the General Election, its Managing Director, Simeon Anabwani declared that the Corporation was helpless in as far as fair and balanced coverage of elections was concerned. In particular Anabwani pointed out that he "could not guarantee free and fair coverage of presidential candidates because KBC did not have its reporters in the field and had to rely on Kenya News Agency reporters who were government employees."³¹ Perhaps for the first

²⁹ *Daily Nation*, December 22, 1997

³⁰ *East African Standard* - Letters to the Editor, December 22, 1997

³¹ *EastAfrican Standard*, December 18, 1997

time, therefore, a senior officer of the KBC openly admitted the Corporation's inability to be impartial partly because it was not independent enough of the Kanu government machinery.

In sum, then, precisely at that moment in the electoral process when the KBC was required to be at its most impartial, is when it demonstrated its complete partisanship in favour of Kanu and its presidential candidate, Daniel Arap Moi. And it was in connection with this phase in particular that David Throup, the British academic who co-ordinated the Western donor response to the Kenyan polls, was critical of the KBC. Throup is reported to have said that by early December 1997 KBC had resorted to giving "disproportionate coverage to President Moi and Kanu as well as being continuously negative to the opposition".³² In the final analysis, therefore, KBC could not have shown more than a modest, if not altogether insignificant, degree of improvement over its performance during the 1992 General Election period.

The polling period (December 29-December 31)

As December 29 approached most of the opinion polls had predicted a major Moi win in the elections with substantial Kanu lead in the number of parliamentary seats. What now remained was for the KBC to announce the election results as they came in from the field. No matter how biased KBC chose to be in the announcement of the results it was certain that it could no longer influence the destiny

³² *Daily Nation*, February 14, 1998

of the elections. The fate of this final stage of the electoral process was now in the hands of the electorate, electoral officials, party representatives, and election monitors. Under the circumstances, KBC could afford to be completely impartial without the fear of harming Kanu or Moi's interests or, contrariwise, of promoting those of the opposition parties and their candidates.

And indeed KBC was at its best ever as it continued to announce election results in a most timely, and impartial manner. KBC Radio and Television worked around the clock to give frequent updates on election results by presiding officers countrywide. The Corporation even reported on issues that marred the polling exercise with a good measure of comprehensiveness and objectivity, including the delays in opening of polling stations, the problem of transporting polling materials, the mix-up in polling cards, and so forth.

The only curious development in the coverage of election results was the momentary suspension of the cumulative tally of the presidential vote. Initially, KBC would update the total votes received by the different presidential candidates as the results trickled in into the station. But at some point when Democratic Party's candidate Mwai Kibaki appeared to be closing in on Kanu's Moi, the cumulative tally was dropped, and did not reappear as part of KBC's coverage of presidential results until Moi had established a firm lead in the presidential race.

Omissions, however, continued to be a distinguishing characteristic of the Corporation even in this short period. While the December 30 violence in Mathioya constituency of Murang'a was relatively well covered, the polling violence that hit Nakuru town which left four people dead was covered by neither KBC Radio nor KBC TV, though the incident received wide coverage in the local media.

Ironically, the same incident was reported on Deutsche Welle TV news which is aired daily by KBC TV at 1:00 pm. Also omitted from KBC's coverage was NCEC's declaration of the elections as null and void and calling for the immediate establishment of a government of national unity.³³

In sum, however, what the polling phase demonstrated in quite unambiguous terms is that when its coverage is relatively inconsequential in influencing the fortunes of Kanu and Moi, KBC can be quite balanced and impartial, its self-proclaimed lack of adequate facilities and resources notwithstanding.

The post-polling period (January 1-February 3)

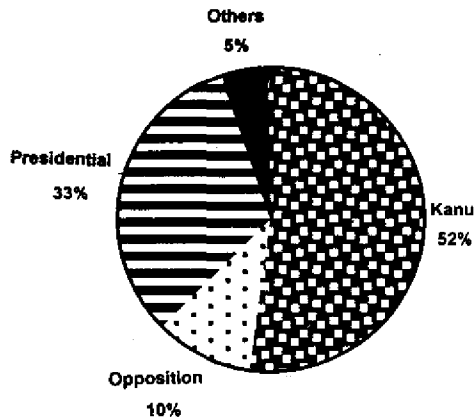
In spite of the controversy surrounding the reliability of results of the just concluded election exercise, and outright rejection of those results by some sections of the opposition, it was now clear that Kanu and its presidential candidate, Daniel Arap Moi were back in power. Their endorsement by the international community provided an additional seal of approval and legitimacy. Now the Moi-Kanu regime saw little need to solicit the cooperation of opposition forces, and even less need to be compromising in pursuit of its interests. Even with a marginal numerical edge in parliament Kanu did not attempt to include a single opposition politician in its cabinet. It believed it could now go it alone, with the KBC fully behind it of course.

