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# **WHEN WORDS WERE WEAPONS**

Kenya's media turn the tide on hate speech and conflict



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Internews is an international non-profit media development organization whose mission it is to empower local media worldwide, to give people the news and information they need, the ability to connect, and the means to make their voices heard. Formed in 1982, Internews has worked in more than 75 countries, and currently has offices in Africa, Asia, Europe, the Middle East, Latin America and North America.

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## About the author

Callie Long is a media development practitioner, journalist and organizational communicator. She has over 20 years' experience as a reporter, documentary producer and anchor for SABC TV and Radio (South Africa), a television producer in Canada, and as a freelance journalist. Callie previously headed up Internews in Zimbabwe as Chief of Party and Resident Journalism Advisor from 2010-2011. In 2012 she wrote *A Story a Day: The media as a preventive tool in public health* – a legacy assessment of Internews' health journalism program in Kenya, and its impact on the country's media, the public health sector, and media consumers.

Much of her writing has focused on HIV and AIDS, conflict and humanitarian disasters, often in complex crises settings.

In June 2013, Callie interviewed more than 30 journalists, news editors and media experts to write the story of Internews' response to the 2007/08 post-election crisis in Kenya. As part of her research, she reviewed more than 50 documents, which included Internews' quarterly and semi-annual reports to the organization's donors, evaluations of the projects, as well as numerous public documents and blogs.



## Acknowledgments

I wish to thank the journalists, news editors, and other media experts for the time they set aside to share with me their insights, experiences and memories of a deeply distressing time in the history of Kenya. When you're chasing deadlines, it is difficult to meet with a stranger to reminisce about things past – yet all of you did so with grace and patience. This is your story, as much as it is Internews' story.

My appreciation also goes to the Internews in Kenya staff without whom there would not have been a story to tell. Your professionalism, expertise and commitment to the media in Kenya continue to inspire, and your legacy lives on in the many newsrooms whose journalists participated in Internews' training over the years. It is near impossible to

single anyone out, as every one of the various conflict sensitive journalism-related team members supported me throughout my stay in Kenya, from sharing their personal stories in interviews to helping set up interviews with journalists and news editors across Kenya. But a special thank you goes to Ida Jooste, Deborah Ensor and Brice Rambaud for trusting me with the big but satisfying task of telling the story of Internews' remarkable duty of care.

**Callie Long**

# Foreword

As journalists we concern ourselves with words. Sometimes they don't come easy – it's when the blank page keeps staring back at you. You're intently aware of the process of writing. Sometimes the story seizes you in gusts and flares, you stagger and run and see and write and speak the horror of brutal killings. This kind of story tells itself. The sheer pace of things does not allow time for reflection or self-consciousness in writing. When journalists were writing from violent scenes in post-election Kenya, some were writing about such things for the first time. In a polarized land, many were writing as "us" against "them".

An inner voice was saying it is necessary to reflect on this writing. Internews did this reflection with journalists in early 2008. Now, it is time to reflect on more than five years in stories (2008 – 2013). I am struck by the enormity of political change in Kenya. Striking too is the profoundly meaningful coverage of events and processes like the peace and reconciliation process that helped end the violence, the referendum on and successful introduction of a new Constitution, and the indictment of political leaders – as well as a journalist – before the International Criminal Court. These events were followed by an election in March, 2013 that although largely peaceful, saw the results challenged in the High Court. By mid 2013, Kenya's media was telling the story of the country's devolution into 47 counties – as required by the Constitution. The other big story journalists are telling is the ongoing account of the proceedings at the International Criminal Court. It is highly significant – and a first – for a country to deal with the technical implications of having elected to power a president and deputy president who both face charges against humanity.

In late 2013, the executive introduced legislation, the Statute Law (Miscellaneous Amendments) Bill in Kenya's Parliament. The proposed amendments would impact on the Media Council Bill, 2013, with repercussions for media freedom. And the media has not only told this story with rigor, journalists as activists have spoken on the streets of Nairobi, Mombasa and Kisumu about their outrage at amendments they say are counter to the spirit of the Constitution. Their words and actions forewarn of the implications for Kenya if the media was muzzled. Once again, as in 2007/08, the media is the story.

