# The Media as Civil Society and Its Role in Democratic Transition in Kenya

*By* Peter Wanyande

**Abstract**

This paper discusses the contribution of the mass media to the transition from single to multi-party democracy in Kenya. Considering the media as part and parcel of civil society, the author argues that access to the mass media is critical to actors involved in the politics of transition from single to multi-party democracy. However, it is postulated that the role of the media in this enterprise can be greatly enhanced by the support of other democratic social forces in society. Both institutions need each other as they try to influence the direction, pattern and issues of democratic transition.

The paper also discusses the problems encountered by the media in the process of promoting democratic politics. These include the legal and political environment in which the media operate, the absence of an effective media organization to protect the interests of journalists and the tendency to disregard professionalism by the media practitioners themselves.

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# Les Médias Comme Partie Intégrale de la Société Civile et son Rôle dans la Transition Démocratique au Kenya

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**Résumé**

Cette communication tâche de faire une analyse critique du rôle des masses médias dans la transition du Kenya, d'un Etat à parti unique à un Etat démocratique de multi-partisme. Wanyande prend les médias comme une partie intégrale de la société civile, qu'il s'agisse d'une transition politique d'un Etat uni-parti vers un Etat multi-parti, ou d'autres transformations sociales. Il soutient qu'il faudrait mettre les moyens de communication à la disposition des agents principaux de ces changements. Si les médias sont censés jouer le rôle de catalyseur, ceux-ci ont donc besoin du soutien d'autres organes sociaux, pour pouvoir faire tatonner tout le corps social vers l'état démocratique recherché. Bref, tous les acteurs sociaux concernés devraient conjuguer leurs efforts, si on veut réaliser les changements voulus de la façon la plus efficace possible.

L'auteur de cet article s'efforce également d'analyser les problèmes auxquels il faut faire face, dans la promotion d'une politique démocratique. A son avis, il s'avère nécessaire de créer, tout d'abord, l'environnement judiciaire et politique propice. Ensuite, on aurait besoin d'une organisation puissante pour protéger et promovoir les intérêts des journalistes, tout en faisant prévaloir le professionalisme chez ces derniers.

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## Introduction

This paper is an attempt to provide insights into the contribution of civil society in general and the media in particular, to the transition from single to multiparty democratic politics in Kenya. Treating the media as part of civil society, the paper identifies the specific ways in which the media have contributed to the politics of the transition to multiparty democracy in Kenya. Among the questions investigated are: to what extent have the media assisted in empowering the rest of civil society to enable them play their rightful role in the politics of transition to multiparty democracy? Secondly, what factors have either facilitated or hampered the effectiveness of the media in facilitating this enterprise?

The paper begins with a theoretical and conceptual treatment of the term civil society. This is followed by an examination of what is expected of civil society and the media in democratic transitions. This is followed by a treatment of the actual activities of the Kenyan mass media during the period when the country accepted, albeit reluctantly, to introduce and legalize multiparty politics. This section of the discussion also identifies the factors that may have hampered the role of the media in this transitional politics and even presently. These factors fall into two categories, namely those that are internal to the media and those that impact on the media from the wider environment in which the media operate.

It is the argument of the paper that access to mass media is critical for the success of any individual or group involved in a competitive political endevour. The media can be used to mobilize political support or to undermine opponents. This can be done by communicating negative propaganda or news about opponents or simply not making their views public. Governments also use the media to communicate their ideas in a particular way that suits their interests. This largely accounts for the determination by governments, the world over, but especially those that suffer from a crisis of legitimacy, to control the media. The fear is that if left free the media may not present government position in favourable light. Opponents of the regime in power, on the other hand, may use the media to challenge and undermine the regime in power.