It is a telling sign of the post-polling mood and political configuration, therefore, that the KBC would gradually return to a pat-

³³ *Media Watch*, December 1997, p. 8

tern of coverage characteristic of the pre-IPPG Agreement phase. As seen in the chart below, Kanu events now took 52% of the airtime and presidential events 33%. In contrast the Opposition received no more than 10% of the airtime.

Kanu, Opposition and Presidential airtime



In addition 95% of Kanu events and 100% of presidential events were covered by KBC as compared to 15% of Opposition events: This was in spite of the fact that there was remarkable opposition activity during this phase especially in rejection of results of the elections. KBC was rather selective in its coverage, repeatedly portraying members of the opposition as power hungry individuals

whose only aim was to cause anarchy after failing to win the presidency. When a section of the opposition finally accepted the results it received comprehensive coverage by the KBC, while the Democratic Party and the NCEC which refused to accept the results of the presidential elections continued to be blocked out of KBC's screens and airwaves. And the news commentary, *Heart of the Matter*, came back full swing trumpeting Kanu's praises and castigating those opposition leaders who had refused to accept the election results.

President Moi continued to feature as the first news item even as people were dying in violent attacks or from El-Nino related disasters. Every Sunday, on both the 1:00 pm and 4:00 pm news bulletins, the leading news item was invariably that of Moi attending church service somewhere in the country, sometimes taking as much as 15 minutes of news time.

The most tragic development in the post-election period was, of course, the violence that erupted in the Laikipia and Nakuru Districts of the Rift Valley. Initially, KBC portrayed the bloodshed and arson as no more than "the usual" cattle rustling incidents with no political or even ethnic motive behind them. Later it tried to lay the blame for the violence on the opposition. In particular, its programme, *Heart of the Matter*, played back the remarks of the Democratic Party of Kenya chairperson, Mwai Kibaki, that his party would make the country ungovernable should president Moi win the elections through rigging. On the other hand, little mention was made on KBC of the inflammatory remarks by some Rift Valley Kanu leaders who swore to drive out all those who did not vote for Kanu.³⁴

In direct contrast to KBC's reports, the local print media and

³⁴ *Sunday Nation*, January 18, 1998

international media buzzed with facts and reasons why these were politically instigated attacks reminiscent of the 1992 ethnic cleansing exercise that took place in Molo and other areas. And only the KBC failed to establish a connection between the Gikuyu in the region as the main target of the murderous attacks, on the one hand, and their choice to vote overwhelmingly for the Democratic Party of Kenya instead of Kanu, on the other.

Not only did the KBC downplay the massive bloodshed, arson and looting that was taking place in the Rift Valley, however, it also blocked out protests against the violence in the area and against government complacency in the whole affair. For example, on February 3, 1998, during the opening of the Eighth Parliament, opposition members stood up in protest against the Laikipia and Nakuru mayhem just before the swearing in exercise of members of parliament began. The opposition leaders were carrying placards condemning the violence and chanting anti-Moi and anti-Kanu slogans and songs. At precisely this moment, the KBC which had been covering the session live on both the television and radio, suddenly switched off from airing the happenings in the house of assembly and turned to a commentator who was narrating the history of the Kenyan parliament.

Much of the evidence from this phase indicates, therefore, that even the modest attempts at reform that both the Kanu government and the KBC demonstrated in some phases of the election period were just intended to appease the opposition when under pressure, as well as the donor and international community which was keen on some measure of free and fair elections. Now, after the elections, with Kanu and Moi feeling comfortably in power again, KBC began to show all the signs of re-enacting its traditional role of

peddling Kanu government propaganda and bombarding the citizens with false images of a peaceful and healthy Kenya on a successful march forward to the third millennium.

CONCLUSION

When KBC was first launched as Kenya's sole national broadcasting organisation, it was placed in powerful standing, able to influence public views and opinions very effectively. In its years as a monopoly it concentrated on indoctrinating the country, obscuring the very concept of objective news coverage. Little difference was made between presidential state functions and his political party role, such that party political talk often became indistinguishable from *government statements*. This was all in the era of the one party state.