As journalism mentors, our hope is always that our work with journalists shape better stories: stories that are fair, balanced, and conflict sensitive. As partners invested in media development in Kenya, our wish is that together we are mindful of how meaningful these stories are when they are told well and fearlessly. Reading this story about the work of Internews and the journalists with whom we've teamed up in Kenya has helped us look back, in order to look forward. I think it is the story of growing mindfulness in the media in Kenya.

**Ida Jooste**

**Country Director,  
Internews in Kenya**





*Field mentoring, 2012*

Journalists interviewing post-election violence victims in an Eldoret camp for Internally Displaced Persons (IDP)

**Credit:** Javier Merelo



*Tent, 2011*

Three years after the post-election violence of 2007/08, families still live in Ya Mumbi IDP camp, Eldoret

Credit: Brice Rambaud

# Introduction

**When violence broke out in the final days of 2007 after a bitterly contested election in Kenya, Internews responded within days, working with journalists who were trying and failing to make sense of the unprecedented post-election conflict that swept across their country. Five and a half years later, Internews has completed the last of its hugely popular projects aimed at training the media in conflict sensitive journalism approaches since 2008. From Mission Possible (2008) and Reporting for Peace (2008-2009), through Land & Conflict Sensitive Journalism (2010-2013), Free and Fair Media (2011-2013), and Talk Check (2013), the organization trained some 750 journalists, using its conflict sensitive journalism and follow-up mentoring methodology geared to the Kenyan context. The result, more than 5,500 conflict-sensitive stories on the peace, reconciliation and reform process published over the years.**

This is the story of how Internews responded to the 2007/08 crisis, and about the many political and governance-related events that framed the organization's ongoing intervention and marked the pivotal transitions in Kenya's fundamental reforms in democracy and governance. Above all, it is the story of the journalists who made this journey, from one election to another, and the critical role they played as members of Kenya's media throughout the political transitions over the last five years.

They will also be tested in their reporting on the trial of their President, Uhuru Kenyatta and their Deputy President, William Ruto, who face charges of crimes against humanity that stem from the 2007/08 violence, at the International Criminal Court in The Hague. At the time of writing this report, a senior judge had already warned Kenyan media and bloggers not to reveal the identity of witnesses, who have not been named to protect them<sup>1</sup>.

For the media, it is therefore a passage that is far from over. Kenya is in the process of constitutional change that will see substantial powers devolve to assemblies and local government at county level to make resources and government structures more accessible to its citizenry. It is widely regarded as the most significant change in Kenyan governance in five decades.

And Kenya's media, recognized for its vibrancy and dynamic nature, will play a key part in this change as the country's democracy evolves.

<sup>1</sup> Kenya's William Ruto trial: ICC judge warns bloggers. BBC. September 18, 2013. <http://www.bbc.co.uk/news/world-africa-24151392>



*Field mentoring, 2012*  
Journalists interviewing post election violence victims in an Eldoret IDP camp  
**Credit:** Javier Merelo

# A zero-sum game

**K**enya. 2007. As the year drew to a close, sporadic incidents of violence related to the election on December 27 spiraled out of control, spilling over into 2008.

Even before the Electoral Commission of Kenya (ECK) declared that Mwai Kibaki was the winner of the country's election late in the afternoon on December 30, smoke could be seen rising over Kibera, Kenya's largest informal settlement. Within an hour of the announcement, Kibaki was sworn in as President. It was an outcome that would fully ignite incendiary and long-simmering societal and ethnic tensions fuelled by years of poor and corrupt governance.

The backlash of running battles would cost some 1,300 people their lives over three months. By the time the hostility was over, more than 600,000 people had lost their homes – evicted and displaced by a conflict that threatened to tear the country apart. Property damage exceeded millions of dollars. On television screens around the world, on the radio, and in print and online, journalists and bloggers spoke about “Kenya burning.”

Soon, international reports claimed that the Kenyan media, and specifically vernacular radio (as private stations broadcasting in languages other than Kiswahili and English are referred to), were responsible for inflaming ethnic hatred<sup>2</sup>

In the absence of independent, accurate and responsible media reporting of the results of the election, and the ensuing protests and violence, the media had few defenses.

