



Research Paper No. 17

## The Role of the Media in Promoting Peace During Elections in Africa: Lessons from Kenya

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Millions of people around the globe depend on the media for information, a role that is particularly important during elections, when the media scrutinizes the electoral process and informs the public. In the 1990s, many African countries welcomed multiparty democracy, and since then, elections have become very competitive and, in many cases, tense. A number of countries, including Kenya, Nigeria, Côte d'Ivoire, Burundi, and Liberia, have experienced election-related violence. In some of these cases, the media has held a share of blame for fueling violence.

Kenya witnessed post-election violence in both 1992 and 1997, but the 2007 elections saw unprecedented violence that left 1,100 people dead.<sup>1</sup> The Kenyan media was faulted for helping fuel the violence by offering a platform for tribal extremists to broadcast their agenda. In addition, some journalists were polarized along ethnic lines, while others increased tensions by failing to report accurately, professionally, and neutrally.<sup>2</sup>

In the aftermath, the government formed the Kriegler and Waki commissions to investigate the conduct of the election and the ensuing violence. The implementation of the commissions' findings and recommendations led to significant legal and institutional reforms, including in the media, that resulted in a more peaceful election in 2013. Reforms included training for journalists on the code of conduct by media organization and various stakeholders, the development of election reporting guidelines, and a strong emphasis on peace messaging in

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reporting. While the 2013 election was much more peaceful, issues remain that will impact the media's role in future elections. Strict laws that infringe on media freedom, the difficulty of controlling hate speech, and the potential interference caused by the interests of politicians and advertisers are major challenges to the media's watchdog role during elections. Training is critical to promote peace journalism, and good media policies and a clear regulatory framework are needed to support a free and independent media.

## **The 2007 Kenyan General Elections and the Role of the Media**

The 2007 Kenyan elections were tightly contested between Raila Odinga and incumbent President Mwai Kibaki. After three days of waiting for an uncertain outcome, the Electoral Commission of Kenya officially declared Kibaki the winner, and just hours later he was sworn in as president. The opposition party claimed that the elections were rigged, while the European Union's chief election observer termed the elections "flawed" and called for an investigation of the results.<sup>3</sup>

Violent protests began in the Kibera and Mathare slums of Nairobi, as youths aligned to the opposition chanted, "No Raila, No Peace." Youths then turned their anger on members of ethnic communities who were perceived to have supported Kibaki. This in turn led to retaliatory attacks, typically on ethnic lines, with the Luos and Kalenjins in one camp and the Kikuyus in the other. As the scope of the violence expanded, at least 1,100 were killed, 300,000 were displaced, and 2,500 sexual assault cases were reported at Nairobi Women's Hospital. In addition to the human toll, Kenya's economic growth rate dropped from 7.1 percent in 2007 to 2.5 percent in 2008.

Political leaders on both sides contributed to the violence by fostering ethnic polarization during the campaign, and mobilizing youth militias to carry out attacks after the election.<sup>4</sup> The International Criminal Court reported that senior government officials, including then-President Mwai Kibaki and current President Uhuru Kenyatta, met with members of the Kikuyu group Mungiki to devise a plan to assist Kibaki in securing the presidency.<sup>5</sup>

### **Vernacular Radio**

Vernacular radio stations, which broadcast in local languages rather than English or Swahili, were used as a platform to incite violence with hateful messages. The Waki Commission found that Kikuyu radio stations including Kameme, Inooro, and Coro, and Kass FM, a Kalenjin radio station, propagated hate speech through music and negative comments about other ethnic groups.

Radio hosts allowed callers to use coded language to incite others. For instance, Kikuyu radio stations allowed callers to say that Odinga was "kahil," or uncircumcised, arguing that such a person could not lead the country, while on Kalenjin stations, callers used calls to violence like, "people of the milk [Kalenjins], we need to cut the grass [Kikuyus]."<sup>6</sup> Luo callers argued that it was their turn to lead the country as they had supported Kibaki (a Kikuyu) in 2002. Radicalized opinion leaders incited their communities on air. Those supporting the incumbent assured their side that the top seat was theirs and they would fight for it, while those supporting the opposition urged their side to unite and defeat the president's supporters. The radio was also used to mobilize violence; callers would inform listeners of meeting points where planned retaliatory attacks were to take place.

While in many cases radio stations provided a microphone to extremists, in others, some stations directly spread extreme views. Former Kass FM presenter Joshua arap Sang was charged at the International Criminal Court for using his show "Lee Nee Eme," or "What Is Happening in the World," to make negative remarks about Kikuyus and for broadcasting false information about alleged murders of people from the Kalenjin community in order to inflame tensions. His case was later dropped due to insufficient evidence.<sup>7</sup>

## Television and Newspapers

While the spread of hate speech was more common on vernacular radio, there were other issues with media conduct that raised tensions during and after the election. In Internews' assessment of the media's role in the 2007 crisis, journalists "simply failed to live up to the ethical and professional standards of their craft."<sup>8</sup> Major TV stations were faulted for broadcasting provisional presidential results that were unconfirmed and at times contradicted results broadcast by other stations. The Kriegler Commission noted that TV stations competed to announce results, often doing so before the Electoral Commission of Kenya, and Internews found that two influential media outlets, NTV and Kenya Television Network, compiled different, conflicting results.<sup>9</sup> This raised confusion and increased tensions among viewers as to who the actual winner was and allowed supporters on both sides to believe they had rightfully won the election.