3

Democratic politics, like any other human activity, involves communication and dialogue between and among adversaries as well as between or among supporters. For such communication to have an impact, it must be carried out in the public realm. It is in this way that the public is made aware of the issues being debated and contested. This is a role that the mass media are best suited to undertake and/or facilitate precisely because of their wide reach. This is also very important in the developing countries where the tendency is to consider channels of mass communication such as the radio and to some extent the television as authoritative to the extent that any message broadcast on these channels is taken almost as gospel truth. This is why governments and ruling elites in general, and indeed any serious political contenders in a democratic political system, strive to control channels of mass communication.

## Civil Society: Historical and Contemporary Perspectives

Theoretical and academic discourses on civil society can be traced back to the 17th and 18th Century enlightenment ideas. More specifically, the grounding premise as spelt out by John Lock, Rousseau, and later Adam Smith and John Stewart Mill, presupposes the existence of an unrepresentative monarchy, an emergent bureaucracy and an incipient middle class that is conversant with interest articulation and pressure group politics. Others who have contributed to the literature on the concept of civil society include Hegel and Marx. In characteristic Marxist methodology, with its emphasis on historical materialism, these two view civil society as the product of a long process of historical transformation governed by the emergence of sphere of market relations under capitalism. Further development of this notion is to be found in the writings of Antonio Gramci. Gramci treated civil society as an inherently conflictual arena, where civic institutions reproduce and disseminate hegemonic capitalist ideas, and values but which are subject to contestation.

Taking a different approach, Alfred Stepan looks at civil society not as emerging from any particular class but as the arena where manifold social movements and civic organizations from all classes attempt to constitute themselves in an ensemble of arrangements so that they can express themselves and advance their interests (Quoted in Nyang'oro, 1993:54-55).

Bayart on the other hand quotes Fossaert (1981) as having defined civil society as "society in its relation with the state ... in so far as it is in confrontation with the state" (Bayart, 1986: 111). The underlying assumption in all the above theoretical discourses is that there is a conceptual distance between the state and a politically relevant elite, the educated middle class who, in most developing societies, constitute the core of civil associations.

One of the unfortunate results of these early writings on civil society is the tendency to regard civil society and its relation to the state as always conflictual. There is a further tendency to regard civil society as operating outside the state. The literature also gives the impression that civil society is homogeneous and always struggles for and works in the interest of the citizenry. These assumptions or tendencies are, to a large extent misleading. First, we know that there are many instances when civil society needs the support of the state to be able it realize its primary objectives and immediate interests in which case its relation with the state does not have to be conflictual. A civil society association may in fact need the support of the state in its war against another civil society association whose activities may threaten those of its own. This means that at one time or another, or for some reason or other, civil society must interact with the state. In any case, all associational life occurs not in a vacuum but within the state. The interaction between civil society and the state is therefore inevitable. This is despite the fact that civic associations are, strictly speaking, not part of the state.

Secondly, civil society is not homogeneous nor does it have identical interests. There are in fact many organizations in civil society that are undemocratic in orientation and would therefore oppose those associations fighting for democracy. It would therefore be misleading to assume that the entire civil society and all associations through which it articulates its diverse objectives, are interested in empowering the rest of society in order to make democracy a reality. This is perhaps what Nyang'oro had in mind when he warned us to avoid romanticizing civil society (Nyang'oro, 1993:58).

This lack of commonality of interest or approach among civil society organizations should however, not be surprising. This is precisely because the space between the family and the state, called civil society, is occupied by concrete individuals with different interests be they political, economic or socio-cultural. It is these diverse interests that are captured and represented by the different associations we call civil society.

In this article civil society will be defined as the assemblage of associations outside of the state and government that would otherwise wish to influence the direction of public affairs including political discourse and action by using and expanding political space.While not being an integral part of the state, these associations non-the-less interact with the state in the course of advancing their interests. The associations that make up civil society may focus on political empowerment of the citizenry or improvement in the material well being of the populace. Some may indeed combine these functions and interests.

