

# PiMA

Politics and *interactive* Media in Africa

## PiMA Working Paper Series #2

### Background Paper: Politics and Interactive Media in Kenya

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## **PiMA Working Papers**

The PiMA Working Papers are a series of peer-reviewed working papers that present findings and insights from Centre of Governance and Human Rights' (CGHR) Politics and Interactive Media in Africa (PiMA) research project (2012-14).

The project, jointly funded by the ESRC and DFID (ES/J018945/1), focuses on expressions of 'public opinion' in broadcast media via new information and communication technologies (ICT) such as mobile phones in Kenya and Zambia. PiMA examines the political implications of such interactions in the two African countries, with a view to drawing conclusions of wider significance to practitioners and policymakers.

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## Introduction<sup>1</sup>

This background paper provides an overview of the history and context of interactive media and public opinion in Kenya. It is intended to contextualise and inform the study, Politics and Interactive Media in Africa (PiMA), a collaborative study by researchers from the University of Cambridge, University of Nairobi and University of Zambia. The main objectives of the PiMA project are: (a) to explore the extent to which media interactivity is widening (and deepening) political participation in Africa; (b) to investigate how public opinion is collected and represented by African media and for what (and whose) purposes; and (c) to establish the extent to which public opinion expressed via interactive media affects accountability mechanisms and policy-makers' behaviour.

This working paper is organised into three sections. The first section discusses the policy and legal context for interactive media in Kenya. The second section discusses the history of broadcast media and interactive shows. The final section examines the intersection of public opinion and interactive media in Kenya.

## Policy and Legal Context

The roots of the media sector in Kenya are closely aligned with the colonial origins of the state, shrouded with segregation along racial lines. In this skewed system, the majority of people in Kenya, who were the Africans, were not provided with mediated channels of communication, and relied largely on word of mouth mainly from colonial governors and their 'homeguards'. Print media and broadcasting houses were the preserve of the British colonial political elite until the beginning of the Second World War, when the need for the colonial government to rally support and recruit local people for the war effort provided an impetus to expand broadcast to the wider population.

This opening of the airways was accompanied by strict control and censorship aimed at ensuring that liberalisation movement forces, in particular the Mau Mau, did not use the radio to broadcast their ideas. Instead, African political elites used newsletters to share ideas. However, this was limited as literacy rates were still very low. Restrictive measures on broadcast media, put in place by the colonial governors, did not end with independence. At independence, African elites continued to keep citizens away from information relating to governance of the country, enacting the Official Secrets Act in 1968. Public information remained a preserve of government officials who could choose what to communicate or not to communicate to the public. This restricted environment continued until democratic reforms in the 1990s (Ochilo, 1993).

Since the 1990s there has emerged a number of specialised government agencies responsible for communications and media in Kenya. They include the Communications Commission of Kenya, which licenses frequencies and broadband; the Kenya Information Communication Technology (ICT) Board; the National Communications Secretariat; the Media Council of Kenya; the Department of Public Communications; the Department of Film Services; the Kenya Film Classification Board; the Kenya Film Commission; and Brand Kenya. Some of these agencies are at the verge of being reorganised, renamed and attached to new ministries in the context of widespread government restructuring in response to the requirements of a new constitution, promulgated in 2010.

There are a number of policies that inform contemporary media developments in Kenya. Recent developments (at least prior to the 2010 Constitution) appear to be strongly influenced by media policy reforms of the late 1990s, in particular the 1997 Kenya Government Telecommunications and Postal Sector Policy Guidelines. These guidelines allowed for the enactment of the Kenya Communications Act of 1998, the repeal of the Kenya Posts and Telecommunications Act, and the establishment of three agencies, namely the Communications Commission of Kenya, Telkom Kenya Limited and the Postal Corporation of Kenya. These three agencies have driven the communication industry in Kenya. However, they are being re-examined in the context of the 2010 Constitution of Kenya.

The Kenya Communications Act, 1998 set the groundwork for the development of the 2006 National ICT Policy. The policy provided direction on e-government, which directs how ICT can be used in Government to Government (G2G), Government to Business (G2B) and Government to Citizens (G2C) interactions. In G2G, the policy provided a framework for setting up information infrastructure, developing and implementing web-enabled database as well as operationalising other information systems,

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<sup>1</sup> Developed from a paper prepared for presentation at the Politics and Interactive Media in Africa (PiMA) Workshop in Lusaka, Zambia, 15<sup>th</sup> – 19<sup>th</sup> July, 2013, by Winnie V. Mitullah, Institute for Development Studies, University of Nairobi, e-mail: mitulla@uonbi.ac.ke

establishing electronic forums for discussion and feedback, and ensuring increased involvement of citizens in decision making and public activities.

