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# Media Status Report: Kenya

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October 2001

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## I. INTRODUCTION

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Kenya is still considered by many as the heartland of East Africa. It has a total area of approximately 580,000 sq.km. Kenya has a population of almost 29 million people,<sup>1</sup> with an increase of 34% over the 1989 census. The population is unevenly distributed, with the most congested slums in and around Nairobi. Nyanza, Central and Western Province have a density of 300--400 people per sq. km. while the national average is 49 per sq. km.

Almost 80% of the population lives in rural areas, with 15% concentrated in five towns (Nairobi, Mombasa, Kisumu, Nakuru, Eldoret), with Nairobi hosting over 3 million people, which is almost 11% of the total population. Most city workers retain links with their rural extended families and leave the city periodically for visits and to work on the family farm. The AIDS pandemic claims almost 500 lives per day, especially among youth and middle-aged in Nyanza and Western Province. In the near future, this will put severe socio-economic strains on families and the society at large.

Major language groups are present in Kenya. The standard of living in major towns, once relatively high compared with much of Sub-Saharan Africa, has been declining in recent years, mainly because of mis-management and corruption. Almost 10% of the population between 20 and 54 years of age is unemployed or economically inactive (2,150,000). About 75% of the work force is engaged in agriculture, mainly as subsistence farmers, while about 0.9 million people are urban workers. The illiteracy rate is close to 20%, with only 20% of the youth between 15 and 19 years having pursued secondary education.

Kenya gained independence from the United Kingdom on December 12, 1963. Compared to other former European colonies in Africa, Kenya's transition to independence was remarkably orderly and free of racial strife, due, at least in part, to the government's sensitivity to political rights and freedoms.

Multiparty democracy in Kenya was inaugurated in 1992. Before the 1997 elections, opposition parties and representatives of the civic society advocated for a thorough review of the Constitution, but minimal reforms were effectively made. The revision process is presently underway with the appointment of the Constitution Review Commission.

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<sup>1</sup> *1999 Population and Housing Census*, Republic of Kenya, Central Bureau of Statistics, January 2001

## II. MEDIA POLICY IN KENYA<sup>2</sup>

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There is no single law regulating media in Kenya. Only the Constitution, and a range of Acts, as well as civil and criminal law statutes, include provisions relating to both print and broadcast media. Many Acts, mainly referring to English Statutes of the nineteenth century, were inherited from the colonial government, and still provide for tight government control on information and mass media.

Section 79 of the Constitution defines the right to freedom of expression, without specific reference to the media. The formulation is convoluted and vague, which allows for the violations of the right. Moreover, the same Constitution (Section 79 –subsection 2) provides for limitations of fundamental rights and freedoms. Other major laws limiting freedom of expression are the “Preservation of Public Security Act” and the Penal Code sections 52 and 57 (1).

The advent of a multi-party political system in 1992 led the government to consider the introduction of press laws. Editors of both mainstream and the alternative media quickly got together for a pre-emptive move: rather than the government introducing controls, they preferred a self-regulatory system managed by the professionals. In 1993 a “Task Force on Press Laws” was appointed, with Hillary Ng’weno (former publisher of the *Weekly Review*) as Chairman, to address the following issues:

- Information access and dissemination
- Ethical and professional standards for journalists and their enforcement
- Self-regulation of the media by defining a media council or a similar body, its composition, functions, duties and procedures
- Media ownership, licensing and development.

The Task Force submitted its recommendations to the Attorney General, Amos Wako, who tried to introduce a *Press Council of Kenya Bill* and a *Kenya Mass Media Commission Bill* in 1995. These Bills sparked off strong opposition from media professionals, lawyers and scholars, and were finally shelved. Due to persistent lack of a clear legislation, media activities and outlets have been mushrooming in an uncoordinated, politically partial and urban-biased way. The need for a comprehensive media policy has become urgent.

In 1996 the Task Force on Press Laws was reconstituted under the chairmanship of Horace Awori (former Chair of the Foreign Correspondents Association). It collected the views of media organisations (Kenya Community Media Network, Kenya Union of Journalists, Media Owners’ Associations, Advertising Association of Kenya, among others), political parties, NGOs, CBOs and religious bodies. After consultation with other bodies (the Media Institute of Southern Africa, media practitioners from Tanzania and Uganda, and regulatory authorities

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<sup>2</sup> Major sources: *Up in the air? The state of broadcasting in Eastern Africa. Analysis and trends in five countries*, by Lynne Muthoni Wanyeki (Ed.), Panos Eastern Africa, 2000.

*Media policy in Kenya*, by Lawrence Murugu Mute, *Media law past, present and future*, by Rosemary Okello, and *Media, Freedom and Democracy*, by Juliana Omale-Atemi, in «Media, Culture and Performance in Kenya», Mitch Odera and Esther Kamweru (Eds.), EAMI Publication, Nairobi, 2000.

from South Africa), the Task Force submitted its recommendation to the Attorney General, who tabled the *Kenya Communication Act* in July 1998. The Act established the “Communication Commission of Kenya” (CCK) as a regulatory body, but many controversial issues, like constitutional provisions for the right to freedom of the press and media, provisions for the right to freedom of information, the link between media law and telecommunication law, and clear criteria for mass media licensing, among others, remained unresolved.

