

Mass Media-State Relations in Post-Colonial Kenya

By Peter Wanyande

Abstract

This paper examines the relationship between the state and the mass media in post colonial Kenya. Proceeding from the premise that this relationship has been characterized by uneasiness and conflict, the paper seeks to identify the major causes of this conflict. It provides insights into why the conflictual relationship has not changed much since the advent of the democratization process. The paper also examines the strategies used by the state to deal with the mass media. The central argument here is that the relationship between the mass media and the state in Kenya is unlikely to improve unless two conditions are met. First, there must be commitment on the part of the state to democratic governance and a recognition of the legitimate role of the media in the promotion and protection of democracy. Secondly, there must be a vibrant civil society that is capable of obstructing attempts by the state to encroach on the rights and freedoms of the public, including the freedom of the press. The political orientation in state society relations in Kenya since independence has been characterized by a determination by the state to control society. This approach, which is underpinned by an authoritarian ideology, resulted in a culture of fear rather than trust and respect for the state.

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Les Rapports Médias - état dans le Kenya Post-Colonial

Par Peter Wanyande

Résumé

Cette communication est centrée sur l'analyse du rapport entre l'Etat et la Masse Média au Kenya pendant l'ère post coloniale. Après avoir établi que ce rapport est caractérisé de malaise et de conflits, on cherche à cerner les causes majeures de conflits. De plus, on s'efforce de trouver un moyen d'en prévoir, tout en essayant d'expliquer pourquoi l'état de choses ne s'est pas amélioré au Kenya, en dépit de l'établissement du multipartisme et la démocratisation. Enfin, cet exposé fait une analyse des outils et des stratégies, employés par l'Etat contre la masse média. Cette communication soutient que le rapport entre la masse média et cet Etat ne s'améliorera jamais, à moins qu'on remplisse deux conditions. D'abord, l'Etat Kenyan devra s'engager véritablement à l'évolution vers une gouvernance démocratique et une légitimation du rôle du média, dans la promotion et la protection de la démocratie. Ensuite, il faudrait avoir une société civile dynamique, capable d'empêcher la violation des droits et la liberté du public, y compris les droits de la presse. Or la tendance générale au Kenya, depuis l'indépendance, est la volonté de dominer la société. Cette approche, qui va de pair avec une idéologie autoritaire, crée la peur au lieu d'encourager le public d'évoir confiance et respect, vis-à-vis de l'Etat. Par conséquent, le rapport entre l'Etat Kenyan et la masse média ne peut que s'empirer, si cet état de choses ne s'améliore pas.

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Introduction

The relations between the state and the mass media in independent Kenya continues to be uneasy and conflictual. The state has continually accused the press of being unpatriotic and bent on serving the interest of the Western nations at the expense of the interest of Kenya. This line of argument has often been necessitated by the media's coverage of what the political establishment considers to be negative news about Kenya. According to this line of thought, the media should champion only the positive things about the nation and ignore the less acceptable ones.

The media on the other hand accuses the state of undermining its freedom and right to inform and educate the public on matters of public importance, by articulating both the good and the bad. This conflict has intensified, particularly since the advent of multi-party politics in the early 1990s. While under one party rule, the state could, with relative ease, suppress attempts by the media to expose its shortcomings and thus conceal the conflict, this has not been easy under multi-party politics.

Many newspapers including the *Standard* (now the *East African Standard*) and the *Daily Nation* which appeared to be pro-establishment during one party rule (Magayu, 1993: iii) have since the 1990s become some of the harshest critics of the state.

The state on its part has not let these criticisms go unchallenged. In many instances the state has responded by either closing down some of the printing facilities of the news papers and magazines. It has in some cases arrested proprietors of the print media that are considered critical of the state and charged them with sedition or other such serious offences.

In some cases, newspapers and magazines have simply been banned or proscribed. This is what the government did, for example, to *Society* magazine (Ogbondah, 1994:5) The government confiscated 10,000 copies of the magazine's January 13th 1992 issue in an early morning raid. Other magazines that suffered similar fate for refusing to toe the official government

line are *Beyond* and the *Financial Review*.

After its proscription, Bedan Mbugua the editor of *Beyond*, was arrested and wrongfully imprisoned as this conviction was later overturned by the high court after he appealed. The unfortunate thing is that the decision to overturn the conviction was finalized after he had served his full sentence. *Financial Review* on the other hand, was proscribed in 1988.

