



## How far to go?

### Kenya's media caught in the turmoil of a failed election

The media in Africa does not always enthusiastically join in political crises by egging on murderous militants, as is often believed, and Kenya's press, in the violent aftermath of last 27 December's disputed presidential election, was a very good example of how it does not. Editors and journalists tried to calm passions and encourage reconciliation, criticising the country's politicians as irresponsible and unpatriotic. But the risk they took in doing this was to fail in their duty to report the facts, present them to those involved in events and let the public judge the result.

This has been the Kenyan media's dilemma since violence erupted nationwide after the announcement that President Mwai Kibaki had won the disputed election. The press very quickly agreed on appealing for calm and collective prayers, running joint editorials in Nairobi's main newspapers and avoiding sensationalism and comments likely to aggravate ethnic divisions. The line was "peace above all." Senior media figures, the information ministry and European Union (EU) observers pointed approvingly to the muted coverage of post-election violence, but some had doubts this was the right way to go.

Reporters Without Borders, International Media Support and Article 19 sent a fact-finding mission to Nairobi to investigate the successes and failures of the country's media in the unprecedented national crisis. This is their report.

#### Sinking into crisis

The Kenyan media tried to keep things calm amid the expected chaos but the government acted defiantly by banning all live broadcast reporting from the first day of disturbances, 30 December. The ban was only partially followed, was poorly defended by the authorities and not lifted until 4 February this year.

Most privately-owned Kenyan TV stations broadcast live the events that plunged the country into crisis on 29 and 30 December. The focal point was the Electoral Commission of Kenya (ECK) headquarters in the Kenyatta International Conference Centre, a large building in central Nairobi. As tension mounted nationwide on 29 December and first results were given by major TV stations linked with local correspondents, signs of trouble appeared.

Officials of the opposition Orange Democratic Movement (ODM) demanded explanations of vote-counting incidents in several dozen constituencies. Rumours of fraud were spreading. ODM leader Raila Odinga had an edge of 900,000 votes on the morning of 29 December. That evening the ECK said it had shrunk to 38,000 after results had come in from central Kenya. Rioting had already broken out in Nakuru and the slums of Nairobi.

The clinching event came late the next afternoon when ECK president Samuel Kivuitu read out supposed constituency results on live TV (heckled by ODM supporters) that dramatically reversed the situation and now put President Kibaki ahead in many places. The opposition supporters noisily demanded to know why results in the provinces differed from those announced by the ECK in Nairobi and became more and more insistent.

When it became clear that Kivuitu was going to declare the results final and began announcing those from Molo, Turkana Central, Mandera Central and Kajiado North, ODM member of parliament William Ruto shouted that he would not accept the results because they differed so greatly from the count in the constituencies. The room was in uproar and Kivuitu was booed. Soldiers were called and led Kivuitu and his aides into a side room and vote-counting was suspended.

“That day, we knew something was going to happen,” said Kwendo Opanga, editorial director of the Standard Group, which owns the daily *The Standard* and the TV station *KTN*. Live TV coverage of events continued and opposition leader Odinga called a hasty press conference at ECK headquarters to denounce the machinations of the president and his aides and the fraud overseen by the ECK. He said it was he who had won the election and drove off in his car.

Without explanation, soldiers guarding the ECK press centre then ordered all journalists to leave except those of the government-owned TV station *KBC*. After a few minutes, major TV stations showed Kivuitu announcing Kibaki had won by an overall 200,000 votes. Half an hour later they showed him being sworn in for a new presidential term. Foreign journalists in Nairobi for the election then watched from the roof of their hotel as the first clashes erupted between opposition supporters and riot police. Demonstrators in Kisumu ransacked the local offices of the government station *KBC*.

“At the end of the day, we got a fax from the information ministry permanent secretary ordering us to stop live coverage,” said Opanga. The ministry said the “suspension” was in the interests of security and public order. The government spokesman announced that “in the prevailing environment, some people are using the media to call for violence and to incite members of the public to engage in violence.” By mid-evening most stations had stopped broadcasting news and the country fell under a blackout on what was happening in the capital..

