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Africa Media Review Vol. 7 No. 3 1993
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Press Freedom and the Role of the Media in Kenya

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Abstract

The writer in his paper seeks to discuss the concept of press freedom and the role of the media in Kenya. The paper attempts to critically analyse a number of factors that are seen as limiting the functional roles of the media. The writer argues that there is a direct relationship between press freedom, the roles of the media, and the nature of the government in power. The paper discusses factors that may limit press freedom and the role of the media, and it proposes some solutions to these problems.

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La Liberté de la Presse et le Rôle des Média au Kenya

par Polycarp J. Omolo Ochilo

Résumé

Dans cette communication, l'auteur examine le concept de la liberté de la presse et le rôle des média au Kenya. Il passe ensuite en revue un grand nombre de facteurs qu'il considère comme des entraves aux rôles fonctionnels des média. L'auteur avance qu'il existe un rapport direct entre la liberté de la presse, les rôles des média et la nature du gouvernement en place. Il analyse enfin, les facteurs susceptibles de limiter la liberté de la presse ainsi que le rôle des média et propose quelques solutions à ces problèmes.

Introduction

The modern media in Africa, as we know them today, were a creation of European missionaries, immigrants and the colonial administrations as the chief actors. They were responsible for the introduction of the printing press in many countries in Africa and in many other parts of the Third World, from which the present Media Systems in Africa grew. They used the media primarily for the dissemination of news and information among the European residents and settlers. Besides, they also used the media as "a device to maintain the status quo." In other words, the media in this setting had very little to offer to the indigenous people during the colonial period as the media remained in character and function European oriented and reflecting basically the dominant influence of the West.

So unlike in the West, the media in the Third World during the colonial period was not a major instrument of political and social change as it basically lacked a profound social foundation and distinction relevant to the local people. It is against the above historical introduction of the media in Africa and its subsequent orientation during the colonial period and the post-colonial period that makes the topic "Press Freedom and the Role of the Media in Kenya", relevant, critical and topical in the minds of many scholars in the Third World. This is so for a number of reasons: first, many countries in Africa are going through very significant political changes from the monolithic one-party states, military dictatorships to multi-party systems; second, the role of the media under these monolithic political systems have been confusing and their growth and diversity seriously compromised through political controls and the state and party ownership of various critical channels of communication. These kinds of political interference have tended to reduce the effective functional roles of the media as a fourth estate on behalf of the majority who don't belong to the ruling elites. Third, the media must, during these political changes and beyond, take its rightful place in various forms of development processes in Kenya. In other words, the media must be seen to be serving the ends of development effectively.

This paper's central thesis, therefore, seeks to discuss in detail press freedom and the role of the media in Kenya. Furthermore, attempts will also be made to analyse critically a number of factors that are seen as limiting the functional roles of the media. The paper is divided into five parts: general introduction of the topic, overview of the roles and functions of media globally, the media as a tool for development in Kenya, some suggested solutions towards the limitations of the press freedom and the last part, some concluding

remarks.

Many scholars tend to agree generally that press freedom, the roles and functions of the media in many societies tend to have common features while at the same time maintaining very distinct and critical qualitative differences of greater significance than similarities. For example, L. John Martin *et al.* argues that the media's distinctive functional roles are critical to the extent that one appreciates a number of key issues that will continue to ensure that their roles and functions will remain qualitatively different. These are (1) the fact that the media are not one entity and (2) that they do not in many cases function in idealized social liberal systems such as that of the U. S. According to Martin, therefore, one needs to appreciate that the roles and functions of different types of media will differ in different societies. For example, the roles of newspapers will differ from that of magazines and weeklies, just as the roles and functions of radio will differ from that of television. Similarly, the nature of the social system under which the media is operating will critically affect their freedom, roles and functions, since it is now held by many scholars that communication processes and outcomes are influenced by internal and external contingencies as well as by the degree of freedom that prevails under the system in question.