In both cases, it became a crime to possess copies of the banned magazines. One of the aims of these actions by the state was to stifle criticism, kill freedom of expression and as Magayu says, "make the media equate political dissent with crime and treason"(Magayu, 1992).

One Party Rule and the Media in Kenya

Kenya attained her political independence from Britain on December 12, 1963. While the independence constitution provided for a multi-party system of government among other democratic features, this did not last very long. Soon after independence, a concerted effort was made by the government, led by the Kenya African National Union (KANU) to make Kenya a one-party state.

While initially no law was passed to this effect, the country operated as a de-facto one-party state between 1964 and 1966 and later between 1969 and 1982. In 1982, parliament passed a law making it illegal to form another political party other than the ruling party, KANU. This was done amid fears that some Kenyans were planning to form an opposition party (Barkan, 1992:). Thus after 1982, Kenya became a one-party state by law. This situation lasted until December 1991, when due to a combination of domestic and international pressure, the government legalized political pluralism.

The restriction of political activity during the one-party rule was soon extended to organizations within civil society such as the mass media, women's organizations and ethnic welfare associations. While ethnic associations such as the Luo Union

and the Gikuyu, Embu and Meru Association (GEMA) were banned, the national women's organization, the *Maendeleo Ya Wanawake* was affiliated to the ruling party KANU. This not only undermined the autonomy of the organization, but also rendered it ineffective as an interest and pressure group. Even subsequent *Maendeleo Ya Wanawake* organization's elections had from then on become a KANU affair. KANU has to authorize and supervise these elections.

For the mass media the approach was a little different, although the impact of the restrictive political environment was basically the same, namely the undermining of the freedom of the press and mass media as a whole. As one leading journalist of the period recounts:

government controls and harassment have increased even more rapidly every year. This concern by the IPI and the WPFL is based on a stark and glaring fact, a fact I know from direct personal experience, having in my professional life as a journalist, been detained in police cells many times, both in Kenya and in Uganda, as a result of legitimate activities which, to me, appeared quite innocuous. The worrisome reality today, especially in Africa, Asia and Latin America, is that the journalist works through an extremely narrow straitjacket. Arrests and incarcerations take place day in and day out. Deaths are not infrequent. Self censorship by editors, managers and owners of newspapers is as a result a normal recourse...(Ochieng, 1992:7).

Ochieng is raising here a fundamental worldwide concern about the treatment of the mass media by governments in the Third World. The question then is how can we explain this attitude by Third World states to the mass media? Our argument is that we cannot grasp this approach unless we take into account the dominant ideology guiding the behaviour of African states in their relation to society as a whole and civil society in particular.

One party states, whether of the Soviet or the African variant was characterized by authoritarianism as its guiding ideology. According to this ideology, the state assumes the right to control the rest of society and to expect unchallenged obedience. It is an ideology which thrives on and encourages the suppression of

criticism and any challenge to those in authority. In Kenya, as in other African countries, the beginning of this ideology is associated with the restriction of political association which culminated in the establishment of one-party-rule. The result was the emergence of a variety of personal dictatorships.

In the case of the media, the authoritarian ideology encourages a media system that champions the government's hegemonic agenda over the rest of society, while at the same time overlooking the government's shortcomings and excesses. It does or is expected to do this by articulating only those views that are in harmony with the dominant state ideology.

The aim of the authoritarian approach to governance as it relates to the mass media, is that it should lead to distortion of information and in some cases, the deliberate disinformation of the public. It also aims at keeping the public ignorant. This is done in order to make the public susceptible to manipulation by the state, and therefore easy to rule. While this does not mean that the media should automatically succumb to the designs of the state, the choices are not always easy, particularly in a one-party-state.

The dilemma for the media in such circumstances is one of choosing which one of its various interests to serve. As Kadhi correctly points out, no one establishes a newspaper or acquires one without a motive (Kadhi, 1992:42). He identifies three possible motives behind the establishment of newspapers. One motive is political and has to do with the desire by the media owner to use the media to influence the opinion of political decision-makers and/or to be in the good books of the powers that be. The second is commercial and has to do with the desire to make profit. It is also possible that a newspaper owner may aim at achieving both the political and the commercial interests. This constitutes the third motive in Kadhi's schema.

