

**THE ROLE OF THE MEDIA IN POLITICAL CONFLICT RESOLUTION: AN
ANALYSIS OF THE SABA SABARALLY IN KENYA**

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DECLARATION

Declaration by the Student

I declare that this research is my original work and to the best of my knowledge it has not been presented for the award of a senior management course

Signature:

Date:.....

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Declaration by the Supervisor

This project has been submitted for defense with my approval as the Supervisor.

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DEDICATION

I dedicate this project to my family members, colleagues and friends for their support and encouragement through the entire course of study.

ACKNOWLEDGEMENT

A successful project cannot be built on the shoulders of one single person. Rather it becomes possible by the joint effort of a group of individuals working towards the same goal. I would like to thank at least some of the helping hands that contributed to the realization of this project. First and foremost of course we express our deep gratitude to the journalists and colleagues in the media who dedicate their lives in pursuit of truth- the key to freedom, in times of conflict and in peace.

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LIST OF ABBREVIATIONS

PEV	Post Election Violence
CIPEV	Commission of Inquiry into Post Election Violence
ICC	International Criminal Court
IDP	Internally Displaced Persons
KASS	AKalenjinFm Station
UNSC	United Nations Security Council
NARA	National Accord and Reconciliation Act
EAJA	East African Journalism Association
KUJ	Kenya Union of Journalists
CAK	Correspondents Association of Kenya
ECK	Electoral Commission of Kenya
UNDHR	United Nations Declaration of Human Rights
OHCHR	United Nations Commission of Human Rights

ABSTRACT

This research sort to find out the role of the media in political conflict resolution. The objectives of the research were to examine whether the political bigwigs successfully used the media to promote peace in Kenya during the sabasaba rally, to establish the measures that government, stakeholders and media houses have put in place towards peace-building during the sabasaba annual rally and to make recommendations towards the use of the media in promoting and enhancing peace-building in Kenya.

This study finds that some ethnic radio stations incited fear and hatred particularly. It also argues that local language radio stations increasingly flout codes of ethics. Talk shows on these radio stations represent a greater risk on media freedom, while talk hosts need to be sensitized on the value of responsible reporting. Although local language and mainstream media played an important role in calming the violent situation and promoting dialogue, this thesis posts that there is a need to strengthen that role by supporting genuine and independent media which form a critical contribution to lasting peace, that media practitioners need to be equipped with conflict sensitive reporting skills. Moreover, it argues that Kenyan news media should invest and develop a journalism practice that can cope and address critical issues underlying conflict situations. In terms of election coverage, media houses need to be advised and provided with guidelines in time, on how to handle the release of election results and that they should work together with the Electoral Commission and verify results to avoid speculations. This research recommends that restrictions of freedom of the press and of expression should be clearly and narrowly defined to ensure that they do not infringe on legitimate speech or go beyond the scope of harmful speech. Suggested measures to prohibit the abuse of media freedom and promotion of peaceful co-existence include a review of Kenya's media legislation.

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.1 Background of the Study

Kenya has a history of confrontations and violence of varying scales, from mild, as was in the 1980s during Daniel Arap Moi's presidency, to destructive antagonism, as happened during the 2007/08 post-election violence. The CORD opposition party disputed the presidential elections, which led to the deaths of an estimated 1500 people, destruction of property, and displacement of people from their homes. Kenya is not the only country in conflict in Africa.

In fact, the proposal to safeguard conflict and crises reporting is advanced on the basis that several countries in Africa are unceasingly embroiled in deep conflicts. The Central African Republic, Sierra Leone, Ivory Coast, Libya, and most recently Egypt serve as good examples. Some countries continually hop from crisis to crisis. In the Horn of Africa, for example, Somalia is yet to stabilize following many years of internal political conflicts. South Sudan is struggling to contain tribal fighting between President Salva Kiir and his former deputy, Riek Machar. Uganda and Kenya have experienced bloody conflicts in the last 50 years of their independence and still continue to experience internal struggles. In Kenya, the 2007/08 post-election violence following the disputed presidential election results marks, perhaps, the darkest moment for media performance in Kenya.

Focusing on the case study above, Kenya was headed to a certain apocalypse, no doubt about that. But what was really happening? What threw the country into such a paroxysm of hysteria? Nothing much. The opposition Coalition for Reforms and Democracy (CORD) had announced that it would conduct countrywide rallies to press the Jubilee Coalition government to deal with a number of urgent national issues including escalating insecurity, high cost of living, extensive official corruption, tribalism in public appointments, and violation of the constitution by the president and a raft of unfulfilled election pledges. The CORD leader had called for a national dialogue on these issues. But when the Jubilee administration rejected the call, CORD announced national mobilization.

The rallies would culminate on Saba Saba day, which CORD had declared a public holiday. Saba Saba (7/7 in Kiswahili) refers to 7 July 1990 when Kenya's pro-democracy brigade staged daring protests in Nairobi to demand an end to the tyrannical rule of President Daniel Arap Moi and for the restoration of multiparty democracy. This means there was a political conflict between these two parties. Moreover, in the case study above it incorporates how the media comes in to tackle these conflicts by educating, addressing the public and one on one reporting. Political conflict is major in Kenya due to conflicting parties, that is, the government and the opposition party. This case study tends to elaborate more on this and how the media comes in conflict resolution between the two parties.

1.2 Statement of the Problem

A lot of research has been carried out on the media and conflict reporting but minimal has been done upon the role the media has played in fostering peace. This research is

therefore aimed at discussing the conflict between the government and the opposition in Kenya during the saba saba event on July 2014.

1.3 Objective of the Study

1.3.1 General Objective

The general objective of this research will be to explore the role the media has played in peace building among selected media houses in Kenya.

1.3.2 Specific Objectives

The specific objectives of the research will be:

- i. To examine whether the political bigwigs successfully used the media to promote peace in Kenya during the saba saba rally.
- ii. To establish the measures that government, stakeholders and media houses have put in place towards peace-building during the sabasaba annual rally.
- iii. To make recommendations towards the use of the media in promoting and enhancing peace-building in Kenya.

1.4 Research Questions

The following questions will serve as research questions to guide this research.

- i. What are the activities of the media in peace-building?
- ii. How has the media been successfully used to promote peace in Kenya?

- iii. What measures has the government, stakeholders and media houses put in place towards peace-building?

1.5 The Purpose and Significance of the Study

The media is a double-edged sword. It can be a frightful weapon of violence when it propagates messages of intolerance or disinformation that manipulate public sentiment. But there is another aspect to the media. It can be an instrument of conflict resolution, when the information it presents is reliable, respects human rights, and represents diverse views. It is the kind of media that enables a society to make well-informed choices, which is the precursor of democratic governance. It is a media that reduces conflict and fosters human security. Today, in every part of the world, reliable, accurate and objective media, whether mainstream, alternative or non-conventional, can both help to prevent and resolve conflict through the automatic functions of responsibly disseminating information, furthering awareness and knowledge, promoting participatory and transparent governance, and addressing perceived grievances? In the same vein, inadvertently or overtly propagandistic media may equally fuel tensions and exacerbate conflicts. This study aims at establishing the role of media in peace-building in Kenya.

1.6 Limitation of the Study

Unexpected negative response from respondents due to the fact that they will be unwilling to give out sensitive organizational information. This will be delimited through counter-checking on secondary literature as well as desk-reviews. There are several things or factors, which limited the study. The following are some of the factors:

1.6.1. Confidentiality

One of the factors included the issue of confidentiality in that the researcher felt that some respondents were afraid to give information due to the fear that the information ended up not being treated with confidentiality or end up being misused hence cost them their jobs. To overcome this, researcher ensured research ethics are fully observed thus convinced them that the information was treated with utmost confidentiality.

1.6.2 Mistrust

On the other hand the researcher felt that the study was limited by fear from the responded that the study was carried out for the benefit of influential individuals or a competitor who wants to strategize better for competing denominations. The researcher tried to overcome all these through convincing them that it was for academic purpose.

1.6.3 Communication Barrier

Also the researcher felt that the study was limited by communication barrier, this happened where by the respondents gave brief/vague information on the questionnaires which was not understood by the researcher hence jeopardizing the interpretation process. For these reasons the researcher tried to compare the two methods of interviews, and that of questionnaires to see if the researcher can overcome the limitation.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter examines an existing body of literature on violence, media's role in perpetuating it and peace-building initiatives undertaken. The discussion highlights gaps in the literature that the research can contribute to. The second part puts theory into context using the Agenda Setting model in relation to violent conflicts. I will apply the theory to indicate how the media used to reporting violence can also promote human rights. Finally, I will explore the socio-economic and political factors which characterize elections and regime change in Kenya in relation to the crisis.

2.2 Peace, conflict and the media

Theoretically, conflict and peace share the same platform in media discourses, since reporting conflict also means finding alternative constructive solutions. The nature of the election crisis in Kenya is captured in Goodhand and Humle's (1999) definition of conflict. The authors define conflict as a struggle between individuals or collectives, over values or claims to status, power and scarce resources in which the aims of the conflicting parties are to assert their values or claims over those of others (Goodhand & Humle, 1999). The post election crisis more or less emerged from a struggle for power, with each party pursuing an agenda that would bring it closer to controlling resources. On the other hand, the authors see peace-building as a promotion of institutional and socio-economic measures to address the underlying causes of conflict.

In a separate spectrum, the renowned Norwegian Peace researcher Johan Galtung work on positive peace emphasizes that peace may be more than just the absence of overt violent conflict (negative peace). He says peace will likely include various relationships up to a state where nations or any groupings in conflict might have collaborative and supportive relationships or positive peace(Galtung, 1964).His definition, first published in the initial editorial of the Journal of Peace Research, was a direct challenge to the prevalent normative nature of peace. Informed by Galtung's idea of "moving closer to peace or at least not drifting closer to violence", I would suggest that there is a need to involve various actors in peace-building.

