AN ANALYSIS OF THE MEDIA PROGRAMMING CODE IMPLEMENTATION ON LOCAL TELEVISION CONTENT IN KENYA

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DECLARATION

Declaration by the Candidate

I declare that this research project is my original work and has never been submitted for any degree in any university or college for academic award. No part of this research project may be reproduced without prior permission of the author or the University of Nairobi.

Signature..**Date**..

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Declaration by the Supervisor

This research project has been submitted for the award of a Master of Arts degree in Communication Studies to the University of Nairobi with my approval as the assigned University Supervisor.

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DEDICATION

I dedicate this research project to my nieces and nephews Nicole, Ashley, Hawkins, Daryl, Na'Delle, D'Arrionne and Z'Eyanne, (The Millenials). This here is a "baton" I gladly hand over to you to carry on with this Academic "relay".

ABSTRACT

This study sought to analyse the implementation of the media programming code on local television content in Kenya. The specific objectives were to find out the factors that influence competition among Kenyan producers, to determine the producers' acceptability of easier to use upgraded audio-visual technology, to investigate ways in which audience reception impacts the type of content produced and to establish the factors that hinder the implementation of the programming code on broadcasting of 40% local television content in Kenya. The study used a mixed methods approach. Questionnaires with both open and closed ended questions were administered to 153 respondents together with 5 Key informant interviews. The data was classified into thematic areas within comprehensible patterns and analysed. Descriptive research design was applied in obtaining secondary data through content deduction. The gathered qualitative data was analysed using deductive content analysis approach while the quantitative data was coded and analysed and presented in form of tables, graphs, diagrams and pie charts. The study found that the media programming code on local television content has not been fully implemented and that is why there is still a large percentage of foreign television content on Kenyan televisions. The study also revealed that majority of the independent producers had upgraded their audio-visual production technology in line with current standards and requirements for broadcast content acquisition. The study further established that the broadcasting sub-sector lacks a proper television content commissioning procedure. The study also revealed that the broadcasters have circumvented the regulations of the programming code and in some instances the broadcasters insist on retaining the copyright of independent producers 'content. The study concluded that the interest of the public is not represented as foreign programming is still largely on air. The study further concludes that the non-implementation of the media programming code on local content has worked against the principles of competition and diversity. This study recommends the full enforcement and adherence to the media programming code with a firm devotion to the principles of communication in the formulation and implementation of all the existing television broadcasting regulating Acts on local audio-visual television content.

ACRONYMS AND ABBREVIATIONS

CAL	Content Aggregation Limited
CA	Content Aggregator
CAK	Communication Authority of Kenya
DVD	Digital Versatile Disc
DSTV	Digital Satellite Television
FTA	Free-to-air
IP	Independent Producer
KBC	Kenya Broadcasting Corporation
KBS	Kenya Broadcasting Service
KTN	Kenya Television Network
KECOBO	Kenya Copyright Board
KFC	Kenya Film Commission
KBC	Kenya Broadcasting Corporation
KFCB	Kenya Films Classification Board
KFTPA	Kenya Film and TV Professional Association
KSG	Kenya Scriptwriters Guild
KR	Key Respondent
OTT	Over the top
VOD	Video on demand

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CHAPTER ONE

INTRODUCTION

1.0 Overview

This chapter provides an overview of the implementation of the media programming code on the local television content process in Kenya, discusses its background, defines the problem statement, the research questions and objectives. It provides the justification and significance of the study.

1.1 Background

The liberalisation of airwaves in Kenya by the Communication Authority in the 1990's led to the launch of many new television stations that currently compete for viewership. This significant change in television broadcasting has largely impacted the production of local audio-visual television content. The viewers in Kenya are consequently exposed to a range of television stations airing a variety of programming. This has over time called for the need for regulation. In the United States of America, the structure of broadcast guideline ensures the existence for locally created informative television programmes. This has traditionally been thought out as an imperative element of a station's fulfilment of its obligation of serving the interests of the public. The Federal Communications Commission (FCC) undertakes to ensure that the informational programmes in local news bulletins and public affairs programmes serve to inform the needs of the local community.

The FCC makes it standard for licensed broadcasters to avoid engaging in activities that benefit the public as reciprocation for being allowed to use the public airwaves. According to FCC such commitments involve ensuring that the views and voices in the digital television programmes reveal the diverse nature of the country's general public. It also ensures that the American broadcasters are sources of safe and healthy information for the public. This protects the same public and the interests of the minors and vulnerable groups from exposure to risky audio-visual content. The broadcasters are duty bound to provide alerts to the public on national issues, local emergencies and events. The members of public who are either hearing or visually impaired have the right to access this information like the rest.

In 2005, the South African Independent Communications Authority (ICASA) legislated under section 61 of the Electronic Communications Act (of the amended Act 36 of 2005) for South African broadcast set of laws in the communications agenda. These set of laws serve to assist in the development, protection and promotion of national and provincial uniqueness, character and culture. In order to realize this, the set of laws seeks to encourage broadcast for programming content developed under the South African creative department.

The programmes have a South African uniqueness while recognising the multiplicity of all South African cultures. The regulations equally develop a television subsector that is fully run and controlled by South Africans in order to set up a lively, creative, vibrant and economically industrious South African television subsector.

Regionally, the media policy in Rwanda focuses on revamping the policy that was initiated in 2011. The aim of this is to enable environments, institutions and progressive media laws to not only consolidate but offer sustainable development. This policy is based on the simple but authoritative idea that an informed citizenry reveres democratic governance, development and sustainable peace. Additionally, the policy is inspired by the fundamental principles of freedom of speech and opinion, free access to information, media freedoms and their relationship to the pursuance, attainment and sustainability of a free, secure, united, reconciled and democratic Rwanda as envisioned in its Vision 2020 blueprint. This policy is grounded by the tragic historical era of Rwanda, the role of the media and the National Constitution of 2003 and the international legal mechanism under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights as supported in the constitution.

1.1.1 The Media Programming Code and Local TV Content Production

The media programming code on local television content programming was formulated following legal requirements proposed by the Kenya Information and Communications Act of 1998, and the 2009 Kenya Information and Communications Broadcasting Regulations. The regulations mandated the Authority to establish the media Programming Code that lays out the standards for broadcasting of programmes as outlined in the ICT sector law. This code was consequently published in the December 2005 edition of the Kenya Gazette.

In line with the Communications Authority, the media programming code has the main objective of enforcing the media programming code that entails protection of the interests of television content consumers predominantly children through the broadcast watershed period. The code requires that all radio and Television broadcasters transmit audio-visual television content that is suitable for general family audiences during the watershed period of 5:00a.m to 10:00p.m. The media programming code is against the broadcasting of content containing scenes that are rated as adult content by the Kenya Film Classification Board, or those with a language that targets adult audiences during the watershed period.

The media programming code outlines the least amount of airtime that is allocated for local audio-visual television content. As laid out in the terms and conditions of the licence, Television broadcasters are supposed to meet the 40% local television content quota within the initial year and ensure that they increase the same to 60% within their fourth year of operation. Adherence to this provision was expected to create jobs for the youth while nurturing talent in the creative arts industry in Kenya.

A recent study by Globetrack commissioned by the CA (See table 4.4) revealed that out of the 5 major stations that command the largest viewer market share in Kenya, only KBC has attained the mandatory threshold at 42%. The media programming code on local audio-visual television content requires that broadcasters promote the gratification and appreciation of all the television programmes broadcasted by their stations for the sake of persons living with disability. All Kenyan Television broadcasters are obligated to avail a sign language interpreter for their news bulletins, programming events of national importance and broadcasted information of emergencies. The media programming code also outlines the need for the protection of the rights of privacy while guarding the intellectual property rights of all audio-visual television content producers. The same code makes possible the access to unbiased news bulletins and other genres of television programming that are essential to nurturing a democratic way of life in Kenya.

In the process of seeking for the regulatory approval, the Media Owners Association (MOA) provided a media programming code to the Communications Authority. The Director General of the Communications Authority, Mr. Francis W. Wangusi said that the Authority had reviewed the proposed MOA's code.

He pointed out to MOA the areas that needed to be reviewed before submitting a revised version for further consideration by the Communication Authority. The Kenya Information Communication Act, under section IV A (1998) mandates the Communication Authority of Kenya (CAK), as the country's broadcast regulator.

The functions of CAK include regulating the broadcasting sector to aid the growth of a varied collection of broadcast activities in the country. It also ensures that broadcasters observe and comply with their public interest obligations while undertaking their duties to promote the development of the local Kenyan audio-visual programmes, competition and plurality of views in the Kenyan broadcast landscape. Napoli (1999) says that Government communication policies have a huge impact on how the media operates. This consequently influences the political, economic and social trends of the country.

It is important for such broadcasting policies to capture the ambition of the stakeholders who consist of investors, government and television content consumers. Communication broadcast policy as posited by Napoli (1999) says that a number of principles have been applied in examining the efficacy of these broadcasting regimes. They include competition, diversity, localism and public interest. The media programming code on locally produced audio-visual television content was perhaps the much awaited answer to developing a vibrant creative film and television industry.

Local producers are gradually adapting technological advancements and changes in producing and developing their audio-visual television content products. The television content production sub-sector in Kenya is seeing an upsurge in the number of productions being created by independent producers. According to Oriare (2010) Kenyans have a preference for media products that promote the development of both local content and talent. The local television broadcasters have often been criticized by the public and local independent production industry players over their continued preference for foreign content over locally produced content.

The Kenya Information and Communications broadcasting regulations of 2009 in exercising the powers conferred by section 46K of the Kenya Communications Act of 1998, Samuel Poghisio, the then Minister for Information and Communications in consultation with the Communication Authority of Kenya, made the guidelines on

local television broadcasting to provide the amount of local content as specified in the licence.

The numerous channels that are currently available in the digital spectrum are often perceived to be opportunities for local audio-visual producers, casting crews, videographers, production crews and editors to showcase the numerous Kenyan stories with a rich cultural heritage. On 7th of October 2014, Mr. Francis Wangusi the Director General of the Communication Authority of Kenya directed that all Kenyan broadcasters meet the percentage levels of audio-visual television content as 40% by June of 2015, 50% by June of 2016 and 60% by June of 2018 on all local television stations (Hansard, 2013). With this government policy directive on local television content in place, independent audio-visual television content producers have been working towards filling up the broadcast programming schedules.

This study aims to analyse the degree to which the programming act on local audio-visual television content is being implemented as well as to investigate why the local stations have not attained the mandatory 40% local television content requirement in their broadcasting schedules. It hopes to put forward suggestions on how to improve the production of local audio-visual television programmes.

The core principles of television broadcasting will assist in establishing the link between the stakeholders in television broadcasting and the different players in the government, the content viewers, independent audio-visual content developers, and broadcasters. The media programming code on broadcasting by its very nature puts forth a strong authority on a community. Broadcasting as a medium offers entertainment, information and education for the audience. Television and radio are accessible to almost all the Kenyan people including children. It is because of this impact that broadcasting has on people that programming must maintain a standard that is acceptable Kenyans at all times. (Oriare, 2015)

The media programming code seeks to ensure that: Broadcasted content in Kenya ought to reflect the national values, hopes, aspirations and dreams of all Kenyans; Broadcasting is considered a powerful medium that has an influence on the culture, value and beliefs of a people. It also serves as an instrument for economic development and growth.

Broadcasting has an immediate and lasting impact on the public. It therefore requires that its professional practitioners demonstrate a high sagacity of accountability, integrity, equality and sincerity at all times. (McNair, 2002) It is expected that broadcasting services uphold the customs and values of a civilized society while maintaining the respect, the rights and sensitivity of all people. Pressman and Wildavsky (2015) aver that broadcasting is the preserve of honour on the sanctity of homes and families and programming should endeavour to protect the wholesome sacredness of an individual's dignity in promoting national cohesion and unity.

1.1.2 Policy and Media Broadcasting in Kenya

Implementation of policy has been described notionally by a number of scholars. According to Pressman and Wildavsky (2015) in their study on creation of jobs for minority groups, the implementation of policy implementation refers to the practice of communication about coming up with goals and the activities that are directed at achieving the very goals.

McNair (2002) says that the television producers' effort to widen the access to programming is largely inhibited by the audience population. For policy implementation to take place properly, government officials are required to transform broad agreements into specified choices. The degree of goals that are achieved through the specific choices can be a measure of accomplishment to the implemented policy (Pressman & Wildavsky, 2015).

Napoli (2009) outlines the key principles of communication policy making as diversity, public interest, competition and localism. These principles provide a strong basis for a discerning examination of the implementation of the media programming act on the broadcasting sub-sector in Kenya. They also act as fundamental criteria for the operation of any broadcast regulation authority in any given country. The important role that broadcast media plays in shaping a country's political, social, and economic trends is an integral component of Kenya's flagship Vision 2030 project.

The media and broadcasting sub-sector in Kenya contributes positively to the realization of the Vision 2030 goals. The Kenya Information Communication Act, part IV A (1998) mandates the Communication Authority of Kenya (CAK) as the country's broadcast regulator.

CAK has among other regulations the role of facilitating the growth of a diverse range of broadcast services in the country. It also ensures that broadcasters observe and comply with their obligations in public interest while undertaking their role of promoting the development of local audio-visual Kenyan programming and promotes competition and plurality of views of the entire Kenyan broadcast landscape.

Kenya does not have a media policy on local television content but a media programming code. There also exists an independent statutory regulatory mechanism that is enforced by the Kenyan Media Council through its 2013 Act, and the Amendment Act of 2013 of the Kenya Information Communication. It forms the Communication Authority that regulates both the licensing and broadcasting patterns of media houses and the allocation of the spectrum for the broadcast media (Mwangi, 2005).

Whether the media broadcast policy on local audio-visual television content in Kenya was informed by the need to have more local audio-visual television content aired by broadcasters or because policy makers saw that the policy was in the best interest of the nascent audio-visual television content production industry in Kenya to a large extent informed this study (Otieno, 2010).

It is significant to realise that while the broadcasters may have considered what the Kenyan audio-visual television content consumers desired in as far as local content is concerned, the power to decide on that which is in public's best interest is however held by the policy makers and not the public. It is for this reason that certain actions that have been undertaken in the best interest of the public may still be condemned as being a threat to the very principle upon which they are founded (Simiyu, 2008).

This study was more interested in making a determination as to whether the media programming code on local television content in Kenya has provided an answer to the needs of the audio-visual television content producers. It also looked at how the intentions of the programming act were considered to be in the best interest of the professional creative in the Kenyan television production industry. It analysed the role of the media policy broadcasting in ensuring equal access to business opportunities for the independent audio-visual television content producers. The advancement in audio-visual technology opens up opportunities for independent television content professionals.

The Communications Authority of Kenya (CAK) can exercise its mandate of facilitating the growth of a diverse range of broadcast opportunities for all the industry players (Otieno, 2010). Although diversity is often viewed from the perspective of a media landscape that provides a wide spectrum of audio-visual content, an ideal principle of diversity is founded on the concept of marketplace of new and innovative ideas that can best be exemplified by fair competition and level playing ground for all players (Napoli, 2009).

The Kenyan television broadcast industry is still grappling with the obstacles presented by the domination of cheap foreign audio-visual television content. This obstacle has imminently locked out many new entrants while guarding the existing monopolistic trends. This implies that the consumer is exposed to a variety of quality programming. With a variety of competing information to choose from and the satisfaction that is offered in content, there is unfair competition among players like audio-visual television content creators, buyers and broadcast signal distributors (Napoli, 2009).

After the digital migration process in Kenya, the authority to distribute the digital television signal in Kenya was vested in two entities; the state owned KBC under the Signet subsidiary and PANG (Pan Africa Group). This in itself elicits the question of how diverse, free and fair television content exists under this framework. This means that unlike in the analogue television setup where individual broadcasters distributed their own content, digital television has restricted distribution rights to just these two entities. This has raised another challenge to the independence of free, fair, competitive and level playing ground for the sharing of ideas and development of television content (Simiyu, 2008).

The Kenyan television market has been dominated by the four leading commercial broadcasters KTN, NTV, K24 and Citizen Television, together with the national broadcaster KBC Channel 1. Maisha Magic East that broadcasts under the MNET umbrella of DSTV currently has an impactful presence in Kenya. The five broadcasters command the largest television broadcast market share and have been instrumental in providing information to a majority of Kenyans who could not afford pay TV.

The monopoly posed by the five stations ensured that consumers had minimal influence on the quality and variety of programming that was prepared and broadcasted to them. A society that relies on a monopolistic media market is disadvantaged by the inadequate information. Napoli (1999) posits that a system that emphasises the importance of competition and consumer satisfaction often results in an informed citizenry with well-functioning democracy. It however risks being subjected to the dictatorial opinions of a few decision and policy makers.

The media broadcast policy under the Communication Act, part IV A of (1998) mandates the CAK to among eleven other roles promote the development of local audio-visual Kenyan television programmes. The essence of localism as a principle of communication is to empower the minority groups to have their voices heard and stories told in the content that is produced and disseminated to them. They are therefore able to take part in all the imperative technical television content production processes of the audio-visual programmes produced so that it serves their needs as consumers.

1.1.3 TV Content Production as a Business Process

The creation, development and production of local television programmes goes through three important stages namely: pre-production; production and; post-production. The stages are explained briefly in the following paragraphs.

The programmes producer identifies a need and establishes the genre that the programme will fall in. The production team then prepares outlines for the content that they hope to produce. The scripts are moderated and edited. At this stage, the production team has to identify the specific objectives that the programme will appeal to the audience to ensure that its relationship between the programme and the audience is as wholesome as possible. (Ofili, 2014) This process helps the programme producer to prepare a detailed programme outline in line with the available resources at his or her disposal for the programme.

According to Zettl (2016), this stage of production is important for the producer to know what the audience needs to do, feel and learn. A pronouncement is made on the specific people required to execute the production of the programme. These people include researchers, content experts, technical crew, script writers, directors and technical supporting staff.

At this stage the location where the production of the programme will effectively take place, either the studio or the field. The necessary technical equipment required in the main programme production process like a studio, cameras, lights, microphones etc. are identified and included in the production proposal.

A written budget proposal that outlines what the programme producer intends to do with the resources is prepared. This includes: the tentative programme title; the programmes objectives; the target audience; the programme format; the programme treatment; the production method and finally a tentative costing budget (Zettl, 2016). The title is kept short and catchy. The objectives of the programme briefly elucidate what the programme will accomplish to the target audience to whom the programme is intended for. The format of the programme outlines whether the programme will be single episode, a new series or part of an existing series and how long the intended programme is expected to run.

The treatment of the programme outlines what the proposed programme will be by explaining the angle and style of execution. In the method of production, the producer specifically mentions whether the production will be a single or multiple camera, studio set production or a single ENG (electronic news gathering production) (Zettl, 2016). A tentative budget provides up to date figures for all expenditure that will be incurred on the technology, equipment and overheads that will be incurred during the programme production process.

Zettl (2016) suggests that a tri-part budget is prepared for all the pre-production, production, post-production and dissemination costs regardless of whether the cost will be partially, absorbed by the salaries of the full time employees or the normal operating budget. In preparing the budget, one needs to be as realistic as possible avoiding under costing and over costing. It is financially and psychologically easier to consent on a budget cut than to ask for more money while in production. The budget should not be extravagant.

The producer must institute unambiguous channels of communication among all technical people involved in the whole programme production process. Every team member must be contacted efficiently, reliably and quickly (Zettl, 2016).

For communication to be efficient, it is prudent to create a list with all the vital information like names, job positions, business and home addresses, phone numbers and e-mail addresses. It is also important that all the team members are acquainted with how they will contact the Producer.

A list of all the technological production equipment and facilities needed for the production process is then prepared. The list constitutes cameras, lights, microphones, production sets, studios, graphics, make-up, costumes, make-up and mode of transportation. If the production process will be carried out at night or overnight, the location of accommodation for the production crew must be established in advance (Zettl, 2016). It is important that all the necessary licences and permits for the crew to gain access to the filming site are factored in (Zettl, 2016, Mangal & Mangal, 2010). Copyright fees and expenses need to be negotiated for materials which the Producer does not own (Zettl, 2016).

These include photographs, videos, films, music and literary dramatic works (Mangal & Mangal, 2010). Zettl (2016) says that the copyrighted footage used for Television purposes carries two obligations. It ensures that proper permission to use the footage is secured and negotiates for the right to broadcast the final material.

When getting into contract with the final content distributor, it is important to declare the ways in which the final audio-visual television content will be used (i.e. the whole programme or an extract; the length of the programme extract will be used; whether any still photographs from the programme may be reproduced in any another form; whether the final credit will be given to the distributor of the Producer.

All these important television programme production factors affect the final production budget. It is important to negotiate a contract discussion level the rights so that the service and the performance are clearly outlined. How many times the final product will be transmitted is visualized and the distribution of the final product material after the original transmission is clearly spelt. The final preparation for the programme production should be carried out by devising a programme outline that includes a summary of television programme content.

Suggestions for other items to be visualized, such as models, drawings, dramatized scenes and animated diagrams are outlined. (Zettl, 2016) says that this can be done in four phases as shown in the diagram below.