While he argues that the two motives are not necessarily incompatible and therefore not mutually exclusive, there are also cases when the two may not be easy to serve concurrently (Kadhi, 1994:44). There are times when the commercial interests of a newspaper are not best served where it (newspaper)

supports the dominant state ideology. For example, during a transition from single to multiparty rule, the public may be more interested in newspapers that expose government shortcomings than in those that are bent on glorifying the state and its incumbent officials. This is particularly likely to be the case in one-party states that were notorious violators of people's freedoms and rights, including the freedom of expression.

Glorifying the state under such circumstances may cause the paper to lose readership, and thus fail to realize its commercial interests. The dilemma for the press under such circumstances is compounded by the existence of many rival newspapers that compete for readers.

The response may, however, be much more complex than this. In Kenya, for example, the impression that one gets is that the response by the media, particularly the print media, to the unfolding political situation has been of three different kinds. Some of the newspapers appear to have chosen to champion the interests of the public by reporting fearlessly on the shortcomings of the government while also pointing out the shortcomings and failures of the opposition. They have, in other words, attempted to have a balanced approach. *The East African Standard* and the *Daily Nation* would fall in this category.

Others have chosen to support the government at all costs. The most well known in this category is the KANU-owned *Kenya Times*. A third group has chosen to support the opposition and to vilify the government. In this group would fall newspapers such as the *Weekend Mail* and magazines such as *Finance*.

This variation in the behaviour of the print media suggests that the media should be treated as an organization wrought with tensions and conflicts of interests. We must, in other words, not fall into the trap of treating the entire media as interested in pursuing professionalism, or even as manned by practitioners with an identical mission such as that of playing a positive role in the promotion of democracy. As the Kenyan situation shows, some will want to side with the state while others will want to be neutral.

Another issue that is considered important in determining the relation between the media and the state relates to the ownership of the news media. The issue here is whether the news media is owned by foreigners or by indigenous people. The assumption is that foreigners are likely to be more pro-establishment than the local owners of the media. The position taken in this paper is that the issue is much more complex and cannot just be reduced to one of foreign versus local ownership.

We have to bear in mind the variations in the motives behind the establishment of media channels and recognize that even among the locals, the motives and interests may vary. Some may want to please the powers that be, while being objective may be the major pre-occupation of others. Others may be more interested simply in championing particular political interests, be they of the state or other political actors.

In any case, in the Kenyan situation, the conflictual relation between the state and the media has not been confined to either the foreign-owned or the indigenously owned newspapers. This would thus suggest that ownership per se is not the critical issue. The issue, in my assessment, seems to revolve around the conflict of interest between what the newspaper wants to do and how this affects or is seen by state officials, to affect state interests.

Why the Government Fears the Media

Government often finds it difficult to respect the legitimate role of the mass media, both during one-party rule and after the introduction of multi-party democracy. This phenomenon is of interest in that one would have expected that under multi-party rule, the state would encourage the development and operation of a free and aggressive mass media. This it would do, at least as a way of demonstrating its commitment to the development and functioning of civil society, transparency, and accountability which are arguably central to democratic governance.

Writing about the role of the mass media in the promotion of

democracy Chimutengwende observes that there are many factors which can enhance development and the democratization process in society. Communication education is one such factor. There is a crucial link between communication, development and the democratization of society (Chimutengwende, 1988:31).

And according to Ansah:

It is legitimate for the press to fulfil the role of the opposition in the sense of presenting other points of view where necessary; that is to say, criticizing government decisions which are not in the best interest of the people, denouncing abuse of power in society and defending human rights. A press or media system that decides to do less than this reneges on its responsibility and fails to contribute adequately to the democratic participation and decision making (Ansah, 1988: 13-14).

The specific ways in which the mass media can perform this role during a period of transition from single to a multiparty rule has been the subject of numerous academic workshops, seminars and public commentaries in Kenya in the recent past. Practitioners on their part have also taken the opportunity created by political pluralism, to assert themselves by translating these aspirations into reality.

This is evidenced, for example, in the courage and boldness with which journalists working for various newspapers and magazines, expose the practices of the state that undermine and contradict democratic governance. These practices include mismanagement and embezzlement of public resources by state officials, be they politicians or senior civil servants. This paper hypothesizes that the reluctance by the state to allow the mass media to play this role, is a function of a conflict of interests between the state and what the media considers, to be its legitimate role. The fear by the state appears to be that unrestricted exposure of the shortcomings of state officials by the mass media, might undermine the legitimacy of the state, and therefore the tenure of office for the corrupt and inefficient state officials.