In addition to research in this field, peace has remained a human rights concern since the inception of the United Nations in 1945. The UN Charter Article 2, preambles (1, 3, 7) support principles of non-interference and respect to state sovereignty. The article requires states to stabilize internal conflicts and commit to peace and development for citizens. Galtung had earlier argued that the domination of the UN as holder of coercive power is in itself an element of negative peace (Galtung, 1964). It therefore applies that, if such powers are used to integrate various stakeholders in conflicts, positive peace can be achieved.

Even though, the UN primacy to maintain global peace and security can hardly be questioned, Aning & Danso (2010) argue that African countries have since the Rwandan genocide come to realize the imprudence of depending entirely on the UN for the continent's peace and security needs. In so far, the media has pushed Peace and Security

issues on the global agenda. It has also been part and parcel of reproducing information on war and conflict for some time now. A common view of the media effects in violent conflicts is captured in the 19th century William Randolph Hearst statement; “*you furnish the pictures, I’ll furnish the war*”. Hearst realized that conflict and media feed on each other, one a source of captivating news, the other a platform where agendas to end and sometimes promote policies on conflicts are debated.

In other examples, events of the 20th century record occasions where the mass media have been employed for war propaganda in Germany and World War 1 allies (Watson, 1998; Bratic, 2006). In recent history, several authors have also explored the role of the media in inciting violence (Des forges, 1999; Thompson, 2007). Wolfsfeld (2004) argues that media researchers tend to concentrate on analyses of conflicts, rather than peace processes which remain hidden or even subtle. In his accounts on Peace Journalism, Galtung (1998) exemplifies difficulties in reporting peace processes and argues that peace and news make strange bedfellows news covers events, not processes.

This approach to peace news is problematic. It presents the public with an extremely narrow and simplistic view of inherent conflicts and does not offer possible cues for stakeholders to promote long-term policies. A similar struggle to find ways of framing peace discourses in media was experienced after the post-2007 crisis. Researchers Mbeke (2008); Somerville (2010); Ismail & Deane (2008) endeavored to explain reasons behind the crisis. Their work highlights ethnic tensions and shortcomings in media management, as reasons to why the media in Kenya is losing its credibility.

Their analysis does not explicitly establish the link between media as an instigator of violence or an arbiter for peace, neither is it focused on human rights discourses. As such, this study moves to investigate the link and contribute to research. In Bratic's words, "if the media is often found to support forces that lead to violent conflicts, it should also have power to support forces to peace" (Bratic, 2006). Therefore, any discussion that examines the role of the media in promoting specific types of behavior cannot be complete without an analysis of how the media affect audiences, as captured in the agenda setting model.

2.3 The Agenda Setting Theory

The agenda setting theory associated with Shaw and McCombs (1972) explains the strong media effects, closely linked to the ability of the media to reproduce social and cultural aspects of society, through the publication of information. The agenda in this context refers to the salience or importance of issues and not a pre-determined goal of the media to influence audiences. The model suggests that the media affects the scope of the public thinking. If applied to the post election crisis, we find that through daily reporting over time, issues (*agenda*) covered in the media were transformed to public agendas.

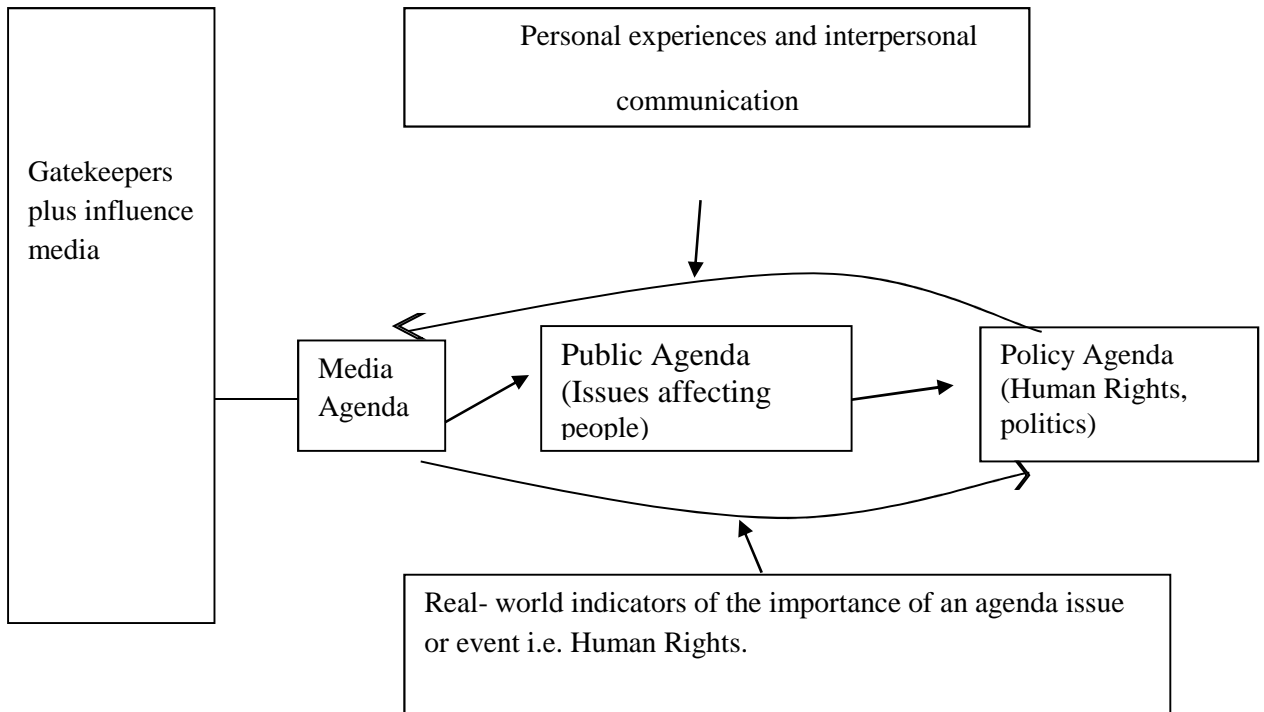
By generating discussions on peace-building, journalists and policy makers can collectively shape the public agenda to more constructive dialogues. Contrary, to a general assumption that the media has power to directly inject behaviors and attitudes in the minds of people, the model suggests that the media affects the scope of their thinking. This argument is also reflected in Bernard Cohen's 1963 statement that "the press may

not be successful much of the time in telling people what to think, but it is stunningly successful in telling readers what to think about” (Cohen 1963 cited from Rogers & Dearing, 2001).

In essence, through daily reporting over time, the media agenda becomes the public agenda. The theory tends to imply that in an environment of conflict, the media mirrors the disorder in society and does not necessarily brew conflicts. This assumption then challenges the idea otherwise that the media can directly foment conflicts, but provides a good scope in the analysis of inherent socio-economic and political set up of the media in Kenya. Agenda setting operates under two assumptions .Firstly, the media does not reflect reality they filter and shape it. Secondly, the media concentration on a few issues and subjects leads the public to perceive those issues as more important than other issues (McQuail & Windhal, 1993).

The agenda setting theory has been challenged for portraying the public as a passive receiver (Hall, 1998 cited from Street, 2001:243). In view of this, I argue that the media does not passively relay information from sources; they select or reject it according to the reality of the day, or the particular slant of the media house. In the absence of effective guidelines on conflict sensitive journalism, practitioners are likely to infuse their own biases in news commentaries.

Figure 1: The agenda setting process



Source: Cohen 1963 and Rogers & Dearing, 2001).

The model identifies three main components of the agenda setting process illustrated in the figure 1 above , a) the media agenda, which reinforces public opinions b) the public agenda, which may influence selectivity of news items c) the policy agenda, includes issues policy makers consider important (Dearing & Rogers, 2001). The model indicates that these agendas are interrelated, but their salience and prominence in the news media still depends on the editors and journalist’s choice. More often the media is successful in setting the agenda and getting people to talk about issues such as politics or human rights. In other cases, the audience may reject the issues the media considers important. Audiences then “co-construct” what they see, hear or read from the media drawing from their personal experiences.

However, Dearing & Rogers (1996) posit that audiences are actively engaged in dominant societal discourses at any particular moment. They argue that the media helps to reinforce ideas and contexts in which information is perceived. In their view, the agenda setting process is not static, but a continuous motion of different issues in the public domain competing to gain the attention of the media, the public and policy elites (Dearing & Rogers, 1996). Proffess and McCombs (1991) had earlier acknowledged that the audience learns what issues are salient from the news selection of the media and incorporate a similar set of significance in their own personal agendas. Recent studies have shown that when individuals are highly interested in national issues such as politics, they are more likely to show a strong agenda setting effect (Kalyango, 2010).

I agree with this view, but demonstrate that unlike newspaper and television which serve the urban elite in Kenya, radio attracts large audiences in rural communities. This group is likely to follow opinions or repeat discussions shared in daily experiences. Radio announcers can use messages that affect audience sense of insecurity and ethnic discontent to create animosities for opposing groups. However, urban populations are more critical of the media and political regime. Hall has touched on these complexities he writes, media institutions “produces consensus” in conditions of conflict and struggle not just those generated by class divisions (Hall, 1982).

In summary, the agenda setting model follows a linear mass communication process, where information travels from the source (politicians, policies), through a conveyor (media) to the receiver (audience) (McQuail, 2010). But, this process occurs in the midst of distortions from both physical and psychosocial factors, which affects the nature of the intended message. At the point of reception the audience state of mind and cultural backgrounds determine how the message is preceded. Thus, “our pictures of the world” are sometimes shaped through the media intent to reflect what it considers as the most important on its agenda. For the purposes of this study leading to a discussion of human rights, the inter-relation between the media, public and policy agenda’s is analyzed in the role of the media as a public sphere (gatekeeper), agent of public order and mobiliser.