The 2006 ICT policy was a radical departure from a closed public sector whose business remained unknown to those being served. The policy provided direction for addressing privacy, e-security, ICT regulation, cyber crimes, ethical issues, intellectual property rights and piracy. The formulation of the policy was followed by enactment and amendment of relevant laws, including the Kenya Communications (Amendment) Act, 2008 and the Kenya Media Act, 2010. The latter, originally enacted in 2007, was revised twice, in 2010 and in 2012. The Code of Conduct, which is included in the Act, bars the promotion of acts of violence and terrorist activities. It further bars newspapers from publishing text in columns that can be seen to encourage or glorify social evils, war-like activities, or ethnic, racial and religious hostilities. Hate speech is also barred by the Code of Conduct.

Most of the digital advancement in Kenya, in particular the national ICT infrastructure framework, owes its success to the 2006 ICT policy. By early 2012 undersea cables were in place, and the government, in collaboration with the private sector, was working to develop a smart city (Konza), a Technology Park and Innovation Centre close to the capital city of Nairobi. Other on-going programmes include the Kenya Transparency Communication Infrastructure Programme, data centres (Government Data Centre, Disaster Recovery Centre and National Data Centre), and software and hardware incubation centres, especially in selected universities and colleges.<sup>2</sup>

The Kenyan government has been engaged in a number of projects aimed at improving interactivity between government and citizens through digital communications. Under a theme of “One-Government One-Voice”, the Kenyan government deployed public information officers to all ministries. The officers maintain 24-hour internet/electronic access to public programmes, services and information. The government portal also has advanced online initiatives to improve internal and external communications on short notice. Initiatives, such as the ‘KenCall’ service, have been installed for response and liaison. The government also continues to oversee production, distribution and evaluation of motion picture films, videotapes, television programmes, interactive videodiscs, CD ROMs, and audiovisual and multimedia productions through the Department of Film Services.<sup>3</sup>

The 2006 ICT policy has been put under review to align it with the Kenya Constitution, 2010. Articles 34 and 35 of the Kenya Constitution provide for the freedom of the media. Article 34 states, “(a) the state shall not exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium; (b) or penalize any person for any opinion or view or the content of any broad cast, publication or dissemination”. Article 35 protects access to information, stating, “every citizen has the right of access to: (a) information held by the state; and (b) information held by another person and required for the exercise or protection of any right or fundamental freedom” (GOK, 2010).

Still, there appear to be several challenges associated with the effects and implications of Articles 34 and 35 in the context of government and media sector capacities and interests. During a stakeholder workshop convened by the PIMA project in 2013, a representative of the Ministry of Information and Communications noted that while Article 34(4) articulates the independence of state-owned media over its editorial content, the degree of independence becomes contentious when taking into account the parameters of professionalism, objectivity and quality of content, imbalance in coverage, and a general dissonance in communication. The officer further observed that given a multiplicity of voices in the media sector, the government faces a challenge of mediating between conflicting demands, and achieving sustainable and effective outcomes. The ministry representative suggested that addressing this challenge requires, one on the side, improving capacity for content/data development and re-packaging messages on policies, programmes, services and initiatives; and on the other, improving the visibility of, and environment for, technological innovation and new media, among others.<sup>4</sup>

2 PIMA Stakeholder Workshop, at Nairobi Safari Club, Lillian Towers, on 21 November 2013. Also, for an overview of some recent ICT schemes in Kenya, see IST-Africa. ‘Current ICT Initiatives and projects – Republic of Kenya. <https://www.ist-africa.org/home/default.asp?page=doc-by-id&docid=5181> (accessed 13 March 2015).

3 As presented by Mary Ombara, then acting Director of Public Communications, Department of Public Communications and Secretary of the National Steering Committee on Media Monitoring, Ministry of Information and Communications, at a PIMA Stakeholder Workshop, at Nairobi Safari Club, Lillian Towers, on 21 November 2013.