Major recent developments regarding media policy are: the preparation of the *Code of Conduct for Journalists and the Mass Media*, which was finalised on April 11 2001, with the contribution of several bodies,<sup>3</sup> gathered under the name of the “Media Industry Steering Committee; the “Broadcast Task Force”, which was set up in July 2001, after a meeting between Government and media stakeholders.

## **2.1 Freedom of expression**

The framework which governs Kenya’s legislative and policy media framework is rooted in section 79 (1) of the Constitution:

“Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence”.

However, section 79 (2) curbs the right to freedom of expression and to other fundamental rights “in the interests of defence, public safety, public order, public morality and public health”. The terms are vague and the government alone decides what constitutes the “public interest”. This allows for abuses, which have been usual in the past and are, at times, still going on in the name of “national security”.

## **2.2 Legislation for purposes of security**

Every state has security needs and concerns, which are undeniably legitimate. Security concerns in Kenya have, however, been used as a justification to clamp down on the free flow of information. Several sections of the Penal Code and a number of Acts (Official Secrets Act, Public Order Act, Defamation Act, Police Act, Chief’s Authority Act, Armed Forces Act, and Preservation of Public Security Act) curtail the freedom of expression and information. Two relevant examples are:

- (I). Preservation of Public Security Act. It provides for restriction of movement, including imposition of curfew, and prohibition of information. Under this Act, any person can be arrested indefinitely in the interest of defence, public safety, public order, public health and public morality, whenever decided at the discretion of the president. During the period preceding the 1991’s repeal of Section 2A of the Constitution, under

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<sup>3</sup> Among them, Kenya Union of Journalists (KUJ), Media Owners Associations, Editors’ Guild, Alternative Press, Media Training Institutions, Correspondents Association, Media NGOs and State Media.

which Kenya was a *de jure* one party state, many journalists were detained under the Preservation of Public Security Act. In 1997 the Act was amended by the Statute Law (Miscellaneous Amendments) Act, to forbid the detention of persons for political reasons. Ever since, however, journalists have been jailed, though not as often as formerly. Though, recently, some were imprisoned.<sup>4</sup>

(II). Sedition laws under the Penal Code. Until the repeal of sedition laws in 1997,<sup>5</sup> their inappropriateness had been a great hindrance in many fields of individual and institutional activities. Section 57(1) of the Penal Code made it an offence for a person to print, publish, sell, offer for sale, distribute or reproduce any seditious publication. Seditious intention included:

- a) an intention to overthrow the government; to bring into hatred or contempt or to excite disaffection against the person of the president or the government of Kenya;
- b) an intention to excite the inhabitants of Kenya to attempt to procure the alteration of law by unlawful means; to bring the administration of justice into hatred or contempt; or to promote feelings of ill will or hostility between different sections or classes of the population.

In the past, many Kenyans endured imprisonment for handling materials classed as seditious. Moreover, the state sometimes opted to vandalise media rather than go through the tedious processes of deploying the repressive law. It was in this light that the police immobilised Fotoform in 1993, a private printing press dealing with publications considered critical to the government..

## 2.3 Broadcasting regulation

The right to freedom of expression is enshrined in the Constitution, though, on occasions, the government has interpreted the limitations repressively to hinder journalists' investigation. This freedom, however, is still largely restricted to the print media, whose outreach remains limited by distribution problems in remote areas, and illiteracy rate (estimated around 28% in 1997, but presumably much higher in remote areas, especially among women).

In comparison with print media, broadcast media in Kenya are still tightly under Government control. At present, broadcasting is regulated by:

- (I). The Kenya Broadcasting Corporation (KBC) Act, 1989. This is an Act of Parliament which established the Kenya Broadcasting Corporation (KBC) to: assume government functions of producing and broadcasting programmes or parts of the programmes by sound or television; to provide for the management, powers, functions and duties of

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<sup>4</sup> In 1999 Tony Gacoka was imprisoned without due process (Daily Nation, August 21, 1999), but was freed soon afterwards ; in July 2001 Asena Muyoma and David Matende, publisher and editor of the *Weekly Citizen*, were jailed and charged with « publishing unverified and alarmist information ». They had reported on the political troubles of a police commissioner and an assistant minister.

<sup>5</sup> *Media policy in Kenya*, by Lawrence Murugu Mute, in « Media, Culture and Performance in Kenya », Mitch Odera and Esther Kamweru (Eds.), EAMI Publication, Nairobi, 2000 : Sections 56, 57 and 58 of the Penal Code were repealed by the Statute Law (Miscellaneous Amendments) Act, 1997.

the corporation, to provide for the control of broadcast receiving sets and for the licensing of dealers, repair persons and importers of broadcast receiving sets.

- (II). The Kenya Communications Act, 1998. This act provides for the establishment of the Communications Commission of Kenya (CCK), which deals with licensing, regulating and co-ordination of the telecommunication and radio communication frequencies and apparatus.