2.3 The media and human Rights

2.3.1 Media as a public sphere

The media has perfected its role as a platform where the public can exchange diverse issues and foster productive debates in the society. Essentially, the media is regarded as a contemporary “*Greek agora*”, usually a city or square in which the population gathers to discuss affairs of the state (Watson, 1998). The principle of the public sphere shapes the way human rights processes are initiated within media and institutional frameworks. On its part, the media can be seen to contribute to public good by defending, protecting and promoting human rights. The media has a duty to facilitate the “public sphere” against the encroachment of the state and corporate powers that is, performing the role of the watchdog (ICHRP, 2001). This is not always the case, government and other authorities

have used human rights themes to manipulate or inflame public opinion especially during periods of conflicts or political ventures.

A (2001) International Human Rights Policy (ICHRP) study on the media found that those in positions of influence usually employ public relations strategies or persuasive communication to manage conflicts and peace. More often than not, politicians manufacture statements which help to push their agendas forward. The challenge is for the media to stand above such influence even though it may not be an easy task. The media Curran (1991) contends can be seen as a source of redress against abuse of power by others (cited from Watson, 1998).

2.3.2 Media as agents of public order

The media bears the responsibility to inform the public and politicians about national issues and suggest ways to promote and protect human rights situations in any country. In their capacity as watchdogs, the media are the “eyes and ears” of the public. They are defenders against possible abuses of rights in the society (Watson, 1998:94). While the mainstream media endeavors to achieve these roles, it cannot ignore competition from the alternative or sensational media. Alternative press is sometimes characterized with the manufacture of misinformation and falsehoods (ICHRP, 2001).

Dahal (2011) avers that a responsible media can judge whether the power used by opposing parties to a peace process, is legitimate and consistent with people’s aspirations for peace, democracy and social justice or just resisting each other’s power to enact

national strength. In a situation of political uncertainty, what is critically important is how political actors achieve common good together, not what they oppose. Essentially, how the information is gathered, processed and disseminated in a political system becomes a matter of great public concern. This is captured in John Hartley's (1992) statement that "the media defines what is right by describing what is wrong".

In essence, by reporting on conflicts and ills in society, the media provides a synthesis to the social problem and opportunity to correct errors. Thus, the media can be utilized to bridge the gap between violent conflicts and peace and in turn promote human rights. I argue here that the media preservation of human rights is only possible in the presence of a legitimate government, which acts as an instrument of public power and helps media to assume its responsibility. Rather than a state which coerces the media to manufacture consent or threatens to limit its freedom of choice.

2.3.3 Media as mobilisers

In conflict situations, the public is desperate for information, for assurance and for guidance and leadership, while sometimes conflict may push the public together in pursuit for peaceful solutions. In other cases, as illustrated in this study, conflicts could present opportunities for further tensions. The public relies on the media for information, while the media depends on authorities to provide updates on the situation. However, Dunsky and Nyama (2003) point out that the media in Africa has failed to be critical and analytical on conflicts and shaping the peace agenda. In so far, reporting on conflicts in

Kenya lacks concise explanation of root causes of problems and only mirrors simplistic causal effect features, which do not offer adequate answers to consumers.

The essential role of the media in reporting conflicts is to accurately present events in a fair and balanced manner. Usually, these values are used interchangeably and simply mean, giving each side an opportunity to express its opinions. However, there are contradicting views on the social responsibility role of the media. Lauk (2004) and Ochilo (1993) separately criticize this role as too idealistic in the absence of free and democratic structures. In short, the media can inflame conflicts by circulating “negative messages” in society, but it can also be a messenger of peace, reconciliation and unity of people by being sensitive to inherent conflicts.

2.3.4 Peace-building media

Robertson (2000) and Livingstone (2007) research on the mass media effects shows how messages are shaped to address complex social political phenomenon. The research is associated with how different actors Endeavour to influence policy decisions to arbitrate conflicts. Robertson (2000) suggests that only under certain and generally unlikely conditions might one expect media coverage to force intervention decisions. In contrast, Livingstone (2007) observes that media content can affect policies, since leaders today prefer to communicate through media programs to accelerate political decisions rather than, using traditional diplomatic channels (Thompson, 2007).

There are positive examples where the media has been useful in peace initiatives, albeit when violent conflicts have ended. Since 2002, Mega FM has promoted peace in Northern Uganda through encouraging dialogue between the Lord Resistance's Army (LRA) factions, government and civil society as a good step towards peace (Oriarie, 2009). Earlier on in 1995, Burundi's Search for Common Ground (SCG) initiative launched radio Ijambo ("*wise words*" in Kirundi) in the months ending the genocide in neighboring Rwanda (Gardner, 2001).

Gardner (2001) affirms the radio has been a safe haven where Tutsis and Hutus work together using radio as a "voice of hope" in finding solutions to end ethnic animosities. The Hironnelle Foundation established radio Agatashya ("little swallow" in Kinyarwanda) in the Great Lakes Region, to secure peace and dialogue among Rwandans coming from the genocide scourge. Dahinden (2007) portrays how Agatashya broadcasts of facts devoid of political voices, were effective in promoting an environment for securing human rights. The Hironnelle News Agency has continued to report on the ICTR proceedings in Arusha Tanzania long after it became default following increasing conflicts in the DRC.

In summary, the influence of the media on society has attracted international agencies closely involved in peace-building since the early 1990's. The media can contribute to peace, by engaging in credible reporting, representing balanced opinions in its editorial content, and opening up communication channels among parties in a conflict. It can also identify and articulate without bias the underlying interests of warring factions. By doing

so, the media is capable of disseminating information that builds on the confidence of stakeholders in a conflict.

2.4 Media as a weapon of conflict

History records occasions where the media has been used as a destructive weapon to fundamental human rights. Adolf Hitler used the media to create hatred for Jews (Thompson, 1994). Rwanda's Radio Television Libre des Milles Collines (RTL), urged listeners "to kill Tutsis" or what it called "the cockroaches" (Des Forges, 1999). In the Balkans, broadcasters polarized local communities to the point where violence became an acceptable tool for addressing grievances (Thompson, 1994). In the case of Rwanda, the media was also used to guide the perpetrators of the genocide towards their victims. The media may also incite violence through manipulative, negative presentation of facts that create the impression that the situation is worsening.

This type of reporting more often than not provides a justification for people or groups to take decisive action, including violence (Frohardt & Temin, 2003). Both local and international media in Rwanda failed to report on the impact of the conflict as early as 1990. Local media ignored to report on massacres of political dissents and those suspected to be Tutsi sympathizers (Des Forges, 1999). The role of the media in the Rwandan genocide was in great disrepute of the legal and moral principles of Journalism and human rights.

By instigating a genocide campaign, the media turned into a dangerous weapon. Its international counterpart failed to monitor escalating killings and rather pictured the crisis

as a civil strife between the Tutsi and Hutus (Chaon, 2007). Similar characteristics are portrayed in coverage of the Darfur conflict in Southern Sudan. Since 2003, local (Arab media) has passively dealt with atrocities committed in Sudan. The conflict in Darfur has been framed as an “Arab war”, a line quickly adopted in by the local media. This kind of reporting is vague and only worsens the conflicts.

A number of journalists were accused of taking part in the killings in Rwanda. Authorities used RTLM and Radio Rwanda broadcasters to spur and direct killings where Tutsis were hiding (Kamilindi, 2007). RTLM transcripts presented as evidence in the Arusha Tribunal show how broadcasters used hate speech on air and rendered the minority Tutsis vulnerable to the attacks. Thompson (2007) has argued that media spurs conflict in society by making derogatory remarks based on ethnic differences, race, color, and sex. In Rwanda like the Balkans, media messages were designed to sharpen ethnic and political sensitivities. Thompson writing on the Yugoslavian war notes that the media was saturated with intensified propaganda to mobilize the population and make war thinkable, let alone inevitable (Thompson, 1994).

These examples highlight the precarious role of the media in vulnerable society's .In such circumstances the media can be viewed as “a double edged sword”. They can be weapons of war and conflict or can uphold prospects for peace. In the hands of totalitarian interests, the media can be a dangerous device. It can be used to spread misinformation and manipulate public sentiments. If the media is used responsibly, it creates an informed

society that respects individual freedoms and rights. But, there has to be a democratic state to fulfill its part of the bargain in ensuring stability and enjoyment of such rights.

2.5 Elections and Regime Change in Kenya

Any analysis of post-conflict reconstruction must recognize how conflict erupted and what was left at stake in its wake. Perhaps the way it reports on regime change explains the genesis of the election crisis. For instance, the media in Kenya portrays the election pattern as a replica of consecutive leaderships, where corruption, inequality, political violence and systematic abuse of power characterize regimes since Kenya's independence in 1963.

Barkan (1992) writes that during elections incumbents peg their agendas on distribution of resources rather than pragmatic alternatives. As a result, the emerging competitive struggle fuels ethnic related violence. In the second independent political regime, Moi who comes from the Kalenjin community embraced a populist approach to leadership based on three pillars, peace, love and unity or the *Nyayo philosophy* (Atieno, 2006). Literally, he followed in Kenyatta's footsteps. However his autocratic strategy to wield power went against these core utopian values and was characterized with a suppression of the civil society, human rights groups and the media.

