

Mapping out Media-Politics Relationship in Kenya: Comparing the Mwai Kibaki-Uhuru Kenyatta Regimes' Media ownership, Usage and Control

Mathews Arnold Shirima¹, Michael M. Ndonye²

¹Egerton University, Kenya

²Kabarak University, Kenya

*Corresponding Author:

Mathews Arnold Shirima

Email: mathewsshirima4@gmail.com

Abstract: Media remains an important institution that continues to transform lives of people in Kenya as in any part of the world. News is a basic need and continues to shape the perceptions of people on issues affecting them socially, politically and economically. Studies suggest (as will be demonstrated in this paper) a steady increase of media and news consumption as well as coverage throughout the country since 2002. However, we cannot run away with the fact that the ideology of the government of the day is seen to determine media policy framework in Kenya. The paper compares media issues (ownership, usage and control) in the regimes of Mwai Kibaki (2002-2012) and that of Uhuru Kenyatta (2013-2017). The paper seeks to answer three questions: what are the trends of media ownership between the two regimes? What are the media ownership patterns within the established legal framework that defines ownership patterns of media outlets? The paper tackles the issue of media ownership together with technological adoption policy of each of the two regimes. The second question is whether the two regimes used media (including mainstream media and social media) in their political communication process the same way. Here, the implementation of the constitution to accord the media freedom as provided is explored and the enacted legislation is analysed. The third is what is the nature and level of media control and manipulation by the both regimes? Through analysis of already existing literature and reviewing of unfolding events, the paper explores the social, economic and political influence of both presidents to establish these differing relations with the media.

Keywords: Media, media ownership, communication.

INTRODUCTION

In most cases, news coverage, processing and dissemination are subject to internal and external policies that exert pressure on media either explicitly or implicitly. These forces of control include government, media owners and political interests. Of all, media owners have powerful influence on media, especially if the owners are politicians or have overt political alignments. A few individuals and corporations that own the majority of media outlets, acquired their holdings by openly supporting political elites in the countries in which their media operate. They argue that most politicians use media for their political purposes as media support helps them to remain in power. That by answering the question of who owns the media we also answer the question of who holds the power and influence of the media. The freedom of the press, which dictates media practice in any country, is shaped by a country's media policy framework. When a political party forms a government, it has specific expectations about how the media should advance its interests in the society. In the argument of Oosthuizen, These expectations are in essence normative pointers that the government provide to the media, and could, in themselves, become forms of intrinsic regulation. It is

from this understanding of media ownership, use and control that this paper explores the relationship between the regimes of Mwai Kibaki and Uhuru Kenyatta and the media in Kenya.

Background of the Media in Kenya

Media broadcasting in Kenya dates back in 1927 when East African Broadcasting Corporation was incepted by the colonial government as it sought to relay news to its colonies [1]. As Wanyama [2] puts it this broadcasting's target was the white settlers who monitored news from their home. The first broadcast targeting Africans came during the World War II and it aimed at informing relatives of soldiers who were on the war front about how their sons were doing. The colonial government established African Broadcasting Services (ABS) in 1953. It targeted Africans and broadcasted in Swahili, Dholuo, Kiluhya, Kikamba, Kinandi and Arabic. The African broadcasting Services was changed to Kenya broadcasting services in 1959 with regional stations in Mombasa, Nyeri and Kisumu. The legal regulatory and policy framework governing the media was aimed at serving the interests of the colonial government [3]. The press was a tool to relay government policies to the people. With the rapid

growth of a vibrant media in the world, the colonial government feared the existence of such media in its colony and therefore it enacted penal code of 1930, which bared publication of anti-colonial materials and illegalized possession of the same [4]. The colonial government sought to literally suppress any alternative media outlets, which it accused of spreading anti-government propaganda.

On Independence, Jomo Kenyatta became the first president with Jaramogi Odinga as his vice. The country was optimistic and hoped that independence could extend to freedom of expression, freedom of information access and freedom of the press. Although the initial rule of Jomo Kenyatta presidency was characterized by goodwill, this did not last. After the fall out between president Kenyatta and Jaramogi Odinga- “the presidency of the Kenyan state became defined by its use of repressive (state) apparatus rather than representing institutions as instruments of legitimizing its rule leader” [5]. The turning point occurred in 1992 when Kenya adopted multi-party politics. Freedom of expression was encouraged and criticism of government escalated. Realizing that media had power to influence politics, President Moi bought controlling shares in The Standard group and sought to assert influence on the Nation Media Group through its principal shareholder [6]. This ensured that the regime could easily control media but it was not until 2002 when president Kibaki brought a reforming relief although it was not long before he went back to check on media operation.