## The Mass Media as Civil Society

From the foregoing it should not be difficult to see why mass media are part of civil society. It is one of those associations outside of government that seek not only to guard their interests against state encroachment but also try to promote the interest of other civil associations using available political space and its unique characteristics. It also needs to be noted that the contradictions exhibited by civil society as indicated above applies also to the mass media. In other words, the media, like any other association in civil society, are not homogeneous. Rather, they consist of groups and individuals with different interests some of which may be conflictual and even contradictory. It is, for example, not uncommon for media organizations to compete with one another and even call on the state to ban their rivals. In some instances media publications even commend an action taken by the state against another media organization or publication. There have been instances in Kenya, for example, when some newspapers have openly taken sides with the state even when the state clearly violated the legitimate rights of citizens. The Kenya Times Newspaper is infamous for this and makes no pretences of being neutral or on the side of civil society. It would thus be misleading to assume that the media will always strive to empower civil society. This is a point that needs to be kept in mind in any discussion of the role of the media in the empowerment of civil society. We need to be clear about the fact that some media organizations aim at disempowering civil society or to further empower the state at the expense of civil society.

Subsequent discussion on the contribution of mass media to Kenya's transition from single to multiparty politics will therefore focus mainly on those media institutions that have had the courage to champion the democratic

rights of the citizens and the civil society as a whole and to act as the watch dog of the people. Reference to other media will be done mainly to demonstrate the contradictions and dynamism of the media in particular and civil society in general. It would also help show how these types of media organizations make it difficult for the more progressive media to play their role in the democratic process.

We want to underscore the fact that contradiction in civil society generally and the media in particular should not be regarded necessarily as a draw back. This is especially so when one takes into account the fact that historically, the emergence of civil society was associated with the realization that society is made up of people with different interests and the subsequent acceptance that such diverse interests must be given a chance to thrive. In any case, this is the essence of democracy. It would for example, be strange to find a situation where all associations in civil society agree on all issues affecting society. It would also be surprising to find all newspapers in a country agree on all issues all the time.

A major source of the tendency to regard this division and contradiction in civil society as negative is the assumption that civil society emerges principally to act as a buffer against state aggression and encroachment on the rights and interests held dearly by citizens. This assumption fails to take cognizance of the fact that a number of civil associations emerge to protect the state against its adversaries. A good example would be the now defunct Youth for KANU 92. This organization was formed in 1992 at the height of the agitation for multi-party democracy by civil society and at the height of KANU's campaign to resist, indeed suppress the agitation. This association whose leadership included even intellectuals and university professors was a creation of the ruling party to counter the activities of the other civil society associations interested in political and, in particular, democratic change. KANU was at that time, as indeed it is today, not keen on democratizing the country's politics. Though it emerged at the instigation of the state, Youth for KANU 92 is no less a civil society association than the National Commission On the Status of Women or indeed those associations that emerged for reasons other than to promote democracy. The point is that in Kenya as in many other countries, some civil society associations emerge to take advantage of certain opportunities presented by the state in its efforts to counter genuine civil society associations, while others emerge to take the opportunity presented by donors

7

willing to make money available to such associations. Such associations thus emerge principally to make money. We can refer to these as opportunistic civil associations.

## Civil Society In Africa

In Africa, some of the earliest academic discourses on civil society can be found in the literature on state-society relations by scholars such as Hirschman (1970), Rothchild and Chazan (1988), Azarya (1988) and Bratton (1989), among others. This generation of literature sought to characterize and explain the relations between state and society in Africa. The literature also attempts to explain the tendency for society to disengage from the state, or to engage the state, the circumstances leading to either of these actions and the consequences both for the state and society. There was also a tendency in this literature to treat state and society as occupying extreme ends of a continuum and being necessarily in a conflictual relationship.