Nyong'o (2007) points out that after the attempted coup in 1982, Moi's regime developed a culture of consolidating legitimacy through a reward system, orchestrated around ethnic elites. In other words, he advanced the interests of the Kalenjin and other smaller ethnic

groups who benefited marginally under Kenyatta's system of patronage. Corruption and inefficiency went from bad to worse as Moi tightened his hold on power, extending the control of the state over society (Nyong'o, 2007). In 2002, Kenyans voted overwhelmingly for Mwai Kibaki to end two decades of Moi's authoritarian tendencies. The media took an onslaught on the dramatic events dubbed the "*rainbow wave*".

As a result of excessive media coverage, there was a euphoric sway of the public to vote. These voters saw the election of Kibaki as an opportunity for change. But, the media soon became critical of Kibaki's regime when he appointed leaders from his tribe to ministerial positions. Among Kibaki's 2002 election pledges was to enact the constitution within 100 days in office, fight corruption and promote human rights. Instead the regime administration used the police force to silence those critical of the government. It interfered with the judiciary and the electoral commission which also contributed to massive irregularities in the 2007 elections.

Corruption scandals became common place, repressive tendencies towards the media emerged after a short period of freedom. A national referendum for the new constitution was held in 2005, after consecutive failures by a constitutional committee and parliament to assent the document. The media dramatized the referendum as an antagonism between Raila's (ODM) and Kibaki's (PNU) parties. During the 2007 election campaign the media platform was adversely used in hyping the federalism debate or "*Majimboism*", which refined the 2007 elections.

Oriarie (2009) explains that for the media supportive of ODM, federalism meant devolution of power and resources to grassroots, while to those supportive to PNU, federalism meant eviction of Kikuyus from the Rift Valley and other parts of the country and a challenge to land rights and economic interests. He additionally states that the media laid the foundation for high stakes in the political duel that stimulated ethnic passion and emotions.

The media adopted periodical polls published by competing pollsters predicting the election trend. The polls forecasted a small margin between President Kibaki and Raila Odinga. The media then curved the 2007 elections as a life and death contest, a “*horse race*”. This shaped the idea that the vote would determine the fate of each candidate’s ethnic community. Traugott and Lavrakas (2008) see a horse race as a contest in which the candidate’s battle for the lead position and pollsters keep scores until the Election Day. The media had thus set a stage for a bruising election that led to the post election crisis which brought about the fear that the Saba Saba event that was to happen to the now government of Kenya Jubilee alliance party and the cord coalition that when Mr. Odinga came back from the USA and was contesting the governance of the now president of Kenya.

Due to the outcome of the post election crisis the media reporting was way better in the Saba Saba event than it was then hence although feared an event like it would happen again but calm and peace was filled in the country.

2.6 The Mainstream Media and Ethnic Radio

2.6.1 Mainstream Media

The mainstream media refers to independent radio, television and newspaper. Kenya's media was state controlled formally from 1830's until the middle of 1990. During that period, mainstream media was subjected to harassment, torture, imprisonment and fines on journalists expressing their views. There are eight daily Newspapers in Kenya and over ten weekly papers, the most read mainstream newspapers are the Standard, which also runs the Kenya Television Network (KTN). The Daily Nation has the only significant Kiswahili daily, Taifa Leo and operates Nation TV, Easy FM and QFM radio frequencies (Powell, 2010). The Royal Media Services is an emerging enterprise. It has several radio frequencies and a television station.

The mainstream media operates in English and Swahili as national and official languages. Television reaches 40% of the population while Newspaper circulates up to 30%. In conflict or controversial situations, mainstream media resorts to self-censorship for fear of state reprisals. Despite these challenges, the mainstream media shapes Kenya's democratic vitality as a watchdog of society. The Kenyan mainstream media has gained a reputation for exposing corruption, promoting human rights and providing a forum for public debates. The mainstream media also guards public interest against state power.

2.6.2 Ethnic Radio

Ethnic radio stations refer to those broadcasting in local languages, other than English and Swahili. Other radio stations fall under community or national. The radio stations

commands 30 percent of the market share and operates in over 21 ethnic languages out of 44 in Kenya. Generally, radio alone reaches 90% of the population (Powell, 2010). The national broadcaster, Kenya Broadcasting Corporation (KBC) has over 19 public service radio frequencies out of which 17 broadcast in ethnic languages. There are over 11 community radio stations across the country, about 7.5 million radio sets (1.9 million in urban and 5.6 million in rural areas and about 16.7 radio listeners across the country with 12.4 million in rural and 4.4 million in towns (Oriarie, 2009).

A weak regulatory and legislative framework in Kenya has contributed to the ethnic radio's "reckless and irresponsible" approach. The radio stations use untrained partisan individuals, who are politically biased. Their broadcasts are sometimes laced with foul language, and interactive culture (MDI Report, 2009). Journalists on these channels manipulated the rural community's sense of insecurity and ethnic dissent during the crisis.

Powell (2010) highlights that low literacy levels in rural and minority communities has meant that large numbers of Kenyans in these areas do not speak the official languages and prefer their mother tongue. The ethnic radio has therefore filled the gap in local language information, formally provided by the National Broadcaster and informal networks. In addition, to serving as platforms for local voices on grassroots problems, most of these ethnic radio stations are poor, use outdated technologies and lack adequate expertise in media and management (Oriarie, 2009).

Spitulnik (1996) argues that radio today achieves what newspapers did in the colonial world. Drawing on Benedict Anderson's (1983) concept of "imagined communities", she writes that it creates a shared cognitive space, a community of listeners who incorporate its linguistic elements into their everyday lives in both the conscious and unconscious ways. Radio in Kenya is the simplest yet, significant medium among audiences, its casual approach and conversational style has created "celebrity status" for announcers.

2.7 Theoretical framework

The theory running through this paper is Alternative Dispute Resolution (ADR). This refers to mechanisms of resolving conflicts apart from court litigation, for example, negotiation, mediation, conciliation and arbitration. In negotiation there is no third party. The two conflicting parties discuss and resolve their conflict. However, in the last three approaches there is a third party who chairs the discussions. But the third party has more power to suggest solutions in conciliation and arbitration rather than in mediation. However, I am more interested in mediation. The media could take the role of a third party in mediation. Pruitt and Carnevale suggest that mediation is effective when the mediator has power. I think the media has much exposure in coverage and informing the public on the proceedings and outcome of events and crisis. It is evident in Kenya that politicians turn to the media to make statements and talk to the public on their views and addressing them. Pruitt and Carnevale further suggest that mediation is common in many non-western societies and these two authors suggest this to be an area that has not been fully researched.

Here in Kenya, for example, much has been said and written about the bitter and painful lessons learnt from the postelection violence of 2007/2008 in Kenya. Nevertheless, the lives and emotions of hundreds of thousands of people are still determined by the traumatic events of the time.

People frequently relive repeatedly the horrific events - with the accompanying feelings of fear and terror - for their entire lives. The horrific self-destruction of a multiethnic state as it occurred here must never happen again. This should be clear both to ordinary people and to the politicians responsible. Tribalism is a destructive force which should be nipped in the bud. The diversity of these cultures is extremely valuable and should be protected and preserved as the different groups gradually grow together to become one nation.

This made religious leaders to come together in the much anticipated 2012/2013 elections and bring Kenya together regardless the tribal and ethnic divide through the media. Church leaders arranged for revival prayers for the country ahead of the elections. Crusades were all over the country by church leaders, for instance, the three leading churches in this endeavor were the Anglican Church, Catholic Church and the Presbyterian Church of East Africa. Their efforts boosted by the National Council of Churches of Kenya (NCCCK). This was mainly done through vocal clergy such as Okullu, Wabukala, Gitari and Njoya who influenced the course of political affairs in Kenya.

Topping it all up the national prayer healing that was hosted at the uhuru park gardens by Prophet Owour who called the now President of Kenya Mr. Uhuru Kenyatta and former

prime minister Raila Odinga who sat together in the crusade and this was a show of togetherness which made the elections to be peaceful with no repeat of what happened in 2007/2008 elections where the media was covering all this for the public so as they can inform and try to portray the right message to all the citizens and educate them on the effects of clashes and the importance of peace which will enhance a good coexistence between the diversified ethnic societies in the country.

A feasible study may reveal that the way the religious leaders through the detailed information and immense education from the media resolved the political conflicts is not necessarily a win-lose situation. This puts it close to ADR. This is only my academic opinion but there is need for more research in this area.

CHAPTER THREE

RESEARCH METHODOLOGY AND ANALYTICAL FRAMEWORK

3.1 Introduction

The purpose of research is developing and testing theories and discovering general principles. Research also helps to understand social problems and predict alternative solutions. According to Charmaz (2006) research methods can be established using various assumptions developed in different settings within which the study is undertaken. The choice of this study is based on its significance to the researcher's personal experiences. It also generates an area of discussion as regards to the media's contribution to social cohesion.

Overall, I aim to contribute to existing gaps in the study of the role of the media as an institution for conflict resolution. The methodological approaches are informed by qualitative research already established in existing theory and practice. Charmaz (2006); Atkinson, Coffey & Delamont (2003) found that the problem under investigation sometimes determines the sample and methods selected to carry out the study. The chosen method adopts existing theories and follows systematic guidelines which are flexible for data collection and analysis.

This approach is generally referred to as "grounded theory" – a method in social research tracing back to sociologists Glaser and Strauss (1965, 1967) analysis of social organizations. The researchers jointly explored ideas derived from long conversations and observations in their work with mental patients and developed approaches which

social scientists later applied in the study of different concepts. For this, it was possible to carry out interviews within a previously established network of contacts, transcribe them and analyze narratives.