The power of granting a license to set up a broadcasting station is vested with the Ministry of Information, Transport and Communication. The procedure is that, once an organisation or individual has been authorised by the Ministry to set up a broadcast station, it then has to apply to the Communication Commission of Kenya (CCK) for broadcasting frequency. Only afterwards, it is free to begin operations under provisions of the Kenya Posts and Telecommunications Corporation Act (Chapter 221 and the Laws of Kenya), now CCK Act. This persistent discrepancy between the KBC Act and the CCK Act in relation to broadcasting licenses and frequencies allocation is considered a problem. According to Horace Awori the Task Force on Press Law had recommended an Independent Broadcasting Authority (ABI) to regulate broadcasting.

State-owned KBC is also given the power “to establish and operate radio communication services to regulate and control radio communication, and to provide, install and maintain the necessary equipment for any other person authorised to operate radio communication” (Kenya Posts and Telecommunications Corporation, section 13). Before the liberalisation of the airwaves in mid 90s, according to section 2 of the Act, no one was allowed to operate any apparatus for or connected with radio communication for the purpose of broadcasting. At present, other players have entered the broadcast scene, but KBC retains power for the control of receiving sets for radio and television broadcasts,<sup>6</sup> and for the licensing of dealers in the repair of such sets. Everybody is expected to renew the permit annually and remittances are made to KBC. These provisions have granted “monopoly status” to KBC and still compromise an effective liberalisation of the airwaves.

## 2.4 Trends in Media Policy and Legislation

After the advent of political pluralism in 1991, Kenya’s media are progressively gaining more room for manoeuvre. After 1992, attempts were made to reform the legal framework within which media laws operated. Law reform developed, at least on the rhetorical level, for several reasons:<sup>7</sup>

- (I). The Government desired to show Kenya’s new pluralist and democratic credentials. Freedom of the media was a necessary weapon for backing this rhetoric of democracy.
- (II). The Government was not a willing participant in Kenya’s democratisation process. As such, it was conscious of the internal and international pressures which could be brought to bear on it without an albeit minimal level of image building. Media reform was an obvious card, which the Government could play to reassure its critics.

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<sup>6</sup> A licence is paid at the time of buying the set.

<sup>7</sup> *Media Policy in Kenya*, p.147

Properly pitched rhetoric would, on one hand, contain local opposition while, on the other hand, it ensured that the international community would not escalate matters, say, by failing to restore funding to Kenya.

President Moi himself admitted that political pluralism had been imposed on Kenya by International Financial Institutions.<sup>8</sup> This situation can account for the slow changes brought about in media policy, even after the creation of the “Task Force on Press Laws” in 1993. However, in the near past the economic situation, the public debate and the increasing pressure from stakeholders, have contributed to major changes in the media landscape. Liberalisation seems now unavoidable.

Though the minor amendments made in 1997 to the *KBC Act*<sup>9</sup> are still to be implemented, a number of broadcasting stations have been licensed lately. However, in the absence of a transparent policy and legal regime, this has been done arbitrarily. In July 2001, at a meeting convened by the Government, a “Broadcast Task Force” was set up, to provide a clear policy for since long muzzled broadcast media. Media stakeholders and professionals will send representatives to the Task Force, which will consider broadcasting regulations, spectrum system and new technologies to enhance broadcasting coverage. The issues of public broadcasting funding and fair access to the market are also on the agenda, together with cross-media ownership. Tentatively, a draft might be submitted to the Attorney General to finalise a comprehensive policy by the end of 2001. At the meeting, stakeholders expressed the need for a regulating body independent from both, the government and operators, while Minister Kalonzo Musyoka pledged that a single institution will deal with licensing and frequencies allotment.<sup>10</sup>

### III. PRINT MEDIA IN KENYA

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The circulation of the print media, particularly those independent and critical of the state, has increased in the recent years. The Kenyan press is “vibrant”, dynamic, and economically sound. Though subject to harassment from the government and the police, it now enjoys much more freedom than in the past.

The mainstream print media in Kenya includes four main daily newspapers: the *Daily Nation* (owned by the *Nation Media Group*<sup>11</sup>) with a daily circulation closed to 200,000, the *East African Standard* (owned by the same investment group -mainly Kenyan businessmen- which owns KTN TV station) with a daily circulation of 54,000, and *The People* with a daily

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<sup>8</sup> Review of African Political Economy No. 58, 1993, p.477

<sup>9</sup> The Statute Law (Miscellaneous Amendments) Act, 1997, amended the KBC Act to oblige the KBC to “keep a fair balance in all respects in the allocation of broadcasting hours as between different political viewpoints” and to allocate free air time to registered political parties participating in the presidential parliamentary or civic elections to expound their policies.

<sup>10</sup> *Daily Nation*, July 13, 2001, p.6

<sup>11</sup> The Nation Media Group publishes also a Swahili-language paper *Taifa Leo*, which reaches a circulation of 35,000 copies daily.

circulation of 40,000. The government publishes one daily paper, the *Kenya Times* (reported circulation, 30,000).