In this regard, it is instructive to observe that the primary aim and hope of corrupt state officials is to stay in power for as long as possible. As observed by Zuckerman, the way to make your fortune in Africa is to get into state apparatus, plunder it, and stay there (Ogbondah, 1994:1). This would enable them protect their illegally-acquired wealth.

While in liberal Western democracies the tenure of office, especially for politicians, is governed by publicly approved rules, in Africa these rules are either non-existent or where they exist, their violation is the norm. This has been particularly so in one-party states where leaders stay in power "till death do them part."

Besides conflict of interest, there are several other reasons why the state fears the media. One such factor is simply that the mass media have a very large audience. In Kenya, as in many other African countries, this audience is made up mostly of the better educated members of society. These are presumably also the most politically aware and mobilizable groups. The state therefore finds it necessary to check the activities of the mass media lest they pose a challenge to its legitimacy and authority.

This point is perhaps best demonstrated by a statement by the Minister for Education, who is also the ruling party's Secretary General. The Minister is reported to have called for the banning of the *East African Standard* and the *Nation Newspapers* over alleged hostility to the government. He is reported to have accused the papers of compromising their roles by highlighting stories of the opposition and disregarding KANU. "Virtually every page of these papers there must be a message from the opposition. We cannot tolerate papers whose role is to smear the name of the government and KANU."

According to the report, the minister went further and said that KANU will counter the propaganda against it by the opposition, and urged party members to buy *Patriot Magazine*, a new monthly publication he described as objective because it reflected the party image (*The East African Standard*, February 25, 1995:5).

The possibility of the mass media challenging the legitimacy

of the state becomes even more frightening for state officials because of the media's capacity to expose the numerous shortcomings of the state. It is now widely accepted that Kenya, like other African one-party states, did not promote transparent and accountable governance. Instead, the bulk of government operations were shrouded in secrecy, with citizens kept perpetually in ignorance even over issues that they have a legitimate right to know. In this regard, it does not matter whether the media report objectively or not on government operations, for even objective reporting may expose some of the weaknesses that the government would rather keep the citizens ignorant about.

This is perhaps one of the biggest dilemmas for the media. They will always find themselves in a no win situation. Weak and politically insecure regimes do not want to risk the danger the media might cause them, hence the promptness with which they censor the press. The problems of the mass media-state relations, therefore, ought to be partly understood against this background. This is not to absolve media practitioners, and journalists in particular, from blame for many of the misfortunes they suffer. As Ochieng (1992) correctly observes, many of the journalists are poorly trained and/or tend to engage in irresponsible journalism.

The point we want to make, however, is that the interests of the state and those of the mass media, be they electronic or print, are not necessarily always similar. For the state, the concern and sensitivity becomes serious when it lacks a solid power base, popular support and legitimacy. Under such circumstances, any criticism by the press, however objective and constructive, is interpreted as a challenge to the authority and legitimacy of the state. Perhaps, this explains why the degree of press freedom varies from state to state. In particular, it explains why Third World states are less tolerant of press freedom than the more developed democracies in the industrialized world.

Instruments and Methods of State Control Over the Media

A number of factors and conditions operate either individually

or in combination to make it possible for the Kenyan state to exercise power over the mass media. The first has to do with the tendency by some journalists to engage in what might be called "irresponsible journalism." There are cases where some journalists fail to check their facts before they file stories. This makes it easy for government to lash at the media, accusing them of all sorts of failings.

Sometimes this behaviour by journalists is due to sheer ignorance, carelessness, or lack of professionalism. This is why it is important to improve the standards of journalism through efficient and appropriate training. Such carelessness can also be reduced if strict standards and professional ethics were enforced in the profession. In this regard, it may be useful to emphasize training of journalists in specialized disciplines so that a journalist reports only on those areas and disciplines in which he or she has developed special competence. This remains a major challenge to the profession of journalism, not just in Kenya, but the entire East African region. At the moment, it appears that anybody can consider himself or herself a journalist simply on account of having written an article for a newspaper or having read news on radio or television.

The absence of a strong civil society capable of and prepared to demand that the state respects the media is another factor that accounts for the way in which the state treats the media. For most of the greater part of the independence period, the state succeeded in rendering civil society ineffective. In fact after Kenyatta's death in 1978, one could hardly talk of a civil society in Kenya.