3.2 Methodological Approaches

I am to use primary and secondary data to investigate the effect of media messages on the political process and audiences, which now forms a basis for analysis. Primary data is to be derived from telephone interviews, while texts from documents formed secondary sources. Data is to be collected between the months of May and June 2015. The interviews will provide me with an extended range of opinions to interpret such data and the overall social discourse they form a part of. I am to carry out semi-structured interviews with a purposively selected sample of 20.

The interviews will last between 15 to 30 minutes, they are to be recorded and transcribed. The respondents are to be chosen for their knowledge and experiences either as journalists, editors, analysts or public. The interviews guides were distributed two weeks in advance to prepare respondents, after which unstructured telephone conversations followed. The questions during the conversation are not restricted to the guide, but are to be asked in order of priority and relevance to individual respondent experience and knowledge of the themes discussed.

Charmaz (2002) advises on constant reflections and critical review of questions, to obtain better results and to see where questions do not fit within data being analyzed. This means that each respondent's level in the profession or representation in the media house, determine the nature of questions asked. The structure of the data findings and analysis flows from narratives of respondents.

The data is grouped in three categories as identified in the agenda setting model a) the media; b) the public; c) the policy. The first category the *Media* is composed of editors and journalists from radio, television and newspapers in Kenya. The second *Public* is made up of citizens who witnessed the events. Lastly, the *Policy* category includes media analysts drawn from academia.

3.3 Sample Design and Procedure

3.3.1 The interview process

Interviews and conversations on a personal level provide a glimpse into every day human experiences. They also give clues to the feelings and attitudes of people who help shape the social reality. Gabriun& Holstein (2003) view interviews as the most flexible and unpredictable form of social research, but an effective way of making meaning out of personal experiences. With limited access to the field i adapted new media techniques for the practical aspect of interviewing respondents. These techniques are essential for online messaging and communication. They included Skype and Audacity software.

The choice of this medium was based on Stewart & Mann (2003) suggestions that Computer Mediated Communication (CMC) represent a new format where researchers can interact online and gather data for analysis, without having to go to the field. There are both advantages and limitations in using this medium. For example as Seale (2004) has indicated, I found sources to be forthright with their responses compared to face to face interviews. Appropriate time slots are to be made in consideration of work pressures.

3.3.2 Questionnaire for the evaluation

Questionnaire is considered to be a useful tool for gathering information in this case study. It is to be used for survey research, gathering data or testing a hypothesis. Questionnaires have advantages over some other types of surveys in that they are cheap, do not require as much effort from the questioner as verbal or telephone surveys, and often have standardized answers that make it simple to compile data. However, such standardized answers may frustrate users. Questionnaires are also sharply limited by the fact that respondents must be able to read the questions and respond to them. Hence the individual sent to the case study can relate well with the communities and guide them in getting concrete answers.

3.4 Data Collection Instruments

During the research process and survey of the case study the use of mobile phones, Skype, paper work (questionnaires), websites interaction and many other instruments were used.

3.5 Validity and reliability

To ensure validity and reliability, the researcher used primary and secondary data to investigate the effect of media messages on the political process and audiences, which now forms a basis for analysis. Primary data was derived from telephone interviews, while texts from documents formed secondary sources. Data was collected between the months of May and June 2015. The interviews provided me with an extended range of opinions to interpret such data and the overall social discourse they form a part of. I carried out semi-structured interviews with a purposively selected sample of 20.

The interviews lasted between 15 to 30 minutes, they were recorded and transcribed. The respondents were chosen for their knowledge and experiences either as journalists, editors, analysts or public. The interviews guides were distributed two weeks in advance to prepare respondents, after which unstructured telephone conversations followed. The questions during the conversation were not restricted to the guide, but were asked in order of priority and relevance to individual respondent experience and knowledge of the themes discussed.

The respondents chosen were from renowned establishments and of good standing in society thus their responses are dependable, trustworthy and credible. Most of the respondents were knowledgeable people in the media and those who took part in the rallies thus their responses had the required depth and was given with understanding.

3.6 Ethical considerations

This research paid attention to cultural, political, academic and spiritual diversities of the respondents. Consent was sort and explanation on the need and use of the information that was gathered and the respondents were willing and gave out the information used in this research. Values and worldviews were considered and analysed to come up with the conclusions and recommendations presented in this research. The information given by the respondents in the questionnaires and interviews was used as given without any alterations.

3.7 Summary

This chapter explored the methodology adopted for the study. It discussed qualitative research design,the design used in this study. It also presented a sampling method and argued about the advantages of using this method. The chapter also justified the sample size used. The data collection tools, a questionnaire and an interview schedule, are also discussed in this chapter. Issues of research ethics observed in this study have also been explored in this chapter.

CHAPTER FOUR

FINDINGS

4.1 Introduction

This chapter uses Fairclough's (2003) three concepts, language, social practice, and discourse practice established in the previous chapter to describe and analyze findings. The structure of analysis is based on interviews with journalists, editors, media analysts, Kenyans who witnessed the sabasaba events fever and texts. The first part discusses the social-political factors which inform the social practice. Themes from interviews overlap, but there are specific factors that determine the role of the media in this event such as political coverage, and language use in ethnic radio broadcasts as a social practice.

The *second* part looks at the role of the media in peace building efforts and forms part of the social practice. The third part highlights the concept of press freedom and human rights and moves to the context of media operation and corresponds to the discourse practice.

4.2 Exploring the Context: Factors that inform the Social Practice

Based on findings and interviews, it is clear that news and media reports during the 2014 sabasaba political event were critical in getting the public to fall into crisis. The way information on the ensuing conflict was framed shaped the crisis and determined public reactions to it. This also included generating debates on growing divisions along ethnic

lines. The idea is supported in McCombs and Shaw (1972) argument that the media has power to set a nation's agenda by emphasizing on salient issues.

The model does not tell us if the effects are direct or intentional, but demonstrates the ability of the media to shape discourses within policy and public spheres. The concept is similar to Fairclough's view of *social practice* as a forum where opinions are discursively shaped and enacted (Fairclough, 2001). The analysis follows in the next section.

4.2.1 The Role of the Media in the political conflict resolution -The Social Practice

Despite significant social and political transformations in post-colonial Kenya, tensions bordering on ethnic, economic and political differences remain part of its social fabric and more often contributes to ethnic violence. Mercilla Wamoyi an Editor with the Kenya Broadcasting Corporation (KBC) identifies this discourse. She argues that during the post-election crisis, the public believed reports of election riggings earlier displayed in the media and resorted to violence to justify their frustrations and demand for justice. Some respondents were conscious of inherent social and political rivalry among Kenyans, which formed part of the media discourse. Thomas Bwire, a Journalist with Pamoja FM radio station in Kibera slums says the media was swayed towards certain political and ethnic leanings. This triggered fear since the public thought a repeat of last post election violence and the first sabasaba crisis that happened would come up again and would course a lot of destruction to happen as seen a while back.

The media took political stands which influenced the trend of reporting the grievances that the two parties had and what ODM protesting about. We were unable to fight for our right to be impartial or condemn biased reporting. Though I know taking sides is wrong I couldn't go against my editor's decisions (Interview, 26.02.2011).

Walter Sisuma traces conflicts originating from the 2005 constitution referendum campaign, as having set the stage for the violence. He argues that divisions in the coalition government contributed to hostilities among supporters of rival political parties. Without being explicit, David Akombo a Kenyan Analyst and Professor at Weber State University -USA sees the referendum fallout as shaping the opposition campaign agenda. Using the concept of salience of issues (McQuail&Windhal, 1993) discussed in the agenda setting process, I found that themes such as poverty reduction, settlement of land and economic disparities were used in the campaign and ranked high in the media. In turn, the media worked on the audience insatiable desire for news on conflict to form its agenda. Akombo notes:

The media was extremely influential in the campaigns of both the opposition and the government with each side having their preferred media to propagate political ideologies and controversy (Interview, 24.02.2011).

Generally, Media Analysts were of the view that despite different factors at play, the media shaped and cultivated opinions captured from political platforms and did not offer sufficient analysis of the problem.

As evidenced in the argument in chapter two that the media mirrors the society, respondents suggested that the media was trapped in social themes including youth unemployment, and escalating violence in the country and failed to explain reasons behind the crisis. Jackline Opar who witnessed the crisis explains that, it was the duty of the media to report the crisis, but it had no control on how the audience would react. She explains:

The announcement of election results on Television triggered youth from the slums and supporters of ODM to demolish property and unleash violent mayhem. The ensuing chaos heightened a sense of insecurity causing Kenyans who had previously lived side by side to become suspicious of opposing tribes (Interview, 23.03.2011).

Opar's comment implies that the audience was in a state of anxiety and needed a voice of reason, which was lacking at that time. So she explained this in the view that this crisis fresh in the minds of many Kenyans would install a lot of fear that the same crisis would hit this country in the sabasaba events.

4.2.2 Language as a Social Practice- Ethnic Radio and Conflict in Kenya

Discourse analysis as a theory shows how language is not just a medium of communication, but shapes political and media ideology. Fairclough argues that language employed in forms of communication has contributed to inequalities in social and political structures (Fairclough, 2001). Indeed, going by this view, messages in ethnic languages gained special legitimacy through being broadcast over the radio, which is a

particularly valued and authoritative technology. Respondents point out that some of these broadcasts amounted to hate speech and spurred people to violent action, who might otherwise have stood on the sidelines.