The Global Roles and Functions of the Media

At the international levels, the historical roles and functions of the media are best explained by three major theories of the press: Liberterian theory, the social responsibility theory and the Soviet communist theory.

Fred Siebert *et al.* (1972)argues that the media under the liberal systems of government, such as that of the U.S., have their critical roles and functions embodied in these countries constitutions or fundamental laws. Primarily, the media is free from government controls and has the key function of keeping the government from overstepping its bounds (the watch dog role). Besides, the media has basic functions of informing, entertaining and providing a basis of economic support through advertising as one of the ways of being able to ensure financial independence, which in turn allows the media in question a measure of freedom from governmental and state controls. In other words, the media under liberal systems have a dominant role in the social interaction, political and economic discussions and the formation of "public opinion" without undue hindrance from the government.

Siebert *et al* (1972) also argues that there is a critical correlation

between ownership and control of the media and the ability of the media in question to be able to be free and independent. His central thesis, therefore, is that the media under liberal systems of government could be owned by anybody foreign or indigenous so long as one has the economic power to do so. This he argues, is desirable to the extent that it allows the media to function freely away from government controls since it is privately owned.

However, the social responsibility theory emphasizes responsibility of the media to the society it serves as opposed to freedom per se. The social responsibility theorists takes the position that the media need of necessity to assume both moral and legal responsibilities for all that they publish for the general good of the society.

But the roles and functions of the media are much different under authoritarian regimes. For example, under authoritarian regimes, the truth is not seen and understood as a universal function of many people in these societies. On the contrary, truth was thought to be centred near the centre of power where there were a few "wise men" who were the only ones in a position to guide and direct their people. Besides, as with the Soviet Communist theory, the media is state owned, under tight controls and the virtues of individual liberty are subordinate to those of the party and the state. The media therefore, operates as a tool of the ruling power. These theoretical interpretations of the roles and functions of the media raise central questions on the extent to which the roles and functions of the media are first determined by a number of factors such as economic and social, but most important is the question of the political system and the government in power.

However, the media in many African countries have tended to fall in the authoritarian category mostly. There are, however, some exceptions in some countries like Nigeria, Zambia, Egypt and Kenya where there exists some form of private media ownership and thus some form of limited freedom. It is important, however, to understand the kind of media freedom in these countries is not in any way comparable with what is known to exist in the U.S., Britain, France, Germany or Denmark.

The Media as a Tool for Development in Kenya

The modern media in Kenya was started by the Missionaries and the British settlers. The early examples included the *Taveta Chronicle* which was published by Rev. Robert Stegal of the Church Missionary Society in 1895. It was circulated among Europeans and interested persons in England. It was later followed in 1899 by the *Leader* of the British East Africa Company and *Uganda Mail* which was published

in Mombasa. The basic objective of these papers was to provide information for the missionaries and settlers of news that came from home (England). Secondly, the media at this time was used as a "device to maintain the status quo" by legitimising the rights of the colonial masters to rule Kenya. Thirdly, the media provided a channel for social communication among the settlers in Kenya from different parts of the country. Radio was also started in 1928 to play the same kind of roles.

The Asians later ventured into the business of ownership of some sections of the media. Their main reason was to use the media to legitimize their second place to the whites in Kenya. The Africans on the other hand, later venture into the media ownership basically to use the media as tools for putting across their demands for freedom, justice and equality. After the second world war in particular, many aspiring political leaders used the indigenous press to built and cement political organizations. These were essentially agitational which made them crucial in the realization of independence goals.

After independence in 1963, similar patterns of media ownership and development continued as they were under the colonial rule. For example, the independent African government entered the shoes of the colonial rulers. These governments had full control of the electronic media run under the Ministry of Information and Broadcasting headed by a Minister appointed by the President. Its other departments were The Kenya Broadcasting Corporation and the Kenya News Agency. Currently, the ruling party also owns and runs a party Daily Newspaper, the *Kenya Times* and a television station. Their overall objective is to inform, educate, entertain and to propagate all that consolidates "national unity, peace and stability in Kenya". They are essentially therefore, government communications organs fully controlled by the government of the day.