The death of civil society in Kenya meant that there was no organization outside the state that could back the media. It eventually led to the emergence of a very complacent citizenry which felt almost helpless in the face of the high-handed tactics of the state. With this development, individualism became a common way of viewing problems and this gave the state freedom and latitude to manipulate the media in ways it thought appropriate.

While the legalization of pluralism saw the re-emergence of civil society, the results so far have been rather disappointing. The problem with the emergent civil society is that it does not appear to promote the kind of agenda expected of it namely, to educate the public and protect them against the state's encroachment on their rights and freedoms. Instead, what we see is an emerging assemblage of organizations that appear to be bent more on attracting donor funds and using such funds for purposes that are neither clear to nor well understood by society. In short, it is an assemblage of organizations with diverse interests that makes it very easy for the state to manipulate them.

Under such circumstances, their expected role of backing the media (also fragmented) and other democratic forces, is not likely to have the intended effect. The challenge therefore is to re-evaluate the emerging civil society with a view to making it more relevant to the democratization process and other challenges facing society at this critical moment. Unless this is done, the state will continue to manipulate not just the civil society, but also the mass media.

Another factor that explains the ease with which the state controls the media is the appointment of members of the board of the country's electronic media. This is particularly true of the Kenya Broadcasting Corporation. Although this corporation is no longer a government department, government continues to exercise considerable control over its activities, including editorial policy and day to day management.

The state furthermore exercises its control over the media through application of sedition and defamation laws such as libel and slander. These laws provide the state with a legal authority in its war against the press. Weak financial bases of many newspapers and magazines also account for the vulnerability of the media in Kenya. According to Ochilo, a number of newspapers and magazines have a weak financial base which makes them easy target of state manipulation (Ochilo, 1993:25).

According to him, most of these papers and magazines are

vulnerable because they rely almost entirely on advertising. It means that once these sources of finance are cut, they stop operating. When government is bent on frustrating such publications, all it needs to do is send signals to the companies that advertise in them that the publications are not in its good books. This done, the companies withdraw their contracts thereby strangling the publications financially.

Multiparty politics has certainly not helped much in this regard, since most companies would not want to be in bad terms with the government. They therefore tend to do business with only those publications that are in good standing with the government or those large enough to render government manipulation ineffective.

Kenya's Media in the Multiparty Era

Thus far, the paper has focused on the relationship between the state and the media under one-party rule. The next pages examine how the media have fared under multiparty rule. Basically, the interest is in establishing whether or not the state has accorded the media the latitude to play its legitimate role in society. Put differently, has the multi-party state allowed the media adequate degree of freedom to play their legitimate role of evaluating the performance of government by exposing both the positive and not so positive aspects of state activities? If this has not been the case, what explains it?

It may be in order to state at the outset that the situation is mixed in the sense that there are some areas where positive change has occurred and others where no gains have been made. Among the notable gains are the proliferation of newspapers and magazines. Since the advent of multi-party politics, a number of locally owned newspapers and magazines have been established. These include *The Weekend Mail*, *The People* and *The Patriot*.

This proliferation may be a reflection of a feeling of an air of freedom by journalists, and their desire to occupy the political

space created by the legalization of pluralism. It may, therefore, be a demonstration by the media that they were dissatisfied with the restrictions under the hitherto one-party rule.

Secondly it was part of the belief among mass media practitioners that they have a role to play in the democratization process, a role they saw almost as a duty.

Thirdly, the emergence of these media channels of communication ought to be seen as an attempt by the mass communicators to assert themselves in the struggle for democracy and press freedom, and not let the opportunity slip by. This was also a factor in the emergence of other civil society organizations such as the new women pressure groups that emerged following the legalization of pluralism (Wanyande, 1995). Many hitherto marginalized or controlled sections of civil society were eager not to let this opening close before they made their impact on Kenya's political landscape.

Finally, the proliferation of the print media has to do with the ease with which newspapers are or can be established. Unlike the stringent rules governing the establishment of the electronic media, the establishment of the print media simply requires that the newspaper be registered with the Attorney General's Office.

It is important to note that in the case of the mass media, most of the new publications were owned by indigenous publishers and tended to be critical of the government. This tendency ought to be understood against the background that for a long time, the media tended to be dominated by official views at the exclusion of views that were divergent from those of the government.