Anthony Wafula a Media Consultant and Analyst in Nairobi explains that radio messages reach a mass audience simultaneously, but are not received and perceived with the same interpretations, thus all kinds of outcomes are possible. As I earlier discussed in the introduction, hate centered language endangers receivers' rights to information, and challenges privileges given to journalists in their work. According to interviews, Kameme FM (*Kikuyu*) and KASS FM (*Kalenjin*) used hate language to fuel ethnic hatred and animosity among Kenyans. Davies Wanyama, who worked as an Election Presiding Officer in the Nyeri, notes that broadcasts from the mentioned radio stations encouraged ill feelings against other rival communities. While announcers gave a lot of air time to people expressing negative sentiments. Wanyama notes:

KASS FM was common for saying “ngoakwekwemsumbufu” which means uproot the stubborn weeds. This phrase was used on the radio every day. Those aligned to other parties like PNU, and ODM-Kenya were attacked and treated like outcasts in the Rift Valley, an ODM stronghold (Interview, 28.06.2015).

Respondents perceived that although interactive shows inspired audience participation, and implementation of policies at grassroots levels, to some extent they were used as platforms for listeners to relay destructive sentiments. From the data, it was evident that

new tools of social communication such as, text messaging and Facebook hastened the spread of information. Walter Sisuma points out:

Audiences reported back the number of people they had evicted. These stations thought they were getting glory from such programs, yet they did not know that they were messing up the situation...instead of relaying messages of peace they were broadcasting what I can say was destructive (Interview,03.06.2015).

Several respondents singled out Radio Victoria (*broadcasting in Luo*), as calling on audiences to actively participate in mass action organized by ODM political leadership. For instance, Wanyama says “the radio station gave explicit suggestions to voters, on how to deal with members of communities perceived to have voted for rival parties” (Interview, 25.06.2015). While, the agenda setting theory does not determine the direct influence of media messages on audiences, Joseph Wakungu an Editor at Radio Waumini- a Catholic Radio Station demonstrates that certain themes reinforced from foreign framed the post election violence as a tribal war between Kikuyu and Luos. Wakhungu argues:

The interplay in the reportage worked up emotions of conflicting groups and resulted to revenge attacks. Those aggrieved felt a need to retaliate while perpetrators exercised their intent to destroy (Interview, 26.06.2015).

Respondents see the ICC case against the KASS FM journalist as evidence that the said crimes were committed. But, most of them refrain from linking the ethnic radio stations to the Rwandan hate radio (RTL) as portrayed in arguments discussed earlier by Somerville. However, Wafula cautions that Kenyan ethnic radio stations were closely heading in that direction. “Ethnic radio stations downplayed the extent of the crisis and instead reinforced the growing ethnic rivalry among Kenyans, while politicians manipulated the ethnic differences in their political statements later relayed through the media” (Interview, 15.06.2015).

Various human rights actors have criticized the way the media handled the crisis. For instance, the KNCHR (2008) report records that since the 2005 referendum up to the election time and the sabasaba events, politicians employed imagery and idioms in the campaigns which did not only ridicule their opponents, but were aimed at entire ethnic groups. The report states:

Kikuyus, who circumcise their male children, profiled Raila Odinga and the Luo community, who do not circumcise as unfit for leadership and ODM aligned communities such as the Luo and Kalenjin projected the Kikuyu as assuming always the right to lead the country, as well as being arrogant, grabbers and corrupt (KNCHR, 2008). This was enough reason to trigger fear and confusion during the past sabasaba events and this was enough reasons to make Kenyans preach peace during this times. It was evident that the media was not that heist in reporting the proceedings in ethnic lines but it was more of preaching peace and what idioms and ideas were being portrayed. This helped in

making the country calm as opposing the times of election where the crisis was mostly caused by the media having ethnic stands.

4.2.3 The role of the media in peace-building as a social practice

Respondents generally agree that the media took an active role to report on the peace process that followed the crisis of the post election violence. Particularly, in terms of monitoring policy decisions that led to the signing of a Memorandum of Understanding (MoU) between the two principals. They indicate that the public and politicians were engaged in dialogues at different levels on how to consolidate existing power struggles and ethnic disparities at the time of the elections. While it is widely accepted that the peace accord was a positive step towards stability, some respondents still see unresolved injustices as a hindrance to peace and democracy in Kenya. David Akombo a Media Analyst points out:

Kenya has a history of political grievances ... there has been pressure for the judiciary to prosecute crimes in the past 20 years going back to assassination of political figures, but things have been slowly in Kenya and other parts of Africa...the next election will come before any justice is done for the victims (Interview, 02.07.2015).

What Akombo is suggesting is that peace building efforts can only be sustained if the Kenyan leadership defines its priorities, whether to try perpetrators of the post election violence as opposed to solving injustices committed in the 1990's tribal clashes. However he argues that there was an adequate coverage of the peace negotiations and outcomes of

the AU-UN backed peace deal, while emphasis on deplorable conditions of IDP's initiated relief support from the government and international humanitarian agencies. Annie Arogo a Freelance Journalist in Nairobi recognizes efforts by the media to inspire peace. "The media called for an urgent settlement of the crisis in their editorials and commentaries" (Interview, 08.07.2015). Most respondents say the media enhanced peace after the crisis by reporting and monitoring the implementation of key agendas of the peace accord. The accord called for long term solutions for historical and political conflicts in Kenya and supported peace building efforts. As Arogo argues:

The media has performed reconciliatory roles, in bringing warring communities together. Some TV stations like KTN have taken a concise stand on human rights and peace campaigns. The stand speaks to the leadership, and may not only set an agenda but prompt change (Interview, 08.07.2015).

On the other hand, Ann Mikia a Radio Trainer with Internews an American based media agency says, there has been consistent dialogue between media industry stakeholders to identify and rectify weaknesses recognized as a result of the post election violence and election coverage. She adds that there is a general improvement in the observance of media laws and ethics as it is evident in how the coverage was done in the recent sabasaba events in 2014. Mikia is optimistic and hopes that journalists will take up their responsibility to safeguard the public against hate messages:

As to whether journalists will act responsibly is another question, theirs is to inform on what is happening not to take sides or be seen as perpetuating violence among the communities (Interview, 17.07.2015).

Mikia singled out the National Cohesion and Integration Commission (NCIC) act established through the National Reconciliation Act of 2008 to sensitize politicians and the media against the use of hate speech, as a step in the right direction. The mandate of the commission is to facilitate and promote equality of opportunity, good relations, harmony and peaceful coexistence between persons of different ethnic and racial backgrounds in Kenya and to advise the government. The Act, holds any newspaper, radio station or media enterprise which publishes hate related utterances liable to hate speech offence and enforces fines or prosecution for offenders.

4.3 Media freedom and human rights -The discourse practice

Gunther and Kress (1998) have put forward that news is a discourse, while news production is a discourse anchored by the ideology of news producers or owners of the media house (cited from Watson, 1998: 116). The process of news production can be related to Fairclough's view of discourses practice as ways in which discourses are produced and disseminated through the media (Fairclough, 2001). In this case, news production process is guided by specific values such as, novelty or newness of an issue, prominence, conflict, human interest among others. Tervil Okoko Chairman of the East African Journalists Association (EAJA) explains that these values are either culture free or linked to cultures within the context of the media. However, the analyst notes that in

Kenya, the production process is not independent and can be influenced by different factors including ownership, political ideology and media agendas.

Drawing on ideas of press theorists (McQuail, 2010) in chapter two, the core function of the media is to produce and disseminate information to the public but, the level which the media agenda shapes the public agenda or discourse depends on the credibility of its information and whether it is free and independent. Going by this notion, respondents suggest that the mainstream media in Kenya was instrumental in educating voters on their civil and democratic rights. This section of the media sustained debates on various issues of social justice through its newspaper articles and TV documentaries. Anthony Wafula notes:

Reporting on consequences of the violence such as, loss of life and property put pressure on the Coalition Government to open avenues for reconciliation and national dialogue. After the crisis the media has worked as a force to call for accountability on crimes committed during the conflict and also bore witness to the crisis by documenting grave violations of human rights (Interview, 15.06.2015).

While Arogo, mentioned earlier avers that the media in Kenya currently strives to create awareness on human rights issues, especially the aftermath of the 2007 violence like showcasing the lives of the IDP's. She further notes that other media related NGO's like the Association of Media Women in Kenya (AMWIK) are bringing warring communities

together. They do this through combined activities and radio listening groups where participants interact and share peace messages.

As mentioned earlier, the legitimacy for the media is dependent on the message and intent. Arogo says that after the crisis, the message on vernacular radio has changed, frequently highlighting on human rights issues and refraining from inflammatory comments, and again very evident in the sabasaba events which though feared that crisis would occur preached peace hence the protest was very peaceful. As regards to Media Freedom, Xavier Ouma a TV Producer with KTN informs that although the free operational environment has attracted investors in the media sector, it also presents challenges and opportunities for practice. Ouma notes:

The media in Kenya is free to a point that journalists can express themselves as long as they do not go overboard to incite wanainchi (citizens) over a national matter. The Media Council of Kenya encourages us to observe professional ethics through objective and fair reporting (Interview, 28.06.2015).

He says in a bid to transform the conflict environment to a peaceful one, the Media Council of Kenya advocated for openness and information sharing. The council urged journalists to adhere to media guidelines and precincts of press freedom. Most journalists were of the view that the media situation in Kenya has changed from what was experienced in the previous regimes. Compared to other African countries, they said that the Kenyan Media had realized its rights and freedoms as supported by the Freedom

House (2010) index. The index lists Kenyan media as fairly free. But, Paul Kamau an ICT Trainer at Kenya Science College recognizes that although the media enjoys wider freedom, there are still certain infringements on freedom of expression and of assembly leading to violation of other individual rights.

There is convincing evidence that media freedom in Kenya has also catalyzed unfavorable ethnic commentary. In this view, Vannessa Mayombe a radio intern with Pamoja FM said that in most cases the message is taken seriously by listeners who understand the language. “Commentary in ethnic language has the ability to generate stereotypes that depict one community as less human than the other” (Interview, 22, 06.2015).