The onset of the multiparty polity in 1992 raised expectations that the KBC would be more impartial and more representative of the plurality of political interests and perspectives. This, however, was never to be. Even though we do not have much in the form of empirical data for the 1992-1997 multiparty period, impressionistic observations and recollections are of a KBC that continued to serve a mono-party propaganda function in favour of Kanu and President Moi. In the final analysis, there was little that distinguished the KBC of the mono-party era from the KBC of the pre-1997 multiparty era.

Of course, part of the blame for this continued biased coverage on the part of KBC lay with the Opposition. Given the popular sentiments in favour of a new leadership many of the Opposition politicians, under the illusion that the State House was within their reach, went to the polls believing that they could defeat Moi and Kanu under the existing legal provisions. They thus made no real attempt to seek changes which could ensure some degree of fair-play in the electoral playing field in general. Predictably, they lost in an election that was heavily flawed, with KBC coverage as a key

contributor to their failure.

Learning from the 1992 elections, the opposition political parties put up a more spirited struggle for legal, administrative and political changes towards a level playing field. Both under the umbrella of the Inter-Party Parliamentary Group and in their individual capacities, opposition political parties demonstrated greater sensitivity to issues of election-related media bias in the run up to the 1997 General Elections. But in spite of the IPPG agreement calling for greater balance and impartiality in KBC's coverage, the evidence in this report shows that the Corporation continued to conduct the larger part of its broadcasting affairs as if Kenya was still an autocratic, one-party regime. It demonstrated a remarkable manipulative capacity, changing strategies under different pressures of the different political phases of the election period, to achieve the same pro-Kanu and pro-Moi results.

It is, of course, true that all media is by its very nature biased and subjective. News, in particular, is ultimately a social production, mediated in its gathering, organisation, presentation and analysis by specific class and other social interests. As Roger Fowler rightly points out, "News is not a natural phenomenon emerging straight from 'reality', but a *product*. It is produced by an industry, shaped by the bureaucratic and economic structure of that industry, by the relations between the media and other industries and, most importantly, by relations with government and with other political organizations".³⁵ In other words, because media institutions are economically, politically and socially situated, news is always presented and received from some particular angle.

³⁵ Roger Fowler. *Language in the News: Discourse and Ideology in the Press*. London and New York: Routledge, 1991, P:222

But, by virtue of its status as a state-owned media supported by the tax-paying public, KBC is bound by both legal and political requirements to endeavor to be more impartial and more amenable to giving expression to the many voices that make up Kenya. That, after all, is the particular angle imposed on KBC by its historical location as the presumed “voice of the Kenyan people.” On the contrary, however, KBC has lagged far behind other media agencies in this regard. It has proved to be adamantly mono-vocal, with chords that are unresponsive to any voice other than of the Moi-Kanu establishment.

The question has arisen as to whether KBC lacks the *will* or the *capacity* to reform itself to provide independent and impartial coverage. In one of our monthly reports we noted that “It is exceedingly appealing to draw the conclusion that KBC, as it is now constituted, is incapable of full commitment to fairness and impartiality in political matters...[This] deficiency in KBC is not in the law; it is rather in KBC’s institutional incapacity for independence and professional conduct. It is limited in its ability to obey the spirit of the law”³⁶.

One of East Africa’s longest serving journalists, Philip Ochieng, made similar observations when he claimed that “the minds of those in charge [of KBC] are too fossilised to move with the times. Some have been doing the same things for so long they have become nearly as unavailing as the cobwebs on their office ceilings”. And, in conclusion, Ochieng submitted that it was inability to measure up, rather than unwillingness, that was responsible for KBC’s failure to act in accordance with the stipulations of the Inter-Party Parliamentary

³⁶ *Media Watch: Media Monitoring in Kenya, October 1997 Report*, p. 15

Group agreement.³⁷

It is on the strength of these observations that we recommended in the same October report that: *Measures need to be instituted to form an independent body of seasoned journalists of integrity to oversee publicly owned media facilities and operations to ensure that they serve the people of the Republic of Kenya in an impartial and balanced manner and not the interests of the government and party in power.* Such a body will be responsible for, among other things, setting broadcasting policy, monitoring fairness and dealing with complaints from political parties and other stakeholders. What this recommendation calls for, in effect, is *a law that requires the KBC to have a professional management team, appointed by an independent board or commission, with representative members from different political parties, religious associations, and non-governmental organisations, selected not at the will of the government in power but by their respective parent bodies.* We believe that the implementation of this recommendation, as part of a wider effort to redefine the supervisory structure for KBC, is no less urgent today than it was during the election period. And without such a mechanism during an election period, in particular, public confidence in the entire electoral process is likely to suffer.