The focus on civil society in Africa has, however, assumed particular importance since the advent of multiparty politics in the late 1980s. This is attributed to a number of factors. First was the role played by social movements in protesting against authoritarian rule especially in some West African countries such as Mali. In some instances, these movements forced the authoritarian leaders to convene national conferences which resulted in the writing of new constitutions that paved the way for democratic elections. Similar movements had jolted authoritarian rulers in many Latin American countries (O'Donnell and Schmitter, 1986).

The recent upsurge in academic interest and discourse on civil society in Kenya is the result of the proliferation of associational life outside the state in the country. This followed the introduction of multiparty politics in the early 1990s. This proliferation can in turn be attributed to at least four factors. First is that while under one party rule the state viewed associational life outside of the state with suspicion, and in many cases restricted; the introduction of multiparty politics opened some space which these associations then occupied. Secondly, by the 1980s there was a growing realization that the state no longer had the human, financial and infrastructural capacity to satisfactorily undertake the numerous development initiatives that it assumed at in dependence in

8

1963. Consequently, there was a growing pressure on the state to share some of these responsibilities with non-governmental organizations, the private sector and the voluntary sectors. It will be recalled that the Kenyan state had prior to the 1980s viewed non-state actors more as competitors for legitimacy than as partners in development. According to Ng'ethe *et al*, this was because

> 'the realization of the development agenda for the fragile government was to a large extent almost synonymous with political legitimacy. Since development is not political but must occur within a certain political context, he who controlled the development process was also by implication, seen to control the political process. Hence development as a process was carved out almost inevitably as a prerogative of the government (Ng'ethe, et al, 1990:1).

By the 1980s, however, the government under considerable pressure reluctantly admitted its inability to develop the country single handedly. It admitted for the first time that the non-state actors were in fact partners in development. This was officially expressed for the first time in Sessional Paper No 1 of 1986 and later reiterated in the 1989-93 National Development Plan.

We may add that it was not just the fear that the non-state actors may excel in development over the state but also that the state was simply suspicious of any organization that had the potential of developing an independent power base that could be used by individuals opposed to the status quo to challenge the state. The state therefore ensured that such organizations were either outlawed or strictly controlled by the state. Again the media fall under this category of civil associations. The media in Kenya were for a long time since independence, closely controlled through various laws and administrative regulations. The situation in terms of legal regimes governing the media has not changed much even with the advent of multiparty politics though the number has certainly risen.

The third reason that accounts for the proliferation of non-state actors in the period under review relates to the activities of the international community and in particular the donor community. By the 1980s the donors were demanding that governments in Africa reduce their role in the economy in preference for the private sector. Governments had clearly failed in their earlier roles as economic managers and producers. While many governments were reluctant to give up this role (for obvious reasons) the donor community exerted

so much pressure that many a government found it hard to ignore. This was mainly because these governments relied heavily on donors for financial assistance for development projects and, in some cases, for political support against opposition from domestic forces. Consequently Kenya welcomed non-state actors as partners in development. This saw a rise in the number of associational life with some of them having the promotion of socio- economic development as their primary mission. Others with political orientation also emerged and begin to engage the state on issues such as human rights, constitutional change, gender concerns etc. These politically oriented associations have been very prominent in the democratic struggles that are going on this country. They tend to set the political agenda of the day and thereby place the government on the defensive. The media have been most useful to these associations in popularizing the agenda and mobilizing the populace to identify with such agenda. Needles to say that the media too set their own political agenda. What emerges is a reciprocal and complementary relationship between the media and other associations in civil society that engage in democratic politics.

Many non-state actors especially, but not exclusively, those popularly known as NGOs also emerged to get access to the funds that donors were willing to provide to such organizations. Some donors did this in the belief that all non state actors were interested in contributing either to development or to democracy. Many such organizations thus were driven by the desire to make money out of the opportunity that these developments gave rise to. We can call them "profit oriented" civil associations.