For the Kenyan media, it was a painful moment. Although vernacular radio would be implicated broadly, the rest of the media in the country had to hear that they too had contributed to the conflict, not always as an act of commission, but more one of omission; they had simply failed to live up to the ethical and professional standards of their craft.

“It was as though we had lost our way,” noted Internews in Kenya's Tole Nyatta, who at the time was a presenter at Kibera's community radio station, Pamoja FM.

\* \* \*

Walking down a narrow lane that led to the Kibera community radio station, early afternoon on a winter's day in June 2013, I struggled to imagine the violence that engulfed the informal settlement adjacent to Nairobi five and a half years ago. Today, the streets were filled with people going about their business. Sounds of laughter floated over the small houses.

I was in Kenya to write about Internews' response to the conflict; to document the organization's ongoing work up until mid-2013 – from the early days of very quickly adapting the Internews health journalism activities to focus on the impact of the conflict, to the end of its conflict sensitive journalism programs. This was the context of the assignment, but essentially, it was a story about the journalists and their experiences. When I asked Nyatta whether he could walk me through his personal experiences of the events of 2007 and 2008, he immediately said: “We need to go to Kibera.” This was not my first visit to Kibera. I've come here many times over the last two decades as a journalist or communicator working with civil society. The size and sprawl of the complex warren never ceases to amaze me. It is considered sub-Saharan Africa's largest so-called slum, and was one of several flashpoints for the violence in the final few days of 2007 and into 2008. Other areas where violence flared were the Rift Valley, Kisumu and Mombasa.

<sup>2</sup> Spreading the word of hate. (2008). IRIN, Kenya

Nyatta is a seasoned broadcast technical specialist and journalist. He was also Internews' journalism lead in all matters related to conflict sensitive reporting practices, including that of land. He remembered all too well when Kibera was in turmoil. "There were already signs of simmering tensions, early, between people. Even before the elections, people were being evicted from their homes. I remember hearing that they were saying things like 'it's our turn now ... you guys move out of our houses.' And in Kibera, the thing was, nobody owned the land. No one owned title deeds. Young people were unemployed and were easily persuaded. We saw those things happening." Nyatta had raised this problem before, practically verbatim. From the early days of the conflict, he identified land as an important source of Kenya's conflict<sup>3</sup>.

Earlier, as we drove into Kibera, winding through roads hemmed in by the many small stalls that sell everything from food to clothes to hardware supplies, he quietly pointed out where people had erected barriers along the road during the fateful few weeks after the election. Vestiges of the barriers were still faintly visible. At one spot he said: "This was the eye of the storm, the third barrier." He paused. "Everything was looted. The Presbyterian Church was burnt to the ground. So many structures were burnt. There were running battles. [People] were wearing the choir gowns. It's crazy. It all started as a result of the slow [election] results." Nyatta knows the landscape well – both geographic and political. He was working as a journalist, and needed to get to Pamoja FM. The only way into and out of Kibera was to walk, which he did – several times – a roundtrip of about five and a half miles (~9 km) each way. "Was he scared?" I asked him. "It was a warzone," Nyatta answered.

At Pamoja FM we talked with Adam Hussein, the station's founder and manager of six years. Hussein is a soft-spoken man. Earlier in his life, he had been a photojournalist with one of Kenya's biggest dailies, *The Standard*. When he retired, he decided to start the community station, as a way to give back to his community.

Hussein believes that "information is power," yet it was clear to him that people in his community had little access to formal information. He decided to set up the radio station, "to empower my people." The station's name would have meaning too – in Kiswahili, "pamoja" means "together."

For Hussein, the memories of the violence of 2007/08 flooded back as he recounted how he had to confront a group of young men who wanted to burn down the building because the owner belonged to "the wrong ethnic" group. "We are high up here, and we could see these youths carrying jerry cans [...] I went down and I told them that their station was in the building. They did not even know that. We were new and renting. They wanted to burn the building as a symbol. But I said to them that 'this is your voice' [...] why do you want to burn it?' Then we talked, and I invited them to come up and tell the others [on the radio] to stop. And so we saved the radio."