There has also been the critical issue of privately-owned versus publicly-owned media. There is indeed a school of thought which believes that state ownership of KBC renders the Corporation inherently incapable of delivering impartial services to the public. However, there is little in our observations so far which would seem to

³⁷ Philip Ochieng. "KBC Coverage an Issue of 'Cannot' Rather than 'Will Not'". *The EastAfrican*, December 15-21, 1997: News Focus 7

support such an extreme position. In fact, Philip Ochieng does an excellent job of challenging this deterministic premise on state-media relations in his provocative book, *I Accuse the Press*. On the contrary, Ochieng demonstrates that “government ownership and ruling party ownership are only marginally important to freedom of the Press, provided that the technological, financial and manpower conditions remain abysmal”.³⁸

More problematic with regard to media ownership, perhaps, is the virtual monopoly that KBC has been enjoying in the broadcasting arena. Section 9 (3) of The Kenya Broadcasting Corporation Act, for example, provides that, “No person shall, unless authorised by or permitted by or under any written law, construct, maintain or operate, or permit the construction, maintenance or operation of, any apparatus for, or connected with, radiocommunication for the purpose of broadcasting...” Contravention of this subsection is an offense punishable in law by a fine, imprisonment or both. This monopolistic thrust of the KBC Act is further supported by Section 86 (2) of the Kenya Posts and Telecommunication Corporation Act which stipulates that communication licenses will be granted only on the understanding that KP&TC has the sole authority to decide on “the position and nature of the station, the purposes for which, the circumstances in which and the persons by whom the station may be used and the radio communication apparatus which may be installed or used”.

Far from promoting pluralism in media ownership, therefore, both the KBC and KP&TC Acts exercise excessive control in fa-

³⁸ Philip Ochieng. *I Accuse the Press: An Insider's View of the Media and Politics in Africa*. Nairobi: Initiatives Publishers, 1992, P. 6

vour of government monopoly. The resulting lack of competition from other broadcasting services, therefore, has led to the systemic abuse of media monopoly power, deepening the absence of professionalism among KCB journalists, directors and managers, as well as entrenching the convenient culture of self-censorship. It is one of our recommendations, therefore, that *the media laws be liberalised in a way that would free the airwaves, dispensing with government approval and registration of private broadcasting agencies altogether or, at the minimum, making media licensing requirements fall under the general ambit of the Companies Act.*³⁹ As pointed out in our December 1997 media report, “greater freeing of the airwaves will mean that Kenyans all over the country will receive broadcast information other than what the government wishes them to have, and that competition will enforce compliance where political and civil lobbying have failed to change KBC”⁴⁰ We further believe that ending KBC’s monopoly may not only infuse a greater sense of professionalism among its employees, but will also create a more pluralistic media orientation in the country that will be in greater harmony with the multiparty political dispensation.

Equally problematic with the KBC establishment has been its exclusive reliance on the Kenya News Agency (KNA) for its information. In its letter of November 28, 1997, to the Kenya Human Rights Commission (Ref. No. KBC/MD/17/11/C vol. IV/92), and

³⁹ The Minister of Information and Broadcasting, Joseph Nyagah, was reported by *East African Standard* of February 21, 1998, as saying that “the government is awaiting recommendations of the task force on press laws-before it can issue licences to private electronic media.

⁴⁰ *Media Watch: Media Monitoring in Kenya, December 1997 Report* p. 16

signed by its Chief Public Relations Officer, Mr. Chris P. Opiyo, the Corporation defended the veracity of its reports on the ground that, as a broadcasting agency, it "relies on figures and/or information from the police and government officials." In our response to the KBC we pointed out that what is postured as the official position in Kenya's political context is not often distinguishable from Kanu's or, for that matter, the President's position. As indicated earlier the Corporation's own managing director, Mr. Simeon Anabwani, did subsequently acknowledge that KBC's dependence on KNA reporters, in particular, rendered the Corporation unable to guarantee free and fair coverage. There is urgent need, therefore, to *convert the Kenya News Agency into a news syndicate separate from the Ministry of Information and Broadcasting by either privatising it altogether, with shares held by different media subscribers, or by transforming it into a government-private venture of a sort.* In the final analysis, what the tax-payer needs is a corporation that relies not on one source of information, official or non-official, but on a multiplicity of sources through a rigorous exercise of investigative journalism. In a multiparty democracy diversification of sources of information is as important as diversification in the content of what is aired.

