



**THE ROLE OF LANGUAGE IN MAINTAINING PEACE AND SECURITY IN AFRICA-  
LESSONS LEARNT FROM KENYA AND RWANDA**

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## DECLARATION

This research proposal is my original work and has not been presented for a degree in any other university.

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## **DEDICATION**

This research proposal is dedicated to the late Mr. Onyango who instilled in me the strong moral of self-belief and the need for pursuit of excellence. I will make you a proud African father!

## **ABSTRACT**

Peace initiatives within states have evolved to counter the ever increasing intra and inter-state conflict situations. Scholars and researcher have lobbied for the positioning of language in upcoming policies to boost state security. The aim of this study was to examine how language affects the security of Kenya and Rwanda; two African countries. The research was driven by the increases in the use of language that is deemed a threat to the security in Kenya, in the pretext of freedom of expression. The setting provided by the Rwanda genocide is used to illustrate the potential danger that countries like Kenya would face in the case of uncontrolled misuse of the Freedom of Expression. The researcher primarily sought to examine how the use of language affects security and stability in two African countries, Kenya and Rwanda. Both qualitative and quantitative techniques of data collection and analysis were employed. However, primary data was collected from Kenya with supplementing literature to give more details into the subject. Collection of Primary data targeted the general Kenyan population with a sample size of 100 Kenyans from five different counties being utilized. Primary data was collected through the use of questionnaires. Data from the Rwanda case study was obtained from secondary sources including documented evidence from ICTR. The effectiveness of the different legal provisions that cover the subject was also considered. One of the core findings was on the importance of dialogue. Dialogue is needed between citizens, civil societies and the government in order to fully understand the context, challenges and roles of all actors in ensuring that the population exercises he freedom of expression in a responsible manner. Finally the study has given recommendations on measures and strategies that may be used and thus contribute towards peace and security in the two subject countries.

## **ABBREVIATIONS**

APROSOMA	Association for the Social Promotion of the Masses
B BC	British Broadcasting Corporation
C IPEV	Commission of Inquiry on post-Election Violence
ICCPR	International Covenant on Civil and Political Rights
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICTR	International Criminal Tribunal for Rwanda
IREC	Independent Review Committee
ISD	Institute of Strategic Dialogue
KDF	Kenya Defense Forces
NCIA	National Cohesion and Integration Act
NCIC	National Cohesion and Integration Commission-Kenya
NCIC	National Cohesion and Integration Commission
NGOs	Non-Governmental Organizations
OHCHR	Office of the United Nations High Commissioner for Human Rights
PARMEHUTU	Party of the Hutu Emancipation Movement
PEV	Post election violence
PFC	Private First Class
PTA	Prevention and Terrorism Act
RTL M	Radio Television Libre des Mille
UDHR	Universal Declaration of Human Rights
UNMM	United Holocaust Memorial Museum
USHMM	United States Holocaust Memorial Museum
WW II	World War II

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# CHAPTER ONE

## INTRODUCTION

### 1.0 BACKGROUND

Language is important as a facilitator of effective communication among actors in international relations. Apart from Paul Taylor's recent scholarly work on how language can be an object in conflict and its purpose in conflict resolution,<sup>1</sup> the role of language in maintaining peace in Africa has been underexplored. Much emphasis is placed on the channels through which the language is used in the media or the internet. This research seeks to show that the language used by politicians, policy makers, the civil society or the general citizens of states, also has a key role in security of a country and consequently the relationship with neighbours.

### 1.1 BACKGROUND INFORMATION

Language has been the major tool facilitating relations among the different actors in international relations. It is presented in spoken, written or sign form. These three forms involve a collection of either words or symbols premeditated to communicate a specific meaning. In themselves, words or symbols have no inherent meaning; they have to acquire meaning in their own discursive setting.<sup>2</sup> This process is often lengthy involving repetition and selective usage in different contexts. For example language users may invoke historical meanings of words which in most cases affect their usage in contemporary contexts. In a language words are not only limited to have descriptive functions; they are very important in making the world to be what it is. Words shape the perceptions and cognitions of human beings. States use language to declare

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<sup>1</sup> Taylor, P. J. *The Oxford Handbook of Language and Social Psychology: The Role of Language in Conflict and Conflict Resolution*, (Lancaster University: UK, 2014) Pg.28.

<sup>2</sup> John, C and Ross, G. *Collateral language: A User's guide to America's New War*. (United States: New York University Press, 2002).

war, influence or create policies, enhance or build cordial relationships, settle disputes or make peace among other uses. States also recognize and protect certain rights which are considered important for development, dignity and fulfillment of individuals. Among the universally recognized rights is the freedom of expression. Language is considered an important component of the freedom of expression a factor emphasized by the Tribunal Federal in Switzerland which stated that “language is a prerequisite to the exercise of all fundamental rights connected with freedom of expression in its written or verbal form.”<sup>3</sup> Freedom of expression has been enshrined within the constitutions of both Kenya and Rwanda. However the commitment by the two countries to allow a conflict free exercise of this right has been wanting. Proponents of the absolute freedom of expression argue that any restrictions have a potential risk of affecting democracy. Its contrasting argument is often driven by the opinion that the absence of restrictions may result to a wrongful utilization of the right. This may further lead to the gradual disintegration of harmony of a nation. With the society presenting competing values maybe it would be necessary to rethink on the importance of this right which is important in any democratic country.

The international community has tried to control the misuse of language by individuals to avoid threats to peace and security. However there is conflict between the freedoms of expression and the abuse of this entitlement. International law through the International Covenant on Civil and Political Rights (ICCPR), which has been ratified by 165 nations, has Article 19 providing for the freedom of speech. The article recognizes the value of individual opinions free from interference; though the exercise of this right comes with certain limitations. These limitations could be restrictions provided by law and are indispensable with respect to the rights and esteem

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<sup>3</sup> De Varennes, F, Language and Freedom of Expression in International Law, Human Rights Quarterly, Vol16(1), (1994) pp 163-186. Retrieved from <http://www.jstor.org/stable/762415> doi:1

of others and for safeguarding national security, public order, public health or morals.<sup>4</sup>Enforcing Article 19 does in some cases prove challenging because of the mutating nature of hate speech. Within the international scene language took a center stage in the determination of two International Tribunals on crimes against humanity. In the International Tribunal for Rwanda, the Trial Chamber convicted 3 defendants of crimes against humanity based on speech it deemed incitement to racial hatred.<sup>5</sup>

Africa is prone to ethnic based violence though the past two decades have seen a surge in terror related insecurity cases. This continent is largely made of multilingual societies with the African language numbering up to 2000. Unfortunately a number of development and governance problems related to this multilingualism have been identified. Four language problems have been identified. These are: limited avenues of gaining skills and knowledge, incompetence and ineffective performance in the workforce, linguistic and cultural alienation and finally inadequate political participation by the public, manipulation, discrimination and exploitation by the ruling powers, national division and conflict. <sup>6</sup>The former problem has been highly exploited by the ruling powers driven by self-interests and in most cases capitalizing on the ignorance of the majority of the population.

In sub-Saharan Africa, the eastern African region has had most of its member states being victim of language induced cases of instability, conflict and general absence of peace. Despite frequent outcries on caution on the use of language especially that used in public spheres, still it remains a challenge to enforce preventive measures which will limit an abuse to the freedom of speech. Kenya has witnessed cycles of violence fueled especially by manipulation and exploitation by

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<sup>4</sup> <https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>

<sup>5</sup> Prosecutor V Nahimana, Case No. ICTR 99-57-T, Trial judgement and sentence (Dec 3, 2003)

<sup>6</sup> Vic, W and Kembo, S. *An Introduction to the Languages and Linguistics of Africa*, (Nairobi: Oxford University Press, 2000).

political leaders. The use of such language tends to happen more often around the election period. Following the 2007/2008 PEV in Kenya, the then President; His Excellency Mwai Kibaki appointed The Independent Review Committee (IREC) and the Commission of Inquiry on post-Election Violence (CIPEV) to look into issues surrounding the election procedures, the violence and to make recommendations to avoid a repeat of the same. The Kriegler report (IREC) and Waki report (CIPEV) had pointers to the misuse of language spanning the campaign period and after the election results were announced. These ranged from: organizing hooligans to “zone” regions and electoral area and intimidate opponents, using cheering and uploading hate speech and ethnic sentiments.<sup>7</sup> The Waki report explicitly lists negative ethnicity as one of the issues that led to the violence.<sup>8</sup> In as much as language is not mentioned under negative ethnicity, this research will help in showing that language as an important component of culture, was used to fuel this negative ethnicity. With emerging security issues, language is also being used to craft ideologies which lure the vulnerable members of the society like the youth into unlawful groupings. Such groupings include terrorist groups, mafias, cults or any other unlawful groups. Just like other governments, Kenya is trying to counter such ideologies and the crafting of such a strategy requires a careful selection of words.

Rwanda which is another East African country had its citizens undergo a genocide which led to mistrust among the citizens. Negative language was used by Radio Television Libre des Mille (RTLTM).<sup>9</sup> The message that was being portrayed was that “the enemy is the Tutsi.”<sup>10</sup> It was estimated that 9% of genocidal deaths can be pinned on acts of incitement by radio RTLTM. The value of the estimate may seem insignificant but it clearly shows the power of dangerous speech

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<sup>7</sup> <https://www.kas.de/16094-1522-2-30.pdf>. Kriegler&Waki report on 2007 Elections

<sup>8</sup> Ibid pg 52

<sup>9</sup> Kressel, N. J, *Mass Hate: The global rise of genocide and terror*, (New York: West view Press, 2002).

<sup>10</sup> Ibid.

to translate words into action with undesirable consequences to the people living in those environments. Thus there is need for states to look into effective communication and proper usage of language as a means to avert or solve conflicts.

## **1.2 PROBLEM STATEMENT**

The African continent is characterized by multilingual societies. The resultant differences in interactional styles may create a possible source of miscommunication between interlocutors. Misunderstanding can arise because people recover meaning in terms of their own internalized norms.<sup>11</sup> Moreover the resultant linguistic diversity between groups with different identities has often been negatively embrace thus presenting challenges and often resulting to conflict situations which could as well be avoided. However it has become increasingly difficult to demystify what is considered as hate speech and its boundaries with freedom of expression. Freedom of expression is considered a basic tenet of any democratic society and is well protected and quoted even by those who are considered to be on the wrong.

The African democratic space is slowly picking up the ideal pace though with a numerous number of those shielding language offences using their leadership positions and their entitlement to freedom of expression. The political sphere which is now dominated by strong oppositions is characterized by heated debates. Constructive debates are healthy and encouraged in the democratic space of a nation. Politicians are tasked to communicate their different agendas to the electorate. The process is important for the citizens to become actively engaged in democratic activities. Ruling governments are also put in check by the opposition of the given time. It is important for both the citizens and the politicians to be aware of the role that the opposition plays. Peace and development would flow seamlessly if the opposition critiques the

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<sup>11</sup>Goffman, E, *Forms of Talk*, (Philadelphia: University of Pennsylvania Press, 1981).

government where necessary and for the interests of the citizens. This democratic space may however be misused knowingly or unknowingly in an effort to gain the interest intended. Moreover cases of intolerance may arise and counter attacks are often staged in form of insulting language masked in codes. With such a situation, it is important to find ways to reduce instances of politicians misusing their important public space.

It is also noted that the two states have not done enough sensitization to the citizens on the potential that their language use has. This is because people still have the belief that incitements and hate speech is a preserve of the politicians. Governments and stakeholders of both Kenya and Rwanda may have taken steps to minimize and with time completely eliminate cases in which there is absence of peace due to incitement or false impartation of negative ideologies. Such include formation of commissions which monitor language use, summoning of leaders who are involved in speech which may be deemed incitement to violence and finally anti-terrorism ideological conversations are on the rise. Yet still the offence is being carried out in fact the perpetrators seem not moved by the calls to reduce hate speech and incitement.

With all this there is a growing and yet justified concerned that there lacks a clear line on how really language results to insecurity and thus those accused are often rarely found guilty. Should the states rethink on their extents to freedom of expression?

## **1.3 OBJECTIVES**

### **1.3.1 Main Objective**

To examine how the use of language affects security and stability in two African countries, Kenya and Rwanda.



### **1.3.2 Specific objectives**

1. To assess the impact of language use on peace and security in Kenya and Rwanda.
2. To assess the strategies that Kenya and Rwanda have put in place to control the proper use of language as a security measure.

### **1.4 RESEARCH QUESTIONS**

1. In what ways does language influence the security of Kenya and Rwanda?
2. What are the limits to hate speech and other forms of derogatory discourse in Kenya and Rwanda?
3. How effective are strategies that have been put in by the Kenya and Rwanda to control the use of hate speech as a security measure?

### **1.5 RESEARCH JUSTIFICATION**

Security within a state is crucial because war and conflict within one state de-stabilizes: the state's neighbours and also its diplomatic partners. This study aims to will highlight the consequences of language abuse in Kenya and Rwanda, the actors involved. There is need to further knowledge on how to tackle new threats to national security and especially the relationship between language use and security. It has been noted that the two states have grappled to unravel the dichotomy existing between freedom of expression and hate speech. Freedom of expression is considered a basic right that sets liberal societies apart from those considered to be undemocratic.

The study will address the existing policies concerning language use. Moreover it will also illustrate the need for enforcement measures and the importance of implementing the existing

laws which govern how language can be used in a positive manner. The documented report of this study will be easily acquired from the library and thus will equip all those who come across it with more knowledge and skills on the role that language plays in influencing peace and security in states, especially African states.

## **1.6 LITERATURE REVIEW**

Language performs various functions in societies and its relevance cannot be ignored. Language is a necessary means of communication; an important tool in bringing people together without which a combined social action is not possible.<sup>12</sup> It is essential in establishing and maintaining relationships among states or among the citizens of a given state. Human beings tend to make both rational and irrational decisions out of informed knowledge which often originates from an external source. This further asserts on the important of language and communication as a tool of influence to the behavior of an individual.

Language can further be presented as a social institution, made up of conventions agreed upon and understood by a community of speakers. This creation (language) is used to define and control the real time behavior of speakers. It is also passed down over generations.<sup>13</sup> The different institutional structures within a community have to inculcate language to drive their agenda. Speakers of a language are exposed to words, wide range of terms and grammatical constructions which have inherent meaning within them. In a nation, the discourse about war and peace also involves institutional structures.<sup>14</sup> Those who are in charge of such institutions have the ability to influence the populace on the subjects of conflict and peace. Language plays a

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<sup>12</sup> Diamond, A. S, *The History and Origin of Language*, (London: Methuen and Co. Ltd, 1959).

<sup>13</sup> Robert F. Port *Language as a Social institution: Why phonemes and words do not live in the brain*. (London: Taylor & Francis Group, 2010).

<sup>14</sup> William C. Gay, *The Language of War and Peace, Encyclopaedia of violence, Peace and Conflict*, (California: San Diego Academic Press, 1999).

major role in the way interactions within a society are played out.<sup>15</sup> The lessons of the genocide in Rwanda and the infamous post-election violence (PEV) in Kenya have pointers to the power that language can use to resort to destruction. Bearing in mind that language also preserves history, if historical conflicts are not resolved history may continue repeating itself; simply because information will be passed down generations and may in some instances necessitate action. The enactment of legislation to regulate hate speech has so far been an efficient and appropriate means to prevent harm emanating from speech.<sup>16</sup> In both Kenya and Rwanda, there is legislation which may at some instances be termed lame because perpetrators of hate speech often escape with impunity.<sup>17</sup> This calls for a retake on the legislation in place so that they may be more effective in advancing security. The Rwanda genocide is often quoted as an example on the destructive potentiality of language. However many African countries have not yet come up with concrete language policies to address such threats to peace. In light of assessing national security, there is need to underline the importance of the role of language and communication as tools to bridge the vast relationship differences within societies.