Figure 1.1: Diagrammatic presentation of the TV programme pre-production
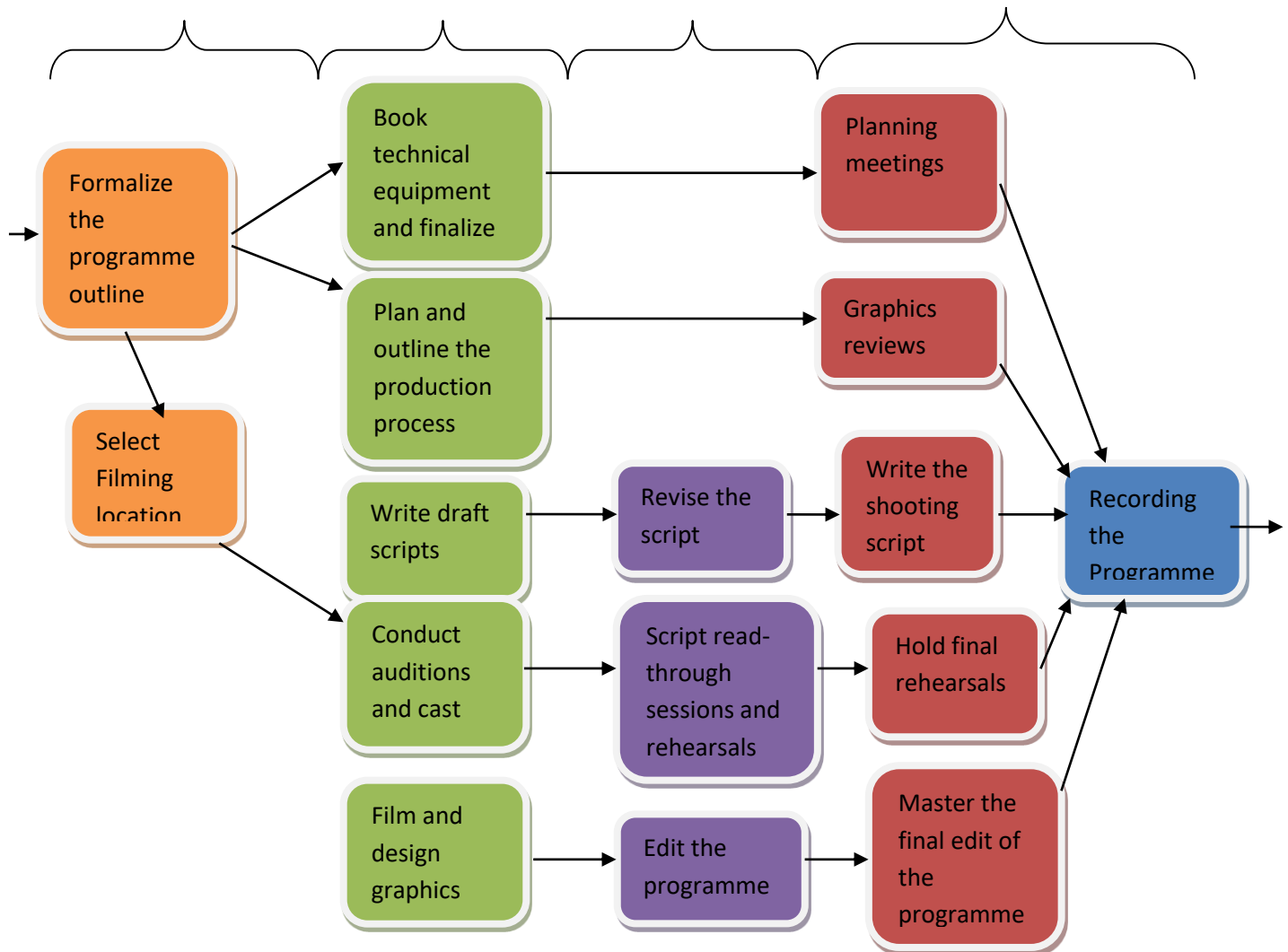
Phase 1: The basic outline of the television programme script is finalized. It majorly consists of the content of the television programme. A decision on the final cost of the production and the production budget is made. If the programme is a drama where actors will be involved, casting and auditions are carried out in order for the right artists to be available for pre-shoot meetings and rehearsal.

The set designer whose main job is to create models, designs and propos to be used in the production are held. Graphic designers are also consulted in order for their input to be incorporated and assimilated in the end product of the television programme. Preparations for production begin. The filming sessions take place on the pre-selected locations that could be the studio or actual production sets. In this case, a location scouting session is conducted prior the production to ensure that the suitable locations are found and arrangements made for the same made. Technical planning of production is initiated by booking and making payments for the locations and technical equipment while indicating the specific technical requirements.

Phase 2: The rehearsal of the actual television production is conducted. Rehearsals for the script are commenced. A last planning session is held whereby the Producer discusses the technical inconveniences with the production technical manager, lighting supervisors, sound technicians and the final position of the cameras and boom microphones in the studio. This involves the actors going through the script with the Director, blocking of the scenes and actual filming takes place. This phase of the television programme production involves the services of the filming crew (camera men, sound recording experts, lighting technicians etc.) together with the technological equipment required for the same.

Phase 3: The final stage of the television programme production begins. Here the footage collected from phase two is fed into a computer system with editing software. The editing process that involves creating a story form all the collected footage takes place. This phase also involves the use of high end technology for colouring, sound mixing and the final shots are finalized into a television programme.

Phase 4: The television production is either broadcasted or packaged for distribution. Here, based on the technological requirements of the buyer the television programme is packaged.

The producer is the overall authority in the television production process. He/She ensures that the professionals working on the television production are as comfortable as possible. This ensures that the production process goes on as planned. (Zettl, 2016) The Television director is in charge of the production operations on the set and provides guidance to the Cameramen, Engineers and Technical operators, Lighting, continuity and the actors (Zettl, 2016).

During the programme production session the producer must ensure that the general production is as seamless as possible and that the crew sticks to the timelines of the programme filming schedule. He/she can occasionally remind the programme director to stay on schedule. In the event that additional technical equipment and props to improve the outlook of the scene are needed, the producer can consent to the extra expense on the spot or liaise with the appropriate people to get the requested item(s) (Zettl, 2016).

A good producer oversees the entire production from a different perspective with a more critical view towards quality and standard (Zettl, 2016). If the producer has any suggestions over the programme, he/she takes notes and through a production assistant he relays the comments in all the pre-production sessions for the next shoot. These comments are also conveyed to the director during various rehearsals or short breaks referred to as "notes" during which all the production problems are raised, discussed and corrected (Zettl, 2016).

A television audio-visual programme can be pre-recorded or transmitted live through a broadcasting channel. In the production context, recording is advantageous as it allows the programme to be repeated at any other time. Transmission in this case becomes a reasonably mechanical operation (Hancock, 1980, Freed, 2010). In the television programme post-production stage, three actions take place (Starkey, 1998). These include editing, feedback/evaluation and archiving. The editing process involves a check on the off-line and on-line editing processes to ensure that they are all still available.

This makes certain that the whole post-production process runs according to the initial outlined schedule. The Producer needs to always avail himself/herself in the event the director or the editor may want advice about an editing decision that may be particularly sensitive (Zettl, 2016). Eventually, the producer and other television production professionals who are part of the programme production process preview the product objectively with suggestions and compliments.

The Producer asks himself/herself certain questions like; does the television programme meet the objectives as were defined in the initial programme proposal? It is important at this stage to collect as much feedback as possible from the reviewers, so as to determine just how close the final message was presented (Zettl, 2016).

It is important to see to it that feedback channels are properly in place. It is also vital to keep a record of all the unsolicited calls and written communication that will help the Producer to make corrections that will improve the future production of the programme (Starkey, 2000, Zettl, 2016).

With advancements in technology, each time a television production process is completed finished, a copy of the same is stored on a hard drive for archival purposes (Starkey, 2000). This is done to ensure that the content is protected and stored for future use and reference. (Zettl, 2016) A file with the pertinent pre-production, actual production and post-production process records are kept together. This particular file should hold the following information: the final television programme proposal; the television programme production budget; the production process timeline; facilitation requests; the list and contacts of all the production personnel; the contact list and photo portfolios of all the involved talent; the talent contracts and signed release forms; various licences and permits and; the television production shooting script (Starkey, 2000).

1.1.4 History of Television and Broadcasting in Kenya

Television in Kenya was inaugurated in 1962 when the first transmitting station was set up in a farm house in Limuru (Ali, 2009). The purpose of the station was to transmit foreign television programmes to the white settlers within a radius of 15 miles. Aware of the fact that Great Britain was about to relinquish its dominance of the Kenyan colony, KBC was formed as an independent, public association taking over broadcasting from KBS in 1961.

This made the KBC similar to the British Broadcasting Corporation outfit BBC and since advertising, government incentives and annual license fees on receiver sets that were supposed to finance the expenses of the medium did not suffice the government had to get involved through the contribution of a loan.

In 1941, the cinema culture in Kenya began with the mobile cinema units that were introduced by the British administration to edify the Kenyan audiences on matters health, agriculture and cooperative marketing. In 1968, the first Kenyan Kiswahili film *Mlevi* was produced by Ragbir Singh and Kuljeet Pal. It featured Kenyan actors like Mzee Pembe, Athumani Kipanga and Oliver Litondo (Nyutho, 2015).

In the mid-1970s, the state owned national broadcaster Kenya Broadcasting Corporation (KBC) announced that it would stop the subscription of foreign television programmes from the British Broadcasting Corporation (BBC). It then shifted its focus to producing its own programmes (Bougalt, 1995).

When Kenya gained her independence in 1963, the new government saw the need to utilize the media as a platform to address issues that affected citizens. The national broadcaster KBC was incepted on 1st July 1964 through an act of parliament and this saw its name later change to the Voice of Kenya (VOK).

For a long time, the television sub-sector remained under-developed with the monopoly that was the VOK (Odero & Kamweru, 2000). In 1990 this monopoly ended when the television industry underwent liberalisation that led to considerable expansion (Ali, 2009). Despite these initial steps the industry seems to have backtracked. Today, KBC broadcasts the highest percentage of local audio-visual television programmes in Kenya. It has managed to hit just above the 40 % quota requirement.

Milosavljević (2009) avers that new digital technologies are supposed to transform the nature of mass media from a process of pushing bits of content at people to that of allowing people and their digital devices to instead have a pull towards the content. It however seems that this process is only present in the area of technological devices and their possible uses and not necessarily in the area of technology and media policies and regulation.

The transition to digital television broadcasting has presented government regimes, television content regulators, television broadcasters, and the general public with vast prospects and challenges since it offers possibilities like advancing new programming and interactive multimedia services. Mwangi (2015) says that the *"Lack of an enforceable broadcasting policy and regulation of broadcasting content in Kenya gives the television stations the opportunity to offer market driven audio-visual television content. One would expect to see content that appeals to the majority of the viewing public other than the minority, interest groups, and marginalized communities."*

In Kenya many producers prefer to create their audio-visual television programmes using the new cheaper and more accessible technology. The sudden rise in the user generated audio-visual television content accessible over the internet in the last ten years has obviously not come as a bolt from the blue. The imminent dissatisfaction among audiences with mainstream media programming limitations has led to the creation of user friendly platforms that meet a rising need for individual creativity, self-expression, and connection between people with like minds (Siapera, 2013).

Today, there are many other audio-visual content creators who use the new technology to produce their skits. They include Victor, Eric Omondi, Timothy Kimani a.k.a *Njugush, Propesa*, *Victor, Jaymo Yule Msee*, Justin Bradford a.k.a *Justo Mzungu, The things Kenyan people say* series*, Visanga vya DJ Shiti, Shit happens* series by Gerald Langiri*, The Luhya comedy series* by Shoe back productions, among others.

The pioneer media houses in Kenya like Citizen TV owned by Royal media services, KTN owned by Standard group and NTV that is owned by the Nation Media Group, are slowly but steadily evolving and adapting these new technologies of dissemination. Royal Media Services now has a Video on demand (VoD) platform *Viusasa* which is a subsidiary that it co-owns with Content Aggregators Limited (CAL). KTN is also said to be in the inaugural stages of setting up its own VoD platform. Kenyans want media that promotes the growth and development of local content and talent (Oriare, et al., 2010). Today, with the advancement of technology, producers are slowly but surely evolving and adapting to these changes not by choice but by circumstance.

The current evolution is seeing to it that digital channels are shifting their focus on attracting advertisers instead of trying to offer everyone something, as broadcasters of the analogue age used to do. This they do by delivering particular varieties of audio-visual television programmes that are oriented towards specialist audience groups (Hodkinson, 2011). Like many things that are inconsistent with the reflection of reality, like fiction, fantasy, the bizarre and extraordinary, melancholy, tradition and amusement are some of the other factors that attract audiences (McQuail, 2011).

The Kenyan government has put together the National Broadband Strategy which helps to uphold online local audio-visual content and make it more accessible via online platforms hence increasing viewership. The popularity of digital content (e-content) is meant to increase because one of the objectives of the strategy is to provide quality broadband services to all citizens (Hansard, 2013).

1.1.5 Audio-Visual Technology and TV Content Production

Is there a renewed interest in the impact of advanced audio-visual technology on audio-visual television content production in Kenya? As audio-visual technology develops, mass media is becoming more and more pervasive in our daily lives. Kevin (2003) argues that the manipulation of the media is no longer limited to altering or strengthening opinions, behaviours and attitudes as was considered before.

Bevan (2008) says that much of Africa inherited the British model of local audio-visual television content production where the main broadcaster produced broadcasting content for the public service with funding provided through public resource financed budgets. As the white-dominated regimes and post-colonial dominances gained strength, public service became "service to government." Advertising driven economics took over subsequently phasing out the funding by the public option. (Bevan, 2008) In many countries in Africa, national government institutions of this kind remain the dominant players in broadcasting. They are the formidable forces that contribute to the progress in democracy and development (Berger, 2009).

The South African television history can be subdivided into different phases. The first phase is the pre-history that took place between (1929-1976), when television became a possibility yet it had already been set up in South Africa. Between 1976 and 1993 the South African television service was set up under the control of the State. In 1993, the 1976 media Broadcasting Act was substituted by a new Act that introducing more independent changes in the South African television sub-sector. The South African television was incepted in 1993. (Bevan, 2008) The mass media has become an important socialisation agent for generating and moulding our shared values, meanings, feelings and discernment of social reality (Alexis, 1984).

This new and important reality is the reason why the Kenyan government has shown its unprecedented interest in increasing the percentage of local Kenyan audio-visual television content productions that are broadcast on local media stations.(Hansard, 2013) As such, technological advancements in audio-visual technology are yet to support production and broadcasting of more local audio-visual television content way after the long awaited shift from analogue to digital broadcast platform (Ministry of Information Communication, 2007).

The radical growth that is currently being experienced in the pay television industry is also yet to fully promote the large amount of locally produced audio-visual television programmes. This growth was initially seen as a prospect to enhance the number of local television productions in Kenya. There has been a tremendous growth in the number of television productions being produced but not the number of local television productions being broadcasted on Kenyan television today. Thus many content producers are left with very well produced content that they simply cannot get on air (Simiyu, 2008).

This study was inspired, motivated and enriched by a number of publications, studies, and writings on the subject of digitalization, media broadcast policy implementation and audio-visual television content production. Valuable literature materials for this research paper included research papers, newspapers, magazines, textbooks, local and international academic journals, articles, internet sources and other relevant materials.

 The study has the potential for many dimensions that cannot be explained by only one theory, the eclectic theoretical framework was applicable hence the Technology acceptance model (TAM) was the main ground for the study and the Diffusion of Innovation (DOI) theories. Communication policies have had far reaching effects on the operations of the media and this consequently influences a country's social, economic and political trends (Napoli, 1999).

Audio-visual television content offers employment to the hundreds of professionals who work in it as actors and technical crew. When produced in the right way, dramatized audio-visual television content ably demystifies tabooed topics making them easier to grasp, understand and comprehend.

One can imagine that a lot of viewers may be upset by the representation of some ethnical stereotypes (Nguma, 2015).The way television content is consumed has also seen a steady transformation over the years. Digital audio-visual television content is now delivered via live broadcasts, cable, satellite, online and through various social media platforms. It is also consumed through computers, television sets, tablets and mobile phones. These transformations have conveyed new players to the electronic media landscape with totally new business ideas and models. Despite all these changes, the fundamental structure of the industry has remained relatively constant (Rose, 2016).

The liberalisation of airwaves in Kenya led to the inception of several privately owned television stations that today are competing for viewership. Consequently, television viewers are exposed to different stations ranging both on FTA and Pay TV platforms (such as DSTV, Kwese, Zuku, Startimes, GoTV). Additionally, depending on the viewer's choice, there are alternative sources of information and entertainment like the internet (Were, 2015).

There has been a notable attempt to promote the local Kenyan audio-visual television content. Some of the FTA stations that have extensively contributed to the Kenyan local television drama content requirement quota are: (a) Citizen Television which has local audio-visual drama shows like; *Inspekta Mwala*, *Tahidi High, Aziza, Moyo, Saida, Papa Shirandula, Machachari, Tabasamu, Waridi, Nairobi Law* and *Mother-In-Law. Naswa* is the most duplicated concept of local content by Kenyan local content producers. b) NTV promoted local audio-visual drama productions by airing shows like *Mali, Wingu La Moto, Guy centre, Noose of gold, Higher learning, Mafundi, The Trap house, This is Bahati* and *Beba beba* among others. (www.ntv.nation.co.ke/schedule). (c) KTN broadcasted local drama audio-visual productions such as *Changing Times, Mheshimiwa, Gavana, Lies that Bind* and *Mama Duka* (www.standard media.co.ke/ktn schedule). (d)KBC broadcasts local audio-visual drama productions such as *Classmates, Mtaani, Mahanjam, Vitimbi, Hila and Vioja Mahakamani.* (www.kbc.co.ke/tv-schedule). K24 has also broadcast local audio-visual drama productions like *Gumbaru Skool*, *Isabella, Maskani* and *Kenya Emergency Response Unit* (*KERU)*

Despite the remarkable increase in licensed private Television stations in Kenya, the growth in the level of the local audio-visual television programmes in transmission has been on a downward drop. Nguma (2015) avers that, by the year 2000 more than 80% of the television broadcasting stations had allocated over 61% to 100% of their total airtime to foreign programmes.

1.2 Statement of the Problem

Despite Kenya's strong, vibrant and thriving film and television production industry, the Television broadcasters continue to dedicate many of their transmission hours to foreign content and are yet to achieve the mandatory regulatory requirement quota that was set by the government to protect the television and film industry.

There have been a number of attempts by the government to promote the development of locally produced audio-visual content in Kenya. According to a study conducted by Globetrack for CA it was revealed that local television stations still air a substantial percentage of foreign audio-visual television content. Additionally, there is insufficient awareness on the factors that influence the growth of the local audio-visual television content production industry in Kenya. Through initiatives such as the Broadcasting Content Advisory Council (BCAC) that was established under section 46 of the Kenya Information and Communications Act, (CAP 411A) 1998, the government of Kenya has attempted to implement and put into place mechanisms to promote the local audio-visual film and television content production industry.

The BCAC is responsible for making administrative and developmental decisions on aspects of content broadcasting, observance of the broadcasting codes and ethics by broadcasters while overlooking the methods in handling professionalism, integrity, ethics and complaints in the broadcasting sector. The government formulated The National Broadband Strategy to help in promoting local online content. This was in turn to make local productions more accessible via online platforms thereby increasing viewership of local content.

Another milestone undertaken by the government was the formulation of a National Film Policy by Ministry of Information and Communication, 2011. The policy seeks to provide a foundation for a complete and profitable turn around for the film and television industry by making it an investment sub-sector of choice.

This study sought to analyse the implementation of the media programming code on local television content and to establish the reasons why in spite of all the notable advancements in audio-visual technology, mainstream media in Kenya is yet to achieve the mandatory 40% regulatory requirement quota for local television content. While few researchers have in the recent past documented on local television content, such documentation has not focused on the implementation of the media programming code on local audio-visual television content. This is the research gap that the study sought to fill.

1.3 Main Objective of the Study

The main objective of the study was to establish the extent to which the implementation of the media programming code on local television content is being achieved?

1.4 Research Objectives

i.   To find out the factors that influence competition among Kenyan producers.
ii. To determine the Producers' acceptability of easier to use upgraded audio-visual technology.
iii. To investigate ways in which audience reception impacts the type of content produced.
iv. To investigate the factors that hinder the implementation of the media programming code on broadcasting of 40% local television content in Kenya.

1.5 Research Questions

The study was conducted with these research questions.
i.   What factors motivate competition among Kenyan producers?
ii. What factors influence the producers' acceptability of easier to use upgraded audio-visual technology?
iii. How does audience reception impact the type of content produced?
iv. What factors hinder the implementation of the media programming code on broadcasting of 40% local television content in Kenya?

1.6 Justification of the study

The literature on the media programming code and audio-visual television content in Kenya is scarce. Very few research studies have been done on this area. This study seeks to add to the pool of knowledge and existing literature in this study area. The challenges that impede the implementation of the media programming code on local audio-visual television content in Kenya bring forth the need to observe the implementation process of the already existing policies on the same. The evident lack of harmony in the working relationships of the local broadcasters, the government, the investors, as well as the non-involvement of consumers in the whole policy implementation process indicates that there are inconsistencies between the implementation process of the policy and the existing principles that supposedly public communication. The desire by the government to achieve the 40% quota on local audio-visual television content in light of the battle for content production between local audio-visual television content producers and broadcasters poses a threat to the implementation of the media programming code. This coupled with the cynical approach that Kenyan audiences have towards Kenyan content to a large extent impedes the adaptation and full implementation of the programming code on local audio-visual television content. This calls for an examination of the entire policy implementation process as the television content sub-sector has the potential of providing the government with revenue through taxes and foreign exchange.