Pamoja FM has been singled out by Kenyan and outside observers as having played a particularly courageous role during the crisis. In spite of its fledgling status at the time of the 2007 election, Adam Hussein and his team insisted on providing a calming voice that overrode the cacophony all around it. And when they themselves faced the threat of violence, they involved the station's young audience to counter the fighting between the different youth groups. Nyatta remembered how he mentored the few journalists and volunteers working at the station on the sixth floor "on air" less than four months after its first broadcast. And how later, when relative calm was restored, he went around Kibera recruiting volunteers to help with peace-building efforts on behalf of Pamoja FM; how he'd tell them: "I know you. You can help."

Nyatta still found it difficult to believe how intense the conflict was: "Never before at this scale, this level of violence." He paused for a moment, and then added: "But people have moved on. We think of this place [now] as *Kibera ni sisi* – Kibera is us."

<sup>3</sup> Chesterton, B. (2008). *Mission Possible*. Internews report.

With hindsight, perhaps the level of violence and intensity of the conflict that stunned Kenyans and the rest of the world should not have come as a complete shock, given the deep fissures in Kenya's political terrain. What was true however was that the last few days of 2007 would cast a long shadow over Kenya's media – one that would reach all the way to the 2013 election and beyond.



*Children at Eldoret showground, 2009*

Children from the Rift Valley were particularly hard hit by the 2007/08 post election violence

**Credit:** Dolphine Emali



*Child displaced by post-election violence, 2012*

NAKA IDP camp, Rift Valley

**Credit:** Javier Merelo



# Looking back

**I**nternews in Kenya Country Director Ida Jooste remembered how, in the scramble to describe Kenya's crisis, journalists were reaching for terms like "post-election violence," "Kenya conflict," "on the brink of civil war" and "another Rwanda." Dire warnings were embedded in headlines. "Bush warns of genocide in Kenya; A case for the International Criminal Court in The Hague; It's ethnic cleansing; Ugandan troops in Kenya." For her, a key concern was that journalists understood how what was happening in their country was unique in some ways and echoed global atrocities in other ways.

"Though Kenyan journalists (and their editors) had come to know the pattern that elections are coupled with violence in Kenya, it was of an altogether different magnitude in 2007/08 – and journalists were caught unaware. Many of our trainees told us they felt ashamed that they had so misjudged the mood in the country. If a journalist's job is to have an ear to the ground, and to sense the mood, they hadn't been doing their jobs," Jooste explained.

Even as the media reflected on their performance during the election in 2013, many questions still remained over why the media did not fulfill its role as watchdog in the 2007 election to ensure that the results were not rigged.

Safeguards existed to ensure greater transparency following the 1992 election, believed by many people to have been politically manipulated by Daniel Arap Moi in his favor<sup>4</sup>.

*"A very scary phenomenon that is difficult to explain was the psyche of the violence – it had no restraint. In Kibera, when a mob descended on a house, sexual violence was unprecedented and unrestrained: everyone – men, children and women – was raped. In Africa, it is not usual for men to admit that they raped other men, but it happened during this violence. The most frightening aspect was that it was all so silent, a silence that was perpetrated by the media, which was more interested in the bleeding, not where there was hurting and the bleeding was in secret. This was extremely sad."*

**Deputy-Director General, AMREF  
Dr. Florence Muli-Musime (2008)**

In 1997, reforms to the election process ensured that the results for local elections, Members of Parliament (MPs), and presidential candidates would be announced publicly at each polling station. It meant that media houses would not have to rely on a system of central tallying to ascertain the result of an election, but could compile the results themselves. Ten years later, on December 30, 2007, two influential media outlets – The Daily Nation and Kenya Television Network (KTN) – displayed advance figures of the outcome of the election. The Daily Nation had Raila Odinga in the lead, only to withdraw the results shortly afterwards. A few hours later, the Electoral Commission of Kenya (ECK) declared Mwai Kibaki the winner. Incidents of violence were already ramping up in Kibera and other places in the country.

Victor Otieno Juma, news editor with Kisumu's Radio Nam Lolwe, told me that he had covered the violence in the Kisumu area. "Many people were killed. I did not want to go back there [...] I left it for the international media to cover. They took advantage of our caution."