The Daily Nation, having the largest circulation, is independent and publishes articles critical of the government views. The second largest, the *East African Standard*, is controlled by an investment group which is close to the ruling party, the Kenyan African National Union (KANU), although it does not support automatically the government.

There are numerous independent weekly and monthly magazines covering current affairs, business, social, religious, and leisure topics.

### **3.1 The Nation Media Group's newspaper: an independent successful African Press Group**

The Nation Group took off in 1960, through the launching of three newspapers within the space of a year. Founded by his Highness the Aga Khan<sup>12</sup>, it has grown to become the biggest newspaper group in East and Central African and one of the most successful on the continent.

It all began in 1958 with the purchase of a small Kiswahili weekly, *Taifa* (Nation), which, in January 1960, was turned into a daily vernacular paper *Taifa Leo*. On March 20, 1960, the *Sunday Nation* arrived and on October 3 of the same year, the *Daily Nation* entered the scene.

The aim in the Aga Khan's own words at the time was to produce newspapers "edited and staffed by Africans, containing news of specific interest to Africa and expressing an African point of view to a predominantly African audience."<sup>13</sup>

The circulation was encouraging. The *Daily Nation* hovered between 15,000 and 18,000 for the first four years, then began rising upwards. In 1968, it overtook the *East African Standard*, with average sales of around 34,000, and marked its 10<sup>th</sup> birthday with a circulation of 46,496. On its silver jubilee, it reached 135,000 copies daily. Since then, it has climbed the scale to over 160,000. The *Sunday Nation* went from nowhere to almost 200,000. Lately, due to Kenya's ailing economy, it has experienced a downward trend in circulation. *Taifa*, though hampered by the high illiteracy rate, averages 32,000 among Swahili speakers. The English-language Sunday and daily papers of the Nation Media Group have a combined market share of around 80 percent.

The success of the Nation Group was also due to technological innovation, which led Nation newspaper to be among the first newspapers outside of North America to utilize phototypesetting systems.

The International Press Institute once described the *Nation* as "unquestionably the best produced newspaper in independent Africa".

A major milestone in the company's development took place in 1973, when *Nation* shares were offered for the first time on the Nairobi Stock Exchange. A public offer of 1.2 million shares at five shillings each was made available and twice oversubscribed. Today 10,000

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<sup>12</sup> His Highness the Aga Khan is the head of the Ismaili Community of Muslims world-wide.

<sup>13</sup> Nation Newspaper Ltd at the launch of The East African – November 3, 1994

individuals own 55 percent of the shares – whose value now is between Shs 55 and Shs 60 – with the Aga Khan remaining the principal shareholder.

On November 7, 1994, the Nation Newspapers Limited launched a weekly regional newspaper, *The East African*, to cater for the expanding business and political interest of Kenya, Uganda and Tanzania. The up-market 36-page tabloid-size paper is published every Monday.

The next step in the development of the Nation Press Group has been the licensing of the Nation Radio and TV in 1998, and their launching on air respectively in October and December 1999.

### **3.2 Christian Newspapers**

Among the early post independence newspapers was *The Target*, published by the National Christian Council of Kenya (NCCCK). In 1964, the council launched its weekly periodicals *Target* (English) and *Lengo* (Kiswahili) with a combined circulation of 7,000. It later switched from pure clerical expression to political and social commentary. Under Rev. Schoffield the circulation of both newspapers, *Target* and *Lengo*, rose to 21,803. The Christian newspapers had turned into hard-hitting tabloids and the public went for them in full force, attracted by their bold approach that even the regular dailies of the day would not dare publish against certain government policies and practices. Today these two newspapers are no longer published. A variety of weekly and monthly Christian publications is on the increase, but the circulation remains very limited.

## **IV. BROADCASTING MEDIA IN KENYA**

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Since 1998, Kenya has witnessed a « mushrooming » of private media. Though relatively recent and not yet as pronounced as in other neighbouring countries (Tanzania, Uganda, Zambia...), the trend is nonetheless remarkable. The landscape of electronic media has had a very slow-pace change from 1990 to 1998, and a quick transformation in the last three years. On-going pressure from inside Kenya and from donor countries has contributed to the progressive liberalization of the airwaves, which started in 1990 for TV Broadcasting

### **4.1 TV Broadcasting**

In 1990 Kenya Television Network (KTN), the first private TV station in Kenya, was issued licence and frequency to broadcast within Nairobi. To date the station relays its signal also in Mombasa and the Nairobi population can have access to five different TV stations: state-owned Kenya Broadcasting Corporation (KBC), KTN, Stellavision (on air from 1996, with programs from MTV, Sky TV and other foreign channels), Citizen TV (on air from July 1999, broadcasting in English and Kiswahili), Nation TV (on air from December 1999 with major stress on entertainment and current affairs), and Family TV (on air from 1999, mainly devoted

to religious programs). A few pay-TV channels are available since 1995, pioneered by KBC-2, a joint venture with M-Net (South Africa). DSTV (Digital Satellite TV) is also offered by Multichoice Africa Ltd (a management company of M-Net).