1.7 The Scope and Limitation

The study excludes several Pay TV channels and small privately owned vernacular television channels despite their increase in recent times. The exclusion is to ensure that the study gains reliable results that cannot be achieved if all the FTA and Pay TV channels are combined. The audience market shares for pay TV channels are small and may not have the desired influence on the programming strategies of the general broadcasters in Kenya. There are varied interpretations on what local audio-visual television programming content really constitutes. Napoli (2003) notes, that there is need for policy analysts to have an agreeable understanding of the communication policymaking principles. This will ensure that they make accurate assessments of policy implementation decisions. The interpretation of the broadcasting principles of diversity, public interest, competition and localism has been inconsistent in different contexts and even among individual broadcasting policy makers.

To avoid inconsistencies like this one coupled with the possibility of ambiguity, the study contextualized and limited the application of the broadcasting principles to the Kenyan media to get a more accurate assessment of the implementation of the media programming code on local television content production and how it is being achieved. Although there are other commercial audio-visual producers who produce corporate documentaries, they differ in terms of operation and execution styles. The results from this study may therefore not sufficiently represent the experiences of all the audio-visual television programming content creators in and outside of Nairobi. A wider and more in depth study may be necessary to get better results. This study will be constrained by time. The researcher will mitigate this limitation by conducting the study within Nairobi County for purposes of bridging time.

1.8. Basic Assumptions

The study assumed that the media programming code on local television content is being implemented to the full benefit of the audio-visual television content producers. It also assumed that the respondents were willing to give out all the necessary information necessary required for the study and that the information gathered from them would meet the purpose of this study.

1.9 Definition of Terms

"Television (TV)" is a broadcasting service that consists of transmission of audio visuals signals. The visual images are sequences of moving pictures.

"Pluralism" is the existence of several independent and autonomous outlets. This is the opposite of concentration where a few media companies, for example, own more than one radio or Television channel each.

"Diversity" in reference to media content, refers to the heterogeneity of the programme types that are aired by a TV channel.

"**Programme"** refers to the body of live or recorded audio-visual material for broadcast.

"**Local Content"** is the television programme that consists of a concept, plot or scene representative of a Kenyan socio-cultural ideology.

"**Classify"** is to assign something to a class or category according to shared or common qualities.

"**Digital Migration**" is the relocation from analogue to digital forms of television broadcasting that was initiated by the Regional Radio Conference of 2006 in Geneva, Switzerland (RRC-06).

"**Regulators**" refers to the Communications Authority of Kenya (CA) and the Kenya Film Classification Board (KFCB).

"**Free-to-air- television channels**" are the Television channels which broadcast their signal without encryption and are received by conventional broadcasting receiving apparatus.

"**Subscriber**" is a person who has entered an agreement with a Pay television service provider to subscribe to radio or television services at a fee.

"**Spectrum**" is a term that is used to refer to the wide variety of products offered under digital television.

CHAPTER TWO
LITERATURE REVIEW

2.0 Overview

This chapter reviews the available literature and theories that were used in the study to analyse the extent to which the implementation of the media programming code on local television audio-visual content production is being achieved. It provides an insight into the perspectives and findings of other scholars on the four principles of communication policymaking identifying the challenges, merits and potential demerits of the same. The framework of this chapter was organized under Napoli's four principles of communication policymaking namely competition, diversity, localism and public interest their application to the process of the implementation of the media programming code on local audio-visual television content production is also illustrated. The chapter also discusses the theoretical and the conceptual frameworks upon which the research was anchored.

2.1 The Principles of Broadcast Policy making

The history of media regulation dates back to the printing press era in the mid-15th century in the Western parts of Europe. The fact that the media is a highly dynamic environment, the laws that govern its operations have developed over time in order to cope with the opportunities and challenges that present with new technological innovations and advancements in the industry (Bertrand, 2003).

In earlier days, printing offered a substitute to copying manuscripts by hand, an option that was not regulated. With the expansion of the printing industry, the church and the state showed more concentration in both the printed and published content purposefully to control dissent. This saw to it that the licensing process for the manuscript printers by the state as the precondition for consent by the church authorities for the publishable texts was given priority. Importation and exportation of books was immediately guarded or prohibited. Authors and printers severely punished for journals and periodicals that were considered unorthodox or seditious (Bertrand, 2003).

Radio and television broadcast media have been closely monitored in the twentieth century. This is the main reason why they have not attained the level of freedom that is enjoyed by the print media. Since 1980, innovative ways of distributing content have led to an enormous development of media output therefore opening ways to more tranquil regulatory systems (Galprin, 2004).Despite media deregulation, and in response to the introduction of the new media and transformed conditions, the audio-visual television industry is undergoing a period of re-regulation whereby frameworks for guidelines are modified to illustrate the economical as well as political precedents to a certain extent than have them entirely removed (Otieno, 2010).

Galprin (2004) avers that the introduction of the digital television format has both challenges and opportunities. The opportunities include improved worldwide access to information through multiplicity and suppression of transmission bottlenecks like management of frequencies. Convergence under the digital television model, which nearly links telecom and broadcasting, presents challenges of regulation of the individual components of communication (Galprin, 2004).

According to a study by the Communication Authority on the status of Digital Terrestrial Television in Kenya at the end of the period under review 2017-2018), the total number of (FTA) TV channels on the main digital terrestrial platform had dropped from 64 to 62. The Television service providers on the Digital Terrestrial Television (DTT) have remained the same (Star Times and GoTV). (Communication authority). It is in this view that this study calls upon the use of the principles of communication policymaking as the standard index for any communication policy and particularly the implementation of the media programming code on local television content in Kenya. The key benefit of the implementation of the media programming code on local audio-visual television content is that they utilize the limited national frequency spectrum more efficiently than they did with the analogue technologies (Ardizzon & Ferrari, 2010).

2.1.1 Local TV content and the Principle of Public Interest

Does public interest imply that the public is interested in knowing whether what is served to them is in their best interest? Whereas the onus to decide what they want to watch may lie upon the Kenyan audience, the decision to decide what they want to

watch does not necessarily lie upon them. The power to determine this is bestowed upon the government media regulation bodies in the country (Otieno, 2010).

The public interest interpretation is therefore the responsibility of the communication regulatory authorities like the Communication and Technology and the Communications Authority of Kenya (CAK). Ministry of Information, Mendel (2008) defines public interest as *"the outcome that best serves the long-running survival and welfare of a social and collectively construed as a public".* The public interest concept of the media is as old as radio broadcasting in the early twentieth century. Canada is intensely troubled with public interest in broadcasting policy. According to an official report on the Canadian situation, several sources underline the difficulty of executing the interests of public interest Buckley & Duer (2011).

Haenens (2001) disagrees with the fact that freedom of speech is one of the key principles in the regulation of the broadcast process. It also plays an insightful role on the media in society as it calls for regulation of this particular freedom. This is due to the fact that the media has an undeviating power on the cultural trends of the society, values, economics, and political trends, among others (Otieno, 2010).

The public interest principle is a core element of the broadcast implementation of the broadcasting programming code. Globally, the origins of this principle can be traced to the United States of America Communications Act of 1934 conceptualised the Federal Communications Commission (FCC) to regulate airwaves in public interest. A dependable implemented programming code is principally reviewed by its abilities and strengths in serving the public's general good. The principle remains silent on the issue of content.

Freedman (2008) questions whether public interest implies that the public is interested in knowing that which serves the best interest of the public. Berger (2010) says that the African terrestrial spectrum is not under pressure to expand. There is a lack of strong consumer markets on the continent for the large quantities of digital audio-visual television content. There exists a considerable population of Africans who have no access to analogue television broadcast largely because of their economic status; others are not connected to the national electricity grid, among other limitations.

Berger (2010) further argues that the push for digital television by developed countries is largely supply driven as opposed to being demand driven since the consumers of media in Africa have not shown any kind of desire or readiness for digital television products for public interest.

In the Kenyan context, policy on public interest is a fundamental principle in the television and content broadcasting sub-sector. McQuail (1992) avers that the principle of broadcast regulation is from time to time applied in curtailing the freedom of expression through regulations that are unjustifiable and which are driven at protecting the interests of the general public. He further notes that one of the limitations of the notion of public interest is that it can easily be misinterpreted depending on what a particular individual regards as the general good.

Napoli (2003) sees the need for policy analysts to have an agreeable understanding of the communication policy making principles in order for them to make accurate assessments on policy assessments. The interpretation of principles like competition, diversity, localism and public interest has been inconsistent in many contexts and also between individual policy makers. To avoid such ambiguity and inconsistencies, this study contextualized the applicable principles to the Kenyan media market to get a more accurate assessment of the implementation process of the programming code on local audio-visual television content production.

2.1.2 Local Kenyan Content and the Principle of Competition

Does competition play any role in ensuring that there is fair competition among players in the television content business market? The proliferation in the number of television channels and ownership lead to competition for viewership among audiences as well as advertisement revenue. This according to Napoli (2006) eventually presents direct negative implications on the diversity of audio-visual television content. The primary focus for such a market is therefore to *"maximise on the revenue and profits from advertising, hence minimizing the audience drop-outs on programming that generates low share numbers"*

Lude & Berg (2009) say that competition eventually leads to audience segmentation where programme preferences are considered less valuable or profitable hence advertisers are excluded. The critical and balanced insight on the complex problems that the society faces is less likely to be brought about by such preferences.

The drastic growth in the media outlets does not necessarily increase diversity of the audio-visual television content (Helberger, 2011). Other studies establish that growth in television channels and concentration increases the diversity in the content. In relation to the Dutch television marker, for example, Helberger, (2011) argues that the media achieves better in countries where fewer companies run multiple channels, than in countries where many companies operate the available few channels.

Various laws, regulations, acts and policies in broadcasting have been established to support the nascent local television content production industry. Some of the regulations on television content production were enacted during the analogue era and therefore do not effectively address the legal issues that arise from the post digitization era in the local film and video industry. Chapter 46 of the Kenya Information and Communications Act (KICA), 1998 on the other hand empowers the CA to facilitate the development of local Kenyan programmes as well as to promote diversity of those programmes. The Act empowers the CA to promote local audio-visual television content programming. Broadcasters for instance, are required to air 40% local content and were expected to reach 60% by 2018 on receiving licenses.

The 2009 Regulations of the Kenya Communications Broadcasting describe content as those television programmes that fulfil any of these four conditions (a) the audio-visual television production is made in any of the Kenyan native languages. (b) The process of producing of the television content takes place in Kenya. (c) The audio-visual television content deals with matters that are unique and relevant to Kenyan audiences. (d) The share in the production company is owned by at least 20% Kenyan citizens. (e) Majority of the actors and crew in the television production process are Kenyans.

2.1.3 Local Content Production and the Principle of Localism

Does the principle of localism have any contribution to make towards the implementation of the 40% the media programming code on television content in Kenya? For the media to serve the interest of the public, the public itself must be involved in the production of the very content that they access. Galprin (2003) says that the media can operate under the obligations of public interest only if the same public speaks through the production of its own content.

The principle of localism is anchored on the notion of creating a system of media that is primarily local in orientation, Napoli (2003). Localism lays emphasis and prioritizes local television content that is produced for local communities by local producers. It is largely averred that Kenyan content does not have an international feel.

 Koul (2002) says that the local television producers do not attract a positive interest from buyers, audiences and broadcasting houses whose responsibility is developing audiences for the content by transmitting it. Kiome (2010) argues that today, local content productions are produced in broad genres, but many of them do not reflect Kenyan culture or identity because they often borrow from the African region or from West countries. However the proliferation of many small vernacular television stations has seen growth in the production of vernacular television content.

So if the content bears foreign identity where does the principle of localism come in? Yambo (2003) says that *"For some time, the KBC TV channel had set its ratio of local to foreign content at 60% to 40%. However, because of the high cost of production, the 60% local content target is yet to be realized"*. Nyanja (2008) identifies the non-implementation of the media Programming code agenda that identifies the role of the film and television industry in creating employment opportunities and the lack of government involvement as is the case in Europe where governments use the industry to spur economic growth as the reason why foreign content is a domain in Kenya.

There largely exists a lack of proper television content commissioning procedures and production departments. Liaison with independent producers lacks as most television stations prefer to conduct in- house productions for their audio-visual television content. Independent producers have been disheartened and demoralized by broadcasters (Githii, 2001). Simiyu (2009) avers that television stations still insist on retaining the copyright to the commissioned audio-visual television productions. In some instances, broadcasting stations demand that audio-visual television content creators buy airtime to have their productions screened on their channel when they should instead be paying the content creators as is the standard practice around the world.

2.1.4 Local Audio-Visual Content the Principle of Diversity

How has diversity as a principle contributed to the implementation of the local television programming code on audio-visual content production in Kenya? Diversity is a principle of broadcast policy that is brought out in digital television through the ability of the new technology to provide a wider spectrum of television channels for the audience to select from. This particular view is however limiting as the policy that ensures diversity is not entirely satisfactory. This is unless it is purely designed along the model of marketplace of ideas (Napoli, 2009).

A study carried out on the Kenyan television broadcasting sector and especially the audio-visual sector shows that the scheduling of programming for Kenyan television stations endeavours to capture high numbers of the audience through diverse genres of programming. There is a considerably high presence of Mexican programmes, Nigerian films and programmes from the Philippines.

Klimkiewicz (2010) analyses media pluralism as *"The diversity of media supply, reflected, in the existence of a plurality of autonomous and independent media and a diversity of other media contents that are available for public consumption."* Diversity under the digital migration process in Kenya goes beyond the spectrum of channels and ensures that there is diversity right from ownership of individual broadcasters, diversity in audio-visual television content production, policies that allow for freedom and autonomy of the media.

Napoli (1999) maintains that the marketplace of ideas concept under the media policy would be illustrated by a media landscape that permits an atmosphere of free and fair competition between players which subsequently leads to a more informed and satisfied audience. The principle of diversity under marketplace of ideas thus ensures that the media entities offer consumers a wide range of diverse content from varying sources. The diversity principle can be approached from three dimensions of; source, content and exposure diversity. (Napoli, 1999) Diversity in audio-visual television content production may mean a range of channels for the audiences to select from. Without variety in the audio-visual television content, there is very little or no diversity at all.

A channel that provides the audience with political content should not be dominated by other channels and programmes that bear identical political ideologies. It should rather be open to a variety of other different political ideologies (Napoli, 1999).

Diversity under the digital television format in Kenya today should be representative of the diverse ethnic backdrop. This can be achieved through offering television audiences a wider spectrum of television channels with various ideologies in what Napoli (1999) defines as exposure of diversity. Simiyu (2008) says that the diversity of the audio-visual television content in Kenya is determined by where the programme is sourced. The licensing of the government owned KBC, which still serves a majority of Kenyan audiences as a distributor of the free digital signal under the Signet subsidiary brings to question the diversity of content that the audiences in Kenya continue to be exposed to.

2.2 Protectionism and Audio-Visual TV Content

Does protectionism offer opportunities that favour the businesses of local independent television content producers? Fouda (2012) asserts that protectionism in economic policy entails controlling of trade between nations, through techniques like tariffs on imported products, restrictive proportioning, and other government conventions intended to depress the importation of certain products.

Protectionism works towards preventing the take-over of local companies and markets by foreigners. Protectionism is closely associated with the anti-globalization concept of economics. Protectionism refers to the principles of protecting business opportunities of survival wages in a country by regulating or restricting trade opportunities with foreign countries. A country's protectionism ensures that there is some sort of protection provided on the home industries and young industries that allows them to grown to achieve not only the economies of scale, but the strength to compete fairly internationally (Irwin, 2011).

Although the Government puts together diverse institutions to provide guidance on media operation and regulation that determine appropriateness of content, often television stations do not factor this in their programming schedules. The stations still present content like adverts that are unsuitable for children.

This contravenes Section 20(a) (c) and Section 31(c) of the Kenya Information and Communications regulations of 2009, which requires the licensed stations to take full responsibility of protecting children while initiating programmes that enhance their mental, social and physical potential. The 40% requirement quota for local television content in Kenya is considered an initiative to protect the local film and television industry players with little or no effect on foreign television content that by any standard is of much better quality.

2.3 Neo-Liberalism and Local TV Content

Teresa & Sabada (2013) describe neo-liberalism as a modified liberalism that tends to favour free-market capitalism and absolutely legitimizes the aspect of markets. It also delegitimizes the social or institutional forces that seek to counter the market just like the state. It also is a way to organize social resources and human labour requiring participants to be continuously loyal and to submit to observation and external direction in their private lives. The demands of these same individuals are an acceptance of how fragile and impermanent the opportunities presented provide (Teresa & Sabada, 2013).

The legitimacy of neo-liberalism would be unacceptable if stated openly, even if the consequences unfold every day. The legitimacy must be transformed into that practice that endorses an acceptable version of the values. For the media entities to be seen as serving the interests of the general public, the public itself must be involved in the production of television content that is disseminated through the media. McCauley (2003) notes the significance of the media to operate under the obligation of public interest if the public speaks for itself through the production of its own audio-visual television content.

This then brings into perspective the broadcast principle of localism. The original principle of localism is grounded in the concept of developing a system of media with *"A primarily local orientation",* notes Napoli (2003). Thus localism is the principle of broadcast policy that lays emphasis and prioritizes local television content that is produced by local producers for purposes of local consumption.

Local audio-visual television content production in Kenya is an industry where this enactment takes place to not only protect the industry but to also allow for its growth. The success of the local Kenyan audio-visual television content industry has a long way to go.

Bourdieu (2002) maintains that the theatre of reality television is only secret as its playful inversions obscure the links to the labour conditions that are normalized under neo-liberalism. Such rituals work by smuggling a set of terms past us while at the same time enacting another (Bourdieu, 2002).

2.3.1 Globalisation and the Local TV Content Industry

Globalisation in the field of economics is described as the increase in the acceptance of free markets and private enterprises as the general principal mechanism for promoting economic activities. It is seen as the practice of broadening and deepening inter-relationships in international trade, foreign investment and portfolio flows (Wignaraja, 2001).

Globalisation holds the promise of empowering multinationals to create larger markets locally and internationally while promoting better understanding internationally that will encourage more valuable partnerships and linkages. This threatens to widen the gap that already exists between the poor and the rich therefore collapsing of poorly managed local corporations leaves some poor countries and regions behind (Hill, 2005).

The continued fragmentation and concentration of the Kenyan media industry determines that television content is considered for broadcast. Concentration and competitiveness in the communication market Kenya poses basic problems. The small and average sized Kenyan audio-visual production companies receive a decisive disadvantage over the muscle wielded by the big production companies and broadcasters who choose to produce their own audio-visual content internally. (Simiyu, 2009) This is a challenge that independent local audio-visual television producers have to grapple with. The dominating companies get hold of the high market share in the larger territories of their given countries. On the contrary, other sectors like the daily newspapers, television or radio, audience control is most certainly in the hands of the companies that are based their own countries (Galprin, 2004).

Hodkinson (2011) says that the audio-visual sector is an area under discussion on particular ground rules. These rules limit the development of great markets that offer free and fair playing ground for all competitors. The tendency to vertical absorption is leading television networks to generate their own television content.

Some networks buy production companies and this model increases the risk of lack of pluralism in audio-visual television content. With regard to the newly acquired audio-visual production companies, the broadcasting companies end up consolidating an excessively dominant position. This in turn limits the exploitation of the broadcasting rights of locally produced programmes by international content sellers (Teresa & Sabada 2013).

2.3.2 Challenges of Globalisation on Local TV Content

Are there challenges that globalisation poses in regards to the business element of local audio-visual television content creation? Hill (2005) posits that among social activists, politicians, intellectuals and policy makers, globalization is a hotly debated subject. Groups that protest against anti-globalization make appearances at important global institutional meetings to protest over globalization and how it has caused massive job cuts (Nyamjoh, 2015).

These attacks range from the downward pressure that is placed on the wage rate of unskilled workers largely because of the migration of low wage manufacturing jobs offshore as well as foreign competition. (Simiyu, 2008) Supporters of globalisation on the other hand accuse critics of not understanding what free trade actually means maintaining that its advantages outweigh their costs. So does opening of markets offer a solution to the monetization needs of audio-visual content producers? The concept of free trade results in a situation where the countries specializing in production can efficiently produce, and only import what they cannot produce. Although job cuts can affect people within some countries, the concept of free trade is highly beneficial to the economy of the whole nation large (Hill, 2014).

Mwangi, (2015) posits that globalization in Kenya poses a main challenge to the national economy on how to take advantage of the business opportunities for the sole purpose of growth and development derived at minimizing the risks for independent local audio-visual television content producers.

This then translates into suitable policies like prudent financial policies, steady macroeconomic policies and sound regulatory policies driven at securing the local markets for the benefit of local audio-visual television content producers.

(Simiyu, 2008) In essence, the suitable policies are more easily illustrated than implemented as has been observed in previous attempts by government to support the broadcasting of local content on local television stations. The specific policies likely become varied over time. Developing the television and film industry that has the capacity to establish the appropriate policies, apply them, and ensure that stakeholders adhere to them until the conditions that allow for foreign content being given centre stage change in the interest of the local audio-visual industry is the more fundamental problem (Napoli, 1999).