4 PIMA Stakeholder Workshop, at Nairobi Safari Club, Lillian Towers, on 21 November 2013.

## Interactive Media in Kenya

Looking across Africa, development and use of broadcast media, mobile phones and the Internet has been particularly dynamic in Kenya. The rise of access and use of interactive media in Kenya can be traced through various phases in digital developments, dating back to 1928 when the Kenya Broadcasting Corporation (KBC) was established. KBC was renamed Voice of Kenya (VOK) after Kenya's independence in 1964. KBC remained the sole operator of television and radio stations until 1989 when Kenya Television Network (KTN) was established. The establishment of KTN set the scene for a flood of new broadcast stations in Kenya. However, the increase in number of broadcasters in Kenya has not extended to print media, which has continued to be largely dominated by the Nation Media Group and The Standard (Githaiga, 2011). These two print media, as well as smaller rising and falling print publications, incorporate digital publishing into their activities, with most updating websites and social media pages daily. Online versions of print articles are also often provided for comments and inputs.

The history of interactive media in post-independence Kenya can be examined through three broad phases of media development: a restrictive phase between 1966-1991, an enabling phase between 1992-2002, and a proactive phase between 2003-2012. During the restrictive phase, there was little diversity in the media sector. What was reported by monopoly media organisations tended to be presented as established knowledge. The majority of the population only had access to media controlled by government (Ismail & Deane, 2008). During this period there were strong controls and restrictions on the media. These controls only began to be relaxed in the 1990s, alongside the shift to multi-party democracy. Prior to the 1990s some within the media sector struggled for greater freedom often at a very high cost (Mutunga, 1999), taking on weighty social, political and economic issues. This appears to have helped to foster wider public trust of the media relative to other public institutions, for example, the judiciary, police and parliament.

The repeal of Section 2A of the Constitution in 1991 ushered in an 'enabling phase' in the media sector, with space opening up for greater levels of citizen engagement in public affairs (Mitullah, 2013). The media sector expanded beyond print media and television to include more FM radio stations and greater Internet-based communication space. This growth helped to transform how citizens access information about government, including how the state, state apparatus and their supporters relay information to citizens. Vernacular FM radio stations, which have become increasingly popular with the public, began first with Kameme, a Gikuyu channel created in the year 2000.

Telecommunication sector reforms in 1998 and 1999, and related infrastructural development, contributed to Kenya's digital growth. Reforms ushered in liberalisation and privatisation of the industry, eliminating government monopoly. The state disbanded the poorly performing Kenya Posts and Telecommunication Corporation and established three entities: Telkom Kenya Limited, the Postal Corporation of Kenya and the Communications Commission of Kenya (CCK). This action allowed for an increase in the number of content producers, and increased the demand for broadcasting frequencies, which ended up outstripping availability, especially in urban areas. This is highlighted in the April 2013 CCK quarterly report, which identified opportunities for a 'digital revolution' in Kenya, for example illustrated by the fact that total bandwidth was 906,186 Mbps but only 36.3 per cent was being utilized (CCK, 2013).

A landmark in the shift to the 'proactive phase' was the formulation and passing of the ICT policy of 2006. The phase not only set Kenya on a path towards greater opportunities for e-governance through increased and better access to government services online (Mitullah and Waema, 2011), but opened up media and communication space, which provided for the establishment of a greater number of radio, television, print and 'new' media, for example, media drawing on the Internet and mobile telephony.

Liberalisation of the media has continued to pave the way for the growth of vernacular radio stations targeting listeners from particular ethnic communities. By the end of 2012, there were 102 radio stations, 14 television stations and 15 mainstream print media licensed to offer broadcasting and printing services in Kenya (CCK, 2012). In respect to television, since December 2009, Kenya has been involved in processes to transition from analogue to Digital Terrestrial Television (DTT) broadcasting by June 2015, in line with a deadline set by the International Telecommunication Union (ITU).

Although access and use of new communication media, in particular the Internet and mobile phones, are growing rapidly, radio remains the most accessible and affordable broadcasting medium in Kenya. However, panel data from Afrobarometer (AB) surveys reveal a reduction in use of the radio. The AB Round 5 survey indicates that the use of radio to access information, despite demonstrating the highest penetration in rural and urban areas, has fluctuated and actually declined from 71 per cent receiving news every day through radio in 2005, to 76 per cent in 2008, to a low of 68 per cent in 2011 ([www.afrobarometer.org](http://www.afrobarometer.org)). Notwithstanding, radio remains important in Kenya.