KBC still remains the only nation-wide operator. It is openly pro-government and devotes a large part of its news coverage to the ruling party Kenya Africa National Union (KANU), whereas minimal coverage is offered to opposition activities. KANU supporters own two other television networks in Kenya, the Kenya Television Network (KTN) and Stellavision.

Citizen TV is also owned by a KANU operative, tycoon Mr. Macharia. The station, with programs in Kiswahili and English, was targeting the middle-lower class of Nairobi and its environs, but was obscured by the Communication Commission of Kenya on April 25, 2001. The transmitting facilities were dismantled after their relocation from Limuru to Karen, however, a political agenda could also be a factor. The station was about to broadcast the message of the powerful opposition group GEMA (Gikuyu-Embu-Meru Association) and had already faced problems in the year 2000 because of the outstanding outreach of its radio station signal, which could be heard up to the Mount Kenya region and part of the Rift Valley and the Eastern Province.

The latest developments in TV broadcasting affect KBC and the Nation Media Group. To compete with the captivating commercial channels, KBC recently launched *Metro TV*, a commercially oriented channel. Nation TV, after pressurising the government through its newspaper, "The Nation", has received frequencies also for Mombasa and Kisumu, the two other major towns of Kenya.

Due to the ailing economy of the country, the Nairobi stations face harsh competition for advertising revenues. To cut down on production costs, most stations rely on imported programs (series, soap operas, films, documentaries) and some complement local newscasts with international news relayed from CNN, Deutsche Welle, Sky News, BBC and others.

Since 1998 a remarkable change in TV Broadcasting has occurred, but it has not affected the majority of the population. Television sets still remain the preserve of urban middle-class dwellers. Though they are becoming more and more common, even in some slums, the overall majority of Kenyans have still no access to home TV sets, especially in the rural areas. Only 8% of the rural areas have electricity provided by the national grid. A rising phenomenon is constituted by the so-called "video show rooms", places where poor people can go to watch videos or TV programs (sport events, soap operas) at a very reasonable price. These commercial activities are mushrooming in the slums to answer the needs for entertainment and evasion of the local population. Some bars and other drinking places have also video screens to entertain their customers.

Since TV programs are accessible mainly to Nairobians, residents of large townsm (Mombasa, Kisumu, Nakuru, Eldoret, Nyeri...), and to the elite who can afford satellite channels, radio broadcasting still remains the most influential mass medium, with radio sets widely spread even in far remotest areas. For this reason licensing of private radio stations is a more recent trend, in comparison to TV broadcasting.

## **4.2 Radio Broadcasting**

State-owned KBC is still the only radio with nation wide outreach. It provides three services: the National Service (in Kiswahili), the English Service (in English) and Vernacular Services, each with slots of two hours relayed twice a day from the KBC stations of Nairobi, Kisumu and Mombasa, to cover 18 local languages.

After years of educational and political (pro-government) broadcasting, KBC started a FM music and entertainment channel in 1996, mainly to target the youth and inaugurate a commercial venture.

A timid attempt at liberalisation started in that very same year: Capital FM was the first private radio station to be licensed in Nairobi. It was a purely commercial venture owned and managed by expatriates and was allegedly set up to serve the white “expatriates”.

Today in Nairobi there are up to 14 different radio stations, some of them targeting specific communities. Two more stations, both Christian, are also operating in Mombasa and Eldoret.

The fare of most Nairobi-based commercial radio stations is made up of light entertainment programs (music compilations, dedications, games, and talk shows with calls-in). Among these stations, the most listened to by the youth is *Kiss 100*, which is on air since July 2000.

*Nation FM* and *Citizen FM* (the latter off air since April 25 2001) are outstanding for air-discussions on current affairs and controversial issues, while *Kameme FM* and *Coro FM* (KBC ) cater for the large Kikuyu community, with cultural programs and kikuyu music, but eschew hard news and political commentaries. On the same line are *Metro East* and *Sound Asia*, which target the economically powerful Asian community, and *Iqra FM*, a religious Muslim channel targeting the Muslim minority and the Somali Kenyan community. All this “community radio stations” adopt Kiswahili and English besides the language of the targeted community (Kikuyu, Hindi, Arabic, and others). In the field of religious broadcasting, *Family FM* broadcasts Christian music and programs since May 1999. The owner, Kitambo Communications, runs also *Family TV*.

The *British Broadcasting Corporation (BBC)* started a 24-hour signal in Nairobi from 1998. Since the beginning of 2001 *BBC FM* is also in Mombasa. It broadcasts mainly in English, with some newscasts in Kiswahili.

Since the Kikuyu community is associated with the opposition Democratic Party (DP), the reiterated threats voiced by President Moi to rule out “vernacular broadcasts” were seen as being directed against *Kameme FM*. After media owners and the public opinion strongly opposed the president’s stand, the government came up with a more subtle strategy to reduce the identification of *Kameme* with the Kikuyu community: KBC has recently launched another Kikuyu- FM station, named “Coro” (“Horn” in Kikuyu), which is reproducing the style of *Kameme* across the same outreach.<sup>14</sup>

*Baraka FM* (“Blessing” in Kiswahili) is a Christian-leaning station owned by FEBA Radio-Kenya: it broadcasts in Kiswahili and English from Mombasa, the second town of Kenya. It ranks as a “community station” at the service of the local population.