Papers that had the courage to offer divergent views were usually severely censored. This concern about monopoly of the mass media by the government was raised by the Commonwealth Secretary-General just before the 1992 multi-party general elections when he expressed dissatisfaction that the government was not giving the opposition parties equal opportunity to popularize their policies through the existing mass media channels.

Another positive feature is the boldness with which newspa-

pers and magazines report. While there was indeed an element of boldness during the years preceding political pluralism, there is no doubt that this has now become a more common feature of the mass media in Kenya than was the case before. In any case, the boldness that was evident in the pre-multi-party era was confined to relatively few newspapers and magazines like the *Nairobi Law Monthly*, *Society*, and *Beyond*. Today it seems to have become common even among the major dailies such as *The East African Standard* and the *Daily Nation*. As papers which were quite pro-establishment during the single party era, from the way they operate today, one can say there is relatively more freedom now than prior to the multi-party era. It needs to be pointed out, however, that press freedom involves much more than just criticism of government by the press. Such freedom must of necessity to be supported by specific constitutional provisions guaranteeing it. This would enable the aggrieved party resort to law courts for redress, an option that is not possible in a situation such as Kenya where such constitutional provisions do not exist. In any case, it is a fact that in Kenya not all the newspapers nor all the electronic media can be said to enjoy the same degree of freedom during this multi-party era.

The Kenya Broadcasting Corporation (KBC), for example, continues to behave as if it is a government propaganda machine rather than a public institution, with the duty to present views of both the government and the opposition. Listening to radio and television news on KBC gives one the impression that either the opposition is non-existent in this country or that its activities are not newsworthy. The only time it reports on the opposition is when the oppositions activities have been condemned by KANU officials.

Even the Kenya Television Network (KTN) which is not government owned does not appear to enjoy much freedom. This may be due to the fact that it is owned by the ruling party. Since the government seems unable to delink itself from the party, KTN sometimes finds it necessary to toe the party and therefore, the government line.

Many of the country's newspapers continue to be harassed by the government. For example, 10,000 copies of the *Society* magazine's issue of January 13, 1992 were confiscated in a dawn raid on its printers. Two months later, another 10,000 copies of the magazine were confiscated. In May, 1992, 19,000 copies of *Finance* magazine were impounded from its printers. Two months later, the editor of the publication was arrested and charged with eight counts of sedition (December 30, 1992).

The crime committed by these publications was that they highlighted the views of the opposition and exposed shortcomings of the ruling party KANU, and the government of Daniel arap Moi. Threats by KANU to ban the *East African Standard* and the *Nation* newspapers for giving prominent coverage to the views of the opposition is yet another demonstration that freedom of the press or even government toleration of the press, is far from settling in Kenya. The most recent blatant violation of press freedom was the banning in late February, 1995 of a catholic newspaper published in Murang'a district, Central Kenya. Like the *Nation* and the *East African Standard*, the only crime this newspaper committed was to highlight the views of the opposition.

From what has been said above, it is not far fetched to conclude or argue that the much talked about press freedom and freedom of expression in general, is at best, deceptive. This is because even public channels of mass communication such as the KBC do not seem to be free to report different viewpoints.

The question then is: how can we explain the continued conflict between the state and the media during the multi-party era? Three responses appear plausible. The first is that it may have to do with the fact that the transition was not accompanied by a fundamental change in the country's culture of politics. By culture of politics is meant:

political practice that is culturally legitimated and societally validated by local knowledge. Rooted in a community's habits, customs, and symbols regarding power, authority, participation and representation, its mores are readily accessible to elites and ordinary people alike.

Moreover a given culture of politics may be altered over time through a process of political learning.

The last sentence of this definition suggest that the culture of politics can endure for long periods of time and even become resistant to change. Its endurance can sometimes be encouraged by a regime that has benefited from it over a period of time. This is precisely what has happened in the case of the Moi regime in Kenya. Having benefitted from the culture of politics practised under one-party rule, the regime found it hard, but also undesirable, to abandon it after the 1992 multi-party elections.

One important feature of this culture of politics was its tendency to disinform the public and to deny citizens access to information, even issues to which they had a legitimate right. The continuation of this culture was evident in the massive political propaganda undertaken by the government over the ethnic clashes that rocked the country just before and immediately after 1992 the multi-party elections.