The political crisis quickly spread to slum alleyways and suburban streets. Arguments and insults deteriorated into stonings, fires, arrows and gunfire. Old ethnic bitterness fuelled the crisis over the next few days and the country sank into violence.

## **Universal criticism**

The ban on live coverage sparked worldwide disapproval. International press freedom organisations and several Western embassies publicly said it was absurd. It was an extreme measure by a panicked government, said David Makali, editor of the privately-owned monthly *eXpression today* and director of the Media Institute, which defends freedom of expression. His opinion was shared by all media chiefs, including Wachira Waruru, managing director of the Royal Media Services group (which owns *Citizen Television* and a dozen vernacular radio stations) and chairman of the Media Council of Kenya, the statutory regulation of the Kenyan media. It was a ridiculous order impossible to comply with, he said. A member of the EU election observer mission said the ban was excessive and unnecessary.

But the government stuck to its decision and reasoning. Ezekiel Mutua, the information ministry's director of information, said it was not really a ban and that the government had asked the media to see that news was broadcast with a short delay. The measure was taken because of several what he called embarrassing items broadcast on 30 December but he said the media were not to blame because they were simply messengers and journalists could not control events that encouraged violence. He noted that the government had not cut phone lines.

Despite the government's denial that it intended to punish the media, Kenyan journalists were annoyed. *KTN* managing editor Farida Karoney said the ban was unrealistic and the government's argument was stupid. Editors knew what could or could not be broadcast because they were responsible citizens, she said.

The media more or less complied with the vaguely-defined ban, taking liberties now and then. The privately-owned radio station *Kiss FM* carefully continued its listener call-in shows however. Even the president went out with a delay, said Waruru. No talk-shows were broadcast after 30 December. A special exception was made for the opening of parliament on 15 January. Waruru said that save for when the news demanded live coverage, his group of TV and radio stations (including the popular *Citizen FM*) observed the ban.

After top government officials promised the ban would be lifted, the Media Institute and *KTN* filed a lawsuit on 29 January against the government, which ended the ban on 4 February. It had served little purpose except to show the media they were under surveillance and that the government did not much trust them.

## **Radio stations monitored**

The government was very suspicious of vernacular radio stations broadcasting in local languages and information director Mutua accused them of ganging up during the election, implying they had helped to stir up ethnic hatred. Waruru, whose group runs most of these stations (*Mulembe FM*, *Inooro FM*, *Muuga FM*, *Chamgei FM*, *Egesa FM*, *Musyi FM* and *Ramogi FM*), agreed there had been a few problems but said he had not taken any risks and had immediately pulled off the air speakers who had gone too far.

The ghost of the Rwandan station *Radiotélévision libre des milles collines (RTL)*, partly blamed for the 1994 Rwandan genocide, has haunted all African crises over the past decade and it was feared some Kenyan radio stations might stir up similar violence. During the 2005 constitutional referendum, some had already encouraged division between Kikuyus, Embus and Merus (who favoured Kibaki's reforms) and Luos, Kalenjins and Luhyas (who opposed it). Three days before that vote, the privately-owned radio *Kass FM*, which broadcasts in Kalenjin, was suspended for inciting violence.

Several vernacular stations used dangerous language in the present crisis too, said Caesar Handa, executive director of Strategic Research, a firm hired by the UN Development Programme (UNDP) to review Kenyan media coverage of the presidential election. He told the UN news agency *IRIN* that phone-in callers to *Kass FM* had called other ethnic groups "settlers" in the Rift Valley. There was also talk of the need for "people of the milk" to "cut grass" and that "the mongooses" were "stealing our chickens," an allusion to the pastoral Kalenjins ("people of the milk") faced with the supposed Kikuyu danger ("the mongooses"), according to Kamanda Mucheke, of the government-funded Kenyan National Commission on Human Rights, quoted by *IRIN*.