Among the best examples of associations that emerged as a result of one or a combination of the above factors are some newspapers and magazines. These include the *People, Society, Finance, Law Monthly and Beyond.* Some of these have since ceased to exist for reasons that will be explained later in this paper. Other interesting examples of civil associations that emerged due to the availability of open space are the women groups such as the National Commission on the Status of Women and the Release Political Prisoners Group among others. Many of these women groups differed from the traditional women groups in that unlike the traditional women groups that focused on socio-economic and welfare issues the current ones undertake political advocacy roles aimed at enabling women to actively participate in the

democratic process. Many of these associations worked closely with the media in a complementary way. The media presented them with a forum to air and popularize their views while they provided the media with news. News gathering and dissemination is a core preoccupation of the mainstream mass media in this part of the world. The relations between the media and many other civil society associations is therefore reciprocal.

## Civil Society in the Political Process in Kenya

Civic associations including the media were very instrumental in the struggle for independence in Kenya. Right from the very beginning of the struggle for independence, the nationalists realized that they needed the mass media to articulate their grievances against colonialism; mobilize public support for their cause and participate in the struggle. This largely explains the origins of newspapers such as *Ramogi*. The colonial government too had used the media to air their propaganda and to mystify the power and ability of the white man and his mode of governance then. The indigenous newspapers on the other hand emerged to counter the colonial propaganda and to present their side of the story by giving the nationalists a forum in which to articulate their grievances and an opportunity to respond to colonial accusations. In so doing the media gave dynamism to the politics of the day. This is an important role that the media must continue to play now and in the future.

After independence civil society associations continued to influence the direction of politics. Newspapers, for example, exposed the activities of government and enabled the public to respond to issues of the day through letters to the editor and editorials. This, however, did not last very long into the independence era as the state, which for a variety of reasons was fearful of any challenges to its power, began to undermine the media and any organization that articulated the interests of civil society. Many of these associations were either coopted by the state or simply emasculated. The media and especially the print media were not spared either. The government, led by former nationalists who knew only too well how powerful the media can be, sought to reduce their influence by curtailing their independence. This was done through laws of libel and sedition and many other administrative regulations. The media were to be treated as an arm of the state not to be given freedom to do what they needed.

## The Media and Democratic Transition in Kenya

The transition from single to multiparty politics in Kenya has not been as simple or as smooth as was perhaps expected. This is so for a number of reasons. To start with, not all political actors are genuinely supportive of these changes. This is particularly true of the elites who presided over the one party regimes and took charge of the politics of transition. Many of these leaders have resisted any serious efforts aimed at making the new systems genuinely democratic. The incumbent President, for example, is on record as having said that the state will not entertain constitutional amendments aimed at making the system more democratic. According to him, "politics in Africa is not like football, deserving a level playing ground. Here you try that and you will be roasted" (Daily Nation, July 25; 1996:2). This was in response to an appeal by an opposition MP at a presidential rally for a level playing ground in politics. He is therefore unlikely to democratize the country's politics beyond allowing the existence of opposition parties which the regime has, in any case, weakened to a point where they pose no threat to his hold on power.

In addition, the regime continues to believe in the winner-takes-all approach to politics and will therefore not allow the sharing of power with the losers. President Moi has in this regard ruled out the possibility of a coalition government in Kenya along the lines adopted by South Africa soon after the first all race elections in that country. This is despite the fact that the opposition parties put together obtained more votes during the 1992 elections than the ruling party. An international election observer concluded that the 1992 Kenyan elections were characterized by so many irregularities that it is difficult to say that they were free and fair (Bard-Anders et al, 1993: 34).

The other reason why the transition has been characterized with problems is simply that the public is not quite sure of what it all means. This is not just a question of general ignorance or lack of political consciousness on the part of the public, but also because of the past failed attempts at democratization in many parts of Africa. In this regard, one shall recall that democracy has been tried in places like Nigeria, Ghana and Kenya at various periods since independence and failed. The example of President Chiluba of Zambia who, having won elections on democratic principles, has steadily drifted back to undemocratic methods has also disillusioned citizens of many countries

attempting to democratize their politics. Many among the general public in Kenya, are thus still disillusioned with political experiments in Africa. They see the legalization of multiparty politics as no more than just another political gimmick. They are not sure it will work this time around. In fact the current infighting and fragmentation of the opposition parties in Kenya, which has been exposed by the media, has given the public more reason to doubt that multiparty politics will ever improve their lives. It is precisely because of such problems that the media become important actors.