2.3.3 The Status of Digital Migration in Kenya

The switchover process from the analogue to digital platforms in Kenya in 2015 was initially faced with major challenges but it has brought revolutionary changes in the local television programming industry. The process of digital migration was initiated at the International Telecommunication Union (ITU) Regional Radio Communication Conference (RRC-06) that was hosted in Geneva in 2006. Here, it was resolved that the deadline for digital migration in Europe, Africa, Middle East and Iran be set for 2015 (ITU, 2006).

Kenya set its own deadline for digital switch for the 31st December 2013 for stakeholders to prepare for an adequate transition. KBC established SIGNET a subsidiary to carry out the mandate of broadcast signal distribution. Pan African Group (PANG-K) is the second Broadcast Signal Distributors (BSD) to be authorized in Kenya after SIGNET. In February of 2015, Kenya encountered a 19 day media blackout when the Kenya Television Network (KTN), Citizen TV and Nation TV (NTV) went off air after the CAK, raided their transmitters in Limuru switching off their analogue equipment. Citizen TV, NTV comprises of the African Digital Network (ADN) consortium. KTN initially was part of this consortium but has since left.

The Communications Authority of Kenya (2015) confirms that despite being faced with numerous challenges like legal battles that ended up in the Supreme Court, Kenya has successfully migrated to digital television broadcasting platform (Hansard, 2013).

Nyabuga (2016) says that access to mobile digital technologies together with the boost in their application have had remarkable consequences on media production in Kenya particularly on reception, dissemination and consumption. Traditional media entities have in essence had to become accustomed to the transformational propensity by embracing digital technologies that remain not only profitable but relevant too (Githii, 2001). The rapid drop in audiences of traditional media platforms like radio, television and newspapers means that it is imperative for entities that operate these platforms. This way they will evolve and embrace change by adopting technologies to their advantage.

2.3.4 Television Broadcast Regulation in Kenya

Are there laws that regulate television broadcast in Kenya today? Githii (2001) says that there are several laws that regulate the media in Kenya. They include a range of Acts, as well as civil and criminal law statutes that include provisions regulating both print and broadcast media. Many Acts that mainly refer to English Statutes of the 19th century were inherited from the colonial governments and provide for tight government control on information and the mass media (Simiyu, 2008).

Dalton (2000) says that *"The importance of audio-visual content regulation to the development of the audio-visual screen content industry cannot be overestimated."* It not only creates opportunities for production, it also supports infrastructure and development of skills while creating a strong and growing domestic audio-visual television content market. The democratic nature of citizen journalism means that the producers of these new genres of audio-visual television programmes and media products are unencumbered by legal considerations and strictures (Ndirangu, 2012).

2.3.5 Summary of Reviewed Literature

The literature reviewed is relevant as it points out some gaps that this study will aim at filling. Today social media is a huge platform for production and consumption of most of the independently produced audio-visual television content.

A majority of it indicates that most studies conducted on audio-visual content focused on the general idea of current knowledge on the digital migration transition process, content analysis as well as the impact of the digital migration process on audiences.

This study moved away from the content in audio-visual programmes and focused on the implementation of the media programming code on local television content and the attainment of the mandatory 40% local content quota requirement.

2.4 Theoretical Framework

This section examines the interdisciplinary advances in the theories of the Technology acceptance model (TAM) and the Diffusion of innovation (DOI) theory. In this study, the Technology acceptance model (TAM) supports the other theory in the study and it is therefore acknowledged by the researcher as the main theoretical framework for the study.

2.4.1 The Technology Acceptance Model (TAM)

The Technology Acceptance Model (TAM) was initially intended to envisage the user's acceptance of the information technology plus its application on the job. The technology Acceptance Model (TAM) was first put forward by Fred Davis through his Doctoral thesis in 1989. It is one of the most accepted information systems research models. The model posits that in cases when consumers are presented with the latest forms of technology, a number of reasons influence their decisions on how and when they will use them. The theory is useful in the area of research in the process of examining the individual's acceptance behaviour on the new information systems and information technology.

The technology acceptance model (TAM) is anchored on the theory of reasoned action (TRA). It has been used to elucidate the acceptance behaviour of individuals. TAM has also been widely applied to analyse individual technology acceptance behaviour in many types of information systems.

The model implies that when users are offered with new forms of technology, there are a number of factors that influence their decision on how and indeed when they will use it. (1) The perceived usefulness (PU) factor that was characterized by Fred Davis as "as the potential user's subjective possibility that the use of the specific application system will improve the performance of his or her job" and (2) The perceived ease of use (PEOU) which is "the extent to which the prospective user anticipates that the targeted system will be free of the need for them to use effort " (Davis 1989).

TAM considers the perceived usefulness and the ease of use to be the significant determinants of the actual system use. These two factors are influenced by external variables. The external factors are manifested and are cultural, political and social. The social factors consist of skills, facilitating conditions and language. The political factors are largely results of the impact of applying technology in cases of politics as well as political crises.
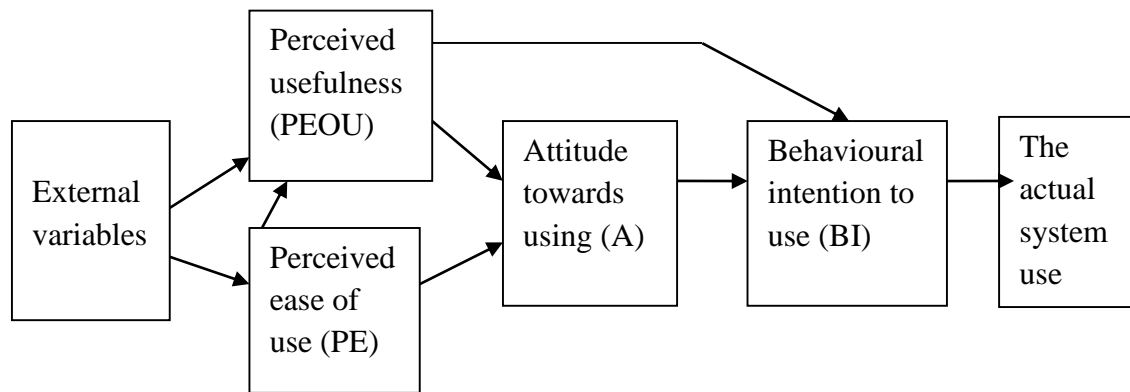
Figure 2.1: The Technology Acceptance Model (TAM) Davis (1989)

TAM is not based on observation of its real usage but rather on its users who report their outset as it deals with their personal perceptions. The instruments that are used in connection with TAM theory are surveys, whereby questions are put together to reflect the different facets of TAM. As Davis (2010) noted, the acceptance research of future technology must deal with how the other variables influence the ease of use, the support and the user acceptance experiences. The aspects of the perceived ease of use and the perceived usefulness of the same may therefore not fully explain behavioural intentions of the use of advanced audio-visual technology.

In this study, TAM was used to establish the mediatory effect of the perceived ease of use and the perceived usefulness of advanced audio-visual technology on the implementation of the 40% local television content programming code requirement on local television content in Kenya.

2.4.2 Diffusion of Innovation (DOI) Theory

The Diffusion of innovation theory was propagated by Everett Rogers in 1962. It says that mass media is a more effective means of creating knowledge of innovation. Interpersonal channels play an integral role in the forming and changing attitudes towards new innovation. Individual members of a social system are classified as innovators; the early adopters, early majority, the late majority and finally the laggards. Potential adopters learn about the innovation and while they are persuaded about the advantages of adopting an innovation, they decide to either adopt or reject an innovation.

Rogers identifies the five stages through which an individual goes mentally before rejecting or adopting an innovation. Knowledge and awareness must first be created and the correct information about innovation must be shared, persuasion where the individual shapes an attitude on the innovation, decisions where individuals make use of activities that eventually lead to adoption or rejection of an innovation. The implementation stage is where the individual decides to put the innovation into use and confirmation where the individual at this stage evaluates the result of the new innovation. The rate of adoption of innovation is based on the degree of individual's innovativeness. A favorable attitude that is created towards the innovation will lead to adoption of that particular innovation. If it is rejected, then that particular innovation is discontinued.

Muvaka (2015) says that policymakers should be consulted when a new innovation like digital migration is about to be introduced to allow for an adequate and smooth transition. Digitization continues to see the emergence of new audio-visual technology. The favourable attitude that is created towards innovation leads to the adoption of that particular innovation. If it is rejected, that innovation is subsequently discontinued. In Kenya, the adoption of innovation that is brought about by the advancement in the needs for audio-visual television content continues to grow.

Muvaka (2015), says that policymakers need to be consulted whenever a new innovation is about to be introduced. This way, they can prepare adequately and facilitate smooth transition. Prior the implementation of the 40% media programming code on local audio-visual television content, the Kenyan television broadcast landscape has been gradually evolving.

In Kenya, the adoption of innovation brought about by digitization of audio-video technology such as digital video equipment and smart phones and online audio-visual access platforms like VoD has been gradual but it is picking pace. In this study, the theory was useful in discussing the effect of advanced audio-visual technology in contributing to the realization of the media programming code of 40% local television content.

The theories discussed in this study beginning with Technology acceptance model (TAM), describe how individuals decide to adopt or reject innovation after awareness about that innovation has been created. The Diffusion of innovation theory describes how creators of television content deliberately choose particular technology to satisfy their professional needs to get their television content acquired by broadcasters.

Despite the fact that these theories compliment to each other in relation to the findings of this study, the theory of technology acceptance model was identified by the researcher as the main theory in which the study was anchored. The acceptance of technology has a positive effect on the organisation and its general business model and strategies aimed at surviving in the highly competitive local audio-visual television content environment.

The Technology acceptance model (TAM) explains how the implementation of the media programming code on 40% on local television content affects the entire broadcasting industry from content acquisition, retrenchment of staff and crew and the drastic downward dip in advertising revenue. Independent audio-visual television content producers have discovered other alternative outlets and platforms than the ones provided by the mainstream broadcast outlets to distribute their content. Access to local audio-visual television content by viewers through OTT, social media and VoD platforms have increased the rate of content production in Kenya and this is seen as acceptance of technology for the sake of local content production.

2.5 The Conceptual Framework

AUDIO-VISUAL PRODUCTION ENVIRONMENT

Inputs	Process	Outputs
1. TV Production Technology	1. Pre-production	1. Audio-visual television programmes
2. Production personnel	2. Production	2. Improvement in quality of local content production
3. Production talent	3. Post-production	3. Job opportunities
4. Finances	4. Distribution	4. 40% Local content
5. Target audience	5. Dissemination	
	6. Archiving	

Broadcasters and TV Content buyers and Content Aggregators

AUDIO-VISUAL PRODUCTION ENVIRONMENT

Figure 2.2: Conceptual Framework showing the relationship between audio-visual technology, production processes and implementation of the Media Programming Code

A system is defined as the collection of interrelated, interdependent components or processes that operate in coordination to eventually turn inputs into outputs. An application of the systems approach to the educational television programme production system helps in controlling, understanding, and improving the structure and functions of the system for the effective realisation of the instructional objectives (Mangal, 2009).

The system maintains itself with its basic factors operating logically on the principle of feedback and balance with the environment. In the audio-visual television programme production system above, the researcher conceptualized the inputs as technology and equipment, skilled production personnel, financial obligations, the target audience, the stakeholders and government policies which are elementary in the general production process.

The process of production of audio-visual content goes through three stages namely: pre-production stage (research, conceptualization and planning of the programme), actual production stage (filming of the programme) and; post-production stage (editing, recording and mastering of the final programme). The inputs are Technology, Production personnel, Production talent, Finances and the Target audience. The process entails pre-production, production, post-production, distribution, dissemination and archiving. The outputs were conceptualized as audio-visual television programmes which are used to educate, inform and entertain the members of the audience. They include the audio-visual television programmes, an improvement in the quality of local content production, more job opportunities and achievement of 40% Local content quota as required by the media programming code on local content production.

CHAPTER THREE

METHODOLOGY

3.0 Overview

This chapter discusses the methodology used in this study. It describes the research design, the study area, the study design, unit of analysis, the sample size and the sampling techniques. This chapter also looks at the methods of data collection, administration, analysis, presentation and the validity and reliability of the instruments.

3.1 Research Design

Research design refers to the plans and procedures that will span the assessment from the broad assumptions to the detailed methods of data collection and analysis aimed at solving a research problem (Creswell, 2009). The study adopted a descriptive research design that allowed for a multifaceted approach to data collection and analysis.

3.2 Research Site and Time Frame

The study was carried out in Nairobi County as it is considered to host the highest number of local audio-visual television content producers in Kenya. (Ipsos, 2014). Additionally, most Television broadcast houses are located within Nairobi. The data collection time was from July 2018 to August 2018. The area of study was limited to the County of Nairobi. The five main television stations Citizen TV, KTN Home, NTV, K24 and KBC Channel 1, NTV, K24, and KBC Channel 1 are located within the CBD while Citizen TV, KTN and Maisha Magic are located a short distance away from the Central Business District (CBD). Majority of local Kenyan independent audio-visual television content producers are also stationed in Nairobi. These locations are convenient and within a reachable area of residence of the researcher. These factors saved time and transportation costs for this study.

3.3 Research approach

The study espoused both quantitative and qualitative data collection methods which later allowed for triangulation of the data. This offered the researcher a chance to have an understanding of the factors that hinder the implementation of the media programming code of the 40% local audio-visual television content in Kenya.

3.4 Research method

A descriptive research approach was used to gather data, which was instrumental in examining the implementation of the media programming code on 40% local audio-visual television content in Kenya in relation to the aforementioned principles. Descriptive research approach is particularly fundamental cases where the researcher is examining the extent of the relationship between two or more variables (Kombo & Tromp 2008). In order to assess the implementation of the media programming code in Kenya in detail, non-probability sampling which involves the selection of the people to the sample on the basis of facets like expertise and experience was used alongside descriptive research approach, whereby the case in this context was local television content production in Kenya. Kothari (2004) avers that the case study approach is effective in the description of a unit holistically, in context and in detail.

3.5 Population and Sampling procedure

Population is the entire group from which data is obtained (Wimmer & Dominick, 2006). All local television content (both independent and in-house) formed part of the population. A target population is the population to which the research findings can be generalized. The Kenya Film Commission estimates that there are 2400 audio-visual content creators in Kenya. The target population for the study was 153 which included 5 Key respondents, 20 Scriptwriters, 48 actors, 35 Technical crew members, 12 TV Directors, 12 independent producers, 12 Editors, 8 in-house producers and 6 Programming managers.

Sampling refers to the process of obtaining a division of the population that represents the entire population (Wimmer & Dominick, 2006). This is because it could be impractical to collect data from all the groups covered by the research problem. The study can draw accurate inferences on all the groups based on a relatively diminutive number of groups when the sub-groups precisely represent the applicable attributes of the entire group.

The study utilised non-probability sampling. Non-probability sampling involves the selection of people to the sample on the basis of things like expertise and experience (Kothari, 2004). Purposive sampling was utilised to pick 12 independent content

producers, 6 television production managers, 5 key informants, and 35 technical crew members.

Purposive sampling functions on the principle that the researcher gets the best data through concentrating on a fairly small number of respondents purposely selected on the basis of their known attributes (Kothari, 2004). This technique thus allowed the researcher to get the expert opinion that was critical for the research study. Nairobi County was chosen as the preferred location of study because it comprises the suitable location for majority of the local audio-visual television content producers and FTA television stations in Kenya. The location factor was an important criterion in determining the activity of the local independent audio-visual television content producers. Considering the time and financial constraints of the researcher, the location was favourable largely because of its close proximity to the researcher's location of residence.

3.5.1 Sample population

The sample size will be made up of 5 key informants who are Government officers from regulatory bodies that work in the Kenyan Film and television industry. KFCB, KFC, CA, KFTPA and MOA are major stakeholders in the implementation of the policies in the regulation of television content. Purposive sampling was used to select all the 5 officers. These officers were selected due to their central role in the implementation of the policy on local audio-visual content on Kenyan television stations.

3.5.2 Sampling procedure

The study used non-probability sampling design specifically purposive sampling. The study sampled KFCB, KFC, KFTPA, MOA and the CA. These agencies were sampled because of their centrality in policy implementation in the Media and television sector in Kenya.

3.5.3 Sampling and Sampling Technique

Sampling is the process of obtaining a subset of the main population that represents the entire population under study (Wimmer & Dominick, 2010). The CA places, the total number of Television channels at 66 (Digital Kenya, 2017, December 4).

Each of these TV channels tentatively has 66 Content acquisition managers. For the purpose of this study 6 local Television channels were selected.

For programming managers, simple random sampling method of probability sampling was used to select 6 respondents. This consisted (6 content programming managers and 8 in-house local television content producers). For the category of local independent television content producers, simple random sampling probability was used to select 12 respondents from a total of 100 members of The Kenya audio-visual television content production industry.

The purposive sampling technique used was non-probability. A sample of 5 Key informants was thus drawn from KFCB, KFTPA, KFC, MOA and the CA. Purposive sampling for key respondents allows the researcher to acquire the required and appropriate information with respect to objectives of the study. This makes this technique the most appropriate for this particular category.

A recent study that was conducted by the Kenya Audience Research Foundation (KARF) reveals that 16 million Kenyans consume media on a daily basis. The study further reveals that 94 per cent of this populace consumes radio, print and television. 33 per cent of this population consumes new media but the consumption is not exclusive. The survey also highlighted the impact of fragmentation after the digital migration process that has seen Kenyans currently access over 337 TV channels (66 of these are local channels).

Another recent study that was conducted by GeoPoll shows that Citizen TV controls the lion share of the viewership at 33.7%, NTV comes in second at a dismal 11.5%, KTN at 11.1%, KTN NEWS at 8.8%, K24 at 4.4%, and KBC at 4.2% , *Inooro* TV at 3.5% and Kiss TV at 2.7%, (Business Daily, 2017, July 19). Whereas this sample satisfies the CA's requirement on local television broadcasters to adhere to the 40% quota on local content, these television stations are believed to have adequate infrastructure to comfortably meet this requirement.

3.5.4 Sample Size
Sample size selection is an important decision that has to be factored in while adopting a sampling technique. The appropriate size depends on a variety of factors that relate to

the subject under investigation. These include the cost aspect, the time aspect, the degree of accuracy among others (Kothari, 2007).

It was not possible to incorporate the entire populace in the study, a manageable sample was selected. The following formula was used to calculate the sample size from a population of 2,400 independent local television content producers. In order to approximate the defective percentage within 2 per cent of the correct value with a 95.5 per cent probability, the following figure was arrived at.

n= z2.p.q.N e2 (N-1) +z2.p.q Where: N= is the population size, in this case 2,400 e = 0.2 (the estimate figure lies within 2% of the true value); z = 2.005 (as per the table of area under the normal curve for the exact given level of confidence of 95.5%) p = (As we have not been given the p value as the proportion, we assume it as p = .02 as per basis of experience) With this formula, the researcher obtained a sample size of 200 and as: n= z2.p.q.N e2 (N-1) +z2.p.q = (2.002)2 (.02) (1-.02) (2,200) (.02)2 (2,200-1) + (2.005)2 (.02) (1-.02) =10,824.00246 -55.53028248 =196.7021456 = 180-The final figure of 180 was then approximated to 153

3.5.5 Target Population and Size

Kothari (2007) defines a research population as the entire group from which data for research is to be obtained. According to the Kenya Film and Television Producers association, there are at least two thousand professionals working in the local television content production sub-sector. It is the group from which the study sample was drawn. The study targeted 150 members of the KFTPA, KAG, KSG and KFS guilds who work in the local television audio-visual content production and broadcast industry. They included the categories of Television content producers, Television programming managers, and Television content creators and Television content regulators.

Categories	Quantitative	Qualitative	Total
Key informants	_	05	05
In-House producers	08	_	08
Programming managers	06	_	06
Independent producers	12	_	12
Actors	48	_	48
Directors	12	_	12
Scriptwriters	20	_	20
Editors	12	_	12
Technical crew	35	_	35
Total	**153**	**05**	**158**

Table 3.1 Target Population Source: KFTPA (2018)

3.5.6 Data Collection Procedure

This study was conducted within Nairobi. A mixed method approach was applied. Purposive approach was utilised to select Nairobi as the biggest hub of television content in Kenya. The researcher targeted a total of 153 respondents who consisted of audio-visual television content production professionals.

In order to assess the implementation of the media programming code in Kenya in detail, descriptive research design was espoused. The case in this context was the implementation of the programming act on local television content in Kenya. The deductive process was used where the researcher categorized the collected content into various thematic issues for easy focus thereby achieving clarity on pluralism, competition, public interest, diversity and localization of television content in the Kenyan television broadcast landscape. Primary data for the study was obtained through in-depth interviews (see *Appendix I* and the administration of questionnaires. (see *Appendix II*)

3.5.7 Primary Data Sources

A primary data collection instrument in the form of a questionnaire together with face to face and telephone interviews were used in this study. The questionnaire was used to collect data from 153 active media producers and broadcasters who had scheduled

local audio-visual productions on their FTA and pay TV channels. The questionnaire was structured with both open and closed ended questions. Face-to-face and telephone interviews were be utilised to collect data from 5 participants namely who were the 5 key informants from CA, the Kenya Film and Classification Board (KFCB), Kenya Film and Television professional Association (KFTPA) and Kenyan Film Commission (KFC).