### **1.6.1 Language and security in Kenya**

Having won the battle against the colonial master, the government of Kenya in the post-independent era still had unsettled issues both within and beyond its borders. Kenya has experienced territorial conflicts with its neighbours like Somalia and Uganda. The fight for

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<sup>15</sup>Leech, G, *Semantics. The study of meaning*, (London: Richard city, The Chaucer Press, 1981).

<sup>16</sup> Andrea, S, *The inherent danger of hate speech legislation*, (Windhoek Namibia: fesmedia Africa, Friedrich-Ebert-Stiftung 2015).

<sup>17</sup> ibid

territory with Somalia started immediately after independence.<sup>18</sup> The Northern part of Kenya was in armed conflict with the Somali community. Furthermore the Somali community had the support from the government of Somali.<sup>19</sup> The fighting Somali immigrants who had come to Kenya between 1894 and 1912 wanted to break away from Kenya and become part of greater Somalia. The skirmishes lasted long enough from 1963 to 1967. Having led to the loss of many lives, the government of Kenya resorted to introduce military forces to combat any insurgent forces.<sup>20</sup> In a Kenyan post-independence conflict study done by Major Biwot, there are a number of lessons that he suggested to the Kenya Defense Forces (KDF) and to his general readership, with regards to how to counter the enemy. These were the importance of knowledge, intelligence, tactics and logistics, training and finally strategy. Under the importance of knowledge he brings to focus the need to understand the enemy's culture and way of life. For example, the KDF were at that time operating in a strange territory because they had limited knowledge on the Somali community. The role of language as a link to understanding the peoples' culture was undermined. In understanding language, there would be an establishment of a two way relationship between the community and the "foreign" forces. The forces would be able to get crucial information and synthesis the information accordingly. Information synthesis is important for making strategic decisions and in this case, more crucial because of the security of the country. Major Biwott also noted that a fair number of native Somali officers defected from KDF and moved back to Somalia in support of the irredentist movement.<sup>21</sup> The Somali insurgents had a competitive advantage over KDF because they could use their native language

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<sup>18</sup> Harold, N. D, *Somalia, a country study: III. Series*, (Washington D.C: American University. Government Printing Office, 1982).

<sup>19</sup> *ibid*

<sup>20</sup> Drysdale, J. *The Somali Dispute*, (London: Pall Mall Press Ltd, 1964).

<sup>21</sup> Biwott, H.K, *Post Independence low intensity conflict in Kenya*, (United States Marine Corps, 1992)

to easily bargain and exercise influence of their ideas on the ethnic Somali men KDF soldiers. It is undeniable that both reconnaissance and espionage which are strategies often used by military forces are language dependent. It is often a plus for them to supplement observation with reliable information which can only be perceived if one understands the language and communication thereof of the new environment.

### **1.6.2 Ethnic dialogues and government control of expression in Kenya**

Ethnic dialogues have witnessed a dramatic shift; being that in the 1980s such dialogues were not topics for public discourse. The regime of Kenya's second president was characterized by pervasive controls of political expressions. Any expression that was seen as a threat to the state; the post-colonial Kenyan government, was highly regulated.<sup>22</sup> A majority of political expressions were treated as criminal; a factor that was further fueled by the attempted coup in 1982. As such a majority of politicians limited their expression to avoid being criminalized.<sup>23</sup> The political detainees who experienced those historical moments of silence and reprieve would later feel that bold and outrageous speech is a means to an end. Such expressions were seen as a way of showing deep frustration at political and economic situations characterized by corruption and oppression. Consequently after so much repressive silencing, the surge of multi-party political campaigns and political speech in the 1990s was nothing less than liberation. This factor has made a majority of politicians to capitalize on their space within the public domain without fear of reprieve. In fact there are sufficient pointers to show that much of violence especially during the election was orchestrated by powerful leaders whose aim was to divide the population, gain

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<sup>22</sup>Korwa, G. A. And Isaac, M. M, *Human Rights Abuse Under Daniel ArapMoi, 1978-2001: African Studies Quarterly*/Volume 5, Issue1 (2001).

<sup>23</sup>ibid

access to resources and solidify control.<sup>24</sup> The result has been the increase in cases of hate speech and incitement which often go unprosecuted. So far the Kenyan public space has been limited in terms of positive multi-ethnic expressions. Instead much of the positive speech is within the confines of intra-group contexts such as vernacular radio. Ethnic language has become a form of identification that binds and separates Kenyans. It has been used as a tool of manipulation and division.

### **1.6.3 Language and the Rwanda Genocide**

Rwanda underwent one of the world's worst genocide in 1994. In this year it took only 100 days of genocide to kill over a million people.<sup>25</sup> The magnitude of the number of deaths during that short period of time has been intriguing. Consequently a number of scholars and stakeholders within the international relations sphere have provided both intra and interstate explanations to the causes of the genocide. The genocide was attributed to high risk politics which also had its roots on colonialism.<sup>26</sup> The other factors included ethnicity which was in form of anti-Tutsi propaganda.<sup>27</sup> The role of language that was propagated by the two mediums of communication; television and radio is yet to be fully explored. The Rwandans depended on two major forms of communications being; radio and newspaper. However a majority of the population was illiterate and thus relied on radio to receive information.<sup>28</sup> The government of that time had only licensed Radio Rwanda to relay government information. Radio broadcast was also aired by RTLM. Unlike Radio Rwanda, RTLM was more informal, engaging and inclusive. In fact the presenters

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<sup>24</sup>Bayne, S, *Post-election violence in Kenya: An Assessment for the UK Government. DFID Kenya-UK Government*, London, (2008).

<sup>25</sup> [www.rwandanstories.org](http://www.rwandanstories.org)

<sup>26</sup> Fergal, K, *Season of Blood: A Rwandan journey*, (London: Penguin Group, 1995).

<sup>27</sup> *Ibid.* pg 24

<sup>28</sup>Carlyn, J, *The Role of language in the media during the 1994 Rwandan Genocide*, (Nova South Eastern University).

were keen to get street talk and craft topics to be aired on radio.<sup>29</sup> RTLM's popularity the vast influence to the average Rwandan is said to be a factor which facilitated the spread of anti-Tutsi propaganda.

Researchers are now closing in to show that language too was used as a genesis of the historical conflict in Rwanda. The population was exposed to dehumanizing language bundled with a surge confusing word meanings. In her research on how language was used by the media during the genocide, Carlyn Jorgensen makes a distinction on the forms of language that were used in the media before and during the genocide. The distinction is made as high context and low context communication.<sup>30</sup> High context communication is more indirect, ambiguous and cautious while low-context communication is more direct, self –disclosure and confrontational.<sup>31</sup> The media used a mixture of both high and low context communication before the genocide and much of low context communication after the genocide. Terminologies also changed meanings during different times in history. This happened during the transition from the pre-colonial period to the post-colonial period. In an effort to demystify terminologies used during the genocide one scholar gives definitions of the different confused words. For example one contentious term “*Ubwoko*” was used to refer to a clannish identity; a group of families with a common ancestor.<sup>32</sup> Rwanda was known to have 20 clans which were used as Rwandan identity. There were other three groups of Rwanda people: “*Umututsi, Umuhutu and Umutwa*”. This division

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<sup>29</sup> Alison, D, F, “*Call to Genocide: Radio in Rwanda, 1994*” in *the Media and the Rwanda Genocide*. New York: Pluto Press, 2007).

<sup>30</sup> Ibid. pg.3

<sup>31</sup> Kevin Avruch, *Culture & Conflict Resolution* (Washington, DC: United States Institute of Peace Press, 1998), 28.

<sup>32</sup> Ngabonzinza, Amini Jean de Dieu, “*The Importance of Language Studies in Conflict Resolution,*” *Journal of African Conflicts and peace Studies*: Vol. 2: Iss. 1, (2013) pp 33-37.

was however used to indicate socio-economic status<sup>33</sup>. Thus the *Hutu, Tutsi and Twa* were aware of their identity as Rwandese.

With the coming of colonialists, colonization changed the semantics of Rwandan identity. Ngabonzinza explains that it is because they had insufficient knowledge of Kinyarwanda; the local language in Rwanda. “*Umuhutu, Umututsi and Umutwa*” have nothing to do with ethnicity which is the way the colonizers had understood them.<sup>34</sup>With an objective to divide and rule, the colonial masters also came up with two myths which tried to explain the origins of Rwandans. The first Hamitic myth stated that the Tutsi were foreigners who migrated to Rwanda while the second Bantu myth portrayed the Hutu as the natives of Rwanda.<sup>35</sup> These myths also contributed to the coining of words which would later be used to demonstrate the necessity of the murder of a whole group of Tutsis. Thus the misunderstanding of word meanings also contributed to fueling of hatred among the people of Rwanda.

#### **1.6.4 Boundaries limiting freedom of Expression**

The use of language in a responsible manner is becoming a crucial social and political problem within and among states. States are made up of citizens who are distinct ethnically, religiously, sexually, politically among other features. With such differences, some may want to ride on ignorance of some citizens and thus elevate their identities against other identities. Some scholars argue that use of derogatory language may turn into hate deeds and violence. Hate speech lacks distinct boundaries and varies in different countries. Moreover, an effort to limit hate speech may

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<sup>33</sup>Kressel, N.J, *Mass Hate: The global rise of genocide and terror*. (New York: West view Press, 2002).

<sup>34</sup> Ibid. pg.34

<sup>35</sup> Ibid.pg.35



encroach on freedom of expression which is an important component of every democratic society

Free speech has its genesis from the English bill of rights in 1689 which cushioned members of parliament from being responsible for their utterances during parliament sessions.<sup>36</sup> Freedom of speech relates to the liberty to have a voice on issues, hold opinions and relay information and ideas to others in any form. It is important in democracy as it is an avenue to address issues without fear; thus considered the best way of attaining the truth. Freedom of speech is a component of the freedom of expression.

The Kenyan Constitution 2010 provides for freedom of expression under Article 33. The Article grants every individual the right to freely express themselves. It further breakdown the provision into three to include-

- a) Freedom to seek, receive or impart information or ideas
- b) Freedom of artistic creativity
- c) Academic freedom and freedom of scientific research.

This imperial entitlement is always protected because the will of the majority in society is often let out and understood through communication. It has been argued that if the freedom of expression is achieved then it will catalyze the enjoyment of other privileges provided for in different constitutions.<sup>37</sup> Freedom of expression has also been an element holding democratic

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<sup>36</sup><http://www.parliament.uk/about/livingheritage/evolutionofparliament/parliamentaryauthority/revolution/collections1/collections-glorious-revolution/billofrights/>

<sup>37</sup> The Raith Foundation, *Hate Speech and Freedom of Expression in South Africa*. (Braamfontein, South Africa, 2013).

governments to account and further influencing the manner in which such governments affect the will of the people over which it governs.

Like all rights, this entitlement requires that it be exercised with the responsibility not to infringe on other rights. In many countries, constitutions provide for limitations which this freedom cannot extend to. The constitution of Kenya 2010, under Article 33: 2 excludes freedom of from;

1. Propaganda for war;
2. Incitement to violence;
3. Hate speech; or
4. Advocacy for hatred that
  - i. Constitutes ethnic incitement, vilification of others or incitement to cause harm; or
  - ii. Is based on any ground of discrimination specified or contemplated under Article 27(4) (race, sex, pregnancy, marital status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth)

It is therefore prudent that freedom of expression is granted to citizens though exercising it be subjected to limitation.

Hate speech has been described as “any speech, gesture or conduct, writing or display which is forbidden because it may incite violence or prejudicial action against or by a protected individual or group, or because it disparages or intimidates a protected individual or group.”<sup>38</sup> Striking a balance between the enjoyments of an individual’s constitutional right, which may go beyond to involve instances of hate speech, has become a problem. It is submitted that such are the

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<sup>38</sup> Daniel E. Hall ‘e-Study Guide for: Constitutional Values : Governmental Power and Individual Freedoms’ (Facts 101 study guides) ISBN 9780131717695, Google e-Book.

demands of a pluralist society, where tolerance and approaching issues with a broad mind should prevail, as without these a democracy would fail.<sup>39</sup> Unfortunately hate speech undermines the values of pluralism and diversity, by communicating a message that some community members are less worthy than others merely by their membership of a certain group.<sup>40</sup> However hate speech should be distinguished from hurtful language as unlike hate speech, hurtful language can be tolerated and taken to form a democratic discourse.

### **1.6.5 Language and emerging security issues-Terrorism**

The 21<sup>st</sup> century is faced by new yet mutating security threats. For instance terrorism is currently a priority problem that most countries are facing. Terrorism currently infuses and impacts upon virtually every aspect of life and state policy necessitating a change of paradigm.<sup>41</sup> Like any war, the fight against terrorism requires strategy. The strategy employed would have to be crafted well enough to counter the negative ideologies which terrorists rely on for their continuity. President Obama (44<sup>th</sup> President of the United States) stated that “words matter in this situation because one of the ways we are going to win this struggle (war on terror), is through the battle of hearts and minds.”<sup>42</sup> Words happen to be important both in their meaning themselves and also by the way they are used, by whom and to what effect. For instance the word *terrorism* to a Kenyan is often associated with radical Islam inversely an Afghani might associate the same word with violent American actions. The same applies to the word *jihad*. The use of the term *jihad* is often

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<sup>39</sup> Maria Paschou, ‘Freedom of Expression vs. Hate Speech: A European Youth Campaign’ (2013) Civicus World Alliance for Citizen Participation, accessible at <https://socs.civicus.org/?p=3854> accessed on 17/01/2014

<sup>40</sup> Karmini Pillay, Joshua Azriel “ Banning hate speech from public discourse in Canada and South Africa: A legal analysis of both countries constitutional court and human rights Institutions’ (2012) Vol 7, S A Public Law Journal

<sup>41</sup> Jackson R, Smyth M B, Gunning J, Jarvis L. *Terrorism: A critical Introduction*. (Palgrave Macmillan,2011).

<sup>42</sup> [http:// www.foxnews.com/printer\\_friendly\\_wires//2009Feb03/0,4675,ObamaWaronTerror,00.html//](http://www.foxnews.com/printer_friendly_wires//2009Feb03/0,4675,ObamaWaronTerror,00.html//)

done without regard for its origin or meanings. The greater Jihad is the effort by a Muslim to perform and accomplish what is right while the lesser jihad is the external physical effort to extended to defend Islam in the that religion or fellow Muslims are under attack.<sup>43</sup> It is however more unfortunate that to the pool of those who lack the knowledge of its meaning are academics and non-informed journalists and reporters. Such play a great role in dissemination of knowledge and influencing the perception of the general public.<sup>44</sup>In both cases language that a speaker or writer chooses to apply gives privilege one view point over others, naturalizing some understandings as rational and others as illogical.<sup>45</sup>

When approaching terrorism related terms, care should be taken to avoid a conflict on issues. This is because many at times, terrorism has been associated with Islam. Consequently it bears titles like *jihadist*, *Islamic terrorism* or even *Islamofascism*. Such careless usage serves no good than pooling all Muslims into the category of terrorists or potential terrorists. The frequent misuse of words in an effort to fight terror will eventually lead to a confused battle.