Apart from exposing these divisions the media help in the interpretation of various issues raised in political discourses. This enables the citizenry to understand better the issues on the political agenda. The media also explain to the people the role that they as citizens are expected to play in making the democratic project or experiment succeed. The point here is that democracy is not just dependent on what the leaders say and do. This is based on the premise that the public too has a heavy responsibility to make the system work.

In the context of the current democratic transition from single to multiparty rule, the media have borne a heavy responsibility given the conditions under which they operate. Before examining these conditions we shall highlight the role played by the Kenyan media and in particular the print media in the country's democratization process.

The significance of the media to the democratization process arises from their unique position and characteristic compared to other organizations involved in the process of democratization. The media are by definition, public oriented and can reach a wider audience or cause messages to reach a wider audience than any other means of communication. The media therefore stand a better chance of providing the public with information about democracy and to explain any messages that may be useful for democratic politics. This can involve the transmission of information from the major political actors to the public as well as from the public to the actors. This is one major way of empowering civil society. The media are some of the core pillars of civil society. They act as a bridge between other civil society associations, the rest of society and the state or government. They do this by conveying messages from the rest of society to the state and vice versa. Messages from civil society to the government take the form of demands which they expect the government

to convert into outputs. For further elaboration of this idea see David Easton's book *"A Framework of Political Analysis"*. The output from the political system may take the form of policy decisions affecting the authoritative allocation of values. These may in turn be contested by those groups in civil society that may not benefit from them. Governments use the media to communicate their decisions relating to the conversion of societal demands into outputs, just like the society and its representatives in civil society associations use the media to place and communicate their demands to the government.

It may be pointed out here that the media also have a special interest in popularizing democracy because they may help in creating an environment that is conducive to their own operations. A major contribution that the media play in the democratic process is the processing of the information they receive from the political actors. In this way, the media can contribute to the empowerment of society. A good case in point is the way the editorial of the *Daily Nation* newspaper in Kenya treated the debate on constitutional reforms that have characterized the Kenyan political landscape for some time now. The editorial of 2nd July 1996, provided very sound arguments about the seriousness of the issue of constitutional reform. This has the important effect of at least making people begin to think about the issue more critically than would have been the case if the whole debate was left to politicians alone. The point being made is that in view of the multiplicity of political actors with different interests, one is likely to be confronted with such a vast amount of contradictory information on any one issue that he or she may be confused. The media can assist in making sense out of such information. This of course presupposes that the media personnel have the ability to analyze the information.

Another very important contribution that the media have made to democratization in Kenya is to provide a forum for public debate and dialogue. This is important for democracy since this form of governance and conducting public affairs rests on consensus that can only be arrived at after dialogue and debate. The print media and even the electronic media such as television have been quite instrumental in providing actors with a chance to put their points across. Political parties for example, use the media to communicate their policies and programmes to the public in general and supporters in particular,

even though under very difficult conditions created by the ruling party. Under one party rule, policies and issues were not very significant because the focus was on personalities more than anything else. With the introduction of multiparty politics however, party policies and programmes tend to be very important and may be the determining factor in electing a candidate for political office. Thus in addition to personalities, the public is to consider what each political party has to offer. This is at least the case with the more enlightened members of society. The media help in enlightening members of society about the importance of making rational choices for policies as presented by the candidates and their parties. The public, and the voter in particular, must be told for example, how each of the six or so political parties in Kenya differ from one another. This is necessary in order that the voter may make a choice between the competing parties. The media can also demonstrate to the public that issues are perhaps more important than just personalities even though the public had been socialized differently under one party rule.