Pluralism, however, is by no means limited to the realm of multiparty competition. In a politicised sense, it also extends to the cultural sphere. In this and in previous reports we have shown how persistent the image of President Moi in church functions is in KBC's coverage of national events. And Philip Ochieng confirms our empirical observations when he noted that "The lack of news sense among KBC's editors means that the most important events, even during these exciting electioneering days, are relegated to the bot-

tom of the bulletin until every item concerning the president's church appearance has been ticked off"⁴¹ In many cases, of course, this concentration on the church functions of the president is a simply a convenient way of consuming the little news air time there is to limit KBC's own facility to cover other important events deemed "politically sensitive."

But this recurrent image also betrays KBC's chronic Christocentrism of which it has repeatedly been accused, at least, by Muslim lobby groups. Yet Kenya claims to be a democracy, not a theocracy. To quote Philip Ochieng once again, "It is...quite unjust [and if we may add, undemocratic] to use such an influential instrument as a nationwide broadcasting service to report only Christian activities, especially when those activities are not even news. Let KBC and other media restrict religion to the slots set aside for them and not encroach on the news zone with sectarian messages"⁴² There is need, therefore, for the KBC *to commit itself fully to the provision of the KBC Act that it conducts its services with impartial attention to the interests and susceptibilities of the different communities that make up the multicultural Republic of Kenya.*

In the final analysis, then, what seems to be needed at this important juncture in Kenya's political history, are reforms in law and in the structure of the Kenya Broadcasting Corporation — like the ones proposed in this report — that can begin to take us closer to the Kenyan reality as a plural society: One Nation, Many Voices! We also understand, however, that the media does not exist in a vacuum: It can only be a reflection of the socio-economic and po-

⁴¹ *The EastAfrican*, December 15-21, 1997

⁴² *The EastAfrican*, December 15-21, 1997

litical contradictions that exist in society. To that extent, a genuinely free and fair state-owned KBC requires an established democratic state. Even as the *struggle continues to free KBC from the shackles of plutocracy*, therefore, it must, in the final analysis, go hand-in-hand with the struggle for a truly democratic Kenya. Only then can the citizens expect to enjoy fully their freedom to receive and impart information and ideas without interference by public authority and regardless of frontiers.

KHRC - Kenya Human Rights Commission

KHRC is a non profit, non partisan organisation established in April 1992 in both the United States of America and Kenya and registered in Kenya in January 1994 under the Non-Governmental Organisation Co-ordination Act. Its purpose is to promote and protect the enjoyment by Kenyans of nationally articulated and internationally established standards of human rights.

To achieve this, it focuses its efforts and resources in advocacy and mobilisation initiatives that seek to:

- Secure the protection of these rights for all Kenyans;
- empower Kenyans to advocate and mobilise for their inherent rights; and
- articulate the frustrations, aspirations, and endeavours of Kenyans as they struggle to incorporate democracy, respect for human rights, and good governance in their lives.

The Commission's work is carried out through a secretariat office in Nairobi that conducts a host of activities, including: an action-oriented research and publications programme, a mobilisation and advocacy programme that has organised several campaigns; a conscious-raising and education programme; and a land rights and advocacy project, and a women's rights and advocacy project.

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The Kenya Broadcasting Corporation has been accused repeatedly of violating the mandate of the law and tax-paying public by engaging in media coverage that is partisan and biased in favour of Kanu and President Daniel Arap Moi. In both the 1992 and 1997 General Elections it has been cited as a key player in maintaining an uneven playing field in the electoral process and as a major contributor to the success of Kanu, on the one hand, and failure of the Opposition, on the other. How sustainable are these charges against the KBC? What have been some of the specific media strategies it has employed to promote the interests of the Moi-Kanu regime while undermining those of the Opposition? What have been the political dynamics and counter-dynamics behind the shifts and fluctuations in KBC's coverage of events in the country? These are some of the critical questions examined in *Media Censorship in a Plural Context: A Report on the Kenya Broadcasting Corporation*. The study concludes with specific policy recommendations that could transform the KBC into the independent and impartial broadcasting agency it ought to be, allow Kenyans to enjoy their fundamental freedom to receive and impart information without interference by government authority, and move it closer to (re)presenting the Kenyan reality: One Nation, Many Voices!

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