The literature reviewed focuses on: ethnic dialogues and government control of expression in Kenya, the relationship between language and the conflict in Rwanda, boundaries between freedom of Expression and Hate Speech and finally language in emerging security issues. From it, much focus has been given on the legislations put in place, both at state or international level to control the use of language and less on the strategies put in place to ensure the law is enforced and adhered to. Moreover, on the literature done on the language of ethnicity, much is given on the language use as an identity that people identify with and less on the substance of the

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<sup>43</sup> Martin, G, *Understanding Terrorism: Challenges, Perspectives and Issues*. (Thousand Oaks, CA: Sage, 2010).

<sup>44</sup>Duncker, Karl. *On Problem Solving in Psychological Monographs*, vol 58(5) 1945.

<sup>45</sup>Crelinsten, R, '*Counterterrorism*', (United Kingdom:Cambridge Polity Press, 2009).

language itself which causes animosity. The substance of language includes factors like the use of unique vocabulary, metaphors or similes which trigger certain emotions within the members of that particular group. Finally Africa seems not to be moving at pace with the rest of the world with regards to use of alternative avenues to solve emerging security issues. For instance much research on the use of language to tackle terrorism has been done to add to strategies that European countries are using. Little originates from Africa and this research hopes to address this huge gap that still exists.

## **1.7 THEORITICAL FRAMEWORK**

This research made the use of Social Constructivism theory to explain the relationship between language use, security and peace. Social Constructivism traces the origins of social phenomenon in given social contexts. This theory emerged in the 1990s when scholars Alexander Wendt and Richard K. Ashley popularized it in their famous publications namely “*Social Theory of international politics*” and “*The poverty of neorealism*” respectively..

Alexander Wendt presents Social Constructivism with the following claims:

- (1) Within the international political theory, states are the primary units of analysis
- (2) Important structures within the states system are intersubjective rather than material

(3) Social structures play an important role in forming state identities and interests as opposed to the neorealists' claim that they are given to the system by human nature or that they are constructed by domestic politics as suggested by neoliberals.<sup>46</sup>

This study assumes that state security is forms part of Kenya and Rwanda's interest. Moreover, this security is a component of varied social institutions in which individuals in the society are organized into. These institutions shape an individual's perception of reality. Our knowledge and everyday reality is shaped by social interaction. The perception of reality depends on what one identifies oneself with. Consequently, what may appear to be right in one setting or one community may be wrong in another.

Language is important in creating worlds that communities identify themselves with. It is used as an instrument for creating, normalizing and reinforcing particular worldviews, affixing certain knowledge and institutions in society. Language is also used by certain groups especially those struggling for power and affirming their identities, to create and maintain preponderant authority characterized by truth.<sup>47</sup>

Social Constructivism is relevant for this study because it explains how language and rhetoric are used to construct the social reality of the current state of affairs in states particularly Kenya and Rwanda.

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<sup>46</sup> Alexander Wendt, "Collective Identity Formation and the International State," *American Political Science Review* 88 (1994): 385; Also for a critical explanation of Neoliberals' emphasis on domestic politics in theorizing state interests, see Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), 35.

<sup>47</sup> Richard, J, *Language Power and Politics: Critical Discourse analysis and the war on terrorism*, (England:University of Manchester, 2014)

## **1.8 METHODOLOGY**

The responses were from the general public, religious leaders, government representatives in the selected counties and relevant security stakeholders. Sources of secondary data included information available from other documented written sources including journals, academic research writings, newspaper articles and reports done by different organizations from Kenya and the international community at large.

### **1.8.1 Study Population and Sample size**

The researcher interviewed at least 20 Kenyans per county for a total number of 5 counties. These will include: Nairobi County, Mombasa County, Kisumu County, Nakuru County and UasinGishu County. This is because these counties have previously been epicenters for violent activities during the elections. Counties like Nairobi and Mombasa have been infamous for the being recruiting grounds for terrorists. Finally, these counties are cosmopolitan and would provide a ground to understand the role of ethnic language as a unifying or divisive factor.

### **1.8.2 Data analysis method**

The written data was a summary of data collected and organized thematically. The research employed both the quantitative and qualitative processes in coming up with conclusions.

### **1.8.3 Critical Discourse Analysis**

Critical Discourse Analysis provides an interdisciplinary approach to analyzing text. This study will make use of Critical Discourse Analysis to analyze discourse (which is important in sampling the nature of language which poses a threat to security). Language and discourse are the catalysts for building cultural and social images that define the way in which issues are perceived. This applies to how communities identify their enemies, how the political elite and the

average react and how cultures collectively understand their relationships with different issues surrounding them.<sup>48</sup>

A caveat is however made that not at all times will discourse always remain consistent or can it be completely unified. Different speakers and writers often contradict each other. Moreover, there are always exceptions to rules within languages. In addition discourse has discernable histories and builds upon foundations laid down by previous texts and responds to pre-existing structures. Literature on the role that language plays in security is continuously expanding.

This study made use of local analysis and supplement this with analysis at the global level. The analysis was inter-textual involving political discourses, media reports and reports from the relevant stakeholders concerned with peace and security discourses.

## **1.9 RESEARCH ETHICS**

The research was conducted whilst considering ethical issues concerning information sources and the respondents. Thus confidentiality, privacy and informed consent were strictly observed. Research regulations were also followed to ensure that the information was collected in a proper way.

## **1.10 SCOPE AND LIMITATIONS OF THE RESEARCH**

The research will be limited to the content analysis on the role that language plays in influencing the security situation in Kenya and Rwanda. It will target stakeholders concerned with peace and security and ordinary citizens to get information.

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<sup>48</sup>Taoufik Ben: *The language of Terrorism. Aljazeera and the framing of Terrorism Discourse*. Georgetown University, 2009



Some constraints the researcher anticipates during field work include: time constraints-it is too time consuming to travel around within the counties. Another challenge lies on limited funds to undertake the planned research. It is projected to be too costly to travel across the counties and within the counties themselves. The Institute of Diplomacy and International Studies for now does not provide money for student researches. Respondents lack of cooperation and limited access to some information- This is predicted to be a limitation especially when dealing with the Rwandese nationals.

However mitigation measures will be put in place to reduce the effects of the above mentioned challenges. For instance to work within the limited time frame, the researcher will where possible send the questionnaires online to selected respondents especially those within the town centers. The research will also employ a research assistant to assist in the distribution of questionnaires in order to cover a larger population sample within the limited time frame. Finally the researcher will use diplomatic means to convince unresponsive respondents to cooperate, by enumerating on the benefits of the outcome of the research.

## **1.11 CHAPTER OUTLINE**

**Chapter One:** This chapter contains the Proposal and outlines the aims of the study, literature review; the methodology employed and presents the theoretical framework guiding this study.

**Chapter Two:** The relationship between language peace and security in Kenya and Rwanda. This chapter contains an analysis on the place of language within peaceful societies. It will further examine the role of the language used by the different actors in the security scene.

**Chapter Three:** Strategies and policies against the misuse of freedom of expression in Kenya and Rwanda. This chapter seeks to assess the efficacy of policies, legislations and actions taken to control the use of language as a security measure within Kenya and Rwanda.

**Chapter Four:** A critical analysis of research findings on the inter-relationship between language use and security within Kenya and Rwanda.

**Chapter Five:** Summary, conclusion and recommendations of the study. This chapter presents the overall findings of the research; both from data collected and from the literature reviewed in the previous chapters. It will also draw conclusions on whether the objectives set out by the study have been met.

## **CHAPTER TWO**

### **THE RELATIONSHIP BETWEEN LANGUAGE PEACE AND SECURITY IN KENYA AND RWANDA**

#### **2.0 BACKGROUND**

The 21<sup>st</sup> century has presented African countries with complex challenges to peace and stability. Countries like Liberia and the Democratic Republic of Congo have been hosts to cycles of insecurity, instability, poverty and poor systems of governance. Within the East African community, members have had their fair share of intra-state conflicts. In 1994 Rwanda underwent a historic genocide. Moreover, in 2007/2008 the people of Kenya took to violence after a hotly contested election. The Kenyan and Rwanda cases have different root causes which are trying to be addressed as a lasting solution to peace. However language is the route taken to propagate the root causes of conflict, create hate and division. Scholars are however closing in to show that States can enjoy peace and the important role of language in contributing towards stability. This chapter seeks to explore the nature of language used by different actors and its role towards peace or contributing to its absence.

#### **2.1 THE PLACE OF LANGUAGE IN PEACEFUL SOCIETIES**

Language matters in the governance of any society. It is a factor that should be considered in trying to understand the structural causes of conflict like social injustices and political oppression. Every society has norms defining its appropriate and inappropriate modes of

speaking.<sup>49</sup> These norms are important in the current society that has become divided by race, religion, ethnicity, or gender. Societies need to examine their discursive practices and take control of the ideology implicit in those practices. Language acts as a bridge between ideologies and the social institutions which seek to maintain or restore peace. For instance Michael Lame gives an alternative to the Middle East crisis. He states “Words as well as deeds are required to bridge the gap between Arabs and Jews in the Middle East. Words matter. They have power. They carry consequences. One type of word power is the power to give offence. If we call Jews Nazis, Jews will be upset. If we speak disrespectfully of Muhammad, Muslims will be upset.”<sup>50</sup>

In Africa the different ethnic languages convey different versions of reality and this may affect one’s understanding depending on the equivalent concepts in their language. Cohen argues that for information to be comprehensibly exchanged, the parties’ point of view of the intended meaning should be mutual.<sup>51</sup> He further argues that it is the stock of meaning that constitutes the common sense of the community and undermines all communication and organized activities. Though arguable, Cohen presents an individual’s mother tongue as the main repository of a community’s common sense.<sup>52</sup> From his arguments the importance of meaning in interpersonal relationships is underlined. Wrong connotations of meanings or the lack of explanation thereof have a potential of causing language induced conflicts in societies. Given that languages do not exist in isolation from culture, then words should be used to conform to the acceptable behaviour of a group. The choice of words should be carefully and responsibly done and their application

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<sup>49</sup>Tirrell, L, "Listen to What You Say': Rwanda's Postgenocide Language Policies," *New England Journal of Public Policy*: Vol.27: Iss. 1, Article 4,(2015)

<http://scholarworks.umb.edu/nejpp/vol27/iss1/4>

<sup>50</sup> <http://www.commongroundnews.org/article>

<sup>51</sup> Cohen, R, Language and conflict resolution: The limit of English. *International studies review*3 (1), (2001). pp 28 – 57.

<sup>52</sup>ibid

done in a polite manner to enhance individual and group co-operation in social affair. Thus linguistically segregate and divisive terminologies should be substituted with more unity enhancing terms. Effective communication capacity or skills are necessary pre-requisite in suppressing conflicts.<sup>53</sup> The best instrument for achieving peace and resolving conflict is the use of languages that honors and respects human dignity, tolerance, truth and national integration.<sup>54</sup>

Dialogue plays an important role in the restoration and maintenance of peace. Dialogue involves "a process of genuine interaction through which human beings listen to each other deeply enough to be changed by what they learn. Each makes a serious effort to take the others' concerns into her or his own picture, even when disagreement persists. No participant gives up her or his identity, but each recognizes enough of the others' valid human claims that he or she will act differently toward the other."<sup>55</sup> Dialogues are more popular in intra-country process. For instance in Kenya there have been several calls for dialogue by different stakeholders in Kenya to solve an impasse that had persisted between the constitutional body mandated to oversee electoral issues and the opposition in Kenya. This was also a point of concern to the international community and thus envoys had to call for dialogue and solve the issue in accordance with the constitution.<sup>56</sup> Dialogues are considered important because they tend to be inclusive and are often successful at building relationships at different levels of the society. The African Union (AU) values the importance of dialogue as a peace mechanism within its member states and has

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<sup>53</sup>Jija, T, Language as a tool for conflict management and resolution. Journal of Igbo language and linguistics 5, (2012).

<sup>54</sup> ibid

<sup>55</sup> Harold S, *A Public Peace Process*, (New York: Palgrave, 1999). p.82-85.

<sup>56</sup><http://www.standardmedia.co.ke/article/2000200628/envoys-call-ffor-dialogue-in-handling-iebc-2017-election>

thus incorporated it as one of the basic principles for its charter on democracy, elections and governance.<sup>57</sup>

## 2.2 EXPLORING THE LANGUAGE OF POLITICS

Politics is anchored in power, consequently those who have an interest in politics are concerned with how they can gain and retain power. With regards to the role of language in politics Harris<sup>58</sup> explains that “in politics words have a powerful effect.” He further sees political language having a potential to make a lie appear truthful and murder look respectable. According to Locke language has enormous strength in politics and its activities. So critical it is that politicians have to craft appropriate words that would give them an upper hand over their opponents and also manage to convince the electorate to vote for them. It can thus be said that complex relationships exist between the governed and their rulers, and are enacted and mediated through language.<sup>59</sup>The choice of language used by politicians is also dependent on which side of the political divide they belong. Holders of political offices tend to focus more on optimism while those on the opposition tend to be overly ideological.<sup>60</sup> Thus in connection with the ideological division political language may at times be characterized by violent political metaphors or rhetoric.<sup>61</sup>It is the use of such violent language that results to hate, violence and instability.

The immediate post independent Kenya was made up of low profile political competition. However the late 1990s saw the emergence of a fearless group of aspiring politicians, turning the arena into the most dynamic political environment. This situation led into an increase in political

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<sup>57</sup> Au charter

<sup>58</sup>Harris P. B, *Foundation of Political Science*, (Methourne Sidney: Johannesburg, 1979).

<sup>59</sup>Michira. J. N, *The Language of Politics: A CDA of the 2013 Kenyan Presidential Campaign Discourse* International Journal of Education and Research Vol. 2 (2014).

<sup>60</sup>Hart. R. P, Campaign talk: Why elections are good for us, ( Princeton: Princeton University Press, 2000)

<sup>61</sup>Kalmoe, N. P, “*A Call to Arms: How ‘Fighting’ Words Mobilize Political Participation.*” Paper presented at the 2011 annual meeting of the American Political Science Association, Seattle WA (2011).

parties striving to remain relevant to the electorate. In Kenya English is preferred in formal speeches while Kiswahili is mostly preferred during public rallies since it is the *lingua franca*. However in trying to connect with a majority of the electorate who may not be conversant with the two official languages, Kenyan politicians often engage in code-switching, and code-mixing or in the use of their own native languages.

### **2.2.1 Use of coded language within politics and its effects on security**

Coded language can be defined as terminologies used by a group of people to make reference to an object, person or groups of people, with such terminologies only being understood by the said group.<sup>62</sup> Language codes have been used to secure communication and as a protection against enemies. They are also an important tool of identity into a particular group. This is done by constructing an artificial linguistic barrier to which only selected recipients can decode the communicated content correctly. However there are instance when secret language has been used negatively and has affected the notion of cohesion especially when used as a ground for discrimination on the basis of origin of race. In a British Broadcasting Corporation (BBC) Focus on Africa report, Ericsson states that Coded language when used negatively may result to psychological or even physical harm.<sup>63</sup> For instance one of the six Kenyans who were tried at The Hague following the 2007/2008 post-election violence had been accused of using coded language in his show. A prosecution witness claimed that radio broadcaster Joshua arap Sang used a popular Kalenjin gospel song to incite the community to violence. The witness held that Sang used the song to send coded messages to the Kalenjin in the Rift Valley.<sup>64</sup> Though not a

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<sup>63</sup> Ericsson, N, *Kenya: Murdering days*, Focus on Africa, B.B.C World service, Plattsburgh, (2008).