The Mwai Kibaki Regime and the Media (2002 – 2012)

The election of Mwai Kibaki as the third President of Kenya was heralded as the third liberation. As he noted in his speech, the expectations from Kenyans were high yet the challenges were intimidating [7]. Kibaki’s presidency was largely characterized by his “hands-off” style of leadership where he left cabinet ministers to do their work un-interfered with and he was never quick to comment on criticism. His government had a strategist, an economist and a reformer. The Kibaki administration created the office of Public Communication in 2004 that addressed the media on policy issues weekly [8]. This aimed at consolidating all government communications to avoid issuing conflicting information. Although this office may have had challenges - as it faced independent, assertive and watchful media in Kenya - it served its purposes, one of which was to offer strategic communication of government policies. In essence, it sanitized government communication, thus according media independence that it had never experienced before.

Although there was limited manipulation and coercion of media practitioners, the government created Media Council of Kenya (MCK) in 2007 whose

function was to monitor the conduct and discipline of journalists and the media. The positive side was that it provided mechanisms to provide self-regulation of the media. The most fundamental functions of the MCK included; to mediate and arbitrate in disputes between the government and the media, the public and the media, and intra media; promote and protect freedom and independence of the media; ensure protection of the rights and privileges of journalists in the performance of their duties among others. The council has representatives from Kenya Union of journalists, media owners association, the law society of Kenya, editors’ guild of Kenya, schools of journalism (from both public and private universities), public relations society of Kenya, Kenya institute of Mass Communication and Kenya News agency [9].

The formation of the Media Council of Kenya was a significant step towards the freedom of the press while being independently regulated. Unfortunately, the act created a mechanism for control through financing. The Freedom of Information Act 2007 dealt a deathblow to the Official Secrets Act. This Act improved significantly the public’s access to official information and governance. The most significant step was witnessed when the new constitution was ratified in the year 2010. Allen and Gagliardone [10] argue that the constitution formally gave media independence and autonomy from state interference. They add that journalists can challenge the government and ensure a degree of public accountability contrary to the past when individuals, frequently embroiled with political struggles and hindered them from speaking for the public. The provisions of freedom of media, expression, and information, barred the state from imposing penalties for any opinion or view or the content of any broadcaster publication.

Kibaki Regime, Media Ownership and Technology adoption (2002 -2012)

The Kibaki government inherited media owned by very few individuals and corporate organizations [11]. Surprisingly this trend continued even after he took over power. The only difference was the change in legislation (such as Freedom of information Act 2007, Media Act 2007, and the new constitution) which expanded space for existing media owners to open new media platforms [12]. Although Kenya had more than 7 daily newspapers, 100 radio stations, 17 television stations, and 13 weekly and monthly papers, the market was dominated by four groups; the Nation Media Group, the Standard Group, the Royal Media Services, Radio Africa; most of which combined print and broadcast media, distribution and publishing [13]. According to Mbeke, Okello-Orlaleand Ugangu [14], Kenya saw a tremendous growth in telephony and internet services from 1998. This was due to communications commission of Kenya’s independence from telecommunications suppliers and

government. "This independence was brought about by the 2010 Communications Commission of Kenya regulations which safeguarded anti-competition practice, and promulgation of procedures for interconnection negotiations, dispute settlement and for allocation and use of scarce resources" [15]. The cost of communication via internet went down as Kenya liberalized information communication Technology [16].

President Kibaki did not own media outlet either directly or through proxies although Media owners tended to be politically aligned with various political parties. During the 2005 constitution referendum, for example S.K. Macharia of Royal Media Services publicly announced his support for the 'Yes' campaign which was led by President Kibaki. In the run up to 2007 elections, Nation Media group, Royal Media Services, and Capital Group were perceived to support Party of National Unity led by President Kibaki, while the Standard group, Radio Umoja and Kass FM were perceived to support Orange Democratic Movement led by Raila Odinga. Although Kibaki received overwhelming support by the majority of media owners, he remained neutral in his dealings with the media, showing little favoritism or biasness to those who supported him.