The second type of media in Kenya includes the privately owned dailies such as the *Nation* Group of Newspapers and the *Standard*. These privately owned dailies are fairly autonomous in their editorial policy and have a strong financial base built for a long time before and after independence. They are, however, not immune from governmental controls which take the form of political representations to the owners and threats to sue through courts of law.

The third category of the media in Kenya are the more venerable group indigenous magazines and weeklies such as the *Weekly Review*, *Finance*, *The Nairobi Law Monthly*, *Parents*, and *Step*. This category depends on the good will of the government of the day as their capital base is weak. They have less circulation confined mainly to most urban centres and consequently do not draw a great deal of

commercial advertising from the seemingly saturated small readership market in the urban centres of Kenya.

The Media and Multi-Party Politics in Kenya

We have argued elsewhere in this paper that the roles and functions of the media in any society will be determined by both the internal and external situations in different societies. But what is most crucial is the nature of the political system and the nature of government in power at a particular time. For example, the media's roles and functions under liberal political systems like those of the West will substantially differ from those under authoritarian regimes like many of the African and other Third World countries. Secondly, it is clear that most of the media in Africa, Kenya included, fail to embrace in totality the libertarian norms of the press.

Lule (1985), for example, argues that the news values of the Third World are broad and varied, due to the great diversity of Third World countries. In effect, therefore, some media institutions in Africa use the western news value yardstick as human interest, proximity, conflict, unusual events, personality and education to determine what to deal with. At the same time the media in Africa and Kenya for example, are increasingly used by governments as channels for the propagation of the countries ideological stand on particular matters as well as being used as channels to disseminate the ruling party matters. The latter two are the functional roles of the media under authoritarian regimes.

It is against the above background in relation to the nature of the political system in Kenya now and the country's historical development of the media and its relations with government that provides us with the basis to analyse press freedom and the role of the media in Kenya.

There is no doubt, for example, that the media has a critical role to play under multi-party politics in Kenya. Indeed the media have been in the forefront, especially the print media, in sensitizing the Kenyan population on the virtues of a democratic system. At times they have done so against the wishes of the government of the day. Political education by the print media especially after the repeal of section (2A) of the Kenyan constitution in 1991 that made Kenya once again a multi-party democracy, went a long way in preparing the Kenyan population onwhat it means to belong to different parties in one country and the significance of the individual's right to vote.

Indeed, the O.A.U. Secretary General, Salim Ahmed argues that the media in Africa have a crucial role to play in the continent's pursuit of political and economic justice and peace at both national

and international levels. Similarly, the late Paul V. Ansah (1992), like Salim, argues that the media have a key role to play in the political, economic, social and cultural transformation of the society. For example, the media, he argues, have a crucial role to play in the promotion of democracy and development in Africa, more so in nations like Kenya, which have for along time been under single party rule. Ansah argues further that for this role to be achieved, the media in Africa must provide a forum for collective discussion and evaluation of options to enable the public to arrive at well considered decisions.

Furthermore, the watchdog role of the media where the media plays a checkpoint role to the excesses of the government needs to be an integral part of the functions of the media, moreso in Kenya under the multi-party politics.

According to Ansah (1992), the role of the media has been enhanced by the current realization that the old paradigms of development that tended to equate development with modernization are wanting. This approach was characterized by the "diffusion of innovations" and the "extension" of knowledge and service from the change agents to the people. In this context the role of communication was to transfer knowledge or technological innovations from change agents to recipients and thus create a climate for an appetite for change among the people striving towards development. This kind of approach has now been found to be elitist, top-down and paternalistic to the extent that it excluded people from participation in the planning and implementation of the desired development programmes.