David Ward, the EU observer mission member who monitored the media, said however that despite a few such incidents (especially on radio stations in western Kenya) that were quickly dealt with, there was no hate talk. Problems had been expected in such a divided society, he said, but apart from the government TV station *KBC*, whose bias was blatant, the media had behaved remarkably well. He said the country was blessed with talented journalists who delivered the news to the public.

Waruru said he and his editors had been very vigilant. He said his radio journalists had tended to be swept away by the emotions of listeners but now even using a proverb was scrutinised. The vernacular radios provided a strong sense of identity and thus strengthened national unity, even though they were potentially dangerous. He said the Media Council he chairs had warned some of them on 19 December against unethical behaviour. The Council's executive director, Esther Kamweru, told its annual meeting that most complaints the council got were about songs considered obscene or racist, but said some stations had put out inaccurate news which had led to violence..

But the authorities did not penalise any offenders, except perhaps on one occasion. The privately-owned *Radio Lake Victoria* in Kisumu, which openly backed the opposition, went off the air on 28 December for three days after a mysterious power-cut to its transmitter in Kiboswa, 15 kms away. The station's assistant manager, Seth Oloo, accused the government of sabotage. The station resumed broadcasting without further problems, even at the height of the violence.

### **Media prayers**

The Kenyan media answered the government's live broadcasting ban and close surveillance with a joint editorial line. They reported facts, figures and statements but nothing controversial or likely to provoke disorder. The main Nairobi dailies, *The Nation* and *The Standard*, ran the same front-page editorial on 3 January headed

“Save our beloved country,” attacking politicians as responsible for the violence and for not coming up with solutions. The impressive display of unity was meant to underline how serious the situation was. Independent TV stations followed the papers’ example by screening the words “Save Our Country.” *KTN TV* also called on Kibaki and Odinga to rescue the country from what it called unprecedented anarchy and bloodshed. Privately-owned radio stations broadcast the editorials too.

The principal media outlets opted for a peaceful solution and for preaching. The Sunday after the peace editorial, the main TV stations broadcast a collective prayer for a return to calm. Adverts in the main Nairobi papers have regularly called for peace and national unity and opinion pages are full of articles saying violence could not solve the country’s problems, would only worsen them and that the Kenyan nation was more important than tribalism.

### **Failure of the country’s media**

The post-election violence in the country once seen as East Africa’s most prosperous and stable democracy gave most Kenyan journalists their first experience of reporting on a devastating political crisis. Growing pressure on freedom of expression and the media’s own fear of exacerbating violence and ethnic divisions dominated the behaviour of editors and journalists and they firmly chose restraint in their coverage of the situation.

The media were forced to tread extremely carefully and many local journalists and observers the fact-finding mission talked to said this resulted in a lot of self-censorship. The Kenya media has traditionally been independent and journalists have behaved responsibly, but the pressure on them in such an explosive situation where their role was crucial divided the profession.

Did the country’s media fail in its mission as watchdogs of democracy? Editors and journalists were in a painful dilemma in the wake of the election and those the mission spoke to admitted the media clearly failed to do its job and fulfil its obligations..

The media failed, said the Standard Group’s Opanga, one of the country’s most senior journalists. It did not properly investigate what happened after the voting and he said this had haunted him ever since. Journalists had not pushed to find out the truth after it was clear the results were rigged. Opanga had reported on five elections since 1988 and had never experienced anything like the present crisis. Hundreds had been killed and billions of dollars lost. So much was at stake that not seeking out the truth was impermissible, he said.

### **The power of self-censorship**

What happened at Standard Group editorial meetings? Why did editors and journalists not try to report the truth? Opanga still has no answer. The media fell down on the job, he said. Nobody prevented it from doing anything yet the crisis was expected, though not the violence. The fear of making things worse had obsessed journalists, he said, alluding to the grim role the media played in the Rwanda genocide.