Kibaki Regime and the Media use and Control

During the 2007 general elections, Mwai Kibaki employed the use of Media in his campaign. He established a website, which he used to engage his followers [17]. The 2007 elections saw unprecedented investment in printing and in buying advertisement space and time. A survey done in 2007 by Coalition of Accountable Political Financing (CAPF) showed that 2007 general election was the most expensive, by the time, in the country's history, where close to six billion (75 million dollars) was spent [18]. However, although there was the use of new media in these elections, their engagement did not provide deeper insights and interactive discussions. The Kibaki team, for instance, did not fully utilize the power and potential of new media to the maximum during the 2007 general election.

Although the Kibaki regime had liberated media to the levels never seen before, there are a few incidents where his regime came into conflict with the media. In 2005, President Mwai Kibaki's wife, Lucy Kibaki stormed the premises Nation Media Group with her security detail in reaction to a story that the newspaper was to publish about her family [19]. In 2006, Kibaki's security personnel raided the offices of Standard Group after it published stories alleging mass corruption and revealing a multi-million dollar scandal. The police beat journalists, burning newspapers, destroyed paper and dismantled equipment.

Moreover, during the disputed 2007 general elections the Kibaki administration imposed a 24 hours media blackout. The swearing in ceremony was done at around 7.00 Pm and the only media allowed was the Kenya Broadcasting Corporation (KBC). In 2009, Francis Nyaruri, a reporter for the private newspaper known as Weekly Citizen who had written a number of stories accusing high ranking police officers of corruption was murdered in western Nyanza province [20]. This was seen as a reactionary incident by the Kibaki regime to the media practitioners.

The Uhuru Kenyatta Regime and the Media (2013 – 2017)

Uhuru Kenyatta inherited a robust, assertive and independent media from his predecessor when he won the 2013 general elections on a digital platform. They acquired a pseudonym 'digital government' as they offered their candidature as a digital team, promising to transform Kenya into a 'digital republic'. Soon after ascending to power, he invited media stakeholders, including editors and senior journalists for a breakfast at statehouse, a move towards fostering good relationship between the government and the media. He also formed the ministry of Information Communication and Technology. The relationship between Uhuru Kenyatta's regime and the media turned sour after the events of 21 September 2013 (The Westgate Mall attack). The government was unhappy with the media coverage of the incident and therefore sought to enact laws that were termed as draconian by media practitioners [21]. The Kenya Information and Communication (amendment) Act 2013 removed the complaints commission from the Media Council of Kenya and formed a separate regulator; the Communications Authority of Kenya. It also imposed heavy penalties to journalists who failed to observe the media code of conducts. The penalties also extended to the media houses, which are guilty of airing programs that go against the rules.

Lohner, Banjacand Neverla [22] posit that the amendment "modified the system of media regulation and control, as well as the role of the state, in regulating media, by establishing new regulatory bodies and changing mandate as well as structures of the existing institutions". The amendment includes the ministry responsible for matters related to media in the selection panel in addition to other members. In addition, the funding of the council comes from the government. The council is also obliged to table, through the cabinet secretary, before parliament, reports on its functions.

From this development, three things stand out: first, the inclusion of a representative of the ministry responsible for matters relating to the media enhances government control of the media practice. Secondly, financial dependence of the council from the government means little or no independence and third,

tabling of the council's functions to the parliament through the cabinet secretary renders the council subjective to the government. Obviously, the cabinet secretary will never table functions that are not friendly to the government. The move sparked an outcry from the media fraternity. Lohner, Banjac and Neverla while commenting on this legislation, have pointed out that "unprecedented guarantees of freedom of media expression and information which were granted by the 2010 constitution have been de facto repealed to a large degree by recent media legislation, affording the executive more powers to regulate the media and impose heavy fines" [23]. They add that media practitioners have been placed under the regulation of institutions that favor government stance on media practice. In this framework marked by political interference, Kenyan journalists face intimidation, threats and attacks. The reluctance of Uhuru Kenyatta's government to implement media reforms is tested through access to information rights where the Access to information bill 2013 was still awaiting parliament debate by the time this paper was being written.