The currently desired approach, which is human and people-centred, presupposes the placing of confidence in the people's ability to discern and define their own needs and to learn to do things for themselves. This approach, argues Ansah (1992), places greater emphasis on the significance of the media's role in the whole question of development. He quotes the position of Carmen on communication, who wrote that:

> Communication is first and foremost a bridge building exercise, the foundation of which is trust in people's own ability to cope. Peoples participation is not something which can be "mobilized" or created from the outside; it is based on people's right to decide for themselves (Ansah, 1992).

The essence of this position are the fact that there is critical linkages between communication and development of the people, since proper communication processes empower people in making rational decisions.

The media in Africa and many other parts of the developing world continues to play critical roles in the promotion of better health for

children and the promotion of various sound environmental programmes. For example, UNICEF has continued to popularize the concept of social mobilization and advocacy under her various child survival, protection and development programmes in many developing countries such as Kenya. Under these programmes the use of Oral Rehydration Therapy (ORT) and the Expanded Programme on Immunization (EPI) have been extensively promoted by the media by encouraging their use, as well as the promotion of collective participation of governments, communities and various social organizations down to local communities. This has led to a very significant reduction of infant mortality and increased levels of commitment to child survival by various governments in Africa and by the African people.

Similarly, it is generally accepted now that the various media institutions in different parts of the world are best placed mediums of communication that could put environmental agenda at the "global stage" on a continuous basis. This is based on the understanding that humankind's quest for development must not endanger the environment to the extent, therefore, that scholars like Opubour (1993) argue that the media must continue to emphasize the significance of sustainable development as development that "meets the needs of the present without compromising the ability of future generations to meet their own needs".

The role of the media in development has also been discussed by scholars like Parker and Mohammadi under the specific component of development support communication. The two posit that the early works of scholars like Schramm (1964) on the relationship between communication and development focused on the messages of the mass media and how they could be utilized to create a sense of national identity, foster attitudes favourable to modernization, fulfil goals of campaigns such as those of family planning, disease prevention or agricultural development projects.

However, they argue that through development support communication, the mode of communication chosen will support the development goals of a particular nation. Besides, the goals of development support communication are of necessity dependent on the specific development plans that they are expected to support. Their central thesis, however, is the contention that development support communication needs to be built on some fundamental basic goals.

Various goals of development support communication are pertinent in our context. Development support communication needs to be based on the following goals linked to development:

(1) determine the needs of the people and give political credibility to the expression of those needs. In other words, provide sufficient citizen access to communication systems to serve as effective feedback to the government concerning its development goals and plans.
(2) provide horizontal and vertical communication linkages at all levels of society. In other words, much more than a one-way broadcast communication system with feedback channels is required. Furthermore there must be communication channels through which people at all levels of society and in all regions and localities have the capacity to communicate with each other.
(3) provide local community support for cultural preservation; that goes beyond the cultural preservation through events and entertainment on national radio and television which are seen as not enough. What is desired is the requirement that local media and local support mechanisms are required in addition to the encouragement implicit in national recognition.
(4) raise people's awareness of development projects and opportunities.
(5) help to foster attitudes and motivation that contribute to development.
(6) provide relevant information on jobs and vocational information and consumer information.
(7) support economic development through industrial linkages, for example, electronics industry, computer industry, printing and performing arts.
(8) provide support for specific development projects and social services, including health care delivery, agricultural or vocational skills training, public health and sanitation of family projects. It is noted however, that there could be variations to the above themes as development support communication strategy tends to be linked to specific development goals of a particular developing country in so far as that country's development plans may go.

Factors Limiting Press Freedom the Roles and Functions of the Media in Kenya

In the African context, one key area where the role of the media is most crucial (Ansah, 1992) is in the expected contribution of the media to the process of establishing open, democratic and stable societies. But this resides in the media's ability to expose and criticize bureaucratic incompetence, corruption, abuse of power and the violation of human rights. Ansah adopts the position that the mass media constitutes the institutional framework for exercising a regular scrutiny on the activities of the government to see how performance matches promise or how programmes are being implemented. In a democratic society, actions of the government, which is only a trustee

of the collective will and power of the people, are expected to be regulated by the force of public opinion and the press is the most appropriate medium for gauging and reflecting public opinion.