The role of the media in this regard then is to help change the attitude that has predominated during the authoritarian political culture of one party rule. It is to be noted, however, that many of Africa's politicians have yet to appreciate the power of the media in political matters. They tend to use the media merely as a tool for providing publicity and not as vital and critical instruments for articulating and selling their policies and programmes.

An equally significant role that the media continue to play in the politics of transition from single to multiparty political system in Kenya is to mobilize the public to participate in the democratization process. This is particularly important in view of the fact that, in the final analysis, democracy is about participation by citizens in their governance. Again the media are well placed to mobilize the public to participate in public affairs. The media appeal to the public to participate in the democratic process. Many media organizations and journalist have also demonstrated to the citizens why it is important that they participate in the political process. The media can also encourage participation by publishing different points of view from the members of the public on any issue related to governance and democracy. The public may as a result feel encouraged to make comments and provide suggestions about these issues.

The Kenyan media have in the recent past done a commendable job in reporting about civic education seminars by the opposition and other civil

society associations. These associations include the National Commission on the Status of Women, The National Council of Churches of Kenya (NCCK) and the Law Society of Kenya (LSK). These seminars aim at educating the public on their rights and responsibilities as citizens especially in a democratic political environment. The media reports have also exposed the government's uneasiness with such seminars and thereby making the public aware of the government's determination to keep them politically ignorant and passive. Civic education can make the public understand not just their rights but also the value of participation in the political process. The point is that while many other organizations may be involved in civic education, this education cannot reach the wider pubic unless the mass media are involved and regard it as part of their legitimate role.

It is important to note here that under one party rule, citizens were deliberately kept ignorant of their political and legal rights by the government. This was done as a way of ensuring state control of its citizens and uncritical obedience from the citizens. The ruling party placed very high premium on the responsibilities of the citizens to the state while de-emphasizing the rights of citizens. It was as if citizens had no rights and the state had no responsibilities to the citizens. It was also in this context that a free functioning press was discouraged as it was regarded as a potential vehicle for dissent against the powers that be. It was also seen as an agent for the propagation of citizen rights. This is now changing and the media should now use the available political space to perform those legitimate roles that they were denied during one party rule. The media have to facilitate political communication between the citizens and the regime in power. This is one sure way of promoting democracy and discouraging a return to the authoritarian tendencies of the one party era.

The media have also made it possible for those citizens who for one reason or another, are either unable or unwilling to attend political relies to get access to issues raised at such meetings. These are people who are either too impatient to attend public rallies or simply do not think it is dignified to do so. There are also people who fear possible violence at public political rallies and therefore would rather stay home or away from such functions. Others may simply not have the time to spend in public political rallies, their interest in politics not withstanding. Such people usually resort to the media to obtain news about

issues raised in political relies. They may use newspapers, the radio or even television.

## Constraints to the Role of the Media

This discussion would not be complete without a mention of the constrains affecting the role of the media in the democratization process. This is because the Kenyan media like other media in Africa operate under very difficult political and legal environments. The issue of constraint to press functions has usually focused on the question of press freedom. While the tendency in this debate has been to argue against controls on the press, some scholars see advantages in some form of regulation of press freedom. Owiro for example, argues that:

> The free spread of information is an essential condition for human progress. The role of the news media...in disseminating information in the form of news is considered so important that a free media industry is taken to be an essential attribute of every civilized democratic society. However, information is useful only if it is accurate and objective. Arrangements must therefore be made to protect the public interest in accuracy and objectivity of news. This usually involves formal legal regulation imposed on the news media by the state and internal ethical observances stimulated from within the media industry with or without the sanction of the law. Just as excessive and oppressive legal controls can harm responsible journalism, so can lack of proper ethical observance (Owiro, 1992: 68).