The diversity of radio broadcasters in Kenya appears to provide multiple channels for listeners not only to receive information, but also to publicly share ideas through the broadcast. Many media outlets, including vernacular radio stations, engage listeners through the broadcast and social media, discussing current affairs and policy issues (Mitullah, 2013). Nyabuga (2011) describes the phenomenon of communications media enabling interactive communication through the Internet and mobile telephony as a manifestation of an 'information society'.

Increasing access to information, for example through public broadcasters, social media and mobile phones, extends to some local communities through community radio. Community radio in Kenya dates back to 1980, when the first community radio in Africa, Homa Bay Community Radio, was established. Community radio stations in Kenya include, among others: Mang'elele Community (Kibwezi), Koch FM (Korogocho), Pamoja Development (Kibera), SIDAREC (Pumwani), Bondo Community Centre (Ndori), Maseno University (Maseno), Day Star University (Athi River), St. Pauls University (Limuru), Baraton University (Eldoret), Masinde Muliro University (Kakamega), Kenyatta University (Thika Road), Kenya Institute of Mass Communication (Nairobi), Ekialo Kiona (Homabay), Rware (Nyeri County), Ghetto FM (Nairobi), Mwanedu (Taita Taveta), Ata Nayeche (Turkana County), Bus Radio (Kajiado County), Baliti FM 102.7 (Isiolo County) and Mtaani Radio (Nairobi) (see Oriare and Mshindi, 2008; Oriare et al, 2010; Kenya Community Media Network, 2015).

Community radio stations tend to broadcast in local languages and deal with issues that are relevant to the local context, as well as be run by individuals known by those residing in the area. Apart from Mang'elele, which was licensed prior to the law restricting coverage, all community radio stations have been limited to a radius of 3 km in order to ensure that they focus on local issues, and remain relevant to audiences living and working in close proximity (Githaiga 2011). Despite its long history in Kenya, community radio continues to face challenges, particularly around sustainability. Many stations are unable to mobilise adequate resources for ongoing operations. Over the years community radio has benefited from UNESCO and government support, but the support often has not been sufficient.

While daily use of radio handsets has declined in recent years, access to radio content through other communication media is becoming more prevalent, for example, the mobile phone and Internet. Mitullah suggests the proliferation of the mobile phone has been a shock in the context of poverty (Mitullah, 2013). In 2001, there were still only 944,128 mobile phone subscriptions in Kenya. By 2007, the number had increased to over 10 million, and then to 32.8 million by September 2014 (Table 1, below). Mobile money transfer, a more recent application, has also increased from 10,615,386 users in 2009/2010 to 19,505,702 users in 2011/2012 (CCK, 2012).

**Table 1: Selected ICT Industry Statistics**

Indicator/Year	1999	2005	2009	2014 (July-Sept)
Total population (million)	28.7	35.1	38.3	
Sector Contribution to GDP (percentage)	1.3	2.6	2.8	
Fixed Line Exchange Capacity	404,990	517,131	485,581	
Fixed Tele-density (fixed wireline and fixed wireless) (per cent)	1.02	0.86	1.80	
Number of mobile subscribers	15,000	5,263,676	17,677,321	32.8 million
Mobile Penetration (percentage)	0.05%	15.74%	47.5%	80.5%
Total Tele-density (lines/100, fixed + mobile)	1.07	16.60	49.30	
Average Mobile Tariff per minute (Ksh)	31.03	24.70	8.67	
Number of Internet users	35,000	1,054,920	3,395,552	23.2 million*
International Internet bandwidth (Mbps)	25.00	160.17	1,676.90	
Number of television broadcasters licensed	8	19	19	
Number of television stations licensed	49	110	108	
Number of radio FM broadcasters	16	60	80	

Source: CCK databases, Statistics for 2014 data from CA, 2014

\* The number of Internet users in 2014 represents the number of mobile data/internet subscriptions + data/internet subscriptions

Internet connectivity has also improved in Kenya in recent years. The CCK 2011/2012 Annual Report estimates the number of Internet users at 14,032 million in 2012, representing a penetration of 35.5 per cent compared to 21.2 per cent in 2011. CCK attributes growth in Internet usage to increased access to smartphones and social networking applications, particularly among urban youth. The development of linkages between mobile money, and personal bank accounts, M-credit and M-insurance has also contributed to the growth of the sector (CCK, 2012).

Digital service providers have continued to seek ways to expand digital communications, and appear to have shifted their attention from voice to data services, including mobile money transfer (pioneered in Kenya). Data services tend to be accessed through mobile phones as opposed to personal computers. A survey by TNS Research International, as reported in the Daily Nation, found that 60 per cent of respondents use handsets to access the Internet compared with 29 per cent using personal computers (PCs) at home, 33 per cent using PCs at work and 41 per cent accessing internet in cyber cafes (Daily Nation, 2010).