The position of Ansah and the now widely-accepted conceptualization of development that puts a premium on the human factor, human dignity and active participation of the people in the development process, according to Kwame Boafo, can neither be fully generated nor actively promoted without communication means and access. In recognition of this central role of the media in human oriented development process, Sevigny has observed that:

> If we accept that the direct participation of people is essential to their own development, then we must also recognize that such participation will not be possible if people are denied the means to express themselves, to share experience and ideas. If they cannot learn what is going on in their own country, in their region, or in the rest of the world, if they cannot openly and freely discuss and formulate strategies to strengthen their economies and improve their lives, then change will be slow with limited participation and with benefits for only a few.

But despite these fundamental roles of the media in Africa, Kenya included, a number of obstacles still stand in their way, seriously and negatively impacting on their roles. These are political problems, economic and financial problems, infrastructural problems, human resource and training problems. For example, Boafo argues that predominant patterns of state ownership, management and control of the media in many African countries provide little leeway for the free access to information for the media and the expression of critical or opposing viewpoints. Besides, although most African constitutions contain clauses on freedom of speech or expression, few have explicit guarantees of media or press freedom and free flow of information.

He goes on to add that the excessive political, legal and extra-legal constraints on the media in Africa have a debilitating impact to the extent that these measures undermine the capacity of the media to appropriately and effectively fulfil their functions in building democratic societies and protecting and defending basic human rights of the people. He cites two basic reasons advanced by Opubor (1993) and Nwenuli that has been responsible for the failure of African governments to specifically guarantee the freedom of the press in their constitutions as over-sensitivity to criticism and fear of providing constitutional legitimacy criticism; and the desire to make it possible for governments to disseminate only what they consider essential information for mobilizing the people for development. The other factor that is to limit the functions and roles of the media in Africa is their fragile financial

base. Most African governments, Kenya included, have been faced by critical diminishing financial resources, foreign debt burden as well as the deteriorating low standards of living since the oil crisis of the 1970s. These have affected the operations of the mass media as the hard currency required for the acquisition of machinery, raw materials, technical inputs and newsprint have increasingly continued to diminish with serious consequences on the diversity and growth of the mass media.

Also of significance is the problem of poor infrastructure as relates to the geographical patterns and linguistic diversity in Africa which tends to limit the media's ability to disseminate information and stimulate people's levels of participation. Similarly, the apparent dearth of expertise and trained personnel still limits the media performance in Kenya and other parts of Africa.

Evidence in Kenya supports the arguments advanced by Boafo. The late G.K. Rukwaro (1992) argued that in so far as the Constitution of Kenya is concerned it does not guarantee freedom of the press. The law merely guarantees freedom of speech to all persons. In effect, the media in Kenya does not enjoy constitutional protection any more than a person in Kenya. Of critical concern, according to Rukwaro, is the major flaw in the constitution as this freedom can be derogated on so many grounds that at the end of the day one is left in doubt as to what freedom one has.

In other words, Kenya, unlike the U.S., has not embodied the concepts of press freedom in her fundamental laws. The effect of this omission means that the role of the media under the current multi-party politics in Kenya is being seriously hampered through ambiguous laws relating to the freedom of the media and the freedom with which they may be able to deal with the various political, economic, cultural and social issues. Other limiting laws in the Kenyan context is the penal code, and the sedition and criminal libel which have very broad limitations on the free functions of the media. Furthermore, there is also the question of direct political interference with the activities of the media. For example, according to a 1992 report of a New York based committee to protect journalists, a number of journalists and their publications have been frequently harassed, intimidated or interrogated by the government security personnel. The government took exceptions to these publications for publishing what was seen as denunciations of the ruling party KANU, reports on sensitive issues like corruption and human rights violations and ethnic clashes in some parts of Kenya.