<sup>64</sup><http://www.standardmedia.co.ke/2000142665/witness-joshua-arap-sang-used-coded-language-to-incite>

politician himself, Sang was probably caught in the wave of politics of the time and consequently he expressed his views in support of his preferred contender. Moreover it is said that the term “mass action” as was frequently used and is still being used in the Kenyan political sphere is a code for ethnic confrontations and bloodletting. Another prominent code used in Kenya is watermelon. This word is often used to refer to those who are indecisive in their political ambitions. The National Cohesion and Integration Commission (NCIC) has since its inception, warned on the negative use of coded language and stereotyping different ethnic communities. In a report done by the Commission, coded language is no longer a reserve of the politicians. The report revealed that codes were being used to fuel ethnic strife. For example members of a certain community have been branded “thieves” while others “uncircumcised” or “dogs”. Such terms only serve to aggrieve those to whom they have been directed to and have a potential of building up hatred and its resultant conflict.

### **2.2.2 Effects of language Intensity within political language**

Linguistic scholars define language intensity as the quality of language that can be used to explain the extent to which a speaker’s notion deviates from neutrality.<sup>65</sup> It relates to how emotional, metaphorical, opinionated, forceful and evaluative language is.<sup>66</sup> Such attitudes from the speaker have an impact on the message strength. For example, a persistent ultimatum in the event that a significant need is not met signifies a high level of concern for a substantive issue, due to the absence of alternative possibilities.<sup>67</sup> Language intensity could be used as a weapon to

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<sup>65</sup>Bowers, J.W, Language intensity, social introversion, and attitude change, (1963).

<sup>66</sup> William. E. F, *21<sup>st</sup> Century Communication A reference Handbook vol.1*. Sage publications, London, UK, (2009).

<sup>67</sup>Taylor, P, J, *A cylindrical model of communication behaviour in crisis negotiations. Human Communication Research*, (2002). pp 28



direct an external party's attention and view to issues of personal concern. Intensity can be enhanced by employing lexical items that elicit deep emotions and graphic imagery. In politics intense language is used to exercise authority to the society. Moreover it is widely assumed that forceful speech acts to re-enforce confidence in the leadership in place and may also be used as a tool to intimidate one's adversaries. Consider the following speech:

*STATEMENT ISSUED BY HIS EXCELLENCY UHURU KENYATTA-KENYA'S PRESIDENT ON THE IEBC*

*Dear Kenyans, Good afternoon,*

*The debate around IEBC reforms has been raging for a while now. And as President I wish to give direction regarding this matter.*

*Let me begin by reaffirming Article 1 of Chapter 1 of our constitution which states that...Any attempts to exercise it outside the provisions of the constitution not only undermines both the spirit and the letter of the constitution but is also a recipe for confusion and anarchy.*

*Secondly let me reaffirm Article 3(1) of the Constitution that states; this obligation is NOT an OPTION. It is imperative, mandatory and an irreducible civic duty. As a President I have sworn to defend it; but as citizens you have this irreversible duty to protect it.<sup>68</sup>*

The underlined words in the speech above serve to increase the levels of importance of the message being passed. By repeating the word "re-affirm" the President seems to be reminding the people what they probably would have forgotten as stated in the constitution. Moreover as he goes on to explain Article 3(1) his selection of words are more of commands to the citizens to act

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<sup>68</sup><http://www.president.go.ke/2016/06/08/statement-by-his-excellency-president-uhuru-kenyatta-on-the-iebc/>  
The underlined wordings are from the original documented speech.

accordingly. Language intensity has provided political leaders with linguistic options as they make their case for aggression. It could be manipulated to calm down tensions as was the case done in the above used speech. Moreover the choice of words that country leaders use when addressing state enemies are important to show the potential powers at their disposal.

### **2.2.3 Hate Speech by Political figures in Rwanda**

The political class in Rwanda was documented as part of the main perpetrators of the 1994 genocide. The National Commission for the fight against Genocide in Rwanda (CNLG) examined the extent, role and subsequent effects of hate speech by some political figures in Rwanda. Joseph Habyarimana Gitera, a founder of the “Association for the Social Promotion of the Masses” (APROSOMA), is documented to be among the political figures who spread hate propaganda against the Tutsi. During an APROSOMA meeting on February 15th 1959, he was quoted saying “*Dear brothers present here, I can’t say all what I have in my heart! Get rid of the enemy; emancipate yourself from the Tutsi’s bonds in any way possible. The relationship between a Hutu and a Tutsi is like gangrene on the leg, a leech in the body, and pneumonia in the ribs*”<sup>69</sup>The words above are divisive and openly discriminatory. To him, the Tutsi was an enemy and any effort whatsoever must be put to get rid of them. Joseph Gitera is further documented to have come up with the “ten commandments of the Hutu community”. In these commandments, the Hutus were not allowed to have relationships with the Tutsis. Another notable political speech loaded with ethnic division was from Grégoire Kayibanda, the first president of the Republic of Rwanda. Before his election as president, Kayibanda was very hostile against the Tutsis. Records show that in a meeting with Party of the Hutu Emancipation Movement (PARMEHUTU) and APROSOMA members on September 1959 he released the

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<sup>69</sup>Bizimana, J.D, *The path of the Genocide perpetrated against the Tutsi in Rwanda*. Kigali: Rwanda, (2014).

following statement *“Our party is concerned with the interest of the Hutu who have been dominated and scorned by the Tutsi who invaded the country<sup>6</sup>. We have to be the light of the mass, we have to capture back the country and return it to the true owners. The country belongs to the Hutu”<sup>70</sup>*. The CNLG reports that he forwarded a request to the United Nations to have Rwanda divided into two parts; for Tutsis and Hutus to avoid the killing of the Tutsi.<sup>71</sup>

The threats issued in the 1950s and 1960s acted as a foundation to what the leaders of the 1990s would use to lead up to the genocide. Regarded as one of the most dangerous speeches were words from the then Vice-Chairman of the National Republican Movement for Democracy and Development (MRND), Mr. Leon Mugesera. An analysis of his speech shows the readiness that he had for a collaborative effort in wiping out an ethnic community which he considered a potential danger. This can be derived from his words as follows; *“Why these parents who sent their children to join the Inkotanyi are not arrested and exterminated. Why not arrest those people who help them to join the Inkotanyi? Really, are you waiting for the moment they will come back to exterminate us?”<sup>72</sup>*

### **2.3 LANGUAGE IN THE MAINSTREAM MEDIA: EXAMINING THE BOUNDARIES TO PRESS FREEDOM**

Mass media has been an important tool in maintaining the relationships between a country and its citizens and between states. The media has immense influence over society and thus it can play a significant role in supplementing state efforts in fostering peace. Many scholarly

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<sup>70</sup> Ibid 22

<sup>71</sup> Ibid 22

<sup>72</sup> Ibid 23

publications have explored how the media shapes the peoples' perceptions and on setting the general agenda within a given setting.<sup>73</sup>For instance Van Dijk in "*News as a Discourse*" points out that a news editor has a capacity to shape the perception of reality by the audience.<sup>74</sup>

In Africa the media has brought a revolution in the political sphere and helped in the successes of many peace processes. A case in point is the role of constructive dialogue used by Studio Ijambo in Burundi to the promotion of peace between Hutu and Tutsi. This radio station committed itself to positive conversations between Hutu and Tutsi journalists in a continuous campaign to build peace.<sup>75</sup>However like Wolfsfield<sup>76</sup> observed the same media can be misused for incitement and induce hatred. This could be demonstrated by the pre-reformed nature of ethnic radio stations in Kenya. A majority of these stations lack objectivity and are prone to incite ethnic hatred within the country. The literature reviewed had scholars having more focus on media language and its contribution to conflicts. This research hopes to present more insights on the role of language used in the media in contributing to peace within and among states.

The media fraternity enjoys freedom of the press. This is the freedom of communication and expression by the use of different medium including various electronic media and published materials. It stems from the right to freedom of expression. This entitlement is considered important for the facilitation of good governance and transparency within countries. However this freedom is not boundless. Governments of the day may place restrictions to avoid the misuse

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<sup>73</sup>Kuusik, N, *The Role of the Media in Peace Building, Conflict Management, and Prevention*. E-Internationalrelations, (2010).

<https://www.e-ir.info/2010/08/28/the-role-of-media-in -peace-building-conflict-management-and-prevention//>

<sup>74</sup> Van Dijk, T.A., 1988, *News as Discourse*, Lon: Lawrence Erlbaum.

<sup>75</sup>Gilboa, E, *Media and Conflict: Framing Issues, Making Policy, Shaping Opinions*, Ardsley, NY, USA: Transnational Publishers Inc, (2002).

<sup>76</sup>Wolfsfield, G, *Media and the path to peace.*,(2004).

of this right. For example in Kenya, Section 61 of the Law amends the Prevention and Terrorism Act (PTA) and expands restrictions to freedom of expression when it comes to any action that facilitates terrorism. The government of Kenya places the security of its citizens as a priority as opposed to the enjoyment of freedom of the press. This limitation on the nature of reporting was a subject of controversy in the country. It could thus be assumed that there still lacks a clear line on responsible reporting within the confines of press freedom.

### **2.3.1 Language as used in the Kenyan Media**

The potential harm of misuse of language within the media has been analyzed by a number of publications. The most relevant literature to the theme of this research revolved around the consequences of misuse of ethnic language by vernacular radio stations especially during election period. The 2007/2008 post-election violence and the peaceful 2013 general elections presented the best lessons to learn in terms of responsible reporting.

Kenyan media houses worked in solidarity during the 2008 PEV to reduce the conflict and create an atmosphere for peace. Notable was the use of hyperbole when the print media once carried the same headline reading “*give us back our country*”. This solidarity in calling out for peace was a welcome attempt to inform the leaders in the then conflict that Kenyans were not familiar with war and thus there was need for a peaceful agreement. The Nation newspaper also carried another calm assuring headline which read “*Hope at Last*”. The above could be contrasted to one by *The Voice of Africa News* which read “*More Violence Flares in Kenya, Despite Annan’s Efforts.*” Such a headline only served to increase the tension that was already present and to trigger attitudes of revenge or counter attacks. Alternatively the editor would have taken up their power to support forces to peace rather than forces that lead to violent conflicts.

The role of radio broadcasts in influencing the stability of Kenya is also relevant to this research. A historical approach will better illustrate the significance of radio broadcasts as actors in conflict and peaceful within Kenya. The Kenyan media space has significantly expanded in terms of content and the number of broadcasting stations. Initially media stations had been using English and Kiswahili as the main languages of communication with the ruling government having control of the content being aired. However in a bid to reach out to a majority of the people a law was introduced in 2004, liberalizing the media, which resulted into a sprout of a variety of new radio stations using local Kenyan languages.<sup>77</sup>

Most reports state that issues dealing with democracy, politics and relationships are popular with Kenyans and have been dominating the talk shows in many of the local language stations. In fact politics dominate the discussions every pre-election cycle. The open avenue would change to become an outlet for expressions of voices which had felt suppressed for decades. Moreover a majority of these voices expressed anger and dissatisfaction. The use of obscure, metaphorical language coupled with the contextualization of discussions make vernacular radio stations powerful incitement agents.<sup>78</sup>In a research on community radio and ethnic violence in Africa, Sam Howard gives examples of inciteful phrases and derogatory statements. One of the respondents in the research said

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<sup>77</sup>Maina, L, W. Kenya African Media Development Initiative Research Report. BBC World Service Trust, (2006).

<sup>78</sup>Creco Report, Building a Culture of Peace in Kenya, Baseline Report on Conflict- mapping and Profiles of 47 counties in Kenya. Nairobi: Myner Logistics, (2012).

*“You could hear the broadcasters saying, don’t mind them, the Kibaki or Kikuyu leadership will not go away. Those who are making lots of noise are like the eyes of frogs that cannot prevent cows from drinking water”.*<sup>79</sup>

Such a message only reaffirmed authority at all expenses while degrading the aspiring opponent and its supporters. The respondent further gave examples of idioms used by some radio journalists. One Kalenjin radio station broadcaster was quoted saying;

*“‘Odwakwekwe’, meaning remove the weeds. They said, remove the weeds among us. Now when they say such a language to their people, their people know that Odwakwekwe is referring to other tribes. They also used other terms like, ‘we don’t want spots’ on our skins’”*<sup>80</sup>

Such was the accusation made against one vernacular language journalist Joshua Arap Sang. He was the first journalist to be accused of crimes as an indirect co-perpetrator. Charges against him were: murder, deportation or forcible transfer of a population, torture and persecution.<sup>81</sup> It was reported that the messages were passed in Kalenjin language during the *KassLeneEmet* breakfast show. With such a lesson, journalists should consider the consequences of their pronouncements and avoid unsubstantiated statements.

Thus the media should strive to provide true, free and independent information to set up a positive platform for constructive debates and opinions. Journalists should also practice responsible reporting when the political environment is at neutral. Consequently investigative

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<sup>79</sup>[http://iccforum.com/media/background/africa/2009-](http://iccforum.com/media/background/africa/2009-09_Sam_HowardCommunity_Radio_and_Ethnic_Violence_in_Africa-The_Case_of_Kenya.pdf)

[09\\_Sam\\_HowardCommunity\\_Radio\\_and\\_Ethnic\\_Violence\\_in\\_Africa-The\\_Case\\_of\\_Kenya.pdf](http://iccforum.com/media/background/africa/2009-09_Sam_HowardCommunity_Radio_and_Ethnic_Violence_in_Africa-The_Case_of_Kenya.pdf)

<sup>80</sup>ibid

<sup>81</sup>[https://www.icc-cpi.int/kenya/ruto\\_sang](https://www.icc-cpi.int/kenya/ruto_sang)

journalists should try and ensure that their reporting are more informative and less inciteful. States can be transition into peaceful societies by the practicing of responsible media reporting, peace discourse and peace journalism.

### **2.3.2 Language as Used in the 1994 Rwanda Media**

The media was involved in fueling the 1994 Rwanda genocide. However it is the language propelled by the media instruments that served to negatively influence the attitudes of the Rwandan population. This largely illiterate population preferred radio as their means of mass communication. Newspapers too, though not popular, were published for those who were able to read. However the media in Rwanda used propaganda which was made possible through the practice of freedom of speech.

The research has used the Kevin Avruch approach to further explain the nature of language that was used by the media in Rwanda as being both high context and low context language.<sup>82</sup> A communication is referred to as high context if it is: aimed at emotions and is persuasive, its emphasis is not laid on the passing on of information as most of it lies in the context, the listener's decisions are made on the basis of emotions and finally free interpretation is allowed.<sup>83</sup> High context communication tends to be cautious, indirect and with elements of ambiguity. On the other hand, low context communication is more direct. As such, information is the focal point from which decisions are made with interpretation being unequivocal.<sup>84</sup> A clear example of high context language can be given from a January 14, 1994 broadcast by RTLM. The broadcaster

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<sup>82</sup> Kevin Avruch, *Culture & Conflict Resolution* (Washington, DC: United States Institute of Peace Press, 1998), 28.