Uhuru Regime, Media Ownership and Technology adoption (2013 -2017)

Compared to Kibaki, President Uhuru can be described as a technologically able president who understands the power of media by owning one and using it to his advantage. During his tenure, Kenya has seen a tremendous increase in the media coverage and consumption in the field of new media, especially the social media. According to communications authority of Kenya [24]; quarterly sector statistics report for the financial year 2015/2016 (January – March 2016; The mobile telephone subscribers stood at 39.7 million Kenyans with mobile penetration reaching 90%; internet subscribers reached 26.8 million with internet penetration levels reaching 87.2%. Total number of FM stations reached 39 (making it 139, including government owned) across the country while the number of television set top boxes purchased stood at 3,045, 944 pay television and 95, 493 for cable television. This is a remarkable growth and expansion of media consumption meaning the citizens are better informed than ever.

Television Africa Holdings, which is owned by the Kenyatta family runs one television station (K24 Television Station), one newspaper (The People Daily), and four radio stations (Kameme FM, Milele FM, Miyani FM and Meru FM). In the analysis of Simiyu [25] the Deputy president William Ruto owns Kass FM and he is also associated with Chamgei FM. The former cabinet minister Charity Ngilu and one of Uhuru's allies own Mbaitu FM/Sio Kimau. He adds that Najib Balala, and Chirau Ali Mwakwere, perceived allies of Uhuru Kenyatta own Sheki FM, Pilipili FM and Radio Kaya respectively. Nyanjom [26] argues that the "political ownership of media outlets act against the

requirements for a fiercely independent media – especially during election times. In such a situation, news coverage is geared towards protecting the interests of media owners". This position agrees with the analysis of Mbeke, Okello-orlale and Ugungu [27] that the content is tailored in a manner that fails to reflect reality thus working to undermine media independence.

There was also the recurrence of media owner's political affiliation when in 2013; S. K. Macharia of Royal Media Services supported Raila Odinga in his presidential bid. While we cannot certainly state that, the reason was that Uhuru Kenyatta is his competitor in media industry; we cannot certainly refute the claims either. His support for Raila Odinga marked the beginning of tribulations for the Royal Media Services in January 2013, especially Citizen Television when the station lost almost half of its senior staffs to K24, a television station owned by the Kenyatta family. Shortly, the Communications Commission of Kenya Director shut down six of Royal Media Services Broadcast Transmitters raising more questions than answers.

The handling of digital migration increased the sour relationship between media and the Uhuru Kenyatta regime. The Nation Media Group, The Standard Group and the Royal Media Services while citing unpreparedness as a challenge questioned the awarding of the tender to regulate and sell content to a rival media house, Pang (Pan African Network Group) and a subsidiary of the Kenya Broadcasting Channel; Signet [28]. To them, this was a pretext to subdue, weaken or altogether eliminate independent, privately run television stations. The whole saga ended in court, and the migration was rescheduled severally. In the end, Communications authority granted the three media houses a single license for the distribution of their own digital signals.

Uhuru Regime and the Media use and Control

Uhuru Kenyatta became the president of Kenya at a relatively young age compared to President Mwai Kibaki. His interaction with media cannot compare with that of his predecessor. His knowledge and use of the power of media enabled him to change what was initially considered a "fatal liability - the indictment by the international Criminal Court (ICC) – in retrospect was seen by many observers (as well as by their own campaign team) to an important, if not their most vital asset" [29]. He explored the power of media and changed the ICC narrative to his advantage. For example, he was able to select online campaign tools that encourage interaction during the 2013 general elections.) Social media people are able to craft understandable and interactive messages where feedback is almost prompt hence enhancing mutual beneficial relationship [30]. Uhuru Kenyatta understood

these rules and engaged Kenyans on the same, giving them a platform to interact with him.

On the International Criminal Court issue, Uhuru used media to present himself and his running mate as victims of Western conspiracy and portrayed his main opponent as a stooge of the west and an architect of their indictment [31]. In the run-up to the elections, he hired a United Kingdom based firm (BTB) to manage his public relations [32]. He established a campaign team to manage online engagements. According to Mathenge, BTB also engaged in an elaborate campaign to monitor online media, especially social media with particular interest on twitter as well as gathering information on CORD presidential candidate. With this strategy, Uhuru Kenyatta outsmarted his rivals in the first round, avoiding a run off.