It is therefore important that these kind of actions be understood as undermining both the press freedom and some of the basic

democratic principles of tolerance and acceptance of constructive descent. Furthermore such actions run contrary to the basic human rights recognized by the General Assembly of the United Nations as documented in the Universal Declaration of Human Rights of 1948. For example, relevant articles in this context are articles 18 and 19:

> Everyone has the right to freedom of thought, conscience and religion. This includes freedom to change his religion or belief and freedom either alone or in a community with others and in public or private, to manifest his religion or belief into teaching, practice, worship and observance. (article 18)

> Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontier. (article 19)

Other countries in Africa have equally been against press freedom. For example, in South Africa, journalists gained latitude after the lifting of the state of emergency in 1991. However, journalists find themselves endangered by factional violence while covering rallies or township violence often instigated by supporters of opposing political parties. In West Africa, at least eight francophone newspapers were closed for allegedly failing to comply with press laws. In Liberia, journalists are targeted by all sides in the civil war; while in Malawi, some journalists have either been detained or fired for writing critical editorials. Similar harassments have been recorded in other countries such as Angola, Rwanda, Somalia, Togo, Zaire and Ivory Coast.

Suggested Solutions

The various obstacles facing the media in Kenya are in many ways similar to those that face media institutions in the rest of Africa. It is therefore not paradoxial that many scholars tend to provide similar solutions to these problems. For example, Boafo argues that in order to deal with political problems facing the media in Africa, there is need for the African countries to have a provision of explicit clauses in their constitutions which guarantee press freedom and the establishment of mass media free from political and governmental controls. Besides, there is need for the decentralization of media ownership in Africa in order to allow individuals, groups, trade unions and non-governmental organizations to own the media as one of the ways of easing levels of political controls. Furthermore, the political interference on the activities of the media may be addressed through the establishment of national

media trusts and commissions whose purpose would be to protect the media against governmental pressure and ensure that media professionals go about their jobs without fear of reprisals from the government in power.

(1) There is need to decentralize the ownership as evidence now show that private media owners have deep interest in the "maintenance of status quo". In this regard therefore, the media owners need to be ideologically clear on the press freedom and the roles of the media beyond their desire to maintain status quo at the expense of press freedom. To this end therefore, non-governmental organizations should be encouraged to establish media systems that respond to the peoples needs and their rights to communicate and to participate in information generation and dissemination.

(2) The media in Africa should be managed and operated by academically and professionally well-trained people. This calls for the strengthening of the media educational training institutions in Africa through increase of funding levels for their programmes and through maximum use of local relevant resources.

(3) The media professionals must themselves take the lead in opposing all forms of laws or implied governmental interventions that negate the press freedom. They must therefore seek the repeal of the obstructive laws through the legal machinery available in Kenya.

(4) Kenyans must collectively take the lead in strengthening the civil society capable of standing against oppression of any kind and other obstacles to the press freedom.

(5) Kenyans must allow the media to play the watchdog role on the press freedom and democracy. To this end, the media must continue to impress on the government that in a democratic society the government is a trustee of the collective will of the people, and that the actions of the government are expected to be regulated by public opinion. The media are the most appropriate outlets in gauging public opinion. This can only take place when the press and the people are fully free from any forms of governmental interference.

Conclusion

In this paper, we have looked at the fundamental questions of press freedom and the role of the media in development in Kenya. We have argued that there is a direct relationship between press freedom, the roles of the media, and the nature of the government in power as being critical in determining the basic functions of the media. We have also looked at some of the factors that may limit press freedom and the role of the media, as well as proposed some solutions to these problems. If these problems are solved, the impact of the media will be greatly improved and more positive for the benefit of our country.

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