<sup>83</sup> *ibid*

<sup>84</sup> *ibid*



announced “When we get to the point of executing our plans, UNAMIR will get a shock.”<sup>85</sup> This statement is clearly ambiguous though it tends to lean more onto the negative consequences that UNAMIR would face. Another example of a high context language that was often used was the morning greeting by RTLM which was as follows “Hello, good day, have you started to work yet?”<sup>86</sup> From the surface point of view and especially to a foreigner the aforementioned salutation is harmless and in addition motivating. Considering the tense atmosphere that had started building up in Rwanda, the morning greeting was open to different interpretation by the different listeners. Excerpts of low context language were derived from both RTLM and *Kangura* newspaper. For example on May 28, 1994 the broadcasters announced that “If you are a cockroach you must be killed, you cannot change anything.”<sup>87</sup> The above use of harsh codes was further supplemented other direct genocide inciting broadcasts. GAHIGI Gaspard, an RTML Chief Editor was on record stating “*We have described the Tutsis to you. These are unscrupulous people. These are people who have sex with their mothers and their sisters. These are people who do not respect their words. These are people we cannot trust. [... ] If you tell a Tutsi extremist that he has to kill his elder brother in order to take over power, he will do so provided that his needs are fulfilled.*”<sup>88</sup>

Journalistic writing and reporting in Rwanda was also noted to have taken advantage of literary techniques to appeal to listeners and readers while at the same time increase the efficiency of its message. Literary techniques are popular with perpetrators of hate speech who may not want to

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<sup>85</sup> RTLM Transcripts: 14 January, 1994,” Montreal Institute for Genocide and Human Rights Studies, [http://migs.concordia.ca/links/documents/RTLM\\_14Jan94\\_eng\\_K025-9331-K025-9357.pdf](http://migs.concordia.ca/links/documents/RTLM_14Jan94_eng_K025-9331-K025-9357.pdf)

<sup>86</sup>Darryl Li, “Echoes of Violence: Radio and Genocide in Rwanda,” in *The Media and the Rwanda Genocide*, ed. Allan Thompson. (New York: Pluto Press, 2007), 96.

<sup>87</sup>RTLM Transcripts: 28 May 1994,” Montreal Institute for Genocide and Human Rights Studies, [http://migs.concordia.ca/links/documents/RTLM\\_28May94\\_eng\\_tape0011.pdf](http://migs.concordia.ca/links/documents/RTLM_28May94_eng_tape0011.pdf)

<sup>88</sup>Ntawizeruwanone J, P, *Hate propaganda at Work: The Case of “Radio Télévision Libre des Mille Collines” (RTLM) Broadcasts during the Rwanda Genocide*. University of Leicester (2008).

be held accountable for their utterances. In Rwanda, the exploitation of literary techniques helped in loosening the tension that was associated with killings. For example Prunier identifies several instances where euphemisms were employed by RTML. Such included “clearing bushes” for chopping up Tutsis, “pulling out bad weeds” for slaughtering the Tutsis, “and don’t forget that those who are destroying the weeds must also get rid of the roots” meaning that they should completely wipe out the Tutsis.<sup>89</sup>

### **2.3.3 Role of Kangura Newspaper**

Kangura was a newspaper founded in May 1990 and it was written in both Kinyarwanda and French. The founder of the newspaper Hassan Ngeze was reported to be notorious in spreading hate speech against the Tutsis. Many examples were given as evidence against his publication in the ICTR. For example in issue number 54, January 1991, Mr. Ngeze wrote “*Let’s hope that the Inyenzi [cockroaches] will have the courage to understand what is going to happen and realize that if they make a small mistake, they will be exterminated; if they make the mistake of attacking again, there will be none of them left in Rwanda, not even a single accomplice*”<sup>90</sup> Later on in 1993, the newspaper called on the Hutu to kill the Tutsis within the country before hunting for those at the borders. Ngeze put across his argument by saying ““There is no way that you can send soldiers to go and fight Inyenzi on the border while you left some others one in the interior of the country. Why not search for accomplices and Kill them?”<sup>91</sup>

According to ICTR, Kangura was a sufficient call to genocide due to its messages of fear and hate propaganda.

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<sup>89</sup>Prunier, G, *The Rwanda Crisis: History of Genocide*. (New York: Columbia UP, 1995).

<sup>90</sup> Prosecutor v. Nahimana, Barayagwiza, & Ngeze, Case No. ICTR-99-52-T, Judgment and Sentence (December 3, 2003)

<sup>91</sup> <http://www.rwandafile.com/Kangura/kanguralist.html/>

### 2.3.4 “Hate Radio Station” in Rwanda

Infamously referred to as “Hate Radio Station”, RTML broadcasted propaganda and inflammatory messages aimed at initiating the genocide. Evidence showed that RTML hateful broadcasts were aired before and during the 1994 genocide. Analyses done on the RTML excerpts showed that the broadcasters capitalized on the physical differences between the Hutus and Tutsis and the false propaganda on the Tutsis being foreigners hence potential threats ready to take over Rwanda. The broadcasters further used de-humanizing language like calling people “devils” and even “terrorists”. For example on May 13<sup>th</sup> 1994 Kantano Habimana a presenter was recorded saying *“I suspect that among those people, those Inkotanyi (Tutsi), there hides a devil of a bullcalf that will exterminate the herd of cattle with which it was born” ...Someone must have signed the contract to exterminate the Inkotanyi...to make them disappear for good (burundu)...to wipe them from human memory...to exterminate the Tutsi from the surface of the earth”*.<sup>92</sup> He further tried to create humor out of the killings that were going on by stating *“So, where did all the Inkotanyi who used to telephone me go, eh? They must have been exterminated. ... Let us sing: “Come, let us rejoice: the Inkotanyi have been exterminated! Come dear friends, let us rejoice, the Good Lord is just.”*<sup>93</sup>

The radio encouraged people to wage war against an enemy known as the RPF, the Inkotanyi, the Inyenzi, and their accomplices; all of which were symbolic to the Tutsis. The broadcasters were not shy in calling out for the massacre of the Tutsis and any Hutu who would sympathize with the enemy. Such pronouncements were daring enough to even call out specific names on national radio. The levels and extent of propaganda and hate were made against a strong

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<sup>92</sup> Prosecutor v. Nahimana, Barayagwiza, & Ngeze, Case No. ICTR-99-52-T, Judgment and Sentence (December 3, 2003)

<sup>93</sup> *ibid*

background of freedom of expression. Against such a history do countries like Rwanda try to restrict the freedom of expression and especially to actors who have a potential influence to the population. Moreover from the negative impacts that language use has had on a country like Rwanda, this research seeks to propagate the counter-narratives to hate speech and derogatory language as a precursor to peace.

Conclusively, it can be said that the: lack of monitoring and irresponsible use of language by journalists has a potential to negatively influence the emotions of readers. It may be argued that the freedom of press provides for unbiased and balanced reporting but the choice of language therein should be done in consideration of the potential reaction thereafter.

## **2.4 LANGUAGE IN THE MILITARY**

*If all our soldiers spoke Arabic we could have resolved Iraq in two years. My point is that language is obviously an obstacle to our success, much more so than cultural. Even a fundamental understanding of the language would have had a significant impact on our ability to operate.*<sup>94</sup>

*Major Kenneth Carey  
Brigade S2, 1st BCT, 1st CAV*

The role of effective communication in the military cannot be underestimated. In fact it may be argued that in a military setting the right thing has to be said at the right time.

A country's military is helpful along its borders and may at times be deployed in a foreign country depending on the state's interest at stake. African countries have had their troops less active within the home countries and thus a majority of them get deployed to enforce peace externally. For instance the Kenya Defence Forces (KDF) has been on the fore-front in trying to

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<sup>94</sup>*On Point II – Transition to the New Campaign: The United States Army in Operation IRAQI FREEDOM, May 2003-2005* (Leavenworth, KS: U.S. Army Combined Arms Center, Combat Studies Institute Press), 221.

restore and maintain peace in Somalia. The Kenyan forces have also been deployed to countries like Sierra Leon and most recently South Sudan. It is argued that when an army deploys in a foreign country, it becomes advantageous if the soldiers comprehend the local dialect.<sup>95</sup> There is little evidence to show the language investment by African countries on their forces. However in the United Kingdom, United States and other European nations, strong language policies have been instituted in a bid to avert the related risks on national security.

The United States Armed Forces, rated as one of the strongest defense forces in the world underscored the need for language and especially foreign language knowledge on ground forces' operations. In a US military report titled "Building language skills & cultural competencies in the military the subcommittee used examples to illustrate how language was a vital tool during World War II (WW II). In one incident Private First Class (PFC) Guy Gabaldon had some knowledge of Japanese language. This equipped him to singlehandedly convince the Japanese army of over 1500 soldiers on Saipan to surrender.<sup>96</sup> Military establishments are currently faced with increasing variations in threats to national security. An additional foreign language or an understanding of the language of the enemy or the language of the host community can save lives. Foreign language skills are identified as "critical war fighting skills" that help the forces to understand and effectively communicate with their host population, local and government officials and coalition partners when in action. Language is also important in supporting intelligence functions. Kenya, Rwanda and other African countries could adopt the language strategies employed by countries like the US to increase their successes in missions. If such

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<sup>95</sup> <https://theconversation.com/how-the-british-military-became-a-champion-for-language-learning-60000>

<sup>96</sup> Krusee, J, et al. *Building Language skills and cultural competences in the military: DOD's Challenge in today's Educational environment* November, (2008).

troops had knowledge of say Arabic for South Sudan and Somalia, it would be easier for them to easily work in collaboration with the community and act as a link to the respective governments to come up with appropriate strategies to restore peace. The military can also use knowledge of local language to beef up intelligence through information gathering by spy agents who are normally strategically placed within the host communities.

In addition to the military, a country's police force is also important in maintaining law and order. Language and communication has not been a barrier towards the achievement of the mandate required of the police. There is limited literature to show the role that language can play in a country's police force. However for effective performance of their duties, the police need to have excellent communication skills. These skills are used in tasks gathering evidence, interviewing witnesses and as an alternative to the use of force in some situations. In both Kenya and Rwanda the police could make use dialogue to try and bridge the sour relationship existing between them and the citizens. A harmonious relationship will work towards improving the working environment for the police with a resultant stable environment for the citizen.

## **2.5 EMERGING ISSUES SURROUNDING STATE SECURITY**

Terrorism is the latest threat to the security of many countries. It is virtually everywhere with terrorism discourses being articulated within academic, political and even cultural productions.<sup>97</sup>In responding to the fact that terrorism impacts vast aspects of modern life, scholars have to change their outlook in addressing the issue.<sup>98</sup>Terrorists are non-states actors who have proved that they pose a danger to the stability of the international community. Their

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<sup>97</sup>Croft S. *Culture, Crisis and America's War on Terror*, (United Kingdom: Cambridge University Press, 2006).

<sup>98</sup>Jackson R, S. MB, Gunning J, J, L. *Terrorism: A Critical Introduction*, (United Kingdom: Palgrave Macmillan, 2011).

role as non-state actors became pronounced after the attacks on the United States on 9/11 2001. African states have also fallen victims to terrorist attacks and the subsequent threat in the recruitment of the youth into terror groups. For example in Kenya there has been a growing concern among experts on the increasing ability of terror groups to convince even brilliant youth in the society into believing their propaganda.

It has been noted that the current terrorist thrives on the use of propaganda narratives. Like any other actor in international relations, terrorists are exploiting the available technological and communication tools available to advance their ideologies, propaganda and increase their membership. States have however employed the use of counter narratives which literary “replace the terrorists’ narratives with another.” Rachel Biggs and Sebastien Feve of the Institute of Strategic Dialogue (ISD) define counter-narratives as being intentional and direct efforts to deconstruct violent extremist messaging by use of processes involving ideology, fact or humour.<sup>99</sup> Such narratives aim at manipulating the psychology of the target.

The use of psychology as a tool of warfare began in during the Cold War. During this time studies on social behavior, attitudes and social influence were important in assessing the ideological struggle between the East and the West.<sup>100</sup> Through analyses done on the successes of propaganda wars during the Cold war, propaganda narratives exploit existing narratives and base their arguments on how individual and collective identities are constructed.<sup>101</sup> States have

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<sup>99</sup>Rachel Briggs and Sebastien Feve ‘*Review of Programs to Counter-Narratives of Violent Extremism: What works and what are the implications for government?*’, Institute for Strategic Dialogue (2013).

<sup>100</sup>Cull et.al, *Propaganda and Mass Persuasion*; Davies, *Popular Opinion in Stalin’s Russia*

<sup>101</sup>Benedict Anderson, *Imagined Communities; Reflections on the Origins and Spread of Nationalism*, Verso, 1983; on role of myth and identity see Eric Hobsbawm, *Nations and Nationalism since 1870; Programme, myth, reality*, Cambridge University Press, 1990

advanced their levels of psychological warfare as a supplement to fight terrorism activities. Policy makers contend that language can be used to radicalize people and especially the marginalized members of the community to commit acts of violence. For example the Carnegie Endowment for International peace noted that there were parallel increases in anti-Shia and anti-Sunni hate speech with violent events associated with the groups.<sup>102</sup> Further studies on countering violent extremism through communication strategies argue that the more the ability to point out inaccuracies in the violent extremists' narratives the more the appeal of violent extremism will decrease. However, counter narratives should not be restricted to those who have a potential of being recruited into terror groups. Instead they should be flexible to offer alternative options for validation, belonging and legitimacy.

## **2.6 CHAPTER CONCLUSION**

The literature reviewed forms part of works done by a majority of peace, conflict, human rights and language scholars in trying to seek a solution to the potential danger that freedom of speech may have to the security of states. Much focus has been placed on it as a source of conflict rather than a tool for peace. However the different actors examined have the potential of changing the narrative from its current negative state. Furthermore, the population is still grappling with the confusion of the limits to freedom of expression with further confusion from the elite leadership. The two countries have sufficient examples to design plans of action, but are countries treating the subject as a matter of importance or as another news item.

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<sup>102</sup>Alexandra Siegel, *Sectarian Twitter Wars: Sunni-Shia Conflict and Cooperation in the Digital Age*, Carnegie Endowment for International Peace, 20 December 2015



## CHAPTER THREE

### STRATEGIES AND POLICIES AGAINST THE MISUSE OF FREEDOM OF EXPRESSION IN KENYA AND RWANDA

#### 3.0 INTRODUCTION

Both Kenya and Rwanda and many other states have fallen victims to language induced cases of violence, which brings the need to question the validity for justification to restrict freedom of expression.

Freedom of expression is often enlisted among the basic human rights. However to avoid the abuse of this right most countries have placed restrictions on speech that is deemed harmful. This is done by the use of legal or non-legal measures for example in Somalia there are strict restrictions placed by community on poets to avoid the use of derogatory language.<sup>103</sup> In the country poetry is an important means of conveying information thus it is considered to be of high value.<sup>104</sup>

Despite the restrictions being in place, it has proved a challenge for countries to draw a demarcation between what is really deemed as harmful. Arguments are advanced that hate speech is too wide and open to manipulation. Moreover concepts like dangerous speech have been reduced to focus on the potential harm that would result from it.<sup>105</sup> However Susan Benesch tried to fill this scholarly gap by coming up with proposals on what could be considered dangerous speech. She bases her arguments against: i) the personality of the speaker and how

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<sup>103</sup>Stremlau, N., 2012. Somalia: Media law in the absence of a state. *International Journal of Media & Cultural Politics*, Vol. 8, no. 2-3, pp.159–74.

<sup>104</sup> *ibid*

<sup>105</sup> [http://www.unesco.org/open-access/terms-useccbysa-en//](http://www.unesco.org/open-access/terms-useccbysa-en/)

well they are known within their surroundings; ii) the sentiments of the audience; iii) the subject matter of the speech act; iv) the context (both historical and social) in which the act occurs; and v) the means used for passing on information.

With a realization of the potential harm that hate speech and dangerous language would have, countries like Kenya and Rwanda have come up with strategies to control the situation. So far progress has been made in coming up with legislations around hate speech. Legislations may be in place but their effectiveness is subject to questioning. This chapter will analyze the strategies used by the governments of the aforementioned countries and the different stakeholders working towards minimizing hate speech. It will also examine the possibilities of expanding the policy space to accommodate other forms of derogatory language which may be outside the boundaries of hate speech.