4.4 The context of media operation in Kenya

On the legal situation, media analysts point at gaps in legislation as reasons for the failure of journalists to be critical in their reporting. They were concerned that Kenyan laws on freedom of expression and of the media are vague and leave loop holes for practitioners to abuse media freedom, especially in talk shows and commentaries. Musa Ouma of the Correspondents Association of Kenya (CAK) suggested that there are extensive limitations to freedom of expression where these rights are interpreted in the interest of defense, public safety, order, morality and health.

His argument is based on the provisions in Article 35 of the Kenya constitutional Bill of Rights. The constitution gives citizens the right to access information provided it is in the

pursuit and protection of other rights and fundamental freedoms. Like most journalists and editors, he argued that other laws which challenge the work of journalists are libel and defamation. Additionally, there are other inhibiting laws covered under the government's Information and Communication Act.

Ouma further elaborated that some government backed legislation proposed after the post-2007 crisis contains sections which if implemented will hamper "media freedom". He fears that the laws could increase government control over the sector. In this regard, I established that media industry stakeholders are still fighting to get amendments done on the act. Secondly, legislation is often used as a weapon against media freedom. According to Ouma, laws implemented in 2002 introduced extremely high penalties for media houses and practitioners caught up in litigations. The laws require publishers to submit an expensive insurance bond in order to operate, something many small private newspapers cannot afford. Ouma sees this as a challenge and suggests that:

Liberalization reforms established in 1990's must be constantly reviewed and harmonized with international provisions of press freedom as hallmarks in the new constitution, which many see as source of hope in the preservation of Civil and Political Rights (Interview, 23.06.2015).

As regards to journalists rights, respondents pointed out that working conditions for Journalists in Kenya varied from one media house to another. They said that this scenario hindered their effectiveness as conveyors of information. Some argued that those

employed are poorly paid and in constant fear of losing their positions, given a lack of job security and increasing competition in the media market. TervilOkoko notes:

Working conditions for journalists in Kenya are not favorable, either their rights have been violated and abused by their employers or news sources. The legal provisions are not adequate to provide journalists with protection, while employers can abuse their rights to fair pay (Interview, 16.06.2015).

Okoko adds 75% of news content in newspapers radio and television is sourced from correspondents, who lack formal contracts with the media houses, yet they continue to work and provide information that the media survives on. In this case, Okoko views that freedom of the press, free market economy and existence of journalistic codes of ethics are not sufficient conditions for the development of fair and ethical journalism practice. He explained that in the past the Kenyan government has used its powers to ban publications, arrest vendors, search and seize broadcasting equipment and intercept communications. It also exerted control over journalists, on grounds that they were “compromising public safety”.

Apart from government harassment, the media is also criticized for flouting ethical guidelines. The BBC World Service Policy Trust notes that there were a lot of unverified conspiracy theories of plans to rig the elections:

The media published serious allegations bordering on incitement, outright misleading statements by politicians gave a field day to political propagandist. The media seemed

content to report them in descriptive terms, only quoting the sources and at times the counter arguments, and only rarely pointing out the contradictions or putting to task the politicians leveling the allegations to unequivocally substantiate the claims (BBCWST, 2008).

In general, from the interviews it emerged that media houses took sides in the run up to the 2007 election but this was not the same during sabasaba events. Most editors were compromised while some media houses became sensational and unnecessarily alarmed their audiences. It is evident from data for this analysis that live broadcast of vote tallying of the 2007 election results and the visible acrimony of political leaders inflamed tensions, bringing the country to a near collapse. However the media has learnt better and now they are portraying good and informed coverage with no or little compromise.

4.5 Summary of findings

1. Findings indicate that omissions of key concepts of press freedom in Kenya's fundamental laws, hampers the democratic role of the media. It also limits the effectiveness to address socio-political issues that inform the human rights agenda. However, ethical issues raised here are not related to restrictions on freedom of the media. Rather, they arise from some sections of the media abusing their freedoms indirectly and contributing to the violence during the post-election crisis but concurrently enhanced peace during the sabasaba events in 2014. These findings indicate that media freedom in Kenya is not directly co-related with a responsible

ethical performance of the media, as the situation in democratic states elsewhere in the world demonstrate.

2. Even though there are positive impacts made by the media in attempts to foster peace, there is a general feeling among analysts that the media in Kenya has failed to condemn human rights violations of the past election. The most highlighted concern is the resettlement of IDP's, and prosecution of perpetrators of violence. There is a general consensus that so far, the government has done little to resettle victims of the crisis who still live in deplorable conditions and lack access to basic amenities such as water and sanitation. Overall, respondents have an understanding of the role of the media as an agenda setter for human rights and acknowledge it for exposing electoral malpractices and institutional corruption, which has characterized the Coalition Government since its inception.

3. At the same time, respondents said the media was instrumental in calling the audience to calm thereby balancing the wave of the crisis. Although this essential role came late, it has been underplayed in major reports in the crisis. From the analysis it is difficult to argue for absolute media freedom based on subjective media ethics, such as impartiality, accuracy, and responsibility to report. Free media space in Kenya has also seen a downhill trend in Journalism ethics. I argue here that effective self-regulation is the most appropriate way to deal with professional and ethical issues relating to the media. However in the absence of strong democratic structures including free and fair elections, an independent judiciary and a vibrant civil society

there is a potential for states to abuse media freedom. There are significant efforts towards promoting human rights and peace, but the Kenyan media lack of impartial and analytical reporting contributed to the post 2007 crisis which has changed significantly during the latest political controversies the likes of sabasaba events in 2014.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This thesis has attempted to analyze the concept of press freedom and the role of the media in conflict and peace building, as exemplified in the case of the sabasaba events in Kenya 2014. It also aimed at examining how the media can set the human rights agenda through peace building initiatives within its institutional framework and the Journalism profession. Discourse analysis and interviews constituted the research method. Textual material in relation to the research topic was used to support arguments and analysis.

The research was informed by McCombs and Shaw (1972) Agenda Setting theory, on how the media can influence policy through shaping public opinions. The analysis and findings sought to answer research questions on; a) the role of the media as an agenda setter for human rights; b) the role of the media in enhancing violence; b) the role of the media in peace building efforts; d) the context in which the media in Kenya operates. This chapter outlines key findings and gives recommendations for policy and practice.

5.2 Key Findings

The Kenyan law on freedom of the press and of expression relies on Article 19 and 20 of the ICCPR. Specifications in these articles are reflected in its constitution. They support the promotion of civil and political liberties. However, the laws do not give a clear distinction of action when the media directly inspires violence, or simply reports the advocacy of hatred or violence by politicians and others. The media in Kenya is still

politically biased and sustains specific political ideologies depending on who owns, and controls its production resources. Politicians have invested in the media and use it as platform to propagate their interests, thereby endangering the democratic pre-requisite for the media to be free and independent. Ethnic radio stations operate in the same way. They are poorly managed and open to political manipulations.

Generally, this analysis indicates that politicians have increasingly used hate speech to incite communities to ethnic violence and advance their political and personal agendas. It also emerged that journalists in Kenya are ill prepared to cover violence, while media owners and managers frequently influence the editorial content. Despite its instrumental role in Kenya's political processes and human rights, the media still needs to rally, re-focus and set the public agenda.

5.2.1 Media freedom and responsibility

Media freedom is essential in any journalistic work. It is not a privilege, but an obligation for journalists to apply its use responsibly in the advancement of democracy and other human rights. Although Kenyan media enjoys wider freedom compared to other countries, political and commercial constraints hinder their independence and integrity. The manner in which the media reported the post-election violence uncovered deep seated ethnic divisions as opposed to the sabasaba events meaning the media is growing in how it is reporting. Various media houses took obvious positions for or against the political divide. The ensuing violence moved from angry demonstrations about

presidential results to clearly organized violence against specific targets with an ethnic character.

This paper establishes that the media played a role in enhancing violence as well as inspiring efforts to build peace. However, there are indicators that causes of violence were rooted more in political, social and economic problems rather than primarily ethnic disparities. The violence experienced in that period and after, led to violations of human rights. It calls for solutions to future occurrences of violence. It suggests that the media as a voice of society can also serve to preserve, protect and promote human rights and transform conflicts.

5.2.2 Media and Peace-building

Conflict resolution processes require concerted efforts from human rights actors, social - community networks and the media. In essence, media owners, editors and journalists cannot simply escape responsibility for their actions. As this study has indicated journalists can be powerful individually and collectively, but they can also be manipulated very easily if they deviate from issues of substance and dwell on trivialities. The post-2007 case serves to point at the potential abuse of media freedom in vulnerable political societies. This thesis recognizes that in conflict situations, some states could muzzle the media on the pretext of protecting public order and safety.

However, it determines that controlling the media is not a solution, but a violation on individual and societal rights. Though self-regulation is seen as a favorable option for a sustainable media practice, there is need for an interpretation of human rights law on freedom of the press and of expression to prevent future violations. This thesis demonstrates that certain rights for instance; freedom of expression and of the media, justice and peace could conflict if given different interpretations. Since the post election media has come up to produce relative news though not fully but it is seen to have changed greatly as evident during the sabasaba events.

5.3 Conflicting rights

The notion of conflicting rights generates various opinions as to whether in some cases one set of rights can conflict with another. A “right” by definition is absolute - this distinction separates a right from an aspiration or a moral claim generated by a contract and accompanied by a correlative duty (Jones, 1994). If two “rights” conflict, it can mean that one right is emphasized more than the other or two rights demonstrate similar characteristics. Rights originated from the liberal principle of freedom, equality and justice. But, today society has become competitive over right claims and obligations.