In response to the violence, the government instituted a ban on live television coverage. In justifying the ban, Samuel Poghiso, then-Minister of Information, argued that because "emotions were high and lives [were] at stake," delayed broadcasts were less likely to lead to violence.<sup>10</sup> The Waki Commission later described the ban on live coverage as unconstitutional.

Radio and TV coverage on KBC, the national broadcaster, was highly partisan, with 75 percent of coverage aligned to the government. As a result of this partisanship, KBC was not in a position to push both parties to call for peace or report in ways that would have avoided further inflaming tensions.<sup>11</sup>

## Social Media and SMS

Bulk SMS messaging was used to stir up ethnic hatred and inflame tensions.<sup>12</sup> Blogging platforms and email were also used to circulate ethnic hate speech that threatened peaceful coexistence among communities.

## Peace-promoting Media

Despite these many issues, not all media played a role in fueling violence. For example, Pamoja FM, a community radio station in the Kibera slum, received praise for advocating for peace in the community.<sup>13</sup>

## The 2013 Kenyan General Elections and the Role of the Media

Kenya's 2013 election was more peaceful. Incumbent President Kibaki was limited to two terms, so the two main candidates were Odinga, who again contested the presidency, and Uhuru Kenyatta. Kenyatta was declared the winner by the newly-created electoral body, the Independent Electoral and Boundaries Commission (IEBC). Odinga contested the results to the Supreme Court, but the IEBC's decision was upheld. Major reforms ahead of the 2013 elections helped to create the setting for a much more peaceful election.

## New Constitution & Institutional Reforms

2013 saw the first election after the promulgation of a new constitution in 2010, which provided a clear framework on the operation of the state and institutions and included improvements to help resolve election disputes within the legal system. The president appoints the Chief Justice of Kenya, who serves as the president of the Supreme Court and the head of the judiciary. In 2007, Odinga did not take his case through the legal system in part because the Chief Justice was appointed by his opponent on the ballot. The new constitution requires approval from the Judicial Service Commission and Parliament for the appointment of a Chief Justice, increasing judicial independence. In addition, the winner of the presidential election could

previously be sworn in immediately, but the new constitution stipulates that a president shall assume office after 14 days if there is no petition. This allows time for election disputes to be handled by the courts.

The National Cohesion and Integration Commission was formed to promote tolerance among different ethnic communities. In 2013, the commission restricted the use of certain words in local languages like “riot,” “kill,” and “butcher,” which it alleged could spark ethnic animosity. It also instructed the media not to reprint hate speech remarks in full, and monitored social media for hate speech.<sup>14</sup>

## Media Reforms

### a. Training and Improved Standards

Before the 2013 elections, media stakeholders, including the IEBC and the Media Council of Kenya (MCK), held a series of workshops to build journalists’ capacity to report professionally and responsibly and train them on the code of conduct. The Minister of Information alleged that “[radio] stations recruited quacks as news anchors and editors” during the 2007 elections.<sup>15</sup> In response, radio hosts without a background in journalism had to undergo training on professional reporting. The MCK, a statutory body tasked with regulating the media that includes many media organizations as stakeholders, developed a uniform curriculum for all middle-level colleges offering diploma courses in journalism to ensure consistently high standards. To incentivize higher standards, the Annual Journalism Excellence Award was introduced in 2012 to recognize journalists who have done great work and to encourage others to achieve the highest ethical standards of their profession.

Higher standards and more responsible reporting manifested in the performance of the media during the 2013 election. During the campaign, media organizations engaged in more in-depth reporting on TV, print, and radio. Legal experts were invited on air to interpret the new constitution’s election clauses to the public, and media houses reported official results as announced by the IEBC, as opposed to 2007 when they broadcast results directly from constituencies. Newspapers generally avoided sensational headlines and the coverage of the national broadcaster KBC was more balanced.<sup>16</sup>

### b. Election Reporting Guidelines

For the first time, the MCK provided journalists with guidelines on election reporting. It also conducted media monitoring during the election, which enabled journalists to evaluate their work.<sup>17</sup>

### c. Presidential Debates

For the first time, the mainstream media, in partnership with the MCK, organized two presidential debates that were broadcast live on all TV and radio stations.<sup>18</sup> The topics discussed included the International Criminal Court cases against Kenyatta and his running mate for Deputy Vice President, William Ruto, corruption, land injustices, and youth unemployment. The debates helped inform Kenyans on pressing issues, and encouraged citizens to vote based on issues as opposed to ethnic lines.