### **3.1 INTERNATIONAL CONVENTIONS PROVISIONS ON HATE SPEECH**

Under the new constitutional dispensation, international law forms an essential part of the Kenyan legal system. It is considered essential in the realization of fundamental rights and freedoms of individuals. It is thus justified to examine the role of international conventions especially with a focus on hate speech. Hate speech in itself is not explicitly defined in any international conventions. It is however invoked in some of the principles related to human dignity. In examining the provisions contained in the Universal Declaration of Human Rights (UDHR) Article 7 mentions the right to equal protection that is “All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement

to such discrimination”.<sup>106</sup> It further states that everyone has a right to freedom of expression including “freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.<sup>107</sup> In as much as there is an entitlement to freedom of expression it could also be inferred to mean that every individual is also protected against hate speech if such a speech has discriminatory elements within it.

UDHR was important in setting the agenda for human rights protection, subsequent conventions have been created to address issues dealing with freedom of expression. These include: the International Covenant on Civil and Political Rights (ICCPR), Convention on the Prevention and Punishment of the Crime of Genocide (1951), the International Convention on the Elimination of All Forms of Racial Discrimination-ICERD (1969) and closely related to this research within the International Criminal Tribunal for Rwanda (ICTR) statutes. However, ICCPR is often quoted during debates on hate speech. Its Article 19 provides for the right to freedom of expression and is followed by Article 20 that expressly limits freedom of expression. The two Articles have been contested by some countries which feel that Article 19 is sufficient in dealing with hate speech without the provision in Article 20. Some of the signatories of ICCPR have placed reservations on Article 20.<sup>108</sup> Based on detailed analysis of the provisions by Article 19 and 20 some human rights advocates are of the opinion that limitations on the freedom of expression based on ICCPR provisions is susceptible to abuse.<sup>109</sup> Consequently the UN has consistently advocated for a shared understanding of hate speech and the effective ways to approach it. Reviewed literature

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<sup>106</sup>UDHR, Art 7.

<sup>107</sup>UDHR, Art 19.

<sup>108</sup>Australia, New Zealand, the United Kingdom and the United States.

<sup>109</sup>Human Rights Council. Report of the United Nations High Commissioner for Human Rights Addendum, Expert seminar on the links between articles 19 and 20 of the International Covenant on Civil and Political Rights.

extensively showed the importance of the Rabat Plan of Action on the prohibition of “national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” as instituted by the UN High Commissioner for Human Rights (OHCHR). The Rabat Plan proposed a six part threshold to identify hate messages. These are considering context, speaker, intent, content, extent of the speech and likelihood the speech could incite actual harm.<sup>110</sup> Its limitations as pointed out in a UNESCO series on internet freedom are that it does not extensively address issues of incitement on grounds like gender, sexual preference or language.

### **3.2 IMPORTANT FEATURES OF THE FREEDOM OF EXPRESSION**

In the pre-modern societies, freedom of expression was considered essential in the protection of the democratic space within the political sphere. The right has evolved from the traditional boundaries to be more individualistic oriented enabling individuals to communicate freely and exchange information as appropriate.

Following its broad definition, different research works have tried to derive characteristics of freedom of expression. The Right to Freedom of Expression, a publication done by Global Trends in NGO Law has consolidated the different features as inspired by a number of sources. The publication presents freedom of expression as: a right applicable to everyone without any distinction whatsoever, it is boundless in terms of geographical frontiers, its substantive scope is broad and encompasses “information and ideas of all kinds”, it includes the rights to both receive and impart information and ideas, it imposes a positive obligation on states that are signatories to

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<sup>110</sup>Conclusions and recommendations emanating from the four regional expert workshop organized by the OHCHR in 2011 and adopted by experts in Rabat, Morocco on 5 October 2012, available at: [http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat\\_draft\\_outcome.pdf](http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf)

ICCPR and finally, the right does not restrict the manner in which expressions are disseminated meaning that an individual can disseminate information using any media of their choice.<sup>111</sup>

### **3.3 AN OVERVIEW OF RWANDA'S POST GENOCIDE LANGUAGE POLICIES**

The present day Rwanda is extremely cautious over any activity or pronouncement that has a potential of negatively affecting the prevailing peace. Post-genocide Rwanda is kept stable by a number of measures aimed at restricting any form of speech, whether in public or within private confines; that can be taken to promote genocide ideology and divisionism. With this significant progress has been made towards maintaining peace in Rwanda. This has been done through enactment of laws, setting up agencies which promote genocide remembrance, carrying out grassroots reconciliation efforts and a number of civic education initiatives. There are concerns that some of the measures have encroached into the freedom of expression. The government is however trying to ensure that policies in place are not viewed as punitive rather as an effort to foster unity in response to the severe divisions deepened by anti-Tutsi hate speech spread in the early 1990s.

#### **3.3.1 Legal provisions on hate speech in Rwanda**

Following the 1994 genocide, hate speech is prohibited and criminalized by different domestic laws in Rwanda. The laws may however differ in their approach towards hate speech whereby some do not directly refer to hate speech but makes reference to other acts which are linked with it. For example Section 3 of the law on the Prevention, Suppression and punishment of the crime of Discrimination and Sectarianism states that “the crime of discrimination occurs when the

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<sup>111</sup> <http://www.ICNL.org/research/.../trends6-1.pdf>

author makes use of any speech, written statement or action based on ethnicity, region or country of origin, colour of skin, physical features, sex, language, religion or idea with the aim of denying one or a group of persons their human rights.”

The Rwanda legal system has also placed strict regulations on the political arena. Article 37(1) of the Organic law prohibits speeches, writings and actions based in or which might lead to discrimination or divisionism. Instead, politicians are encouraged to be advocates of peace and reconciliation among the Rwandans. Anti-hate speech laws in Rwanda are supplemented by Articles 135 and 136 of the Penal code.

Journalists and media practitioners in Rwanda are currently guided by the Media Code of Ethics. Article 13 of the Rwanda media Code states that “journalists must desist from inciting violence of any kind, including ethnic or religious hatred, tension and animosity.” Moreover Article 17 further gives warning that the journalists must avoid preconceptions or biasness based on among other things; race, sex, ethnicity, language, religion, color of the skin, political, social, mental or physical disability including HIV and AIDS status.

### **3.3.2 Limitations to Freedom of expression in Rwanda**

Expansive freedom of speech is an important part of an open and democratic society, but following war, genocide, and widespread social upheaval; the need for security often calls for limits to free expression. In Rwanda, freedom of expression is limited with the scope of prohibitions enacted by the parliament. This has not been well with a majority of human rights activists. To them it feels like an intrusion of the public into the private. This notion is furthered

by arguments from different philosophers for instance, while addressing cultural imperialism, the feminist philosophers Maria Lugones and Vicky Spelman explain that “part of human life, human living, is talking about it, and we can be sure that being silenced in one’s own account of one’s life is a kind of amputation that signals oppression.”<sup>112</sup>In Rwanda, the restrictions on the voices of genocidal ideology are meant to protect survivors who are seen as the most damaged and vulnerable members of society. The challenge however remains on how will people appreciate the role and results that restrictions on freedom of expression presents? In light of understanding the role of restricted freedom of speech, focus needs to be shifted from individualism to language being a social attribute. A common language defines a social group and infuses the group with tools to articulate its shared life. It is a primary means by which mutual understandings come to be constructed and disclosed. Rather than seeing language as the private province of the individual, if we see it as shared first, then addressing the question of what we together want it to be gains traction.

### **3.4 RESPONSIBLE MEDIA REPORTING IN RWANDA**

The media is often termed as a double edged sword; with the same potential that it has to fuel violence, journalists can also influence countries into peaceful agendas. In a research article on preventing genocide by fighting against hate speech, Faustin Mafeza notes that improved journalistic principles and ethical guidelines are key instruments in fighting incitement and violence. In societies like Rwanda where the media was pointed to have largely used dangerous speech, there is need for media reforms as part of the response strategy. In a report on hate speech and group targeted violence by United Holocaust Memorial Museum (UNMM) workable

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<sup>112</sup>M. C. Lugones and E. V. Spelman, “Have We Got a Theory for You! Feminist Theory, Cultural Imperialism, and the Demand for ‘the Woman’s Voice,’” *Women’s Studies International Forum* 6, no. 6 (December 1983). pp 573.

suggestions are given on attaining media reforms. Relevant to this research is the role of training journalists on how to identify and explain the different types of conflicts. The training of journalists was also a strategy to help them in framing of issues thus reduce tensions, encourage positive communication and constructive dialogue.

### **3.5 LANGUAGE AND DISCURSIVE CHANGES IN RWANDA**

Discursive practice addresses the processes by which cultural meanings are produced and understood.<sup>113</sup> The approach is grounded in four insights on discourse. One is the affirmation that social realities are linguistically/discursively constructed. The second is the appreciation of the context-bound nature of discourse. The third is the idea of discourse as social action. The fourth is the understanding that meaning is negotiated in interaction, rather than being present once-and-for-all in our utterances.

Rwanda set new norms of how its citizens should speak about the different ethnic groups. These discursive changes were used as a strategy towards fostering unity, dignity and respect. The post 1994 Rwanda population understand the power of language to shape social reality; as one Rwandan source says, “discourse has always borne within itself an ideology that seeks to convince or persuade or change the world.”<sup>114</sup> Rwandan leaders have taken the forefront in promoting positive terms of reference, promoting a shared historical narrative and fighting genocide-denial. Such discursive changes seek to replace one ideology with another.

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<sup>113</sup> <http://www.anthropology.hawaii.edu/department/specializations/discursive/discursive.html>

<sup>114</sup> Media High Council (MHC), *Journalistic Handbook for Writing and Speaking about the Genocide* (Kigali: MHC, 2011), 2.



### 3.6 INTERVENTIONS TO COUNTER HATE SPEECH IN KENYA

Kenya is not new to hate speech cases though the number of prosecutions is almost countable. This could be attributed to the notion that it has not always been easy to identify hate speech. In fact politicians are now questioning on the definition of hate speech which they deem a restriction to their freedom of expression. However in handling the subject, actors can work with an identifiable nature of hate speech as defined by Vollhardt. Vollhardt and other scholars zero in on two important characteristics of hate speech<sup>115</sup>

- i. Dehumanisation: This can be blatant, such as referring to other groups or individuals with animal names or it can be more subtle.<sup>116</sup> One subtle form of dehumanisation is ‘animalistic dehumanisation.’ This involves denying a group the characteristics of human uniqueness such as civility, moral sensibility, rationality and maturity.<sup>117</sup> The other subtle form of dehumanisation is ‘mechanistic dehumanisation.’ This involves denying a group characteristics’ that constitute human nature, such as emotional responsiveness, cognitive openness, and agency or individuality.
- ii. Simplistic and unbalanced communication: Hate speech violates standards of argumentative integrity. For example, the arguments put forward by target groups are often misrepresented and other groups are often blamed for political events or societal problems for which they are not responsible. Perpetrators of hatespeech often presentsubjective arguments as objective truth and they often refuse rational discussion of strong ideological statements.<sup>118</sup>

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<sup>115</sup>Vollhardt, J., Coutin, M., Staub, E., Weiss, G. and Deflander, J. (2006). Deconstructing Hate Speech in the DRC: A Psychological Media Sensitization Campaign. *Journal of Hate Studies*, 5:1, 15-35.

<sup>116</sup> Ibid 26

<sup>117</sup> Ibid 27

<sup>118</sup> Ibid 26

In following notable characteristics defined by the scholars above, crafting and implementation of strategies to deal with hate speech will more effective. It has been widely agreed that anti-hate speech, derogatory, divisive language strategies have largely been focused on the speaker. Moreover, the strategies are punitive as opposed to preventive. But with emerging issues there is increase in research for alternative interventions which focus on both the origin and recipient of information to address the issue. This research has reviewed both legal measures and new strategies being implemented to address the misuse of freedom of expression.

### **3.7 HATE SPEECH RESTRAINTS ON HOLDERS OF PUBLIC OFFICES IN KENYA**

Chapter six of the 2010 Kenya Constitution has several provisions on leadership and integrity on all public officers. From a broader perspective, Kenyans had envisaged a morally upright centre of authority with state officers of unquestionable integrity. This chapter defines the manner in which state authorities should exercise their authority while maintaining respect for the people and in a manner that brings honor and dignity to the office. Article 73 as relevant to the subject of this research states that “73. (1) Authority assigned to a State officer-(a) is a public trust to be exercised in a manner that-(i) is consistent with the purposes and objects of this Constitution; (ii) demonstrates respect for the people; (iii) brings honour to the nation and dignity to the office; and (iv) promotes public confidence in the integrity of the office; and (b) vests in the State officer the responsibility to serve the people, rather than the power to rule them.

(2) The guiding principles of leadership and integrity include-(a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections; (b)

*objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;*<sup>119</sup>

A breach to the requirements above can warrant dismissal from office or a subsequent denial of an opportunity to vie for a public office.

Public Officers in Kenya who have a history of the use of hate speech can be limited by the provision of Article 73 of the 2010 Constitution. Such was the case in *Benson Riitho Mureithi v J. W. Wakhungu & 2 others* [2014].<sup>120</sup> In this case, the petitioner had challenged the constitutionality of the interested party as the Chairman of the Athi-Water Services Board. The court ruled that it was within its jurisdiction to make appropriate orders on matters before it. The presiding Judge Justice Mumbi Ngugi based her argument on Chapter 6 Article 73 of the Constitution on which the respondent failed to have regards to when appointing the interested party as the chairman of the Athi Water Services Board. This act was considered unlawful and unconstitutional. Consequently she ruled that *“the appointment of the Interested Party as Chairman of the Athi Water Services Board is therefore null and void.”*<sup>121</sup>

The case above was filed against Hon. Ferdinand Ndung'u Waitutu. He could not meet the threshold of holding a public office due to his accusations on hate speech while he was a Member of Parliament representing Embakasi North Constituency.

A strict application of such mechanisms will deter aspiring politicians or other members of the public from the use of hate speech. The trend has not yet picked up in Kenya because the country

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<sup>119</sup> <http://www.klrc.go.ke/index.php/constitution-of-kenya/119-chapter-six-leadership-and-integrity>

<sup>120</sup> <http://kenyalaw.org/caselaw/cases/view/95114/>

<sup>121</sup> *ibid*

so far has a re-cycle of the same politicians some of whom have various hate speech accusations against them. However the citizens are increasingly being aware of the constitutional provisions thus it could be projected that this strategy will with time become effective.