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<sup>14</sup> *The Analyst*, October 2000, p. 27-35

*Sauti ya Rehema* - *SAYARE FM* (“The Voice of Mercy” in Kiswahili) is another religious radio station owned by Christian organisations close to the government. It broadcasts from Eldoret, in the Rift Valley, with a radius of 60 Km. The broadcast languages are many: Kiswahili, English and other local languages (Kalenjin, Luo, Kikuyu, Luhya, Kisii, Iteso).

On the forefront of Digital Audio Broadcasting, *World Space* is worth consideration. It has been in operation since the year 2000 and is gaining more and more consideration among the well-off and the dwellers of minor towns, where KBC radio still remain the only choice. Some Nairobi-based FM stations have hooked up to World Space to widen their outreach. Through its digital radio signal, World Space provides an outstanding choice of programs, which can be downloaded with a relatively expensive digital radio set, whose price varies between U.S. \$ 135 and 185.

Among the latest developments in radio broadcasting are the 24-hour FM (107.5) relayed signal of *Voice of America* (VOA) from June 14, and the withdrawal of KBC from *Metro East FM*, a joint venture started in 1997 with Asian businessmen to cater for the Asian community of Nairobi. The business arrangement has been termed “not beneficial”.<sup>15</sup>

### **4.3 The Licensing Policy**

When President Moi asked the Attorney General and the Ministry of Information to ban vernacular stations as a threat to national unity, it became apparent that licenses had been until then issued without any clear-cut guidelines.<sup>16</sup> The government is seen as favouring pro-government entrepreneurs, giving licences to KANU supporters, though at times financially unable to set the stations on air. According to various sources, at the end of the Year 2000 there were over 150 applications for radio and television licences. Allegedly, over 22 organisations were licensed in the year 2000, but only a few were able to go on air.

In May 2001, the Minister of Information, Musalia Mudavati, suspended any further allocation of licenses until finalisation of the “Media Bill”. A draft of the Bill, which had been presented in Parliament in March 2001, had been rejected by the Media Owner Association as « retrogressive ». The association’s complained over its exclusion from the drafting procedure has been acknowledged by the Minister, who on May 30 pledged to convoke all media stakeholders by the end of June 2001 in a forum to discuss a framework for media liberalisation.

About the temporary suspension of any new broadcast licence, the Director General of the Communication Commission of Kenya, Mr. Samuel Chepkonga, said that no frequencies are any longer available for Nairobi. According to him, Kenya has limited frequencies governed by the International Telecommunication Union (ITU) conventions.<sup>17</sup>

### **4.4 The Urban/Rural Gap**

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<sup>15</sup> *Daily Nation*, June 5, 2001, p. 16

<sup>16</sup> *The Analyst*, October 2000, p. 34-35

<sup>17</sup> *East African Standard*, June 6, 2001, p. 3

Though the Government of Kenya boasts of 13 radio stations and 5 TV stations now operating in the country, the reality is that most Kenyans have almost no access to any other station than KBC: KBC Kiswahili account for 66% of all listeners and 78% of viewers countrywide. According to a recent survey, out of an approximate listenership of 15 million people, around 66% listen to the radio every day and only 6% do not listen at all. Radio is accessible to 92% of the Kenyan population, 80% of which still live in the rural areas.

No private station has been allowed up to now to broadcast nation-wide. This restrictive policy grants KBC a persistent advantage over all other stations, especially for advertising revenues. Moreover, with the 2002 elections looming at the horizon, it is unlikely that the government will encourage any substantial liberalisation of the airwaves. In many remote areas, where newspapers can hardly arrive, the radio remains the major source of information and possible manipulation of the electorate.<sup>18</sup>

## V. THE FILM INDUSTRY IN KENYA<sup>19</sup>

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Since independence in 1963 Kenyans have been producing films at the average rate of one feature film every four years. Notable productions are: *Mlevi*, *Mvembo*, *The Bush Trackers*, *The Safari Rally*, *The Rise and Fall of Idi Amin* by Sherad Patel *Kolormask* by Sao Gamba, *Saikati I & II* by Anne Mungai. *Baiskol* by Ingolo wa Keya, *The White Veil* by Albert Wandago, *Sabina's Encounter* by Albert Wandago, and *Forgotten* by Dommie Yambo-Odotte, though still outstanding, are considered short films, in not video production of 30 to 50 minutes.