The same fear affected editorial decisions at the Nation Media Group, said special projects editor Macharia Gaitho, who writes a political column in *The Nation*. Ethnic tension was so easy to echo that the media's role was crucial, he said. The major press had behaved very responsibly. But by being responsible had it hidden the truth? Gaitho said this was fiercely debated inside the Group.

*KTN* managing editor Karoney said self-censorship was also routine at the station for fear of reprisals and the station was afraid to broadcast all the news it had.

Tervil Okoko, chairman of the Kenya Union of Journalists, said the crisis was a great shock for the media, which had never been in such a situation. The freedom enjoyed for so many years had given it a false sense of security and self-censorship took over. Journalists were afraid, especially after the live reporting ban, which was a very easy way to gag the media by making it less effective. Fear made it hard to know what to do, he said, and it became very difficult to protect the right to be kept informed of events.

Media Institute director Makali freely admitted that the national media failed in its duty to report the truth. Journalists may have sought it out but they did not dare to report it, he said. The papers should have set up investigative teams to find out who had won or lost the election, but they did not for fear of being physically attacked by either the government or the population. So the media had failed by keeping the truth from the people.

He said one of the media's biggest mistakes was not defying the live broadcasting ban. None of them had tried to find a way round it. He said he did not see how the media could have inflamed the tense situation by just reporting the facts, in fact quite the opposite. But editors and owners had come under great pressure and had played down some stories and not reported others at all.

Kenya's journalists and editors, with no experience of covering such violent events, were easy prey for the government, which exerted heavy pressure on them to relay messages of peace and reconciliation, he said. They obeyed and thus abandoned their professional principles and their job of promoting truth and justice. Preaching peace and reconciliation was the job of politicians and religious leaders. Calling for prayers for peace would not solve the political crisis, Makali said. The country would continue to be a minefield until the roots of the problem were tackled. If the media did not help that process, they had been part of the conspiracy.

## **Conclusions and recommendations**

As Kenya tries to find a way to halt its steady social, political and economic disintegration, various sectors of society have stepped back and are trying to help keep the peace by calling for harmony and national unity. The media has been a key player in the quest for reconciliation, especially the mass media, whether privately-owned, community or government-run, or written, broadcast or online.

When violence erupted and spread, all the media joined together (sometimes in chorus) and tirelessly printed long editorials, commentaries and articles and even joint

front pages calling for national harmony. But this switch to being peacemakers shocked some Kenyans and foreign observers, especially journalists and media experts. They said it was not only dishonest but that the media had become involved in role-playing that diverted it from its job of seeking out the truth in the public interest.

Preaching is not a journalist's main job. The alleged fraud in a presidential election was clearly an urgent matter for the media and its journalists. But in the interests of restoring public order they deliberately chose to ignore it while thousands of Kenyans poured into the streets in search of "truth" and "justice." After weeks of violence and killings that have exhausted the country, still nobody knows who really won the election, who cheated and how, and why social and tribal divisions cracked the foundations of the great Kenyan democracy that was seen as unbreakable..

The media, like other sectors of society, is at a crossroads as the country looks for a political, constitutional and consensual way out of Kenya's gravest crisis. Reporters Without Borders, International Media Support and Article 19 recommend that:

- **The Kenyan authorities** should refrain from any attempts of censorship out of concerns about a repeat of the Rwanda syndrome – as expressed to the mission team - and take a less hostile and more trusting attitude to the media. They should appreciate the efforts of leading Kenyan media outlets to promote peace and not to aggravate the post-election violence. They should help the media to strengthen its self-regulation machinery and its capacity for working together and providing training, so it can more effectively cope with extreme crisis situations.
- **Kenya's political parties** should stop using radio stations to rally and organise their supporters and confront the questions and criticism of the media honestly.
- **The Kenyan media** should continue to review its performance in the post-election crisis in a spirit of cooperation. It should set up a fund to help train journalists in investigative reporting and self-protection in places where there is violence and fighting. It should offer the public maximum information and insight into the crisis the media has been through since the election. It should also strengthen its system of self-regulation and consulting together.