President Kenyatta invited media stakeholders, including editors, and senior journalists to statehouse for breakfast soon after ascending to power to foster a good working relationship but a few weeks later, journalists were thrown out of parliament, citing misrepresentation of facts. Tension increased when senior journalists from the Standard aired an investigative report about developments at the Westgate Mall attacks in 2013. The government was unhappy and therefore summoned the two journalists to the CID headquarters to record statements. The parliament would later introduce a bill –the Kenya Information (Amendment) Bill 2013- that was later signed into law. The bill reduced previously enjoyed media independence and imposed heavy penalties on journalists as well as media houses that could be found guilty of code of ethics violations.

During Saba Saba celebration in 2014, a directive from Communications Authority of Kenya (CAK) ordered all media houses to desist from live coverage of the rally [33]. While this move was explained to be a security measure, many analysts argue that it was to deny the opposition a platform to address its audience outside Nairobi [34]. In addition to that, the sacking of Dennis Galava, managing editor at Nation Media Group is seen because of government intolerance to criticism. It is said that Galava was fired after he published an editorial critical of Uhuru Kenyatta's administration. Tom Mshindi, the editor in chief said that the reason for Galava's sacking was not the views the editorial expressed, but the manner in which it was handled. Reacting to this, Galava said that he had written a lot of articles and had not needed any guidance or a form of procedure before they were ready and that he was shocked by the turn of events [35].

Godfrey Mwampemba popularly known as Gado, whose contract with the Daily Nation was terminated without any explanation has also attributed

his fate to the government pressure. It is argued that his contract was terminated after he published a cartoon, which did not portray the president in good light. He expressed his frustration saying that although many in government did not like his cartoons over the years, things changed with the new government and he therefore had no doubt that The Nation had succumbed to pressure of the government [36]. A July (2016) Committee to Protect Journalists special report on the conduct of the press since Kenyatta took over power found that journalists in the country are vulnerable to legal harassment, threats, while news outlets are manipulated by adversaries or politician owners [37].

In February 2016, Elija Kinyanjui, a veteran journalist from Nakuru was held for twelve (12) hours by Criminal Investigation Department (CID) in the town for what they termed as misuse of licensed communication gadget (telephone). His crime was sharing on his social media platform (Whatsapp messenger and Facebook) a post that showed photos of a governor's daughter seen partying hard [38]. The most recent incident of state interference in the freedom of media occurred after the Business Daily; a Nation Media Group newspaper published an audit report that revealed potential mass corruption in the Ministry of Health, famously known as the "Afya House Scandal". The state house came out to condemn the newspaper for publishing the report. The principle secretary was recorded issuing threats to the journalists who had called to seek clarification over the report. The cabinet secretary for Information communication reported the newspaper to the Media Council of Kenya. All these incidences mark the sour relationship that exists between media and the state. While we cannot exactly point out that media is completely innocent, unorthodox handling of content by media and media by the state institutions should never rein over democratic coexistence.

CONCLUSION

It is indisputable that due to its power and influence, the Kenyan media remains one of the most respected and feared institutions by citizens and the political regimes. Although the speed at which the media is growing in Kenya is intriguing, the implementation of the progressive constitution, which guarantees freedom of the media, is far from being realised. The relationship between Kibaki government and media was relaxed but not without control and repression, especially given that most media owners were politicians and others had overt political affiliations. Things have not changed much during Uhuru Kenyatta regime, which in multiple incidents; it is suspect of suppressing media space and freedom through law and unorthodox means. This said, there is need for the government and media to strike a balance both in policy framework and in practice to enhance

media freedom and objective coverage of government issues.