3.5.8 Secondary Data Sources

Apart from primary data collection methods mentioned above, this research also used secondary sources of data from the Ipsos-Synovate and CAK websites where content related to the subject of study were reviewed. Mangal (2009) says that, more often than not, secondary sources provide a considerable amount of data collected as the method takes lesser time and is cheaper. These sources included books, newspapers, journals, the Kenya Information Communication Act (KICA), data stored in electronically among others. This method was particularly helpful because data was easily accessible hence relatively cheap. Secondary sources are also helpful when a researcher is seeking information about organisations or individuals which/who would otherwise be unavailable or inaccessible (Kombo & Tromp, 2009).

3.5.9 Interviews

Interviews involve presentation of oral responses in terms to oral -verbal questions (Kothari, 2004). The researcher used semi structured interviews and open ended questions to collect data and maximize on accuracy. The semi structured interviews of the Key informants from the Kenya Film and Classification Board (KFCB), Kenya Film and Television professional Association (KFTPA) and Kenyan Film Commission (KFC) allowed the researcher to make additional inquisition consequently obtaining further information that could have easily been forfeited through the use of a structured interview model. Pawar (2008) noted that unstructured models are useful when conducting in-depth interviews. The interviews see (*Appendix I*) were administered through a one-on-one basis hence maximizing on the quality and quantity of the data collected.

3.6 Instruments of Data Collection

3.6.1 Questionnaires

Questionnaires with open and closed ended questionnaires were administered for purposes of collecting quantitative data to television directors, producers, actors and technical support staff. They were required to key in data to be analysed for quantitative purposes. The open and closed ended questions were useful for obtaining statistical data for the purposes of this study.

3.6.2 Interview Guide

The researcher used an interview guide to conduct in-depth interviews with key respondents from KFCB, KFTPA, KFC, MOA and the CA keeping within the focus boundary. Before going out to the field, the researcher formulated questions that evoked responses from key informants. The interview questions were structured with two components. The first set of questions was asked just as they had been prepared while the second set was exploratory. The interview schedule (*Appendix II*) was found suitable for this research as it allowed the respondents to provide both qualitative and quantitative data. Comparisons were made on both types of questions. The interviews also enabled the respondents to meet with the interviewer and engage on one-on-one. These provided responses to the research questions and objectives of this study. Before interviewing the key informants, the researcher briefed them about the study.

3.6.3 Data Analysis and Presentation

Data analysis refers to the process of condensing the material into manageable data in a systematic manner, structuring the data into patterns, themes, interrelationships and de-textualising of data through conversion of expanded texts into more controllable forms like summaries, illustrations and diagrams, and presentation of data from interviews in the narrative prose format. (Borg & Gall, 1990)For each data set, separate code sheet was created to establish and interpret the pattern and relationships of the observations. This involved thematic and descriptive approaches where direct quotations and selected comments from informants were used to explain trends. The analysed data was then presented using thematic descriptions as well as tables, pie charts and graphs. The quantitative data was coded and analysed using the Statistical Package for the Social Sciences (SPSS) software and eventually presented in pie-charts, graphs and simple percentages.

3.6.4 Pilot Study

Before the commencement of the main research study, pre-testing of the instrument was conducted. 12 respondents participated in it but their contribution was not incorporated in the final research finding. The main purpose for this study was an analysis of the implementation of the media programming code on local television content in Kenya to enhance the legitimacy of the instruments before the real research.

3.6.5 Reliability and Validity of the Instrument

The pre-test piloting study on data collection tools on respondents that was conducted before the actual collection of data helped in determining the validity and reliability of the data collection tools. This exercise aided the researcher to edit, reword and rephrase some of the ambiguous questions in the interview guide and the questionnaire to ensure the participants understood and interpreted the questions correctly. Validity is the degree to which a tool measures what it asserts to measure. (Borg &Gall, 1989) Reliability refers to the measure of the degree to which the research tool yields results following a repetitive test, thus the undertaking of the pre-testing piloting of the study.

3.7 Ethical Considerations

Ethical considerations are imperative in research since they offer guidelines for the researcher to adhere to during the period of conducting the study. Additionally they ensure that trust and accountability are assured for the participants of the research. They also launch the parameters for the researcher to operate in. These parameters are what defines the norms of what is acceptable and what is not. This research was carried out within specific ethical guidelines. The researcher obtained a signed and stamped Certificate of Fieldwork (*Appendix III*) from The School of Journalism before proceeding to the field for collection of data. A Certificate of Corrections (*Appendix IV*) was issued to the researcher from the School of Journalism and Mass Communication upon successfully effecting the recommendations as proposed by the University's Board of Examiners after the final study defence. A Declaration of Originality Certificate (*Appendix V*) was also issued to the researcher after checking, verifying and confirming the authenticity of the study. Before collecting data from the respondents, the researcher formally identified herself using an introductory letter

from the University of Nairobi stating the purpose of the study and data collection as being purely for academic purposes and not any other intention. This study avoided bias by reporting facts as received from the respondents. It also avoided fabrication of data and plagiarism as all sources of information in the study were acknowledged. It abided to and maintained the principles and ethics of research. It ensured that all the respondents' rights were adhered to and that they gave their responses willingly. The responses given were treated with high level of confidentiality. The researcher will kept away from questions delving into the respondents' private lives. The following ethical deliberations were also observed. (a) Informed approval was sought from all the respondents involved in the study, (b) the respondents were adequately informed of the purpose of the study, (c) confidentiality of the respondents' responses and identity was assured through the introductory section of the interview guide, and (d) the respondents' right not to answer any sensitive or personal questions was guaranteed. The study avoided biases and since the researcher is a Television producer, an assistant was responsible for issuing and collecting of questionnaires. This study avoided fabrication of data and plagiarism and only reported facts as received from the respondents. All sources of information were appropriately cited and acknowledged.

CHAPTER FOUR
DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.0 Overview

This chapter presents and analyses the findings of the research. The study sought to analyse the implementation of the media programming code on local television content in Kenya with particular attention to local free to air television stations. Data was generated from key respondents consisting of experts in audio-visual television content production and regulation in Kenya. Qualitative data was collected from 5 interviews conducted with stakeholders in the local Television content production industry. Quantitative data was collected from 153 questionnaires administered to media practitioners that included in-house-producers, independent producers, directors, scriptwriters, actors, technical crew and Television programming managers. Since the research used a mixed method approach, it was categorized into Quantitative Research and Qualitative Research where the former is presented in the form of questionnaires while the latter is in form of interviews. The data was analysed using version 17 of the Statistical Package for Social Sciences (SPSS). The analysis of the data is presented in the form of bar graphs and pie charts.

4.1 Response rate

A total of 153 questionnaires were created and administered to the various respondents (Practitioners in the television production industry) for the researcher to collect at a later date. At the end of the study, only 133 questionnaires were returned. 20 were not returned or were unfilled hence the researcher regarded them as spoiled. The returned questionnaires were coded and entered into the computer for analysis. The overall response rate was 87%. This relatively high response rate for the study was attributed to these factors: a clear and simple designed questionnaire that was translated in the interest of the ordinary Kenyan television production professional. The respondents were guaranteed of the confidentiality of their responses to the questionnaire and the interviews. The respondents were enthusiastic and willing to participate in the survey because they felt that the study addressed an issue that is personal to them and they admitted to not having ever taken part in a study of this nature which is personal to their hearts. They also considered this an opportunity to put their views across and to contribute to the general improvement of the sector.

Table 4.1: Response Rate of the Respondents per category

Respondent category	Target response	Actual response
Key informants	08	06
In-house producers	08	08
Independent producers	12	11
Programming managers	06	06
Scriptwriters	20	16
Video editors	12	10
Actors	48	44
Drama Directors	12	10
Technical crew members	35	28
TOTAL	**153**	**133**

Source: KFTPA 2018

4.2 Demographic Characteristics

The analysis and discussion in the table above shows the total number of respondents who answered the questionnaires and those who did not. Out of the 153 questionnaires that were distributed to the nine categories of respondents, 133 were filled and returned. The overall response rate was 87%. Kothari (2004) avers that a 70% response rate is acceptable as representative of the population that is sampled. The researcher had distributed 153 questionnaires among the audio-visual television production practitioners. A total of 133 were filled and returned. This represents a response rate of 87%. The 133 questionnaires that were filled qualified to be used for analysis as they had the validity requirements of the researcher. This demonstrates that the response rate was good and the data obtained was representative enough to make useful generalisations for the study. 6 questionnaires were distributed to in-house television programming managers. The 6 were filled and returned representing a response rate of 100%.

The filled questionnaires qualified to be used for analysis and the good response rate of the managers in the study was necessary as it provided adequate data for analysis on the uptake of local television content for local television stations. The table further shows the total number of audio-video television drama who responded to the questionnaires and those who did not.

Twelve questionnaires were distributed to the television content directors. Ten were filled and returned representing 83% response rate. This response rate of the respondents can be attributed to the fact that the researcher and the research assistants made follow ups.

4.2.1 Background information of the respondents

This section discusses data on the various categories of respondents namely; Producers both in-house and independent, Directors, Screen actors, Editors and technical crew members like gaffers, lighting experts, sound recorders, scriptwriters, production acquisition managers, costume managers, make- up artists, colourists.

4.2.2 Gender of the Quantitative Research Participants

The researcher sought to find out the gender of the qualitative research respondents. The findings are shown in Figure 4.2.2 below.
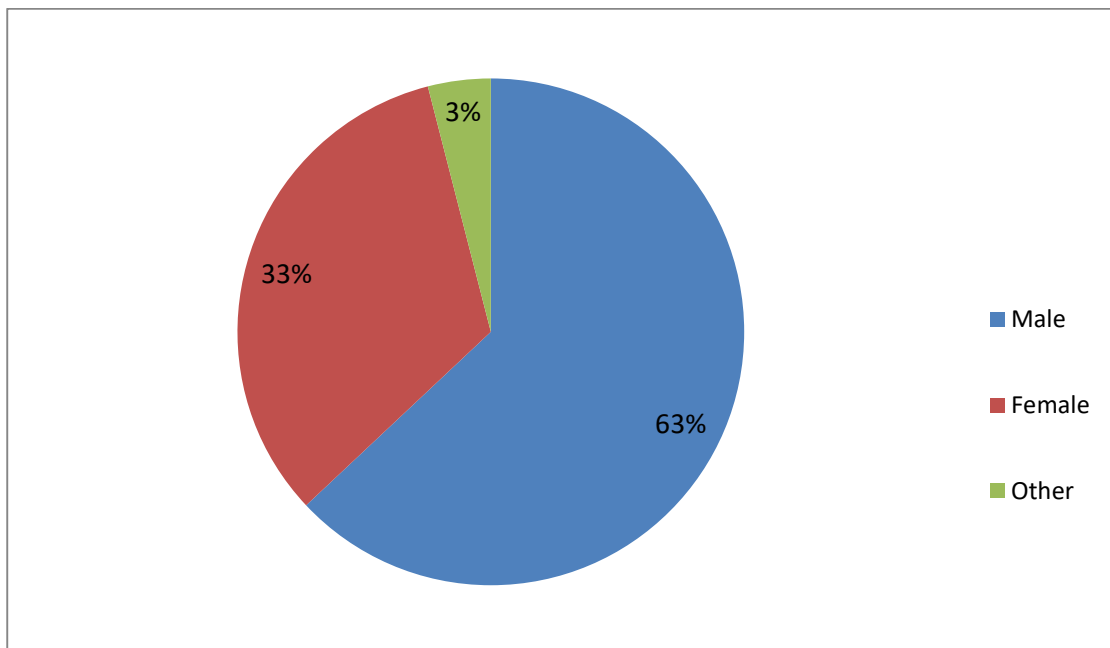
Source: Field survey 2018

The findings as indicated in Figure 4.2.2 above, reveal that majority (63%) of the key respondents were male while (33%) were female and 3% stated their gender as other as they did not define themselves as either male or female. This finding indicates that more audio-visual television content producers are male and hence have the lion share of opportunities in the television and film industry in Kenya.

It is important to however note that more female producers are not only joining the television and Film production industry and successfully cutting their niche in it but are taking up on more technical roles. Some of the outstanding television and film producers/directors are Wanjiru Kairu, Catherine Wamuyu and Fiddy Wanjiku. In the Television broadcast sector, the in house local television production departments are headed by female production managers like Citizen TV, KTN, K24, NTV and Maisha Magic East. They key respondents from the CAK and KFC were female.

4.2.3 Age of the Quantitative Research Participants

The respondents were requested to indicate their age. The findings are as shown in the Figure 4.2.3 below. The X-axis represents the age categories of the participants while the Y-axis represents the percentage of their subsequent age categories.

Figure 4.1: Age of the Quantitative Research Participants
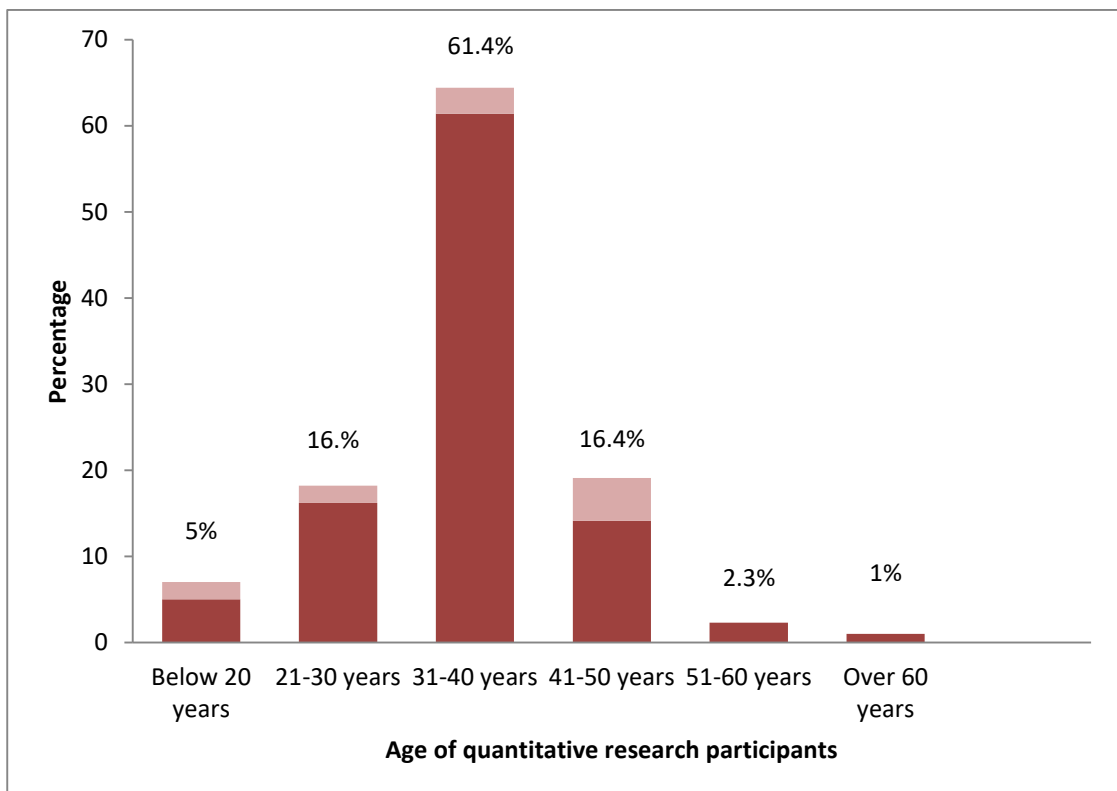
Source, Field survey 2018

Figure 4.2.3 above shows that, majority (61.4%) were aged between 31- 40 years, 41-50 years were 14.1% 21-30 years were 16% over 60 years were the least at 1%. The data indicates that the local audio-visual television industry is dominated by a youthful generation of both in-house and independent producers notwithstanding the existing challenges in light of the nascent industry, digital migration and the non-Implementation of the Programming code on 40% local television content. The 16.4% representative of the 41-50 years indicates that the industry is in the hands of experienced practitioners.

4.2.4 Education Level of the Quantitative Research Participants

The study reveals findings of the respondents' level of education. They are shown in Figure 4.2.4 below. The X-axis represents the level of education of the quantitative research participants while the Y-axis represents the percentage of the equivalent level of education of the same participants.

Figure 4.2: Education Level of Qualitative Research Participants
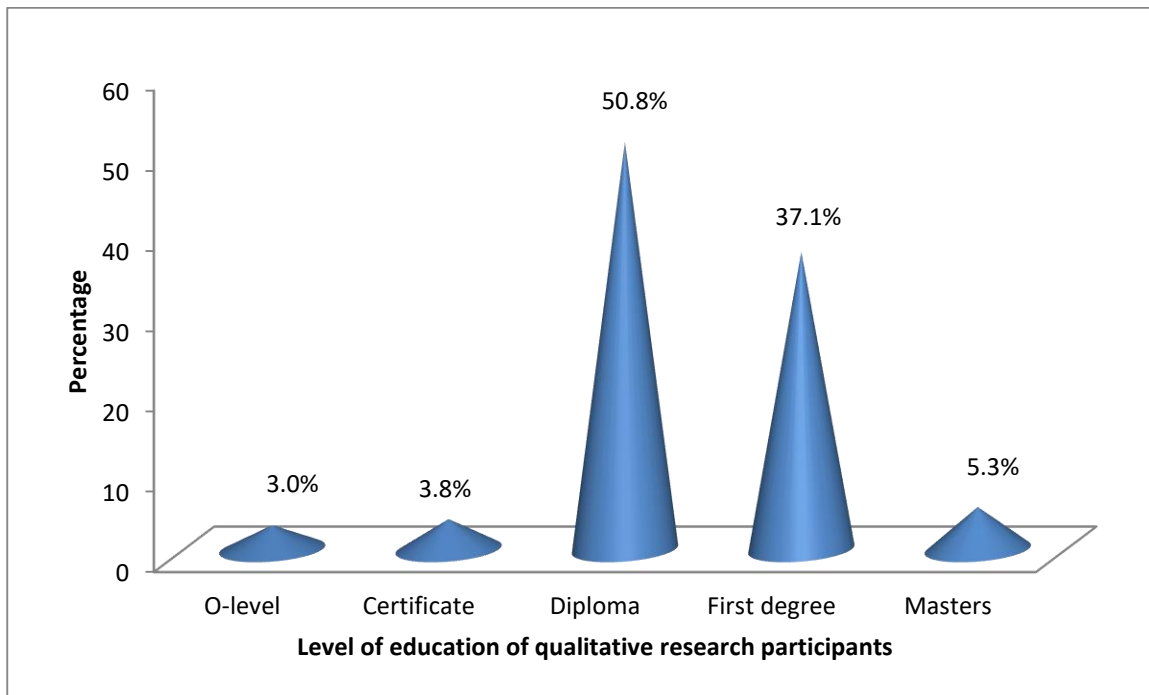
Source: Field survey 2018

From the findings in Figure 4.2.4 above, majority (50.8%) of the participants have Diploma as their highest level of education, and 3.8% have certificates, 37.1% have undergraduate and 5.3% have Masters Degrees as their highest level of education.

The level of education facet was significant for this study as it allowed the researcher to get an insight on the education level of the practitioners in the audio-visual television content production industry. It was also critical to the study to understand whether the local audio-visual television content production practitioners would understand the questions administered to them on the implementation of the media Programming code and the level of awareness of the policy on the production of local content.

4.2.5 Education Level of the Qualitative Research Participants

The study sought to find out the respondent's level of education. The findings are shown in Figure 4.2.5 below. The X-axis represents the level of education of the qualitative research participants while the Y-axis represents the percentage of the respondent's corresponding level of education.

Figure 4.3: Education Level of the Qualitative Research Participants
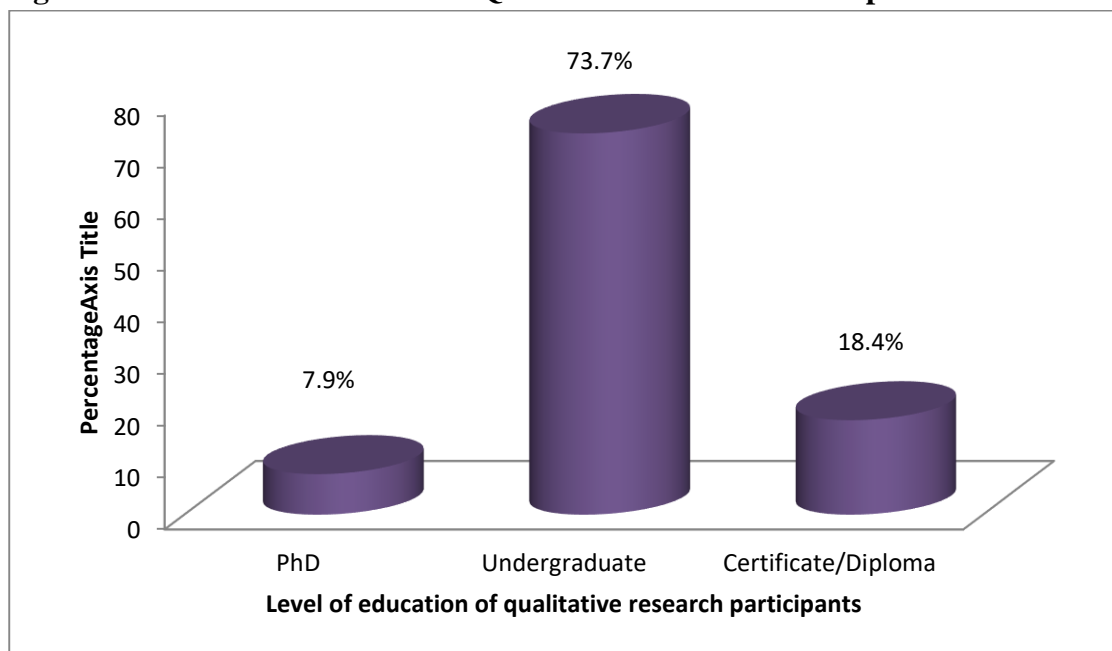
Source: Field survey 2018

The findings in Figure 4.2.5 above show that majority (73.7%) of the participants have undergraduate degrees, 18.4% of the respondents have certificates or diplomas and 7.9% are holders of Doctorate degrees. The understanding of the level of education of the participants was important for this study as it allowed the researcher

to achieve an understanding of the current level professionalism of the audio-visual television practitioners' industry in Kenya.