### d. Peace Messages

The media served as a platform to broadcast messages of peace during the election period. Royal Media Services, which owns 12 vernacular radio stations, organized roadshows throughout the country to advocate for peace and played patriotic music. A national prayer day was broadcast live, where all eight presidential candidates vowed to maintain peace. The media condemned hate speech uttered by politicians, and three vernacular musicians were charged in court for inciting ethnic violence through music.<sup>19</sup>

## Social Media and SMS Regulations

The Communications Authority of Kenya issued “Guidelines for the Prevention of Transmission of Undesirable Political Messages via Electronic Communications Networks.” Being found guilty of posting messages inciting violence on social media can lead to a fine of the equivalent of about USD \$11,000 or a sentence of three years in prison. Mobile service providers analyzed the content of SMS messages and deregistered phone numbers that could not be identified and linked to a person.<sup>20</sup>

## Self-censorship

These reforms and regulations helped ensure the media played a very different and more neutral role in 2013, compared to 2007. However, the media performed poorly in its watchdog function, as media organizations self-censored due to fears of being accused of sparking violence. For instance, there were issues with, and concerns about, the procurement process for the biometric voter registration kits introduced for the 2013 election, but media organizations failed to do in-depth analysis. It was the first time the newly-formed IEBC was conducting an election, and media organizations did not want to signal a lack of confidence in the new electoral body.<sup>21</sup> On the eve of voting, six people were killed by the Mombasa Republican Council, a secessionist group; the bodies were still at the scene when people began voting. Media organizations did not report this attack because it was the first day of the election and they feared being accused of fueling violence. Similarly, when the chair of the electoral commission announced the election results, the screen above his head showed figures which did not match what he was announcing, yet no reporter asked why.<sup>22</sup>

## Post-2013 Challenges for the Media

The media still faces challenges that need to be addressed, both for the sake of the upcoming election in August 2017, as well as future elections. These include:

### Draconian Media Laws

Parliament passed the Kenya Information and Communication Act 2013, which allows the government to create a tribunal with the power to hear appeals initially handled by the MCK and overturn its ruling. It can also withdraw media accreditation, seize properties to cover fiscal penalties, and fine journalists the equivalent of more than USD \$5,000 and media houses almost USD \$195,000 for breaches of the code of conduct. The law promotes self-censorship, and a fear of penalties may cause election malpractices to go unreported as these sums are exorbitant to many ordinary Kenyan journalists.

### Politicians’ and Advertisers’ Interests

A number of top politicians hold ownership stakes in major media outlets, especially radio stations: Kenyatta holds shares in MediaMax, Ruto has shares in Kass FM, and Odinga owns an uptown FM station, Radio Umoja. Politicians often hold shares in media outlets indirectly, making ownership legally difficult to prove.<sup>23</sup> Political ownership of newsrooms and radio stations is a hindrance to a free and independent media, as these politician-owners can influence reporting including during elections. The Second Schedule of the Media Act urges journalists to avoid political control, but political ownership can make that difficult. Advertisers can also influence the angle of reporting in newsrooms; because media houses depend on advertising revenue, it can be difficult to report negatively about an advertiser and risk losing that revenue.



## Operating Costs

High operating costs and reduced advertising revenue due to the rise of online media have forced mainstream media outlets to lay off staff and adopt a converged newsroom structure, with print, radio and TV departments sharing reporting. The low number of staff becomes a challenge for election reporting, as media houses are forced to employ extra correspondents who often need training. Strained resources make it difficult for media houses to invest in covering an emerging story, so reporting often begins when tensions have already exploded. Media reporting on these early warning signs can put it on the agenda of officials and other stakeholders and help prevent violence. For instance, there was pre-election violence in Molo, Kuresoi, and Mt. Elgon in 2007 that suggested the violence to come, but it received little coverage in the media or response from the government.

## Hate Speech

Hate speech and the media's role in publicizing it remains an issue, though there has been progress. In April 2017, Internews highlighted an uptick in hate speech on vernacular radio stations in some parts of the country, linked to local land conflicts.<sup>24</sup> Journalist Jeff Koinange had to end his show on Kenya Television Network after he failed to control guests; one gubernatorial aspirant insulted another with comments about rape.<sup>25</sup>

## Conclusion

The media continues to play a crucial role during elections, and peaceful elections will be bolstered by an independent and professional media that does not fuel violence. Professionalizing the Kenyan media and providing oversight and accountability is an important step, but challenges remain. Staying ahead of the changing media landscape in Africa, especially social media, is needed to better understand how it informs communication in general and around elections. An effective and neutral media is more important than ever.

Training and civil education is crucial for the public to understand the rights and responsibilities of journalists. Journalists need training to improve their capacity to report professionally and neutrally, especially given the introduction of strict new media laws which promote censorship, and the media should work with legislators and regulators to amend these laws to better protect journalists. Media houses also need support to improve their financial health, to better remain editorially independent from the influence of advertisers and politicians and so that they can invest in covering early warning signs of pre-election violence.

For a set of policy options and recommendations on the Kenyan media and election violence, see the accompanying Southern Voices Network for Peacebuilding Policy Brief No. 11 by Sharon Anyango Odhiambo.

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Cover Image: Members of the media at an event in Nairobi. Credit: IMF Photograph / Stephen Jaffe. Creative Commons. <https://www.flickr.com/photos/imfphoto/11806312273/>

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