REFERENCES

1. Mbeke, P. O. (2008). *The Media, Legal, Regulatory and Policy Environment in Kenya: A historical briefing*.
2. Wanyama, L. L. (2015). *Media Control in Kenya: The state of broadcasting under the new Kenya Information and Communication Act of 2013*.
3. Mbeke, P. O. (2008). See note 1.
4. Makali, D. (2004). *Media Law and Practice: The Kenyan Jurisprudence*.
5. Ajulu, R. (2000). *Thinking through the crisis of democratization in Kenya*.
6. Allen, K., & Gagliardone, I. (2011). The *media map project*, Kenya. Case study snap shot of donor support to ICTs and Media.
7. Oosthuizen, L. M. (2007). The External Media policy framework: From restrictive policy to the democratization of Communication. *Media Studies. Institutions, theories and issues*. 1. 163-186.
8. Soft Kenya. History of Kenya: President Mwai Kibaki 10 year rule. Retrieved from <https://softkenya.com/history/history-of-president-mwai-kibaki/>. 2014). Accessed on 18th November 2016.
9. Ogola, G. (2011). The political economy of the media in Kenya: From Kenyatta's nation building press to Kibaki's local language FM radio,' *Africa Today*.
10. Allen, K., & Gagliardone. (2011). See note 6.
11. Lohner, J., Banjac, S., & Neverla, I. (2016). *Mapping structural conditions of journalism in Kenya: Media Conflict and democratization*.
12. Hrvatin, S. B., & Petkovic, B. (2004). Media ownership and its impact on Media independence and pluralism. Retrieved from; www.2.cji.ro/userfiles/file/documente/02_ownershp_regional_overview.pdf
13. Allen, K., & Gagliardone. (2011). See note 6.
14. Allen, K., & Gagliardone. (2011). See note 6.
15. Allen, K., & Gagliardone. (2011). See note 6.
16. Communications Authority Kenya. Quarterly sector statistics report third quarter for the financial year 2015/2016 (January – March 2016).
17. Gaitho, M., & Kibaki, M. (2013). The man who turned around Kenya's presidency. *Daily Monitor*. Retrieved from; www.monitor.co.ug/artsculture/Reviews/Mwai+Kibaki+The+man+who+turned+around+Kenya+s+presidency/-/691232/item
18. BBC World Service Trust. (2008). *The Kenyan 2007 elections and their aftermath: The role of Media and Communication*.
19. Ndavula, J. O., & Mueni, J. (2014). New Media and Political Marketing: The case of 2013 General elections. *Internal journal of Arts and Commerce*. 3 (6), 69-84
20. Rhodes, T. (2012). Murder in remote Kenya reverberates across nation, world. Committee to Protect Journalists (CPJ). Retrieved from <https://cpj.org/2012/02/attacks-on-the-press-in-2011-a-killing-and--cover.php#more>
21. Mwangi, W. (2016). *Nation fires editor Galava over editorial criticizing Uhuru*. The star newspaper.
22. Lohner, J., Banjac, S., & Neverla, I. (2016). See note 11.
23. Kenya Today. (2013). *Uhuru Kenyatta insists he can run government from The Hague*. 2013. Retrieved from www.kenya-today.com/politics/uhuru-kenyatta-al-jazeera-tv
24. Kenyan Constitution. (2013). Kenya Information and Communication (amendment) Act.
25. Simiyu, T. F. (2013). Media ownership and Coverage of 2013 general Elections in Kenya: Democracy at Crossroads. 2013. *Global Media journal* .8, 1. 114-145.
26. Nyanjom, O. (2012). Factually True, Legally Untrue. Political Media Ownership in Kenya. Retrieved from <http://www.internews.org/research-46publications/factually-true-legallyuntrue-political-media-ownership-kenya>
27. Mbeke, P. O. (2008). See note 1.
28. Ndonge, M. M., Khaemba, J., & Bartoo, P. (2015). Digital Migration and the Battle of Terrestrial Titans in Kenya: Issue and Prospects.
29. Ole-Shitemi. (2016). Our history scares us about Jubilee government. Retrieved from www.shitemi.com/politics/our-history-scares-about-jubilee-government
30. Solari Communications. (2016). Improve the effectiveness of your communication. Retrieved from; www.solaricommunication.com/solari-services.php
31. Ndavula, J. O., & Mueni, J. (2014). See note 19.
32. Mathenge, O. (2013). How British PR firm helped Jubilee win. *The Star Newspaper*.
33. Mbeke, P. O., Okello-Orlale, R., & Uganju, W. (2010). The media we want: *The Kenya Media vulnerabilities study* . .
34. Wanyama, L. L. (2015). See note 2.
35. Mwangi, W. (2016). See note 21.
36. Rhodes, T. (2012). See note 20.
37. Rhodes, T. (2012). See note 20.
38. Mshindi, T., & Mbeke, P. O. (2008). *Kenya media sector analysis report*. A research report prepared by the Canadian International Development Agency (CIDA), Quebec. Print.