4.2.6 Occupation of Quantitative Research Participants

The study reveals findings on the respondents' job description. The findings are shown in Figure 4.2.6 below. The X-axis represents the percentage of the quantitative research participants while the Y-axis represents the specific job descriptions of the quantitative research participants.

Figure 4.4: Occupation of Quantitative Research Participants
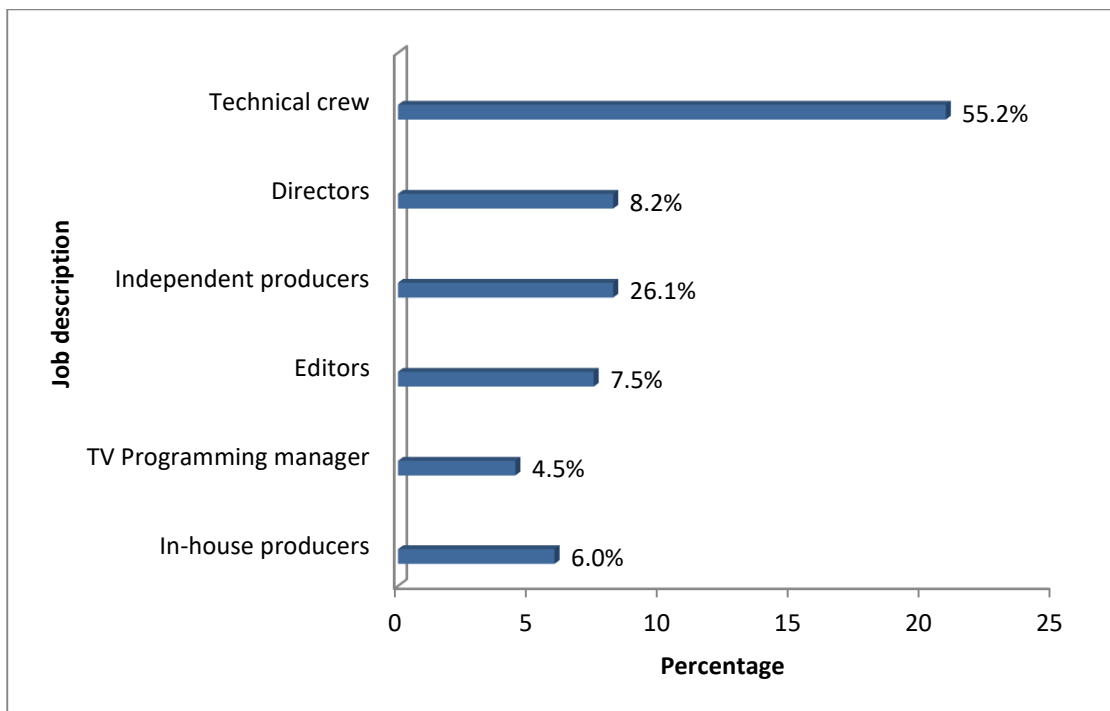
Source: Field survey 2018

From the findings as presented in Figure 4.2.6 above, majority of the audio-visual television content professionals work in the technical department as (55.2%). Independent producers were represented as 26.1%. The in-house programming managers were only 6% as this is a rank that is only available for employed personnel. The occupation of the participants was significant for this study as it allowed the researcher to get an insight on the diversity of the roles in the audio-visual television industry. The occupation of the audio-visual television practitioners was important as they are responsible for ensuring that the audio-visual content is produced in high

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quality and is available in sustainable quantities. These factors are significant in determining whether the show gets to be broadcasted to the right audiences in line with the advertiser's needs.

The independent producers gave an insight on the threshold that is held by the mainstream broadcasters on the implementation of the media Programming code requirements and quality that encompasses content that is produced in public interest for consumption by children and persons living with physical impairment like deafness and blindness. For the implementation of the media Programming code on local television content to be successful and for the resources and time being devoted to the production investment to count, Nyanjom (2016) says policy makers have to modify their centre of attention to public interest as a principle of broadcasting.

4.2.7 Occupants based on years worked in the Television Industry.

The study reveals findings on the respondents' job description. The findings are shown in Figure 4.2.7 below. The X-axis represents the years that respondents have worked in the audio-visual television industry while the Y-axis represents the percentage of the respondents.

Figure 4.5: Occupants based on years worked in the Television industry
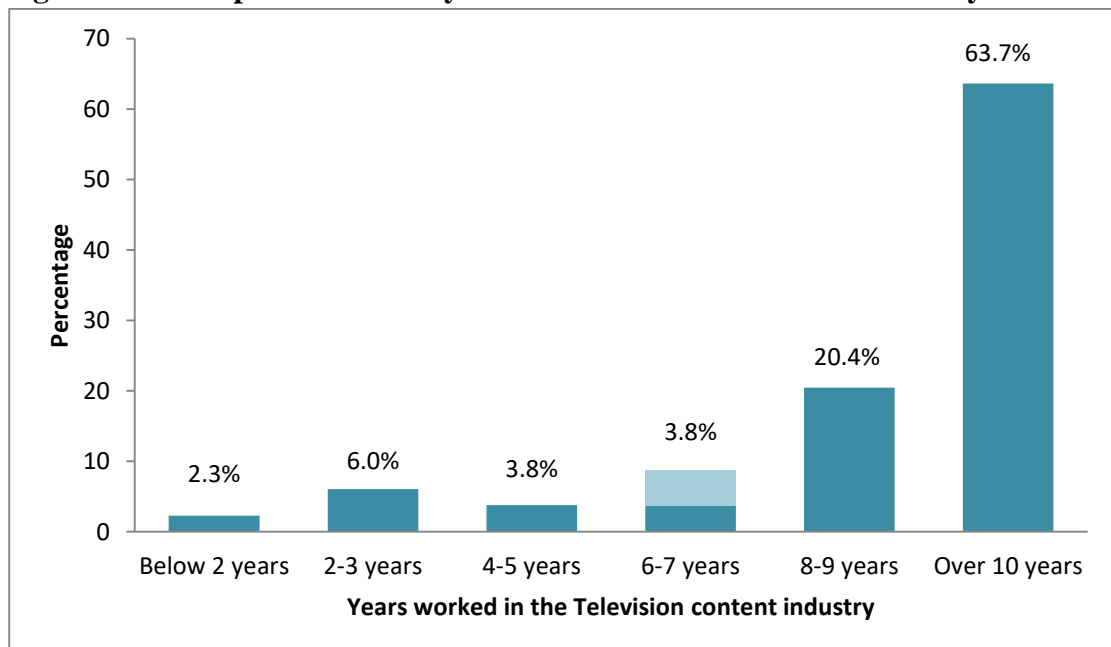
Source: Field survey 2018

The findings in Figure 4.2.7 above, reveal that majority of the audio-visual television content professionals 63.7% have worked in the industry for over 10 years.20.4% have worked in the industry for between 8 and 9 years. Those who have worked in the industry for less than 2 years were the least at 2.3% .The years worked in the industry facet was significant for this study as it allowed the researcher to acquire an understanding on the sustainability of the film and television industry as a profession.

4.3 Findings as per the Research Objectives of the Study

This section discusses the findings in relation to the objectives maid out for the study. The findings are revealed in the preceding tables beneath the sub-headings.

4.3.1   To Establish factors that influence Competition among Kenyan producers

This study sought to establish the factors that influence competition among Kenyan producers in their quest to get commissioned or content supply contracts for the provision of local audio-visual television programmes.

Figure 4.6: To Establish factors that Influence Competition among Kenyan producers
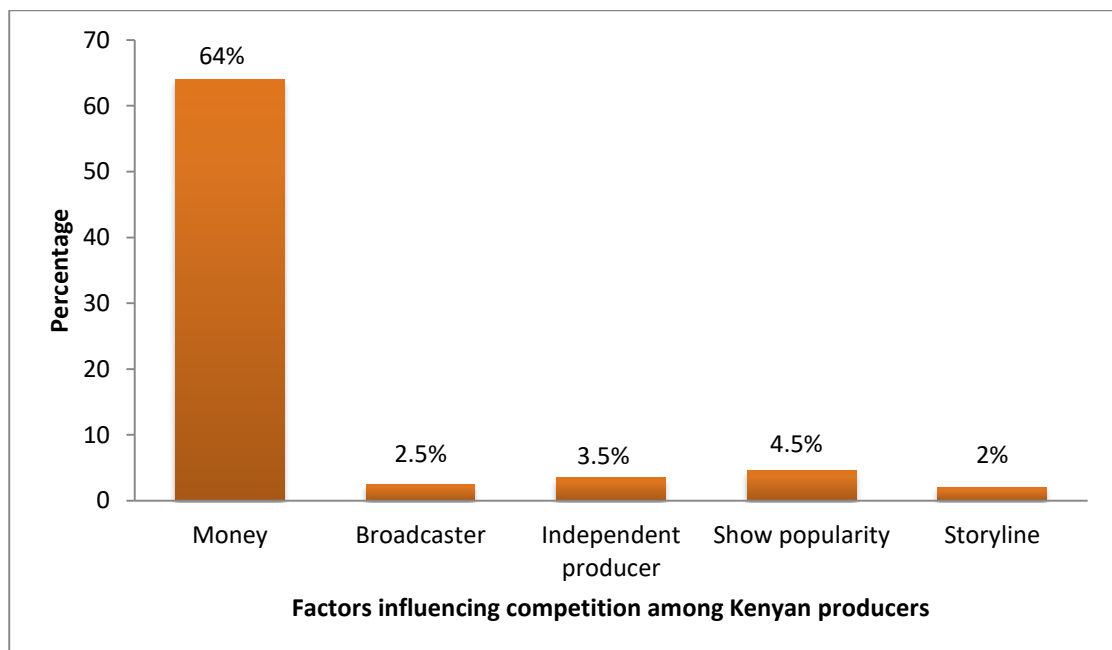
Source: Field survey 2018

According to the findings in figure 4.3.1, when asked to indicate the factors that influence competition among Kenyan producers, 64% said that money is their biggest

motivation. 2.5% said the television broadcasting the show was their biggest motivation. 3.5% said that the producer they will work under motivated them to work on the show while 4.5% said that the popularity of the show was their biggest motivation. The rest said that as long as there was a project they were willing to work on it. This analysis shows that money is the biggest influence for the audio-visual television content professionals. The findings of the study show that before the implementation of the media programming code on 40% of local content has led to the development of audio-visual television content by independent producers and since money is the main motivation, diversity in the content being produced is not being given priority. An independent audio-visual television content producer:

> IP: "The Television stations have a lot of red tape on what they consider the right genre of content for their audience. They dictate the storylines and even the actors I should have on my show. Since we are in this mainly for money, I avoid complicating issues and do what I am asked." (IP 081, interviewed 22 day of August 2018)

In so doing, audiences are denied an opportunity to watch a diverse audio-visual television. This opinion is in accordance with Freedman (2015) whose analysis says that consumers in the television broadcasting field are exposed to diverse quality and they compete for information to choose from. This leads to satisfaction with the content amid free and fair competition among players. Since the government introduced the 40% implementation of the media programming code on local content, there is an upsurge in content that is being produced by independent producers that is however not making it on air. An independent content producer stated:

> IP: "The kind of unfair control in the media houses in so frustrating. We are sitting on very good content because competition and unfair business practices ensure that a specific people have their content aired while some of us are left out." (IP 06, interviewed on the 21st day of August 2018)

This finding indicates that competition coupled with unfair business practices among broadcasters does not favour independent audio-video content producers. Fouda (2009) views pluralism as the system that develops individual capacities while protecting the same individuals' rights and freedoms. It recognizes the important social problems and promotes the politics of the incremental changes while maintaining a long-term stability based on consent.

Donders (2016) asserts that regulating the numerous pluralistic media industry calls for laws that guarantee healthy competition by removing all obstacles to the new entrants while at the same time prohibiting any monopolistic trends that may be seen. The fact that many Kenyan audio-visual television content producers have produced many programmes that are not on air shows that the impact of the 40% implementation of the media programming code on local content is yet to be felt by many Kenyan players.

4.3.2 To determine the producers acceptability to use upgraded audio-visual technology

The second objective of this study was to determine the producers' acceptability to use upgraded audio-visual technology. The study sought to find out the views that local audio-visual television content producers had on the acceptability to use upgraded audio-visual technology in the production of their audio-visual television productions. This is in line with Galprin (2004) who avers that the introduction of the digital television formats presents both challenges and opportunities.

Table 4.2: To determine the producers acceptability to use advanced audio-visual technology

Relevance	Frequency	Percentage
Very good	106	82.2
Good	22	17.1
Average	1	0.8
Missing	5	3.7
Total	**129**	**96.3**

Source: Field survey 2018

According to table 4.3.2, when asked to indicate what they felt about audio-visual equipment that they work with (82.2%) felt that it was very good (17.1%) felt that it was good (0.8%) felt that their satisfaction was average while 3.7% did not respond. According to Tushman & Anderson (2016), technological discontinuity refers to innovation that is a critical advantage for the performance of an industry and offers significant change in the form of the resultant products and processes. This analysis shows that majority of the audio-visual television content producers have upgraded

their audio-visual technology. The above findings also show that the audio-visual professionals in Kenya are keen producing high quality content in line with the demands of content buyers in the local broadcasting stations and the universal professional standards.

Figure 4.7: To determine the producers' acceptability of upgraded technical audio-visual production equipment
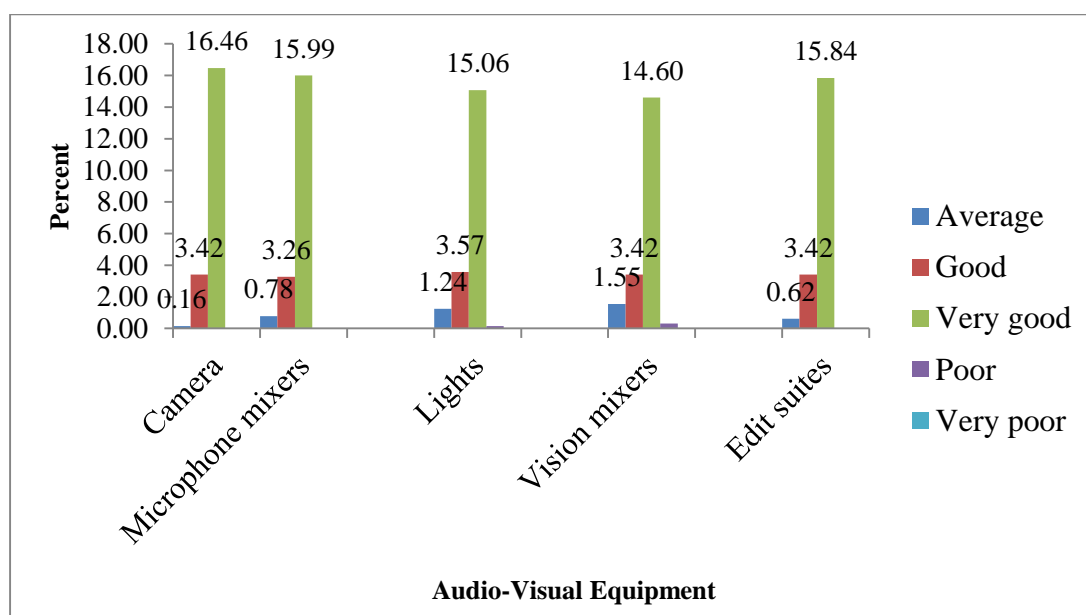
Source: Research Findings (2018)

According to table 4.3.3 when asked to indicate what their satisfaction of the audio-visual technical equipment that they use on their productions was, 16.46% of the respondents indicated that they had upgraded their cameras in line with the needs of the broadcasters like Maisha Magic East that have a standard format for the content that is aired on their channel. 15.99% had upgraded their microphones while 15.84% had upgraded their edit suites. An independent producer said that:

> *ITVP: "We have to grow with the rest of the world. We are now filming with 4K cameras which are the current international standards. The sad thing is that when we film our programmes with high quality equipment the broadcasters have to downgrade it before broadcasting and this makes it very hard for our viewers to enjoy good quality content as was envisioned*

during the digital migration period." (ITVP 02, interviewed on the 24th of August 2018)

The use of upgraded technical equipment has improved the quality of local audio-visual television content compared to the grainy content that was shot on older cameras like VHS and Camcorders. Independent producers are currently producing their content using very high quality cameras like Canon 5D and BlackMagic. The Government had in supporting the industry waived taxes on the importation of video filming equipment. A good number of local upcoming producers now own CANON 5D MARK II and MARKIII, SONY and Nikon cameras. Established independent audio-visual producers argue that the government's waiver has not been implemented and this has a negative implication on the achievement of the implementation of the Programming code on local content. In the words of an independent television producer;

> *ITVP: "We shall not achieve the 40% implementation of the media programming code on local content without the support of government. We as an industry were given a waiver on filming equipment but I was charged recently while bringing in equipment from the US. We are walking two steps forward and five back in achieving the 40% implementation of the media programming code on local television content." (ITVP 05, interviewed on the 21st day of August 2018)*

The key benefits of media policies on local audio-visual television content are to utilize the limited national frequencies more efficiently than they did before digital migration (Ardizzon & Ferrari, 2010). Despite the general notion that the 40% local content programming code is in place, the investment of independent producers in modern upgraded technology is not translating into a growth in jobs and more content on local television stations. Majority of the independent producers are setting standards in quality productions by shooting in HD 4K standards but they are compelled by the television stations to downgrade the quality as the broadcasters don't have capacity to air the same content with the current broadcast signal quality on offer in Kenya. Afua (2015) firms this when he says that the organisations that are fast in adopting new innovation and technology tend to be more successful. This is further supported by Berger (2010) who states that the African terrestrial spectrum is not under pressure to expand but there is lack of strong consumer markets for the large quantities of new digitally produced audio-visual television content.

4.4 To investigate ways in which audience reception impacts the type of content produced

The second objective of this study was to investigate ways in which audience reception impacts the type of content produced. The study findings are shown in the subsequence sub-headings.

4.4.1 The Implementation of the Media Programming code in Kenya and Localism

The implementation of the media programming code on local content has brought about challenges to broadcasters. They have gone around the requirements of the implementation of the Programming code on 40% local television and circumvented the requirements hence spending less on content.

The implementation of the media programming code has to an extent seen an increase in competition among broadcasters as media companies in Kenya continue to experience a precipitous drop in revenue share. Napoli (2003) in affirming this says that diversity is a perception under the implementation of the Television content programming code and should therefore be exemplified when a media that allows for fair and free competition among Television content creators. Diversity as a principle of broadcasting therefore ensures that the media gives the consumer content from a variety of sources and so the aspect of diversity is directly attached to the source and the content. This has led to a number of media companies downsizing their business operations including expansion of the in-house content production departments, termination of locally produced shows. An independent producer said that:

> *ITVP: "There is no way we can grow this creative industry if the broadcasters continue turning themselves into producers taking away our jobs. As a producer, I cannot shoot news, why then should a broadcaster produce their own content? It is very unfair as they deny us jobs as independent producers." (ITVP 04, interviewed 30th Day of August 2018)*

Local TV broadcasters are currently replacing their broadcast audio-visual television programmes with talk shows that are produced internally. Offering the viewers a wider spectrum choice is also noted by Napoli (2003) as an exposure to diversity. This is an aspect that has allowed the Kenyan broadcasting field to present a variety of television shows to the society.

This is totally against the new local television content programming code regulations that require the local Television broadcasters to air 40% of locally produced audio-visual television content. The programming code as per the regulations excludes programmes in the genre of commentaries, talk shows, news, commentaries and re-runs of previously aired shows. Oginni & Moitui (2016) say that Public broadcasting policy is principally concerned with how major societal issues are not only defined and constructed but approached and presented on a political level. According to findings of the Communication Authority of Kenya (CAK), the table below shows the percentages of local and foreign audio-visual television content aired on local television stations.