During the past decades, Kenyan film makers have tried to break into the African cinematography market but the evident domination by film companies from the developed world have rendered this worthy effort fruitless. As a result of this monopoly the majority of Kenyan film makers are incapable of playing an important and consistent role in the African film market. Despite the fact that there are many Kenyan film professionals, the development of this industry is hampered by four major problems:

1. Finance: film production is an expensive venture and there are no local investors who have shown interest in it.
2. Post-production: though filming equipment is generally available, Kenya does not have a film processing laboratory – the 16mm facility that exists at the Kenya Institute of Mass Communication has collapsed due to lack of spare parts and maintenance.
3. Lack of an enabling government film production policy
4. Piracy – Kenya is a world black spot as far as this is concerned.

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<sup>18</sup> *Sunday Nation*, June 3, 2001, p.5

<sup>19</sup> *The Film Industry in Kenya: Inhibitions and hopes*, by Albert Wandago, in «Media, Culture and Performance in Kenya», Mitch Odero and Esther Kamweru (Eds.), EAMI Publication, Nairobi, 2000.

Despite these teething problems, there are today over twenty film production companies in Kenya – working mostly on video and occasionally on film when the budgets allow. Legally film production is regulated by the government, in particular, through two Acts of Parliament:

- (III). Cap 222; The Films and Stage Plays Act of Parliament that provides for the regulations on the making and exhibition of cinematography films, for the licensing of theatres and for purposes incidental thereto and connected therewith.
- (IV). Cap 130; The Copyright Act. This act makes provision for protection of copyright in literary, musical, artistic works, audio-visual works sound recording and broadcasts.

Filming to be done in Kenya for public exhibition or sale either within or outside Kenya are produced under and in accordance with the terms and conditions of filming license issued by the film licensing officer. In this regard, all applications for licenses to film in Kenya are made to the Permanent Secretary – Ministry of Information, Transport and Communication. The Ministry requires that private companies or individuals submit their applications through local agents who are accredited with the Ministry. Crews wishing to film in Kenya have to meet filming requirements that are laid down by the Ministry, i.e. provide details of crew members, equipment to be imported, itinerary etc.

Applications are processed and approval granted by a film licensing committee consisting of a multisectoral team that meets once a week. The committee approves requests for feature films commercial films, documentary films and skills for commercial purposes.

## **VI. TRAINING**

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Kenya, more particularly Nairobi, hosts several reputable journalism training institutions. The rapid development of the media sector has now sparked the proliferation of many private training institutions, some of which have dubious credentials.

Among the major journalism and communications training institutions are:

- Kenya Institute of Mass Communication (KIMC), a public institution which offers media training at the certificate, diploma and postgraduate levels. KIMC has various departments, including engineering, film production, radio and television training, which, however, have no modern facilities accessible to the students. The library has mainly outdated publications.
- The School of Journalism of the University of Nairobi (UON), one of the four public universities of Kenya. It offers a postgraduate diploma in journalism, with courses in radio and television production, news writing, feature writing, specialised writing, public relations, photojournalism, research, communication and development, communication theory and media law and ethics. No production facilities are available for the students and the library, though one of Nairobi's best provided, has mainly outdated books.
- Daystar University offers communications training at certificate, diploma, undergraduate and post-graduate levels. The three main course areas offered by this private Christian university are general communications, print and electronic media. The curriculum emphasises communication through the mass media as well as interpersonal and group communications.

- The United States International University (USIU) offers journalism as a minor course at undergraduate level.
- The Communications Training Centre of the All Africa Conference of Churches (AACC) offers a six-month media production programme covering photography, radio and video production and public relations.
- Tangaza College, a constituent college of the Catholic University of Eastern Africa (CUEA), expanded its communications and media courses in 1999, and offers a two-year Diploma in Social Communication, with courses in journalism, photography, video and radio production.
- There are also several colleges and schools offering journalism and audio-visual studies: the School of Media Studies, Blanes College, Job Institute, Institute of Communication Studies and Development, Media Network, Foundation College, Mohamed Amin Foundation, Unites States International. At a workshop organised in Nairobi in October 2000, a teacher at one of these colleges said: "A common feature among these colleges is that they specialise in theory and the atmosphere is not conducive to learning. Registration is erratic and students are enrolled at any stage of the term without regard to how much one stands to lose. There are no coursework, libraries, textbooks or studios".<sup>20</sup>

The proliferation of media training institutions seems to be an indication of demand for training in the growing media industry in Kenya. In October 2000, a workshop scrutinising the media training offer in Kenya highlighted that print and broadcast media do not have enough qualified personnel and there is a need to qualify more personnel. However, many training institutions do not offer a credible and qualified training. Some schools do not offer intellectual skills in writing and in other topics required by future journalists, like economics, political science, sociology or history. Moreover, while most of the schools lack training facilities and do not have proper course outlines or curriculum, they charge relatively high fees (from 100,000 and 200,000 Kenyan Shillings).

## **VII. SUPPORT OF THE DONORS TO THE MEDIA IN KENYA**

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Thanks to their flourishing economic standard, the mainstream media in Kenya does not require external assistance from donors. However, the sound situation of the largest media in the country does not mean that the media landscape is without any problems.