### **3.8 ROLE OF THE NATIONAL COHESION AND INTEGRATION COMMISSION**

The National Cohesion and Integration Commission of Kenya (NCIC) is a government agency that was created to promote national unity in Kenya. This constitutional body was set up to facilitate processes and policies that encourage the elimination of any form of discrimination and thus encourage Kenyans to positively embrace diversity.<sup>122</sup>This agency has been on the forefront in condemning hate speech in Kenya. The NCIC is guided by the National Cohesion and Integration Act (NCIA) which has clear descriptions on what is considered as hate speech. Section 13 of the NCIA defines hate speech as

*“Hate speech.*

*(1) A person who-*

*uses threatening, abusive or insulting words or behaviour, or displays any written material; publishes or distributes written material; presents or directs the performance the public performance of a play; distributes, shows or plays, a recording of visual images; or provides, produces or directs a programme; which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words or behaviour commits an offence, if such person*

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<sup>122</sup> <http://www.cohesion.or.ke/>

*intends thereby to stir up ethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up.*<sup>123</sup>

NCIA Section 62 further criminalizes certain forms of speech. This Section states

*62. (1) Any person who utters words intended to incite feelings of contempt, hatred, hostility, violence or discrimination against any person, group or community on the basis of ethnicity or race, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or both.*

*(2) A newspaper, radio station or media enterprise that publishes the utterances referred to in subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings.*

NCIC has also formulated guidelines aimed at helping journalists in understanding and reporting of hate speech. In addition it has also developed training manuals for the police and general public. However NCIC has faced challenges in effectively implementing its mandates. The challenges are attributed to the lack of clarity in the Kenyan law on issues dealing on hate speech. A close examination of the NCIA Act reveals that it has placed a limitation on ethnic hatred only despite there being potential hatred from other identity based groupings like religion, gender, nationality, sexual orientation among others. Susan Beneschi notes that the 2010 Constitution has a limitation to the freedom of expression which is not to extend to hate speech. However the term hate speech is not clearly defined. She further notes that in most cases NCIC has resorted to sending warning letters or notices to public officials whose speech they deemed

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<sup>123</sup>Section 13, National Cohesion and Integration Act 2008: [www.cohesion.or.ke](http://www.cohesion.or.ke)

hateful or dangerous whose alternative would be a crime warrant.<sup>124</sup> The institution is however credited for unearthing evidence that eventually led to the charging of three kikuyu musicians for two counts of incitement to violence and one of hate speech, before the 2013 general election in Kenya.

### **3.9 ALTERNATIVE COMMUNICATION BASED APPROACHES TO COUNTER HATE-SPEECH IN KENYA**

The uses of legal, punitive and restrictive measures have so far been the focus by actors trying to control the abuse of the freedom of expression. The approach is more speaker and speech based as opposed to a focus on the listener who happens to change the words into action. In trying to come up with effective alternatives, some Non-Governmental Organizations (NGOs) have developed projects which are more focused on the recipient of inflammatory language. The idea was initiated by Radio La Benevolencija Humanitarian Tools Foundation (La Benevolencija). La Benevolencija seeks to equip citizens in vulnerable societies with knowledge on how to identify and resist manipulation to violence.<sup>125</sup> In Kenya La Benevolencija initiated four projects aimed at monitoring and educating Kenyans against the harmful effects of hate speech.

#### **3.9.1 Language monitoring through the Umati Project**

The Umati project was designed to monitor the online media space for any elements of inflammatory language. Through the help of human monitors, it searched the Kenyan internet space including blogs, Facebook pages, tweets, online newspapers and followed through on

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<sup>124</sup>Susan Benesch (2014) Countering dangerous speech to prevent mass violence during Kenya's 2013 elections

<sup>125</sup>Radio La Benevolencija, Mission and Vision, available at [labenevolencija.org/la-benevolencija/mission-and-vision/](http://labenevolencija.org/la-benevolencija/mission-and-vision/)

comments given in the mentioned media spaces and used the dangerous speech guidelines<sup>126</sup> to classify the samples collected according to their potential levels to incite violence. The project focused on online content because of the numerous pointers during the 2007/2008 PEV on the use of inflammatory speech in the online Kenyan media space. Moreover, the documentation of the speech was not available to link the perpetrators to the offence. Umati also operated on the assumption that with an increase in the percentages of social media users, there is more potential danger if inflammatory language is propagated through this means.<sup>127</sup> Out of 5,683 examples of hate speech collected, the project monitors classified the first 25% as very dangerous hate speech.<sup>128</sup> The report further observed that Facebook users were more exposed to hate speech with a striking 83% of the entire body of hate speech from Facebook alone.

### **3.9.2 Counter-narratives through the NipeUkweli Campaign**

The NipeUkweli project was a product of umati. NipeUkweli had a clear vision of dealing with false rumors after realizing their potential danger during the 2008 PEV. Founders of the project were of the opinion that countering false rumors has proven a success in many countries where lies triggered violence. The project was successful in educating the masses on the meaning of hate speech, dangerous speech and effective measures to counter them. The project was carried

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<sup>126</sup>Benesch S, Dangerous Speech: A Proposal to Prevent Group Violence, available at [voicesthatpoison.org/guidelines](http://voicesthatpoison.org/guidelines)

<sup>127</sup>M.Mäkinen. & M.W. Kuira, Social Media and Postelection Crisis in Kenya, *International Journal of Press/Politics* 13, pp.328-336

<sup>128</sup>Umati Final Report, Sept 2012-May 2013, iHub Research and Ushahidi, available at [dx.doi.org/10.1080/17531050802094836](http://dx.doi.org/10.1080/17531050802094836).

out in both online media and community forum campaigns. The campaign targeted the youth, community leadership and vocal people in societies and was reported to have been effective.<sup>129</sup>

### **3.9.3 Language in the media as a form of audience education**

This intervention was designed to educate the masses on the responsible use of language. The media is used as tool to persuade the listeners to opt to avoid the use of hate speech, divisive language or inflammatory speech or to make them aware of the nature of language that can have a potential influence on an existing peaceful situation.

This approach was pioneered in Kenya by the use of ViojaMahakamani-a locally produced programme. Four episodes of Vioja Mahakamani were scripted and filmed strategically to make Kenyans more aware of the potential harm of hate speech especially using familiar examples from the 2007/2008 violence.<sup>130</sup> In order to make an impact, the four episodes were aired in the months of October, November and just before the 2013 elections. The strengths of the project were measured by observing the effects that the programmes had on a sample population that had viewed it and of another that had not. A final evaluation showed that the population that had watched the four vioja mahakamani episodes was more aware of speeches or utterances which were meant for potential harm than good.<sup>131</sup>

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<sup>129</sup>NipeUkweli: Outreach to Sensitize Communities on Dangerous Speech. Summary Report, James NdigaNjeru, iHub Research. Available at [ihub.co.ke/ihubresearch/jb\\_NipeUkweliSummaryReportMarchpdf2013-11-18-16-07-39.pdf](http://ihub.co.ke/ihubresearch/jb_NipeUkweliSummaryReportMarchpdf2013-11-18-16-07-39.pdf)

<sup>130</sup><http://dangerousspeech.org/resources/2014/12/30/testing-a-media-intervention-in-kenya-vioja-mahakamani-dangerous-speech-and-the-benesch-guidelines>

<sup>131</sup> ibid



### **3.10 CHAPTER CONCLUSION**

The strategies that the two subject countries have put in place have a high success rate if they are properly executed. Focus has been on legal measures with some clauses of the law being left open thus posing a potential of being manipulated. Furthermore, the law tends to be more concentrated on ethnic issues and hate speech, divisive language and derogatory language has currently moved beyond the confines of ethnic language. Hate speech is more rampant in Kenya than Rwanda probably because the Rwandans would not like a repeat of the genocide. Moreover literature shows that some of the strategies in Kenya still fail in their effectiveness due to lack of evidence. An overall success would come from a blend of legislative and efficient social measure.

## **CHAPTER FOUR**

### **A CRITICAL ANALYSIS OF THE RELATIONSHIP BETWEEN LANGUAGE USE AND SECURITY IN KENYA AND RWANDA**

#### **4.0 INTRODUCTION**

The preceding chapters have focused on arguments based on available literature relating to the subject of study. This chapter aims at using primary data from administered questionnaires, as research findings on critical views and trends on language and the right to freedom of expression within Kenya. Secondary data will be used largely when analyzing Rwanda due to the research limitations mentioned earlier in Chapter one. The questionnaires were completed by 80 Kenyans representing an 80% response rate from the expected population size of 100 respondents. Of the 80 questionnaires received, only 60 met the threshold for having sufficient responses to be used in this research. The remaining 20 questionnaires were rejected because the respondents tended to fill the first section of the questionnaire and barely go past the second section. The challenge noted was due to language barrier by which the respondents could not express themselves in writing.

The questionnaires administered were divided into three sections which will guide in the data presentation. The sections were on: general information, data findings on understanding of freedom of expression, hate speech and security in Kenya and finally findings on effective strategies to deal with freedom of expression.

## **4.1 DISCUSSION OF FINDINGS**

### **4.1.1 General demographic description**

Demographic data that was considered important in this study was age, location and languages spoken. The respondents were required to tick off the age bracket appropriate to their age. Seventy percent of the respondents were below forty years of age (56 responses) while thirty percent of the respondents (24 responses) were above forty years of age. In this study, the respondents all exhibited an understanding of what freedom of expression entails and the dangers associated with its misuse. However, the sample population below the age of forty years old had a deeper understanding with some of them conversant with the constitutional provisions of this right. Other researchers attribute this to globalization and increase in the use of social media tools.<sup>132</sup> An increase in communication creates a sense of limitlessness to the younger generation such that they need to say anything to everyone. The younger generation in Kenya has however been limited by strict regulations which may lead to their arrests. This is among the factors that have made them to delve deeper into knowing about freedom of expression.

The research had targeted to get its samples from a population drawn from five counties. Given that language is an important marker of identity location was considered important as a tool to estimate the effects of homogeneity or heterogeneity of languages spoken to the co-existence of the communities. It was noted that there were high levels of negative ethnicity especially among the illiterate within the counties. Like it has been noted in earlier studies negative ethnicity in Kenya manifested through segregation by use of languages spoken is blamed for the many instances of violence and discrimination. Moreover location was considered important for the

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<sup>132</sup><http://theconversation.com/how-fear-of-offending-has-trumped-freedom-of-speech-among-todays-young-people-36392>

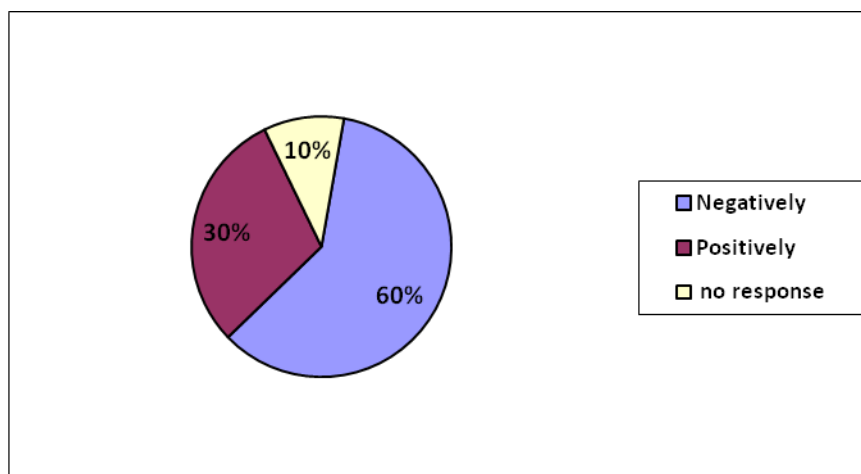
research to factor in the different cultural and historical settings which motivate certain responses, and which probably contribute to instances of hate speech in some cases.

#### **4.2 In what ways do you think language has a potential to affect peace and security in Kenya?**

Kenya is a highly multilingual society a factor which presents more negative potentialities to the peace of the country. 50% of the respondents were of the opinion that the different language groups conflict with each in an effort to maintain and elevate the status of their identity and relevance within the different outfits of the society. The negative ethnicity often results into inter-tribal hatred. Moreover some respondents pointed out on the choice of some words and branding them on specific groups. For instance the casual use of the term “thief” on members of community X may at a point create agitation on the recipients. However, some respondents, approximately 30% pointed out on some roles of language as an instrument for the promotion of national consciousness and unity.

**Question: In what ways do you think language has a potential to affect peace and security in Kenya?**

**Figure 1: responses considering both age and location**



A majority of the respondents gave out the example that was used in the literature review on language used in fostering dialogue during the 2007/2008 post-election duration. Further examples were given on the frequent inter-tribal conflicts and the role of language to bridge the gap. For example dialogue is pointed out as the key to the peaceful co-existence between the Pokot and Marakwet (communities within the North Rift part of Kenya). The research also noted that language is an important component of education; civic education or even education used in schools to promote literacy. As such, it could be utilized to promote peaceful co-existence, encourage constructive criticisms or even provide alternative ways to solving conflicts.

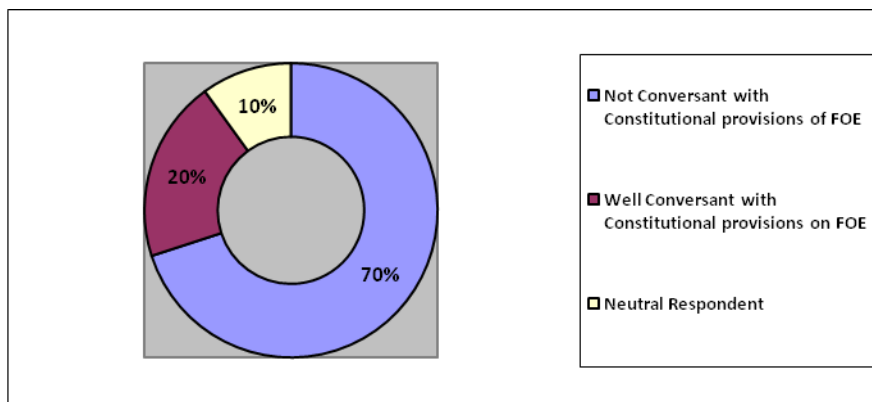
The respondents were of the opinion that the potentiality of positive language use to the society is often assumed and it only becomes an issue once hate speech effects result into violence and loss of lives.

### 4.3 Awareness of the Right to Freedom of Expression

Many of the respondents interviewed were aware that their opinion counts and that they are free to receive information and relay ideas using the available media of communication. However the extent to the provisions of this freedom within the Kenyan Constitution was not known to many except those who were directly dealing with the legal matters. The research found out that the understanding and familiarity of terms has been reserved for “experts”. As such the citizens could identify with the freedom of expression in as far as the politicians said it was appropriate. For example some respondents were of the opinion that so long as it is not a direct call to killing and incitement, then there is no harm in such a speech. Moreover the research noted that some respondents regarded the limitations to the freedom of expression as only applicable within the public domain.

**Question: As a Kenyan you are entitled to freedom of expression. Are you conversant with the provisions and limits to this entitlement?**

**Figure 2: responses considering both age and location**



This goes to suggest that there are high levels of ignorance which probably contribute towards the creation and escalation of language wars in the country. The political sphere was also noted to largely influence the public perceptions of this entitlement. For example, in the current year 2016, it has become a subject of debate with some politicians stating that it was at threat of being wrongfully controlled. Thus like a majority of the respondents who were ignorant of provisions in the law, the Kenyan population is still at the disposal of the politicians on the issue of understanding the Freedom of Expression. The respondents from rural areas are more susceptible to political influence. This is because an overwhelmingly 70% of those interviewed were unaware of the Constitutional provision. The research assumes that the sample size reflects the overall population trend. On the contrary, some respondents (approximately 20%) were open to interrogating the issue as defined in the law. These were drawn from the younger population below 40 years of age. The research notes that if the informed population engages the rest of the population, the levels of responsible exercise of the entitlement will increase.

#### **4.4 An overview of the respondents' understanding of hate speech**

There are different perspectives from which hate speech is viewed though the different perspectives from most of the respondents converged to conquer that hate speech has a potential for harm. According to some respondents, it is negative stereotyping. Stereotyping involves grouping of individuals together and further making an uninformed judgment about them. In Kenya the common stereotypes were cultural and ethnically motivated. Another school of thought was of the opinion that hate speech is an incitement to violence or hatred against individuals or groups. Other descriptions of hate speech were: utterances which refer to another person as a lesser human and the use of language loaded with images or metaphors with negative

connotations. Generally it was understood as any form of verbal or written aggression towards those whose identities are different from the speaker or writer.