5.3.1 Press Freedom and Freedom of Expression

Press freedom and freedom of expression are two areas of rights that may sometimes clash. On one hand a media practitioner’s right to access and disseminate information is protected under “press freedom”, while as an individual within the state he/she enjoys right to information and expression of opinions , as long they do no conflict with other

people's rights. According to findings and analysis, the outcomes either way are not easy to predict.

Journalists in Kenya, like elsewhere in the world will likely equate the two, albeit to use their right to freedom of expression to deny the same rights to others. The media in Kenya enjoys a level of freedom but there are certain infringements on freedom of expression and of assembly leading to violation of other individual rights. Arnheim (2004) has argued that media freedom is not equivalent to freedom of speech or expression, but more than that. It can actually be inimical to freedom of speech for all (Arnheim, 2004:62).

According to respondent's points of view, journalists in Kenya wrongly interpreted the context of press freedom and aired opinions from the public and political expressions, which amounted to hate speech. In essence, there was no credible evidence in the accuracy of some of the information disseminated through the media during the crisis. In this regard, the media abused its own freedom by misleading the population to resort to violence as an expression to claim for rights and justice.

5.3.2 Justice and peace

In the aftermath of the conflict Kenyans demanded that justice for crimes committed must be achieved before peace is established. Peace and justice may clash at times, while striving for justice could imply that violence is justifiable. In reality just peace emphasizes on negotiations that can lead to the achievement of common views which

help in building consensus on what justice might mean in specific circumstances (Pierre & Alexis, 2006:5). Although several authors on peace and justice explicitly outline and advocate specific cases for “justifiable violence”, alternative and non-violent ways are preferred for conflict transformation ideals (ibid).

Findings for this thesis are indicators that even though the process of acquiring justice after crimes is challenging, its accomplishment enhances long term peace settlements favorable to parties initially engaged in conflict. As analyzed earlier, approaches to justice and peace in Kenya may take time especially since political conflicts originate from disagreements based on ethnic identities and past injustices. Identity differences have tended to derail the peace process and rekindle flames of violent conflict through the search for “justice”, particularly because not all stakeholders have the same agenda when it comes to resolving conflicts or winning political points (Pierre & Alexis, 2006:7).

In a human rights context, right to peace is based on universal norms of life, liberty, justice, solidarity, tolerance, respect to human rights and equality between men and women, while violent conflicts are not endemic part of the human condition (Roche, 2003:2). These ethical values that transform a culture of war and violence into a “culture of peace” can be drawn from UNESCO’s principles. The principles recognize tools of social communication (media, education and culture) as vital channels through which dialogue between conflicting parties occur. Their success depends on the existence of institutional policies and political structures that promote peace.

5.4 Limitations of the study and implications of further research

In this study, it was difficult to acquire broadcast transcripts that included clear evidence of incitement or hate speech due to lack of effective media monitoring systems in Kenya and access to media houses. On the legal basis, without evidence there is a risk that the media could breach laws and morals. The proof of the media intent to violence or hatred has been a conviction beyond doubt that the information published creates an imminent risk of discrimination, hostility or violence against another person (ARTICLE 19, 2009:15).

Limited space allocated for this paper resulted in a narrow focus on other themes that could cover the general scope on press freedom and peace building. However, the study attempted to include data from different categories of respondents in Kenya including journalists, editors, analysts and citizens who together formed a reasonably representative sample. Further research should examine the significance of ethnicity and how it influences the media and institutional practice. More research is needed to establish how conflict situations affect Journalist's Endeavour to be objective agenda setters.

Research should explore the possibilities of post conflict transformations created by the New Media. The study could be analyzed in parallels to the massive demonstrations and regime change in recent history in Tunisia, Egypt and Libya, particularly the use of social media such as YouTube, Twitter and Facebook. The effectiveness of these kinds of media in setting a global agenda should be considered for research.

5.5 Recommendations

Findings in this study indicate that the role of the media especially radio to reinforce attitudes in the society cannot be under-estimated. Therefore, restrictions of freedom of the press and of expression should be clearly and narrowly defined to ensure that they do not infringe on legitimate speech or go beyond the scope of harmful speech. Suggested measures to prohibit the abuse of media freedom and promotion of peaceful co-existence include:

A review of Kenya's media legislation

The effective performance of the media during periods of crisis requires harmonization of laws on “hate speech” to protect against the infringement of media freedom. The media requires collaborative efforts from the international community and local human rights organizations to pressure the government institutions to improve legislations enacted. The media and government together must find ways to respond to abuses of media freedom without violating human rights principles on freedom expression and equality. Such measures have already been taken in similar situations at the international level.

For instance, in the ICTR- Media Trial four media practitioners were found guilty of genocide, incitement to genocide, conspiracy and crimes against humanity for abusing their journalistic freedoms (Thompson, 2007:2). The case raised important principles concerning the role of the media in conflicts, which have not been addressed at the level of international criminal justice since Nuremberg. The trial of a Kenyan journalist at the

ICC for crimes against humanity further shows that the power of the media is increasingly being abused and could endanger enjoyment of rights.

Enactment of a progressive media policy

1. There is need to revamp media monitoring systems by civil society and research organizations. Such monitoring should be systematic and effective in documenting evidence of incitement and malpractices perpetrated via the media. The documents gathered by these organizations will be helpful in determining the intent of violations. The government, in consultation with all stakeholders in the media industry should enact a progressive media policy. Such policy can strengthen and empower the media sector, as well as acting as an impetus for the growth of the industry. The policy should be inclusive of issues that deal with cross-ownership of the media, allocation of frequencies and policies that balance local and foreign content.

Strengthening the Media Council of Kenya

1. Data analyzed establishes that, the Media Council of Kenya (MCK) safeguards the rights of journalists through monitoring policy and legal frameworks. The council mandate should be expanded to check on professional guidelines and ethics within the media industry and advice on possible threats to media freedom. The Kenyan media almost always reach a crossroad in conflict situations having previously never been prepared, anticipated or build the capacities to deal with such situations.
2. Capacity building activities and self-regulation initiatives can be spearheaded through MCK in collaboration with local and international development partners. There

should be consistent dialogue between the media industry stakeholders to identify and rectify the weaknesses recognized as a result of the post-election violence coverage. Generally, media houses should strive to improve the observance of media laws and ethics and promote effective self- regulation.

Moderation in local language broadcast

1. This study revealed that some ethnic radio stations incited fear and hatred particularly, at the height of violence. Local language radio stations are increasingly biased and flout codes of ethics. Talk shows on these radio stations represent a greater risk on media freedom, while talk hosts need to be sensitized on the value of responsible reporting. Although local language and mainstream media played an important role in calming the violent situation and promoting dialogue, there is a need to strengthen that role by supporting genuine and independent media which form a critical contribution to lasting peace.

Training in conflict sensitive Journalism

1. Media practitioners need to be equipped with conflict sensitive reporting skills. Kenyan news media should invest and develop a journalism practice that can cope and address critical issues underlying conflict situations. In terms of election coverage, media houses need to be advised and provided with guidelines in time, on how to handle the release of election results. They should work together with the Electoral Commission and verify results to avoid speculations. The role of the media as watchdog should serve to expose and condemn election malpractices.

Improving working conditions for Journalists

1. Poor remuneration and lack of safety for journalists hamper a free and plural media.

Substantial progress in strengthening the media will not be possible unless the working conditions of journalists are improved. Recognizing the importance of the media as a system of checks and balances in a democratic society, the author is suggesting innovative funding schemes to strengthen the sector. Such initiatives can support the Journalism profession to perform its civic duty. This kind of support is necessary in upgrading media enterprises and sustaining their resource and technical capacity. With these initiatives, the media can be self-reliant and break from political and ethnic shackles that hinder their work as gatekeepers and agenda setters for human rights.

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Appendix 1: Interview Guide

Press freedom and Media's Role in Conflict and Peace- building

Case of 2014 Saba Saba in Kenya

Kenya's media particularly the community-based radio stations played critical roles before and after the Kenya's Saba Saba events. While in some case they provided important information on the event and called for calm, in other cases, they have been charged with inciting violence through the dissemination of hate speech (Kriegler&Waki Report, 2008).

Please use the interview guide to provide responses to questions regarding the state of the media in Kenya, particularly its role in the violent aftermath of the December 2007 elections and the Peace process that followed that was an image to how reporting and coverage done in the Saba Saba events 2014.

The Role of the Media in Peace and or Violence

1. According to the agenda setting theory, the media has a powerful ability to create and influence public awareness and concern of salient issues. In your opinion, does this reflect the reality of the media in Kenya? Do the media operate in a free environment? What are the limitations?
2. Comment on the role of the mainstream vis-a-vis the ethnic radio role in Saba Sabain Kenya?
3. What role did the media play in the reporting of both the opposition and the government how did this affect the Saba saba events?
4. What is the role of the media currently as regards to highlighting human rights issues, especially after the Saba saba events? Please comment on the vernacular radio stations?

Freedom of the Press and Human Rights

1. What factors do you think have affected the ability of the media and journalists in Kenya to be effective agenda setters for human rights?
2. What role did the media play in exposing and highlighting election malpractices and other human rights violations? And how did this come up in the sabasaba event in its coverage.
3. In general, would you say the media has played: an important/crucial, small role or no role - in Kenya's human rights situation?
4. Comment on the role of the international community in general in Kenya's political and human rights situation?

Beyond the Saba saba events

1. What have been some of the lessons learned in the aftermath of the post-election violence that helped to prevent another one to happen after the sabasaba events?
2. How have government and civil society responded to the role played by the media in Kenya's recent sabasaba events?
3. How has the Kenyan media itself addressed some of these criticisms?
4. What role has the media played generally, in conflict situations?

Your responses will be used only for the purposes of academic research. University and research ethical guidelines will be strictly adhered to.