### **7.1 Improvement of professionals' standards**

The media profession in Kenya was quite weak and not well organised for a long time. Therefore international journalists' associations, like the International Federation of Journalists through the "Media for Democracy" programme funded by the European Commission, as well as international institutions, in particular the Friedrich Ebert Stiftung

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<sup>20</sup> *Daily Nation*, Balckboard, October 30, 2000, p. 5

(FES) and, to a lesser extent, the Konrad Adenauer Stiftung, have shown and continue to demonstrate great concern to reinforce the profession.

Among the most noteworthy results are the following:

- the setting up of East Africa Media Institute (EAMI), an association of media professionals and practitioners comprising journalists' organisations, media owners, associations and media schools, created in 1997, having a regional scope with national chapters in 14 countries.
- the support of many seminars, conferences, workshops in view of fostering professional standards ethics among media practitioners:
- the most recent outcome of this effort being the production of the "Code of Conduct for Journalists and the Mass Media", published in April 2001, under the auspices of the Media Industry Steering Committee (MISC); the publication of this Code of Conduct was financed by the Nairobi office of the Friedrich Ebert Stiftung, which has been supporting the publishing of handbooks for journalists in Kenya and East Africa for a long time . It is a great accomplishment that MISC has been able to bring so many organisations together which have accepted to speak with one voice for all Kenyan media practitioners and is as such a tremendous move and change.

## **7.2. Position and status of "correspondents"**

The economic and social status of "professional" journalists is quite comfortable in comparison to the general conditions of the population in the country as well as to the condition of journalists in the continent. But only a small portion of Kenyan journalists have this status, mainly those who are directly attached to a media house full-time.

According to various sources, about 75% of newspapers' content is generated by "correspondents" who represent about 80% of all Kenyan journalists. The economic situation of this category of journalists is very bad: their average monthly salary is about US\$ 100.00. Usually they have to limit their collaboration to only one media house, which limits their possible income drastically. They do not have legal status, and currently even if they can be accepted as members of the Kenya Union of Journalists (KUJ), their interests are not really taken into account by the association as most of them are only part-time journalists. Meanwhile, their problems are not being dealt with by anyone, either by KUJ or their "colleagues in the newsrooms"—for many journalists correspondents are potential competitors. Also, managers of media houses are not really willing to improve the financial conditions offered to correspondents who are cheap manpower.

A "Kenya Correspondents' Association" was recently established. However, the association is not yet recognised, and therefore many partners are reluctant to deal with it. This is regrettable because to give status, recognition and better living conditions to correspondents could be one of the best and most efficient ways of improving the professionalism of the whole media profession in Kenya.

### **7.3 Support to community media initiatives**

Another area of involvement from the donors' side are community-orientated media projects such as:

#### **Mang'elele Community Media Pilot Project (MACOMEPP) <sup>21</sup>**

The Community Media Programme of EcoNews Africa, a regional development communications and information NGO, sees access to information and the ability to disseminate information as critical to the sustainable development of local communities. The programme seeks to facilitate local debates on issues and to create a two-way information flow between the local level and the national/international levels through the creation of participatory media with a development and rights agenda as articulated by the local level. One of the projects implemented in Kenya is a pilot project to establish three community resource centres, radio stations and New Information and Communication Technologies (NICTs) in Nthongoni, Kenya, Terrat, Tanzania and Kagadi, Uganda. The Kenyan Community Based Organisation (CBO) partnered with EcoNews Africa in this project is the Mang'elele Community Media Pilot Project (MACOMEPP).

The East African pilot project is funded with the support of the Friedrich Ebert Stiftung (FES), the Ford Foundation, the International Development Research Centre (IDRC), the Swedish International Development Agency (SIDA) and the United Nations Development Programme's Special Unit for Technical Co-operation among Developing Countries (SU-TCDC).

#### **Maseno Community Radio**

The International Development Research Centre (IDRC) is involved in a similar project to enable two communities—Maseno in western Kenya and Kabale in Uganda—to communicate through radio broadcasting. The project aims to enable these communities to share and utilise information on sustainable natural resource development. Both communities live in fertile but densely populated areas. By highlighting successful natural resource management practices and disseminating information in the population, it is hoped that the communities will develop their own responses to the socio-economic problems they encounter.

The community radio programmes undertaken by IDRC fall under the Acacia Initiative, an international effort to empower communities in the region to access and utilise NICTs for their own social and economic development.<sup>22</sup>

### **7.4. Current challenges of the media in Kenya**

In conclusion, we would like to point out some sensitive points that can also be suggestions for further action:

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<sup>21</sup> *Up in the air? The state of broadcasting in Eastern Africa. Analysis and trends in five countries*, by Lynne Muthoni Wanyeki (Ed.), Panos Eastern Africa, 2000, p. 63s.

<sup>22</sup> *Idem*, p. 64s.

- Kenyan journalists' access to public information from any kind of institution--hospitals, courts, the public administration, etc. is extremely difficult,
- the role of the community media are not yet understood or permitted in Kenya;
- the collaboration between journalists and "experts" still has to be promoted as essential for a solid and deep information for the public;
- the media practitioners need for up-grading in new technologies (NTIC);
- the status and position of the correspondents.