Figure 4.8: Foreign and Local Content aired on Kenyan stations in 2017
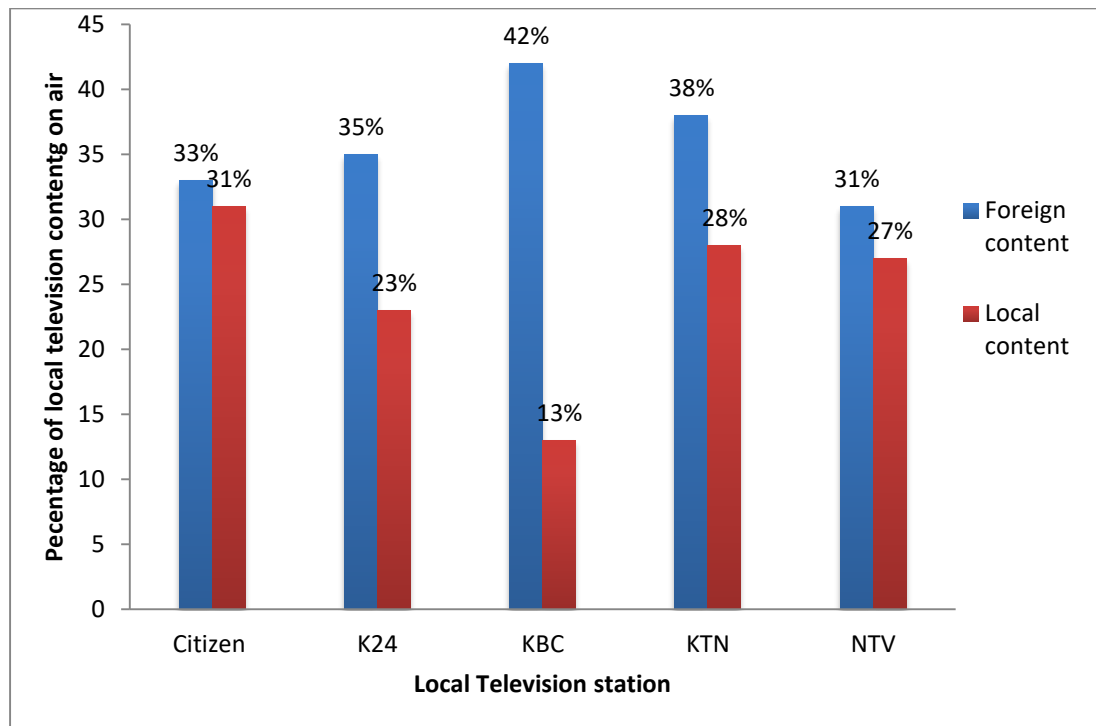
Source: CAK Website

According to table 4.4 as indicated in the statement of the problem a study conducted by Globetrack for the Communication Authority of Kenya (CAK) on the local audio-visual television content and to foreign content aired in Kenya as per the table 4.3.2 above, the following were the results. Citizen TV aired 33% local content, 31% foreign content, K24 aired 35% local content against and 23% foreign content, KBC

Channel 1 broadcasted 42% local content alongside and 13% foreign content, KTN Home aired 38% locally produced content and 28% foreign content, NTV transmitted 27% foreign content and 31% local content. These findings augur with Napoli (2003) who avers that some of the measures of ensuring localism in local audio video content include the provision of community based television channels that are dedicated to their service of providing at least one television channel that serves the entire USA. The television production managers say that the audience reception impacts the choice of content that they provide for their audiences. A production manager in a leading station said that:

> PM: "The audience is our main market. We have had an instance where we pulled a show off air because the audience rejected it in its first episode. The reason we have a lot of foreign content on our channel is that that is what our audiences want. If they did not like these programmes we wouldn't be having them on our schedules." (PM 04, interviewed on 30th Day of August 2018)

Despite the space created for broadcasters to broadcast more local content, observation by the researcher on the programme line-up guides of the first quarter of 2018 point toward more airtime allocation for Nigerian films and Mexican and Philippine telenovelas. Additionally, majority of the major broadcasters have since substituted the locally produced television show slots with music magazine shows like Citizen TV which used to have a series of locally produced shows on Saturday afternoons as *Super sato* and have since replaced the slots with *Roga roga* and Reggae musical magazine shows.

> TVPM: "We had no choice but to replace the shows with in-house productions because of cost implications that came into place after the digital migration processes have raised our expenses and we are in business and have to maintain our profit margins." (TVPM 26th of August 2018)

With these findings, it is true to say that the national broadcaster is inclined to present at least one main television channel to serve the entire country. This view is presented by Napoli (2003) and Galprines (2014) who opine that the implementation of the media Programming code digital migration has permitted the continued existence of foreign content in the local context thus presenting unfair competition to the local audio/visual television content producers.

Figure 4.9: Audience feedback sessions

Job Title and Rating of Respondent's Feedback Sessions with Consumer of the Television

In-house Producer

	In-house Producer	TV Programming Manager	Editor	Independent Producer	Director	Technician crew	Script writer	Actor
■ Very good	4.5	2.3	5.3	4.5	7.5	10.5	8.3	26.3
■ Good	1.5	2.3	2.3	1.5	0.8	8.3	3.8	5.3
■ Average				0.8	0	1.5		
■ Poor				0.8	0	0.8		0.8
■ Very poor				0.8	0			

0　　5　　10　　15　　20　　25　　30

Percentage

Source: Field survey 2018

In order to carry on in the highly competitive media environment in Kenya, Television stations must evolve with new strategies like convergence to retain not only their existing audiences but lure new audiences through online platforms to include Kenyans in the Diaspora. Aside from broadcasting their local content on the mainstream broadcast platforms they can upload the same on their websites, social media pages and YouTube channels. Television stations are no longer the ultimate destinations for independent producers to market their audio-visual television content. In agreement with the findings above a Television programming manager stated that:

> TPM: *"We consider the taste and feedback of the audience for the kind of programming we acquire for our audiences. The themes that are portrayed in the programmes have to be acceptable in the Kenyan cultural context, the budget in terms of cost of production, and suitability of the content. Feedback helps us to determine whether we can re acquire the show or not."* (TVPM 24th of August 2018)

According to the findings of the study, the audience feedback is important in determining the kind of content that the broadcaster acquires for its audience. The demand for local audio-visual television programmes is therefore determined by the needs of the audience. Ogada (2016) supports this finding as he avers that this process of interaction between the broadcaster and the audience allows for additional capacity

that helps to deliver a diverse range of television programs that offer different types of content that meet the information be it cultural or educational for the audiences while ensuring access of the same by people living with disability. The television programming managers therefore look out for content that is popular with their audiences and not necessarily what is diverse in genre.

4.5 Factors that Influence Competition among Kenyan producers

The first objective of this study was to determine the factors that influence competition among Kenyan producers. The findings of the study show that several factors influence competition among Kenyan producers. In the words of an independent content producer:

> IP: "I am influenced by money. If there is a good budget I will work on the project. Other factors like Corruption, Nepotism, Tribalism and unfair business practices are so rampant in the industry. You would be very lucky to get a contract if you didn't bend backwards." (IP 08, interviewed on the 14th day of August 2018)

Such practices lock out many qualified producers from getting contracted to work on local audio-visual television productions. An independent producer said:

> IP: "One has to be aggressive, bear a good reputation of paying crew and have a record of good previously aired shows. The industry is cut throat in terms of competition. Nothing comes easy. My greatest motivation is a reputable company, producer and well established station." (IP 06, interviewed on the 20th day of August 2018)

This finding indicates that money is the main motivating factor that influences competition among Kenyan producers. Producers were also keen on an established broadcaster and a reputable programming manager as some have been noted to be dishonest as they demand for kickbacks from producers in order to get their shows on air. This is what Connolly (2014) noted, as he avers that pluralism or existence of competing ideas that are generated by different players in the media landscape is healthy for the society as new ideas helpful in solving existing challenges may arise. The study sought to find out the thoughts of local-audio visual television practitioners on the funding that is provided by broadcasters for the production of local content.

Table 4.3: Funding of Local Audio-visual TV Programmes in Kenya

Relevance	Frequency	Percentage
Very poor	19	14.2
Poor	23	31.3
Average	30	53.7
Good	62	46.3
Total	134	100

Source: Field survey 2018

According to table 4.7, when asked to indicate what they felt about local audio/visual TV content funding, (14.2%) of the practitioners felt that it was very poor (31.3%) felt it was poor, (53.7%) felt it was average, (46.3%) felt it was good. From this analysis the majority of the practitioners found that the funding provided for the production of local audio-visual television productions in Kenya was good. These were mostly those who were either in permanent employment or were working on commissioned television programmes by Maisha Magic East. Those who said poor were either unemployed or working on local content productions independently or for the other local television stations. This is in line with Donders (2015) who notes that over reliance on the media conglomerates can eventually be harmful since they increase prices of their own products, like advertising rate cards to levels that are above normal competitive standards.

Table 4.4: Local television content produced by Independent Production Houses

Production house	Drama	Comedy	Reality	Lifestyle	Documentary
Chams media					The Chamwada show
Ken TV	The Traphouse	Chini ya mnazi			
Triple edge					
Zamaradi		Jela 5-star			
Phil. IT		Sue na Johnnie, Hullabaloo			
Multan productions	Selina				
Protel studios		The Real Househelps of Kawangware			
Young rich			Our perfect wedding This is Bahati	Get in the kitchen	
Lulu Hassan	Aziza, Maza,				

Source: Research Findings (2018)

From the findings as presented in Figure 4.7.1 above, there are a paltry 9 production houses that are currently either contracted or commissioned by broadcasters to produce local audio-visual television programming for the stations. Independent producers mentioned that there are several red tape incidences corruption and nepotism that have locked them out of the circle of production.

The in-house programming managers stated that there has been a drop in revenue collection that has led them to reduce on the number of shows that they are contracting or commissioning for their channels. This is supported by Helberger, (2011) who argues that the media achieves better in countries where fewer companies run multiple channels, than in countries where many companies operate the available few channels.

Another programming manager mentioned that they had decided to narrow down to in-house production to cut costs that they incurred on producing content. All this strategies had an effect on the independent television content practitioners with many opting to get into other businesses to earn a living.

4.6 Local Television shows aired by Kenyan Television Broadcasters

This is impetuous to the new implementation of the media Programming code by the Kenyan government that requires all the local television broadcasters to air 40% locally produced audio-visual television content as required by the CAK. The content is supposed to exclude news broadcasts, news commentaries, talk show programmes, and re-runs of already aired shows. Despite the availability of numerous slots for local programming, the researcher found out that the programme line-up does not have much of local content.

Table 4.5: Local Television shows aired by Kenyan TV Broadcasters

Broadcaster	Drama	Comedy	Reality	Lifestyle/Urban culture	Documentary
KBC Channel 1	Kenda Imani, Stringed, Maisha ya Mama, Mtaani	Vioja mahakamani	The Great Debators, Business defined,	Jee huu ni uungwa? Grapevine, Kudzacha,Good morning Kenya, Lay'd back, Gear up, Afro-fusion, Make up session	Health diaries, Road to success, Travel journal
KTN HOME	Junior, Two Wives	The Real Househelps of Kawangware, Daktari, Mshamba ,Jameni	Shark Tank	Life and Style, Club Kiboko, Yolo, My school	The Chamwada Show, The Property show, Chungu chetu
CITIZEN	Aziza, Mother-In-Law, Machachari, Tahidi High	Inspekta Mwala, Papa Shirandula	The Wedding show	10/10,Mseto East Africa	
NTV	The trap house	Mafundi, Auntie Boss, The Churchill Show	This is Bahati	This is Ess, The Trend	
K24	KERU, Penzi la sumu	Jaymo-Ule-Msee	Nairobi diaries		
MAISHA MAGIC EAST	Maza, Selina	Hullaballo estate, Sue na Johnnie, Jela 5-Star	Our Perfect wedding		

Source: Field survey 2018

The findings of the analysis above the researcher found out that majority of the local broadcaster shows at least one locally produced audio-visual television show on their channels and majority of the locally produced shows are produced internally. The researcher also found that many of the locally produced shows are determined by the programming managers and many of the shows tend to be similar from channel to channel.

> *PM: "The choice of programming that we commission is largely determined by the needs of the audience. It is all about how popular the show is or what potential it has." PM interviewed on the 16th day of August, 2018)*

This is in line with Koul (2002) who says that local audio-visual television producers that does not attract positive interest from audiences, buyers, and broadcasting houses whose main responsibility is to develop audiences for transmitted content. This is also supported by Kiome (2010) who avers that today, local content productions are produced in broad genres, but many of them are yet to reflect the actual Kenyan identity and culture.

Table 4.6 Audio/Visual TV content practitioners' views on independent audio-visual television content producers.

The study sought to find out the views that local audio-visual television content producers had on the emerging one man television production have on independent audio-visual television content.

Relevance	Frequency	Percentage
Strongly disagree	5	4.6
Disagree	6	6.0
Undecided	43	6.4
Agree	28	33.9
Strongly agree	52	49.1
Total	**134**	**100**

Source: Field survey 2018

According to table 4.7.4, when asked to indicate whether audio/visual TV content practitioners' views on the competition presented by one-man television production to

independent audio-visual television content producers (49.1%) strongly agreed, (6.0%) disagreed, (6.4%) were undecided, (33.9%) Agreed, (49.1%) strongly disagreed while (1.5%) did not respond to the question. Overall 49.1% agreed that the one man television production shows posed a major competition to independent audio-visual television content producers. From this analysis the majority of the practitioners found the one man television productions shows had an impact on the production of audio/visual television production in Kenya. In the words of an independent producer:

> IP: "Njugush has been shooting his skits with a mobile phone and uploading them on Facebook. That model has given him leverage and he has just signed up for a show with Fanaka TV on the strength of his skits. Some of us do not have the popularity he has to get such contracts." (IP 05, interviewed 16 September 2018)

This is echoed by the sentiment of (Githii, 2001) who says that local independent audio-visual Independent television content producers have been disheartened and demoralized by mainstream broadcasters. This is also supported by Nyabuga (2016) who affirms that the access to mobile digital technologies together with the boost in their application have had remarkable consequences on media production in Kenya particularly on the creation, production, reception, dissemination and consumption.

The study further sought to know the factors that motivate professional audio-visual television practitioners to work on audio-visual television content.

Table 4.7: Factors that motivate people to work on Kenyan Audio-Visual content

Job Title	Storyline		Quality		Celebrities		Originality		Quantity		Budgets		Year of production		Value addition		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
In-house producer	8	1.65	8	1.65	-	-	0	0.00	8	1.65	8	1.65	-	-	-	-	32	6.58
TV programming managers	6	1.23	6	1.23	-	-	0	0.00	6	1.23	6	1.23	-	-	-	-	24	4.94
Editors	10	2.06	8	1.65	-	-	2	0.41	10	2.06	10	2.06	-	-	-	-	40	8.23
Independent producers	6	1.23	6	1.23	1	0.21	1	0.21	6	1.23	5	1.03	-	-	-	-	25	5.14
Directors	11	2.26	11	2.26	0	0.00	1	0.21	11	2.26	10	2.06	-	-	-	-	44	9.05
Technical crew	24	4.94	24	4.94	0	0.00	1	0.21	25	5.14	25	5.14	-	-	3	0.62	102	20.99
Scriptwriters	16	3.29	14	2.88	1	0.21	1	0.21	16	3.29	16	3.29	-	-	-	-	64	13.17
	38	7.82	34	7.00	3	0.62	2	0.41	39	8.02	35	7.20	1	0.21	3	0.62	155	31.89
Total	119	24.49	111	22.84	5	1.03	8	1.65	121	24.90	115	23.66	1	0.21	6	1.23	486	100.00

Source: Research Findings (2018)

The findings from the table 4.7 indicate that a good storyline is the greatest motivation for television audio-visual television content practitioners to work on a given television show. (24.49%) of the sampled practitioners stated that a good storyline is the greatest motivation for them. 22% were motivated by the quality of the show while 115 were motivated by the budget which translates into the amount of pay that they expected to make from working on the television shows.

4.6.1 Reduction in Advertising Revenue for Local Broadcasters

The advancement in technology, digital migration and the proliferation of more channels for content access by audience has led to growth in audio-visual productions and job opportunities. (Simiyu, 2010) Otieno (2016) argues that technological advancements have on the other hand have led to a drastic reduction in job opportunities for practitioners in the audio-visual television content production industry in Kenya whose technical equipment has been rendered obsolete.

The study above reveals that many of the industry players are currently either jobless or have left the television audio-visual production industry to venture into other money making activities. Fouda (2012) says that protectionism entails controlling of trade between nations, through tariffs on imported products and other government conventions intended to depress the importation of certain products. Simiyu (2016) says that local independent audio-visual producers struggle with cartels that control the industry by ensuring that only the favoured producers and their networks access work. The study also found out that despite a good storyline being a motivation towards working on a local programme, many other television productions have been stopped at the expense of foreign content and this has led to massive job losses. An independent Producer said:

> *IP: "My show was suddenly stopped by the station. They gave reasons like my cast was too large or the needed specific faces for my show. This frustrated me because as the creator of the show I knew how exactly I wanted the story told. I have decided to venture into running a fund for documentary producers at the expense of making shows for television. They replaced it with a Mexican soap opera."*
> *(IP 03, interviewed on the 24th of August 2018)*

Advertisers are no longer keen on spending more on advertisements as broadcasters are currently facing stiff competition from offline and online digital platforms that are

more fluid with adverts and are more easily accessible to audiences. In the words of a local audio-visual television producer:

> *TP: "With reduced advertising revenues, many of my fellow actors have lost jobs. Depression is real. I know of three talented actors who are suicidal because they are very talented but without work they don't have an outlet for their talents and ways to earn a living. The situation is so dire. The government really needs to look at the art industry like it looks at other industry. The TV production industry is as good as any other industry." (TP 30, interviewed on the 20th of August 2018)*

The drop in advertising revenues has led to stations adapting new strategies like reorganisation of the major local Kenyan television stations in a bid to deal with the progression that has been presented by digitalization. These new broadcast business models have led to massive retrenchments and downsizing of media houses mainly targeting suppliers of local television content. Just like Doyle (2002) notes, monopoly in the ownership of media ownership brings about the risk of overemphasizing certain political views, socio-economic opinions and cultural values favoured by media owners, at the expense of the television content needs of the larger public.

The increase in the number of small private television stations has brought about an unprecedented increase in competition among broadcasters. This is because the same viewers are now shared between the new and old television stations. This means that older broadcasters have to take up new ways of staying relevant by adjusting their business strategies since stations need the revenue for the budgets to acquire new television content. It is this change that has affected the number of local television programmes that are being commissioned or contracted for broadcast on local television stations.

4.7 Awareness of the Media Programming code on Local TV content

The findings in this section reveal the level of awareness of the media programming code on 40% local television content in Kenya among the respondents.

Figure 4.10: Awareness of the Programming Code on 40% on local TV content
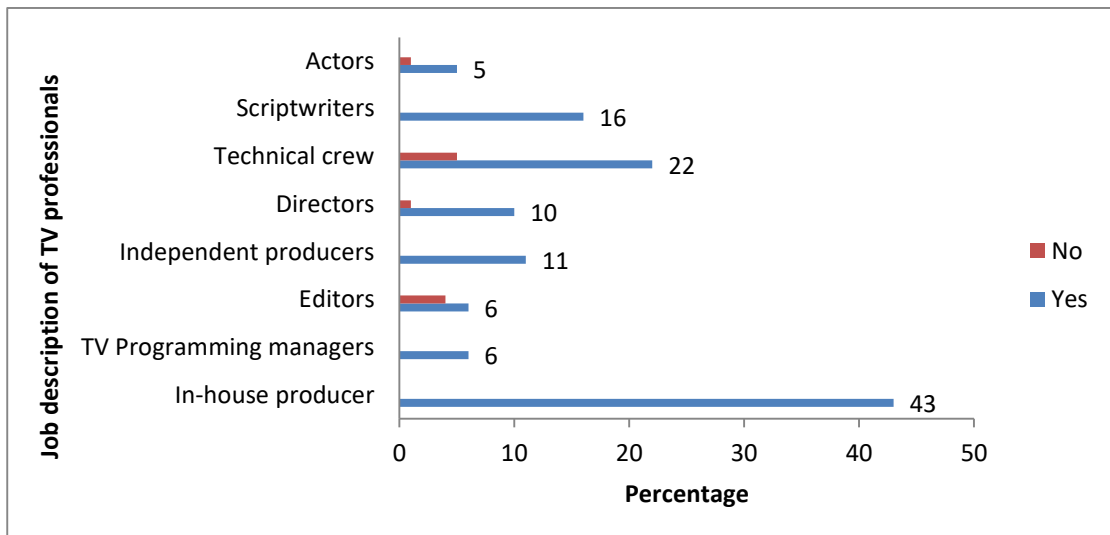
Source: Field survey 2018

According to figure 4.10 findings drawn from the study on the level of awareness of the programming code on 40% local television content in Kenya among the respondents the following were the results. 43% of technical crew members knew about the implementation of the media programming code while 5% did not know about the code. 10% of TV directors were aware of the media programming code on local television content. It is for this reason that Ogada (2016) says that it could be said that the broadcasting policy and regulation used should be simple in the sense that it is self-evident like in any other public services. Broadcasting should therefore be run by the State. Simple can also be looked at in the sense that private broadcasting is not permitted in many countries and that the only broadcasting entity to regulate the Public broadcaster operates under the government. All the programming managers knew about it but their stations have still not adhered to the regulations as stipulated by the CA in the regulations.

4.8 Factors that hinder the Implementation of the Media Programming Code on Local TV Content in Kenya in Relation to the Principle of Public Interest.

Findings of this section revealed that the implementation of the policy directive on 40% production of local television content in Kenya is not in the interest of the independent-audio visual television producers. This was explained by the fact that the government is not firm enough in enforcing the policy directive on the media programming code on local television broadcasters. This is eventually limiting the exploitation of the broadcasting rights of locally produced programmes by international content sellers (Teresa & Sabada 2013).