#### **4.5 The responsible exercise of freedom of expression contributed to the peaceful election in Kenya in the year 2013 what are your thoughts on this?**

The government, civil society groups and church groups were applauded for their role in reinstating the place of responsible exercise of freedom of expression and consequently a peaceful electoral process. 90% of the respondents were of the view that hate speech was minimal during the 2013 polls. The respondents noted an increase in messages of peace with the citizens having their dialogue more focus on political party manifestos. The politicians were also recorded to have responsibly used their freedom of expression. This could be attributed to several factors like the fear of being criminalized like it happened after the 2007 elections. Moreover the International Community as well as regional observers were closely monitoring the pre and post events within the country; consequently politicians were keen with their language use.

The respondents were also of the opinion that the media also contributed significantly to the peace during the 2013 general elections. Journalists are said to have practiced responsible reporting with significant reduction in individual rhetorics. Ms Judy Nguta, a Standard Media Group Sub-editor said that they were taken through various trainings and held several meetings on the electoral coverage. The research findings resonate with those of Internews media monitoring report which concluded that there was an overall decline in cases of dangerous speech to a desirable level of zero cases in April 2013.



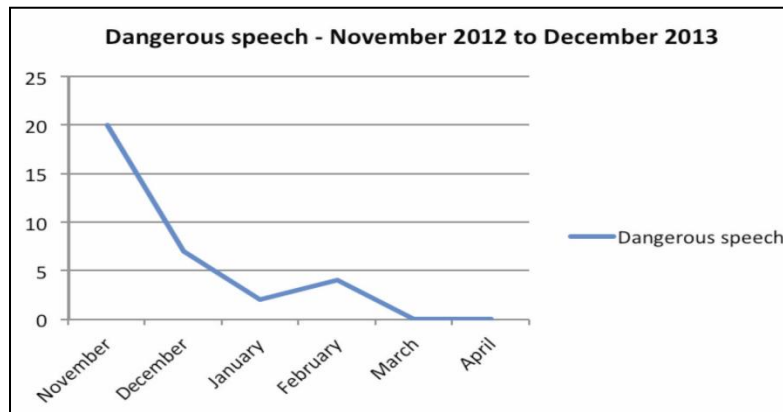


Figure 3: Internews markings showing the trends in the presence of dangerous speech before and after the 2013 elections

Source: Citizen watchdog report *November 2012-April 2013*

#### 4.6 Population exposure to messages of disapproval, hate or aggression

Seventy five percent of the respondents interviewed reported to have heard several public statements expressing disapproval, hatred or aggression especially against ethnic and religious groups. Out of the 75% some of the respondents reported to have felt personally threatened by certain statements. Examples of some of the statements that resulted to this fear were calling every Somali person “Al-Shabab”. Incidences of disapproval against sexual minorities were also reported for the year 2015. Urban dwellers from cosmopolitan settings were found to be more sensitive to statements that can be termed as hate speech as opposed to those from the rural areas.

Consequently the urban groups are more likely to recognize hate speech with accuracy, and thus increasing their likelihood in identifying it as a problem. On the contrary those living in rural settings being less sensitive to hate speech and least likely to recognize it as a problem

The research also noted that the younger generation recognizes hate speech more accurately, with the trend reducing with age. Few older respondents reported encounters with hate speech.

The Kenyan youth are noted to likely be exposed to messages of hate when among their peers.

This includes virtual meetings over the internet. In fact 80% of young internet users noted on the potential threat that the internet; especially social media and uncontrolled blogs played in propagating hate messages. Moreover the family setting was also noted as a potential breed for hate messages within the private sphere.

#### **4.6.1 Victims and perpetrators of statements expressing hatred or aggression**

According to the Kenyans interviewed (70%), politicians are highly ranked as notorious users of hate speech than any other group. The respondents also listed journalists in Kenya as channels used to spread hate language used by politicians.

The research further consolidated the recipients of hate messages into three major groups. 65% of recipients reported to have heard hate messages against politicians, a further 70% reported negative language to be directed to members of different tribes with the tension being among speakers of Agikuyu language and those speaking Dholuo language and finally 40% reported aggression against different religious groups.

Hate speech towards the politicians was often perpetrated by the politicians themselves. An example was given of the Member of Parliament from the ruling coalition who appeared to have called for an assassination of a political opponent. The utterance resulted into several other speech acts among the members of the political class which were considered potential dangerous to the peace of the country.

Another highlight was on the role of party supporters in disturbing or maintaining peaceful surroundings within the country. Five respondents noted that this nature of conflict is historic in nature and tends to evolve with time. In Kenya, party support is closely associated with ethnic

groupings. The respondents said that opposing political groups were accustomed to using dehumanizing descriptions to refer to each other.

#### **4.7 Languages used to express hatred or aggression in Kenya**

Respondents were reluctant to answer this question probably because the ethnic language mentioned would be branded a hate tribe. However one language expert opines that language use depends on the context. For example documented evidence from newspapers have shown politicians using both Kiswahili and English in most of their speeches. In an effort to identify with their ethnic supporters, there is an increasing trend in politicians' use of vernacular language which may at times be loaded with hate speech. Users of social media in Kenya have in the past two years demonstrated an increasing trend of using their ethnic language in an abusive and hateful manner spilling online wars.

#### **4.8 Language as a strategy to fight terrorism**

This research used terrorism as one of the emerging security issues. It had hoped to get views from security experts and representatives from the KDF, in addition to views from the general public. However the researcher only managed to get the views of two security experts who expressed similar views

The experts were of the opinion that language can be used as a counter propaganda tool. They further explained that in their process of recruiting, terrorists rely heavily on the use of propaganda narratives to recruit more supporters thus ensuring their continuity. Language can be strategically employed to clearly explain the truth to the population and especially the youth

providing them with two options to choose from. If language is properly employed, the experts opine that it may work to the advantage of countries in reducing the number of recruits.

In addition, one of the experts said that the narrative associated with terrorism needs to shift from a religious narrative. The more the confusion about Islam and terrorism, the more the terrorists exploit the opportunity to convince more Muslims to join them. There is a possibility of some Muslims being sympathizers if they keep on being associated with the outlawed groups.

A majority of the respondents from the general public reported that language could be employed as part of education campaigns measures to equip the masses with the abilities to distinguish between truth and messages calling for violent acts.

#### **4.9 Strategies that should be put in place to reduce cases of incitement in Kenya**

The respondents felt that current strategies were not sufficiently used to reduce cases of incitement in Kenya. A majority of them were only aware of the legal measures that the government has put in place to prevent and punish hate speech in Kenya. However they noted that the law enforcement institutions were biased in prosecuting hate speech; closely related to this, the respondents also stated that these institutions are often reluctant to persecute cases of hate speech. Thus specific measures should be implemented to guarantee that hate speech crimes are investigated and effectively prosecuted.

The two experts opined that the policies put in place should be accompanied by efforts to improve the capacity of institutions which have sought non-legal measures as a strategy to change discourse on different social issues. These institutions have committed to raise awareness amongst the citizens on the important role that language plays in their peaceful coexistence.

Other strategies mentioned in the responses included: media strategies to regulate the content being aired. For example one respondent was convinced that radio journalists had the capacity to refrain from the use of offensive language and subsequently control the use of such language by the audience.

#### **4.10 Chapter Conclusion**

Based on the findings of the study, there are several language factors that contribute towards the harmony that Kenya often enjoys. Consequently if strong policies are put in place and effectively maintained they can effectively supplement the efforts done by security agents. The study also notes that a larger percentage of the population lacks sufficient knowledge on the Constitutional rights that they are entitled to. However the levels of awareness of the potential danger that misuse of language poses are high. Thus actors like politicians may take advantage of the gap bridging the aforementioned situations and mislead the masses. The respondents also reported on the selective nature of the law. This could be attributed to the nature of the law itself which is open to different interpretations. However non-governmental actors are reported to have scaled up other measures mainly targeting hate speech. These strategies are rated to have high effectiveness because they move closer to address the key root cause of language induced conflicts.

## **CHAPTER FIVE**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **5.0 INTRODUCTION**

The preceding chapters have demonstrated that the appropriate use of language promotes peaceful co-existence. Literature reviewed has also pointed out on the importance of the responsible expression of opinions so as not to infringe on the enjoyment of other rights. The research has also highlighted on the important role of dialogue to achieve lasting peace within communities and among states. The power of dialogue was demonstrated by the Kenya National Dialogue and Reconciliation (KNDR) forum which was instituted to end the political violence that had engulfed the country following the disputed elections. In addition the choice of words by different state and non-state actors is also seen as crucial in setting the security scene of a country. For example the media fraternity has to be very vigilant in their choice of words while reporting. Despite the potential threats faced by the two subject countries of study, strategies envisioning more peaceful societies are being formulated. Both the legislative and non-legislative strategies have a high potential to solve the problem however the commitment to the implementation is still wanting.

#### **5.1 CONCLUSIONS**

African countries have been accustomed to cycles of conflict and violence. The timing of such conflicts is almost predictable; the fight for leadership and natural resources. Moreover the root issues of conflicts are often recycled to stemming from pre-colonial and colonial times. With the wake of globalization there is a realization by the African leadership that it may not benefit fully

from the natural resources at its disposal. This is coupled by the enlightened African population which seeks peace not as an alternative but as the preferred option. The Kenyan citizen having witnessed various cycles of conflict, is embracing more peace initiatives. For example, the 2013 Presidential elections were carried out peacefully with legal redress being sought in conflicting outcomes. Politicians refrained from using messages that would create tension, hatred and the resultant violence.

Ethnic conflicts which in most times lead to genocidal violence are usually preceded by hate speech. Certain individuals or groups construct and fuel hatred against individuals and communities which are different in terms of ethnicity, religion or language from the dominant majority. The reasons are mostly political or due to historical phases of discrimination for instance in 1994, Rwanda political figures such as Joseph Habyarimana Gitera, Grégoire Kayibanda and Léon Mugesera encouraged hatred and violence against Tutsi through hate speech which led to the execution of genocide against the Tutsi. The leaders used means such as accusation in a mirror, euphemism and hatred rhetoric through media and in political rallies in order to incite Hutu to commit violence and genocide against Tutsi.

Article 20 of the International Covenant on Civil and Political Rights, prohibiting any “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” should be implemented by states in order to fight against hate speech. In post-genocide Rwanda, laws criminalizing and prohibiting hate speech such as the Law on the Prevention, Suppression and Punishment of the Crime of Discrimination and Sectarianism, the law on the crime of Genocide Ideology and other related offences, and laws governing political organizations and politicians have been enacted. The Rwanda media, political organizations and

their members are also guided by a code of conduct. The legality of speech must be tested against international law and the context of the country in question should be considered.

Apart from the laws and codes of conduct, the fight against hate speech will be won by awareness campaigns that are supported by the media, political organizations, civil societies and non-governmental organizations. There should also be close collaborations and dialogue between influential institutions and organizations such as governments, policy makers, non-governmental organizations and international organizations in order to enhance tackling of hate speech. Moreover harmful speech can subside by tackling the fundamental reasons for the use of such speech and encouraging robust debate around the identified gaps. There should also be clear communications from media actors so that others understand their positions and policies. Hence, due to all these actions political debate can succeed without unnecessary restrictions placed on freedom of expression.

## **5.2 RECOMMENDATIONS**

Drawing from the study findings, majority of the population still lack the clarity of what does or does not include dangerous language or hateful language. Thus the study recommends an increase in the production and dissemination of information to counter hate messages. Such messages have been used in Kenya before during the 2013 elections. Their effectiveness has not been measured in study but a hypothesis could be given that they contributed largely to peaceful coexistence amongst Kenyans. The government can team up with different actors to bring effectively implement such projects. Moreover the study recommends that this should not only



be done during the electioneering period but should be used to inculcate a culture of peace in the population.

The study also calls for the creation of programmes that will create awareness on what does and what does not constitute hate speech or dangerous speech. This should be further complemented by education measures to inform the population on the impacts of the misuse of freedom of expression and the set precedence for perpetrators of hate speech crimes to be indicted and prosecuted. In relation to this, the justice system should treat cases of hate speech crimes with the level of seriousness it treats the other cases. Moreover the study recommends for a uniform application of the law across all the class systems of the society.

Finally countries could come up with country-specific frameworks to help in addressing the different threats posed by the misuse of the freedom of example. For example Rwanda discourages ethnic references while in Kenya it may not be applicable because it is almost normal to identify oneself with the tribe. In addition Rwanda was infamous for using dehumanizing language unlike Kenya whose setting is dominated by general codes with lower levels of dehumanizing content. Appropriate strategies will help to determine the type of speech and the level of threat it poses.

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19<sup>th</sup> August, 2016

TO WHOM IT MAY CONCERN

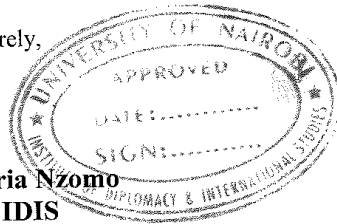
RE: LUCY ACHIENG ONYANGO – R50/74304/2014

This is to confirm that the above named person is a bona fide student at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi pursuing **Master of Arts in International Studies**. She is working on research project titled: **“THE ROLE OF LANGUAGE MAINTAINING PEACE AND SECURITY IN AFRICA: LESSONS LEARNT FROM KENYA AND RWANDA.”**

Any assistance given to her to facilitate data collection for her research project will be highly appreciated.

Thanking you in advance for your cooperation.

Yours sincerely,



**Prof. Maria Nzomo**

**Director, IDIS**

**&**

**Professor of International Relations & Governance**

## *Survey Questionnaire*

This questionnaire is meant to collect information on the role of language in maintaining peace and security in Africa with lessons learnt from Kenya. This information is being sought solely for academic purpose and will be treated with strict confidence. Kindly answer the questions by writing a brief statement or ticking the boxes as applicable.

### **Section A: General Information**

1. What is your nationality.....
2. Which is your County .....
3. What is your age bracket (Tick whichever is appropriate)  
18-30 Years [  ]  
31-40 Years [  ]  
41-50 Years [  ]  
Over 51 years [  ]
4. Which languages do you speak/understand?.....

### **Section B: Freedom of Expression, hate speech and Security in Kenya**

1. In what ways do you think language has a potential to affect peace and security in Kenya?
2. As a Kenyan you are entitled to freedom of expression. Are you conversant with the provisions and limits to this entitlement?
3. What is your understanding of hate speech?
4. The responsible exercise of freedom of expression contributed to the peaceful election in Kenya in the year 2013 what are your thoughts on this?

5. In the past 2 years, have you heard public/private statements expressing disapproval, hatred or aggression against ethnic, religious, sexual minorities or any other?

If you have answered “yes” to the question above, against whom you have most often heard public statements expressing hatred or aggression?

In which languages would you most often hear public/private statements expressing hatred or aggression in Kenya?

6. Do you think language can be used as a tool to fight terrorism? (**Yes/ No**)

How can language be used as a strategy to fight terrorism?

#### **Strategies against the misuse of freedom of expression**

1. Do you think the government is doing enough to reduce language induced cases of insecurity? ( **Yes/No**)
2. How would you rate the efforts of the civil society in the efforts to reduce language induced cases of insecurity in Kenya? ( **Fair/ Average/ Good** )
3. How can the civil society boost its efforts to help the masses strike a balance between Freedom of speech and hate speech?
4. What strategies do you suggest should be put in place to reduce cases of incitement in Kenya?