Using the state controlled print and the electronic media, the government presented the opposition parties as being responsible for the clashes. An independent investigation by the National Council of Churches of Kenya (NCCCK), however, found that the clashes were actually instigated by the ruling party. This was probably done for two political reasons. First, as a way of discrediting multi-party politics, and second, it was probably aimed at driving out non Kalenjin ethnic groups out of the Rift Valley area and to ensure that only KANU supporters registered for the then pending national elections in the affected areas.

The fact that the same actors remained in control of the state after the multi-party elections meant that state behaviour and approach to governance remained as they were during the one-party regime.

That Moi and his party retained power also explains this continued conflict between the state and the media as this meant that the major actors in Kenya's 29 years of dictatorial

politics remained more or less intact.

Thus although the introduction of multiparty politics was an important step in the democratization process, experience has so far shown that it neither constitutes nor guarantees democracy in light of the fact that despite the introduction of multipartyism, there are still many laws and regulations that are incompatible with democracy in the country's constitution.

One such law which has direct implications for the role of the press in the democratization process is the sedition law. According to the Penal Code of the laws of Kenya, "seditious intention" is defined as the intention to bring into hatred or contempt or excite disaffection against the person of the President or the Government of Kenya as by law established" or "to promote feelings of ill-will or hostility between different sections or classes of the population of Kenya"(Penal Code Cap.63.65[(1)] [(b)]; The Penal Code, 56 [(1)] [(f)]).

The problem with this law like most other laws, is that it is so broad that it can be applied to cover almost any activity in which journalists engage. The Attorney General, for example, once reminded Kenyans that under Section 52 of the Penal Code, the government may "declare any publication to be a prohibited publication if it is deemed to be 'reasonably required in the interests of defence, public safety, public order, public morality or public health and to be reasonably justifiable in a democratic society' (*Daily Nation*, February 15, 1993).

While such laws have given the government action against the mass media some legality, for journalists it has only contributed to their misery. Laws such as these and the Public Security Act have been used extensively in Kenya to muzzle dissenting views in general, and the freedom of the mass media in particular, even during the multi-party era. Their existence in our statute books and the manner in which they have been used, demonstrate the deceptiveness of the so-called multi-party democracy. The state and its orientation as embodied in its culture of politics has thus remained essentially the same as it was under one party rule. This applies also to the orientation of the state toward the mass

media. We argue that this relationship can be expected to alter substantially only if the state becomes more legitimate and therefore more politically secure. It is also under such circumstances that the state would be willing to do away with undemocratic structures and laws such as the ones we have cited above. Changes have thus been more in appearance than in substance.

Conclusion

The thrust of the foregoing discussion is two-fold. First, it argues that Kenya has not demonstrated any commitment to democracy nor to press freedom. Secondly, it argues that the authoritarian approach to governance in post-colonial Kenya was part of the state's determination to establish its hegemony over the rest of society. Thus, even though Africa's cultural diversity has often been used to justify autocracies, (Bayart, 1986:114) there is ample evidence that in Kenya authoritarianism was more of a reflection of the state weakness than a strategy to solve cultural fragmentation. This has been particularly true in the second and subsequent decades after independence.

This state weakness is associated mainly with two factors:

- Poor economic performance of the regime during this period. This undermined the ability of the state to fulfill its many obligations to the citizens.
- The political background of President Daniel arap Moi who succeeded the late President Jomo Kenyatta as president in 1978. Coming to power as he did from a minority ethnic group, President Moi needed a strong socio-political and organizational power base, especially as his image had suffered considerably during his twelve year tenure as the country's Vice-President. Not many keen observers of Kenyan politics had thought that he would be an effective successor to Kenyatta.

He was as a result, very sensitive to the possibility of losing power. He was particularly fearful of ethnic groupings which had the potential and capacity to develop independent power base which could be used to challenge his power. He therefore decided to bring the entire society under tight control by centralizing power in the presidency. In this he was not different from many other leaders of African one-party states.

He also banned ethnic welfare associations for fear that they might be used to undermine him and the legitimacy of his regime. Authoritarianism was thus preferred, partly as a strategy to pre-empt any challenges to state authority.

Whether one explains this state weakness from the point of view of Africa's dependency relations with the developed world (Ochieng, 1993; Uche, 1993) or by reference to internal characteristics of the state is besides the point. The important point is that this state weakness has had serious implications for the functioning of civil society in Africa, the mass media inclusive. It largely explains why civil society, including the press, has been targeted for criticism and censorship. The emergent civil society has also lost direction even before it makes its impact on Kenyan politics and the democratization process in particular.

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