## **Public Opinion and Interactive Media**

The opening of democratic space since the 1990s has highlighted the importance of measuring 'public opinion', for example, to those seeking political office to know the opinions of the electorate, or to businesses to know their clientele. Opportunities for people to air their views have grown with greater access to digital communication media, which provide diverse channels for individuals to contribute to ongoing discussions and debates, almost immediately and across spatial distance.

Some studies of the post-election violence following Kenyan General Elections in December 2007 suggest that violence was linked to mobilisation of communities through mobile phones, the Internet and community radio. However, the contributions of digital communication to the violence appear ambivalent. Digital media can be used to coordinate action and share ideas to both promote and address violence, for example SMS campaigns can spread hate messages or appeal for peace. Also, blogs can challenge mainstream media narratives and online campaigns can promote awareness of human rights violations (Goldstein and Rotich, 2007). A website called Ushahidi was used for collaborative reporting of the locations of violence. Outside of the 2007-2008 post-election violence, ICTs have been used by Non Governmental Organisations (NGOs) to mobilise civil society to report corruption, monitor accountability and engage political representatives in public debates.

Since 2007, the Kenyan government appears to have become more concerned with surveillance and regulation of ICTs. In 2010, the CCK announced that all mobile phone subscribers would be required to register SIM cards with service providers. By September 2011, approximately 60 per cent had registered. The registration period was extended up to August 2012, at which point unregistered phones were at risk of being switched off.

In 2012 a mobile phone service provider, Safaricom Limited, issued guidelines for political mobile advertising on its Premium Rate Messaging Network. These guidelines indicated that Safaricom would not allow its network to be used for spreading hatred or inciting violence through the dissemination of hate speech via mobile based messaging. Safaricom required its users to provide information that was in line with the CCK Guidelines for Prevention of Transmission of Undesirable Bulk Political Messages Via Cellular Mobile Networks of August 2012. Political messaging was only to be delivered through licensed Content Service Providers (CSPs) with a direct inter-operability agreement with Safaricom. Any CSP intending to relay a political message was required to wait for 48 hours for Safaricom to vet the content of message to ensure compliance with CCK guidelines.

While CCK guidelines are more categorical on political messages and hate speech, registration of SIM cards enables the government to trace sources of information and mobile phone signals. The latter has been used to track criminals, in particular those demanding ransom after a car-jacking and ambush of targets. In isolated cases individuals have colluded with workers of service providers to obtain information on individuals.

As compared to mobile phone use, Internet use has had less surveillance. Still, a blogger, Denis Itumbi, was arrested in March 2012 on suspicion that he had hacked the International Criminal Court (ICC) website. The suspect, appointed the Director of Digital Communication in the President's Office after Uhuru Kenyatta's victory in March 2013 election, was never arraigned in court but was questioned pending further investigation. Kenya has been noted to have an active blogging community, and thus far the case of Itumbi appears isolated. In another extreme case in January 2015, a university student, Alan Wadi Okengo, alias 'Lieutenant Wadi', was jailed for two years for insulting President Kenyatta on Facebook (Munguti, 2015).

In May 2013, the 'Operation Occupy Parliament' Campaign in Kenya used both ICTs and public demonstrations to protest high salary allocations made by Kenya Members of National Assembly to themselves, which were being allocated against the advice of the Commission for Salaries and Remuneration. Concerted campaigns through the Internet (e.g. blogs) called on the public to protest the actions and salaries of the Members of the National Assembly. The campaign mobilised large numbers of citizens, estimated in the 100s (Odula, 2013), who blocked access to the National Assembly with pigs and blood, and nicknamed the Members of the National Assembly, 'M-Pigs'. While the campaign did not alter the salary outcome, it appears to have created space for ordinary Kenyans to collectively raise a public concern. Some of the MPs were able to also respond to the issues, often through the Internet, thereby bringing out the dialogic aspect of communication.

### **Concluding Remarks**

This paper has provided the context within which interactive media has developed in Kenya, highlighting the history and development of broadcast media, specifically radio, as well as the growth and integration of digital forms of communication. While growth and diversification of communication media could facilitate public engagement in political discussions, the nature and political significance of such opportunities in Kenya have not fully been explored, in particular outside of the period of post-election violence in 2007.

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