The next section of this paper will look at the specific conditions that affect the functions of the press in Kenya. Earlier in this paper we had alluded to the fact that the journalist in Kenya is constrained in his or her work by the provisions of the laws of libel and sedition. These were laws that were enacted during the colonial period. They were later inherited intact and used during the one party rule. This is probably because they had worked well for the colonial regime in controlling dissent and opposition to the authorities. They have to date not been amended and given the trend of things, we are unlikely to see them amended soon.

The observation that is usually made about these laws is that they are very vague and subject to varying interpretations. This gives the state a wide

discretion as to how and when to apply them (Rukwaro, 1992). Other laws affecting the journalist is that which specifies the types of publications that are allowed and those that are not allowed. The post colonial leaders in Kenya appear to have found these legal regimes useful in their determination to establish hegemonic control over the people that they rule. We have also noted that there is no explicit constitutional provision for freedom of the press.

The state has also used its power to harass the press and particularly the more independent print media (Wanyande, 1995). This has taken two forms. In the first instance the state simply confiscates the equipment used by the owners of the particular press. In other cases the state has also arrested publishers of newspapers that are critical of the government. Newspapers such as *Beyond*, and *Society* were victims of these draconian tactics by the regime even after the introduction of multiparty politics. The state has also used less overt methods to harass the press. Many proprietors of newspapers in Kenya blame the demise of their newspapers on lack of advertisements. They privately point out that advertisements usually stop the moment the companies suspect that the government is unhappy with the newspaper or magazine. Such companies fear being harassed by the state. They therefore would rather withdraw their adverts and remain in business than support and sink with these newspapers. In this way the papers are denied revenue from such advertisements and thereby literally sending them out of business. This is particularly so with the newer and smaller publications that rely mainly on advertisements for survival.

Lack of a professional body to protect journalists has also contributed to their misery and weak position in their relation with the state. For a long time journalists in Kenya have relied on the Kenya Union of Journalists (KUJ) to articulate their interests. The KUJ is a trade union organization that like the other trade unions had been very ineffective. This was partly due to the controls and restrictions that the government placed only on the trade union movement, but also partly due to the inept leadership which saw its role in a very narrow perspective.

The union was led by the same Secretary General for about 23 year during which elections were either not held or if held, were stage managed to ensure that the incumbent retained power. There was, as a result, noticeable apathy among members of the organization. One source told the present author that many journalists were not even members of the Kenya Union of Journalists

and therefore kept away from any of the previously stage managed elections. This changed in the latest elections held in August 1996 at which all the incumbent officials that had led the organization for most of the independence period were voted out. One therefore hopes that the new officials will turn the organization into an effective association that will protect the interests of journalists during the multiparty era.

Lack of specialized training is yet another factor that has not worked in favour of the journalist and therefore the mass media in Kenya. For many years after independence, journalists did not have to go through formal journalism training before joining the profession. This may have something to do with lack of training institutions. It is also historical in that the colonial government did not make any serious and deliberate efforts to train journalists in formal training institutions. Training for or in a specialized writing has been particularly lacking in Kenya. It has also not been very popular. The tendency has been for journalists to write on general issues. The few attempts at specialized writing has ended up in journalists saying things they cannot defend. This makes them easy prey of politicians who are always eager to find fault with the press.

## Conclusion

In this paper, we have examined the role played by the mass media as part of civil society in the democratization process in Kenya. We looked the contribution expected of the media as the countries of the region make a transition from single to multiparty democracy. The paper also identified and examined the constraints that the media have to overcome or deal with if it is to play an effective role in the politics of democratic transition. Our argument is that the media in Kenya operate under very difficult political conditions and legal regimes that do not augur well for them. Inspite of, and perhaps because of these constraints, the media have contributed significantly to the mobilization of the masses to participate in politics. We have also argued in the chapter that the media need the support of other democratic social forces to be able to contribute to the democratic process. Finally it was observed that the media have been operating in a reciprocal and complementary relationship with other civil associations.

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