These findings also echo the views of Napoli (2003) who established that on many instances, the push for the broadcasting policy decree was enthused by the need to create employment opportunities for practitioners and home grown content for public consumption. It however did not factor in Digital migration and the effects it had on the revenue collection by broadcasters which is used for the acquisition of content for the local television stations. One of the respondents mentioned that:

> *TPM: "The implementation process of the programming code on local television content did not factor in the drop in revenue collection that has left the broadcasters struggling. We cannot buy more content when we have a drastic drop in advertising revenue. We are in business." (TPM, interviewed on August 10th, 2018)*

Practitioners felt that corruption, nepotism, sexual harassment, cartels and unfair business practices were the main hindrance to getting their content on air in Kenya. Although job cuts highly affect the audio-visual content professionals, the concept of free trade is highly beneficial to the economy of the whole nation large (Hill, 2005). What of the local producers who are out of work because foreign content is still dominating local Television channels? The respondents felt that the government is not firm on enforcing the local programming code directive and so broadcasters have taken it upon themselves to create strategies around circumventing the laid down regulation rules on local television content. For broadcasting policies to succeed and for the time and resources invested to count, Napoli (2003) says that policy makers have to shift focus to public interest as the fundamental principle of broadcast regulation.

There was also a general feeling that if the media programming code on local television content on local broadcasters is not regulated the film and television industry was headed to tougher times and yet it is a potential revenue earner for the country. In relation to the production of local television programmes, the study indicated that the media programming code has resulted to an increase in the creation and production local content. This was noted by one of the respondents who noted that there are several local television programmes that are currently on air right now and many already produced and packaged television shows are not on air.

There is also a growth in the local shows that are being aired on local television shows in Kenya. The fact that there has been new regional Television broadcasters like 3 stones TV, Kameme TV, Njata TV, Inooro TV and many others airing their content in vernacular languages, local audio-visual television programmes are getting their way on local Television screens. As noted by one of the respondents, the integration of advanced easy to use technology has also led to the emergence of local independent producers who are introducing the usage of simple electronic gadgets like mobile phone to produce content that is quickly gaining popularity among Kenyan audiences.

Broadcasters internally producing their own content the government of Kenya should ensure that there are legislations that govern the allocation of frequency and ownership of television content. This will ensure that the strength of the broadcasting principle of localism is exemplified. The government should also recognize the local film and television production industry and support its growth. This can be done by reducing of the cost of procuring television equipment of production and reducing the cost of licensing costs while ensuring that intellectual property rights of independent local content producers are protected. The local audio-visual television content should also be produced professionally to ensure that it competes favourably with the international content.

CHAPTER FIVE
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Overview

The goal of this study was to analyse the implementation of the media programming code on local television content in Kenya. This chapter summarizes the findings and offers recommendations to policy makers for implementation of the 40% programming code. The chapter contains recommendations on the changes that could be adopted by policy makers to ensure the implementation of the requirements of the programming code on local television content in Kenya. It also offers suggestions for further research on the areas of local content development.

5.1 Summary

The study found that despite the advancements in audio-visual technology, the Kenyan broadcasters are still airing a large percentage of foreign television content. The study also found out that most of the foreign content that is aired on local televisions that not bear the identity of Kenyan culture as required by the media programming code. Most local television stations have focused their schedules on long news broadcasts and political talk shows while others have opted to terminate local content television shows and have replaced them with musical shows that cover many hours. Locally produced television programmes are still few and this has had a negative impact on the general growth and development of the Kenyan Film and Television stations.

5.1.1 Factors that Influence Competition among Kenyan Content Producers

Some of the respondents held the opinion that the non-implementation of the media programming code has operated against the principle of competition since it largely favours large-scale and politically correct investors. Consequently, despite the fact that the programming code on local television content has facilitated the production of local television programmes, the 5 large media broadcasters in Kenyan still enjoy the domination over the audience. The respondents who held that the media programming code had worked in favour of public interest as per the principle of competition said that it empowered viewers as they now have a wider spectrum of choices to choose from. Regarding the implication of the media programming code digital migration on the Kenyan broadcast policies in relation to the principle of competition, those who mentioned that the media programming code worked against the principle of

competition elaborated that the non-implementation of the media programming code propelled the interests of the large sector players thus making competition unfair. Those who were of the opinion that the media programming code on local television content had worked in the interest of the public in relation to the principle of competition said that it has enabled production of more local television programmes hence the independent producers have more markets for their products. This has therefore reduced the domination of major channels like K24, Citizen, KBC, NTV and KTN. They also mentioned that the competition brought about by need for more local content on the mainstream local television channels has seen an improvement in the quality standards of locally produced content and therefore the viewer's get value for money.

5.1.2 Producers' Acceptability of Easier to use Upgraded Audio-Visual Technology

The study established that the respondents had largely accepted easier to use upgraded audio-visual technology hence a general improvement in the local content products that they are churning out. The study further revealed that awareness of the programming code together with the competition among the industry players has played a role in both the diffusion and acceptance of the easier to use upgraded audio-visual technology that is used in television content production. The study further found out that the respondents were more interested in working on production sets that had upgraded easier to use audio-visual technology as this saved time and gave them an edge in the event they went to audition for other programmes. Additionally the study found that the respondents understood that the standards that the broadcasters have in place as regards use of new easier to use technological equipment in producing television content played a major role on whether they got their programmes commissioned for broadcast or not. This is in line with the Technology acceptance Model (TAM) that posits that individuals who accept the use of new technology benefit in terms of business and opportunities. Further the study established that the respondents were growing in tandem with the international standards of quality television content production in terms of using new technology in the production of local television content. The study also found that the programming code has generally provided the respondents with an opportunity to get their programmes to their audiences.

5.1.3. Ways in which Audience Reception Impacts the type of Content Produced

The study established that audience reception plays a role in the type of content that is produced. Television production managers mentioned that comedy is still the most important genre in terms of the content that they acquired for their audiences. They also mentioned that advertisers are keen on investing in programmes that are popular among the audience and therefore audience reception played an important role in the content that they needed produced by local independent producers for their audience. Today with advancements in broadcast technology, the broadcasters using analytics are able to know how many people are watching their content and therefore they use this in determining the kind of programmes that are popular with their audiences and therefore the decision on whether to retain the shows on their broadcast schedules.

The study therefore established that the audience impacts the kind of content that the stations endeavour to have produced for broadcast of their channels.

5.1.4 Factors that hinder the Implementation of the Media Programming code on broadcasting of 40% local television content

The study found that the programming code on local television content is yet to be implemented. It established that the perception on the implementation of the media programming code is that it has not been positive in some areas whereas it has worked for some independent Producers. The study revealed that there largely exists a lack of proper television content commissioning procedures in local television channels and so getting content on air is still complicated for local independent producers. The study further revealed that some Television stations still insist on retaining the copyright to some of the commissioned audio-visual television productions and this denies independent producers an opportunity to monetize their content as per the regulations of the media programming code on local content. The study also revealed that in some instances, broadcasting stations demand that the independent audio-visual television content creators buy airtime to have their productions screened on their channel when they in fact should pay the content creators as is the standard practice around the world. The study further revealed that the fact that Broadcasters are internally producing their own content is one of the factors that is hindering the full implementation of the media programming code on local television content in Kenya.

5.2 Conclusion

The study concludes that the implementation of the media programming code in Kenya was not in the interest of the public. This is evidenced by the fact that the public is still exposed to a large percentage of foreign content despite the proliferation of many television channels over the digital migration period. The study also concludes that the programming code has worked in the interest of the public in relation to the principle of competition. This is evidenced by the fact that it has enabled access to a large spectrum of television channels by viewers therefore the members of the audience have a variety of choices and this has largely reduced the domination of major channels like K24, Citizen, KBC, NTV and KTN. The study further concludes that the programming code has promoted the principle of diversity. This is evidenced by the fact that it has enabled the involvement of different players with a variety of television content products to enter the broadcast market with new genres of content in different local languages.

Through the principle of diversity, different communities can now access television programmes with stories from cultures different from their own. The study concluded that the non-enforcement of the media programming code on local television content has had an effect on the growth of the local Film and Television industry. There is a growth in the number of jobless cases of previously thriving television content actors and providers. The study further concluded that the respondents are hopeful that the media programming code will be implemented in order for more local television content to be produced towards the attainment of the 40% mandatory regulation requirement by the CA.

5.2.1. Contribution of the Study to Theory

The research about the analysing of the media programming act implementation on local television content in Kenya supports the input of the Technology Acceptance Model (TAM) since majority of the respondents said that they had upgraded their technical equipment and this had enabled them to get their television content either commissioned or contracted by the 5 major television stations in Kenya.

This means that the input (Technology) was correctly used by the independent audio-visual television content producers to give the desired output which is local television content. It's in support of Bronwyn (2002) as cited in Beethika (2011) who advocate

that the "output/input" matrix can be subsequently measured and manipulated when planning and evaluating the television content production process. The inputs (Television content production technology, television production personnel, television production talent, finances and the target audience) are usually manipulated in order to achieve certain outputs since the input components are considered independent variables.

 The outputs (Audio-visual television programmes, improvement in quality of local content production, job opportunities and the 40% local television content) at the end of the television production process are the bases for long-term changes in the Film and Television content production industry in Kenya. The reaction of the respondents in the study showed that there was a level of misconception on the Technical acceptance model (TAM) that posits that those who accept to advance technology benefit as this has not been the case for a percentage of audio visual television producers who despite their acceptance of upgraded technology are still out of work

The finding on the factors that influence competition among respondents would is not predictable because TAM assumes that, there are two major factors i.e. the perceived usefulness of technology and the perceived ease of use of the technology is relevant in the audio-visual television content production process.

Davis defines the perceived usefulness factor as the prospective technology user's personal probability that the specific application system will enhance his or her life or job performance. The perceived ease of use (EOU) factor that is defined as the extent to which the prospective technology user anticipates the new system to be free of effort is an indication that other factors contribute to whether the user actually opts to take up its use. The model provides a link between individual attitudes, beliefs, intentions and behaviour (Davis, 1989).

These two main factors for audio-visual television content producers are largely influenced by other external variables. The main external factors for use of the new forms of technology are usually manifested as cultural factors, social factors and political factors that determine the genre of the television show and whether it will be accepted by the programme audience.

This study has supported this tenet hence it will help policy makers to explore possibilities and ways of easing the burden that is limiting independent content producers from accessing opportunities with their content on local television schedules (Todd, 2012).

In terms of the Diffusion on innovation theory, the contribution of new technology to the economic growth of the audio-visual television content production industry can only be realized if the new technology is widely diffused and adopted for use (Bronwyn, 2002). Diffusion itself comes about as a result of a series of individual decisions made in order to begin making use of the new technology. This is usually a result of decisions that arise after a comparison of the uncertain benefits of the new invention and the uncertain cost implications of adopting it for use. A good understanding of these factors affects the choices for both policy makers, regulators on the determinants of growth for the creatives and television content producers of the new technologies (Amoah, 2014).

The study makes a contribution to the audio-visual film and Television industry in Kenya in different ways. If the delicate relationship between policy and implementation is established, it will ensure that the realisation of the 40% regulatory requirement by the CA is achieved and that the outcomes as stipulated by the media programming act are achieved and maximized. The recommendations will assist the audio-visual television content producers to formulate ways and strategies to ensure that they realize meaningful formations and partnerships with all the stakeholders around them. Researchers in the Kenyan Film and Television sub-sector will increase their knowledge and understanding through this study thus exploring the areas that need to be investigated further for the overall success of the Television industry.

5.3 Recommendations

Following the findings obtained from the research on the analysis of the implementation of the media programming code on local television content in Kenya, the study recommends that:

The Government of Kenya needs to enforce the 40% media programming code on local television content. This will ensure that all the existing media Acts and policies on local content have an impact. This will also ensure adherence to the principles of communication in the interest of the public and independent content producers.

Enforcement should involve ensuring that the responsive policies both in participatory and inclusive policy making processes, empower the major regulatory bodies in the media sector to be more zealous and objective in monitoring, regulation and ensuring full adherence to the policies. Only then can these policies favour the production and consumption of more locally produced audio-visual television content in Kenya.

There is need to come up with more consultative forums for stakeholders to develop frameworks on ideas that will include exclusion of broadcasters from internally producing their audio-visual television content at the expense of independent television producers. This will ensure that the production of television content is entirely a Producers job and this will lead to creation of more jobs.

Television programming schedules should be adjusted in order to create more slots for local Kenyan audio-visual television producers in hence a reduction to the threshold of foreign television content. This recommendation directly targets local television content policy makers.

The study finally recommends that the government should impose heavy taxation on foreign content. This will consequently discourage local television stations from investing in buying foreign content and instead invest the same resources in the production of local television content hence growth to the local audio-visual film and television content production industry in Kenya.

5.4 Suggestions for Further Studies

This study analysed the implementation of the media programming code on 40% local television content programming code in Kenya. The study recommends that a study to assess the impact of the 40% implementation of the media programming code on local television content on the broadcasters and the advertising industries in Kenya be conducted. Technology is one of the factors that are significantly transforming the landscape of local audio-visual television content production and consumption. It is therefore important for a study to be undertaken on the emerging trends in audio-visual television content production and dissemination in view of all the technological advancements. It is equally important that even as technology advances, the content created is of high quality standards.

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APPENDICES

Appendix I: Interview Guide for Key informants-Stakeholders (KFCB/CA/KFC/KFTPA/KSG)

*I am Sheila Joy Mulinya a Master of Arts in Communication student at The University of Nairobi carrying out a research study –**An Analysis of the Implementation of the Programming code on Local Television Content in Kenya** anchored in the principles of broadcasting policy by David Napoli namely public interest, competition, diversity and localism. The responses from this study will be treated with utmost **Confidentiality** and will only be used for academic purposes towards this study.*

PART A: General information

1. Job title_____

2. Gender -Male [   ] Female [   ]

3. Age Below 20 years [   ] 21-30years [   ] 31-40 years [   ] 41-50 years 51-60 years [   ] Over 60 years [   ]

4. Highest level of education? PhD [   ] Masters [   ] First degree [   ]   Diploma [   ] College certificate [   ] "A" level [   ] "O" level [   ]

PART B: Motivation of Kenyan producers (Objective one)

i.   To what extent has the implementation of the media Programming code on 40% local content production increased the generation of local television content production in Kenya?

ii.   To what extent have local independent video productions been affected by the 40% implementation of the media Programming code on local Television Content?

iii.   What are your thoughts on the sustainability of the Television content Production business in Kenya?

iv.   What is your assessment of the competitiveness of the Television content production industry in Kenya?

v.   What is the likely effect of the Programming code and Film Act on production of audio-visual content production in Kenya?

vi.   In what ways do you motivate Kenyan Television Producers towards achieving the 40% directive on Local audio-visual content?

PART C: Acceptability of upgraded audio-visual technology (Objective two)

i.   What is the effect of the advanced audio-visual technology on the production of Local Television content production in Kenya?

ii.   What kind of latest audio-visual technology production equipment are you aware of?

iii.   What are the platforms through which local audio-visual production content is distributed?

iv.   To what extent has the acceptability of advanced audio-visual contributed to achieving the 40% requirement on local content?

v.   In what ways do you support the use of advanced audio-visual technology by Producers in Kenya?

PART D: Audience reception impact on the 40% requirement on local content. (Objective three)

i.   To what extent is the audience receiving local audio-visual television content in Kenya?

ii.   Does the audience watch more of the locally produced audio-visual television content?

iii.   What is the affordability of the new audio-visual technical equipment?

iv.   What determines whether broadcasters accept audio-visual content in Kenya?

v.   To what extent do you promote the production of local audio-visual television content?

PART E: To what extent are audio-visual producers trained in local content production. (Objective four)

i.   To what extent are audio-visual content producers in Kenya trained?

ii.   How has the 40% local content rule affected the training of local-audio-visual content producers in Kenya?

iii.   To what extent does training of audio-visual content producers in Kenya contribute to the realisation of the 40% implementation of the media Programming code on local television content?

iv.   In what ways do you support the training of Film and Television professionals in Kenya?

PART F: What factors hinder the policy directive on 40% production of local Film/Television content in Kenya? (Objective five)

_____

_____

_____

_____

_____

Thank you

Appendix II: Questionnaire for Independent Producers, Actors, Technical crew and Programming Managers

*I am Sheila Joy Mulinya a Master of Arts in Communication student at The University of Nairobi carrying out a research study –An Analysis of the Implementation of the Programming code on Local Television Content in Kenya anchored in the principles of broadcasting policy by David Napoli namely public interest, competition, diversity and localism. The responses from this study will be treated with utmost **confidentiality** and will only be used for academic purposes towards this study.*

PART A: General information

Section A:

1. Job title_____

2. Gender -Male [   ] Female [   ] Other [   ]

3. Age - Below 20 years [   ] 21-30years [   ] 31-40 years [   ]41-50 years [   ]51-60 years [   ] Over 60 years [   ]

4. Highest level of education- PhD [   ] Masters [   ] First degree [   ]   Diploma [   ] College certificate [   ]

"A" level [   ] "O" level [   ]

5. How many years have you worked in the Kenyan Film/TV industry? 0-2 years [   ] 2-4 years [   ] 4-6 years [   ] 6-8 years [   ] 8-10 years [   ] Over 10 years [   ]

6. What local audio/visual Television show are you currently working on?
_____

7. How can you rate the frequency of locally produced Television programmes in Kenya?   Very good [   ] Good [   ] Average [   ] Poor [   ] Very poor [   ]
Comment_____
_____

8. What major factors determine your involvement in a Television production project?
Comment_____
_____
_____

9. What factors influence competition among audio-visual television content producers in Kenya?
Comment_____
_____

10. State whether you agree or disagree to the following statement: **One man television production shows are the main competitors to independent audio-visual television content producers in Kenya.** Strongly agree [   ] Agree [   ] Undecided [   ] Disagree [   ] Strongly disagree [   ]

(Specify)_____
Comment_____

11. How are your local Television programmes financed?   Self [   ] Sponsors [   ] Organisation [   ] Other [   ]
(Specify)_____
Comment_____

12. How can you rate the funds available for the production of local audio-visual Television programmes in Kenya? Very good [   ] Good [   ] Average [   ] Poor [   ] Very poor [   ]

Comment_____
_____

13. How would you describe the pay you make from the television programmes you work on? Very good [   ] Good [   ] Average [   ] Poor [   ] Very poor [   ]
Comment_____
_____

14. Are there enough training workshops for audio-visual television content producers in Kenya?   YES [   ] NO [   ]
Comment_____
_____

15. What is your satisfaction with the audio-visual equipment used in the productions you acquire?

	Very good	Good	Average	Poor	Very poor
Cameras					
Microphones					
Lights					
Vision mixers					
Edit suites					

16. Which of the following factors motivate you to acquire local television shows for your channel? (Pick 3)

 (a) Storyline [____] (b) Quality [____]   (c) Celebrities [____]   (d) Originality [__]
(e) Quantity [___]   (f) Budgets [____]   (g) Year of production [____]   (h) Value addition [____]

17. How do audiences access your audio-visual television programmes? FTA [   ] Pay TV [   ]   Internet [   ] VoD [   ]
Explain_____
_____

18. How can you rate the frequency of feedback sessions you have with the consumers of your Television programmes? Very good [   ] Good [   ] Average [   ] Poor [   ] Very poor [   ]
Comment_____
_____

19. Are you aware of any government policies on the production of Television programmes in Kenya?   YES [   ] NO [   ]
Explain_____
_____
_____

20. What are your hopes for the future of audio-visual content production for local television programmes in Kenya?
_____
_____
_____
_____

Thank you

Appendix III: Certificate of Fieldwork

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COLLEGE OF HUMANITIES & SOCIAL SCIENCES
SCHOOL OF JOURNALISM & MASS COMMUNICATION

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REF: CERTIFICATE OF FIELDWORK

This is to certify that all corrections proposed at the Board of Examiners meeting held on 8ᵀᴴ JUNE '2018 in respect of M.A/PhD. Project/Thesis Proposal defence have been effected to my/our satisfaction and the project can be allowed to proceed for fieldwork.

Reg. No: K50/87092/2016

Name: SHEILA JOY MULINYA

Title: AN ANALYSIS OF THE MEDIA POLICY ON LOCAL TELEVISION CONTENT IN KENYA

Dr. Mokua
SUPERVISOR

SIGNATURE

12/7/2018
DATE

Dr Samuel Siringi
ASSOCIATE DIRECTOR

SIGNATURE

16/07/2018
DATE

Dr. Ndeti Ndati
DIRECTOR

SIGNATURE STAMP DATE

16 JUL 2018

Appendix IV: Originality Report

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Appendix V: Certificate of Corrections

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REF: CERTIFICATE OF CORRECTIONS

This is to certify that all corrections proposed at the Board of Examiners meeting held on 5ᵀᴴ OCT' 2018 in respect of M.A/~~PhD. Project~~/Thesis defence have been effected to my/our satisfaction and the project/thesis can be allowed to proceed for binding.

Reg. No: KSO/87092/2016

Name: SHEILA JOY MULINYA

Title: AN ANALYSIS OF THE MEDIA PROGRAMMING CODE

IMPLEMENTATION ON LOCAL TELEVISION CONTENT IN KENYA.

Dr. Elias Mokuah
SUPERVISOR   SIGNATURE   DATE 22/10/2018

Dr Samuel Siringi
ASSOCIATE DIRECTOR   SIGNATURE   DATE 09/11/2016

Dr. Ndeti Ndati.
DIRECTOR   SIGNATURE/STAMP   DATE 9.11.18

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