Mary Kiio, who at the time worked for TransWorldRadio (before joining Internews as a journalism trainer), and now works for BBC Media Action, remembered: "2007/08 came to me as a shock. For one, I remember, during that time, the moment the results were announced we could see the smoke rising. And we knew, immediately, there's a problem."

<sup>4</sup> Howard, R. (2009). An external evaluation: The Internews Reporting for Peace project

Kiio was meticulous in the details she remembered about the events after the conflict had simmered down. Yet, when she talked about her experiences during the crisis, her words ran together, and she sounded out of breath. "I was so shocked when I realized that I looked like a certain tribe, and I had to be concerned even about how I looked when I went to cover stories. Can you imagine?" she said. She recounted how the training she received helped her and other reporters make some sense of what they were witnessing, and how radio and health journalism trainer, Ann Mikia (who is still with Internews' Health Media Project) mentored her. "At that time, we were all scared. You have no idea, the pain we Kenyan journalists were in, to see this violence in our country. How could we write about this?"

### **2007-2013: A brief overview of key events**

To tell the story of the Kenyan media's response to what happened in 2007/08, is to also tell the story of the many pivotal events that took place since, as the journalists were chronicling the rough draft of their country's democratic coming of age and in so doing capturing history<sup>5</sup>.

The first of these events happened in January and February 2008. Following the mediation by the African Union Panel of Eminent African Personalities (chaired by Mr. Kofi Annan), the parties to the dispute – the Party of National Unity (the government) and the Orange Democratic Movement – constituted the Kenya National Dialogue and Reconciliation in January. A month later, the parties signed the Agreement on Principles of Partnership of the Coalition Government, which would eventually lead to the National Accord and Reconciliation ACT (NARA) of 2008, which set up a broad-based government, and fundamental reforms of two significant drivers of violent conflict, governance and the handling of land issues. At the heart of the agreement lay four main agenda items, designed to end the political crisis and address the underlying

causes of the violence. The first three agenda items focused on actions to stop the violence and restore fundamental rights, addressed the humanitarian crisis, promoted reconciliation, and looked for ways to overcome the political crisis (though power-sharing.) The fourth item was pivotal to the media. It tackled six long-term concerns and challenges related to: 1) constitutional reform; 2) institutional reforms (the Judiciary, police, civil service and Parliament); 3) land reforms; 4) poverty, inequality and regional imbalances; 5) national cohesion and unity; and 6) transparency and accountability.

In October 2008, a report into the post-election crisis called for an international tribunal to try those implicated in the violence. In August 2009, visiting US Secretary of State Hillary Clinton criticized Kenya for failing to investigate the deadly violence after the 2007 election. Two months later, the government agreed to co-operate with the International Criminal Court (ICC) to try key suspects in post-election violence.

Corruption was still a big concern, and in January 2010, the US suspended funding worth \$7m for free primary schools in Kenya until fraud allegations were investigated. In February 2010, former President Kibaki overturned a decision by former Prime Minister Odinga to suspend the country's agriculture and education ministers over alleged corruption. A row ensued that threatened the coalition government.

Yet a few months later, on August 4, 2010, the "Yes" campaign celebrated a victory when results showed that some 67 percent of Kenyans had opted for the new Constitution that had been passed in parliament on April 1 of the same year. Within two weeks, the new Constitution came into force. It was seen as a critical step in addressing long-standing issues that led to the 2007/08 post-election crisis, and avoiding a repetition of the violence.

Not without controversy over the release of national census figures that include tribal

5 This references the famous tagline of the Washington Post (1948), credited with first using the term "News is the first rough-draft of history." Shafer, J. (2013). Who said it first? Retrieved from [http://www.slate.com/articles/news\\_and\\_politics/press\\_box/2010/08/who\\_said\\_it\\_first.html](http://www.slate.com/articles/news_and_politics/press_box/2010/08/who_said_it_first.html)

affiliations, the new Constitution was however designed to limit the powers of the president and devolve power to the regions approved in referendum.

Then, in December 2010, a grenade explosion killed three people on a Kampala-bound bus in Nairobi. The attack heralded Kenya's entry into the theater of war in the region in October 2011, when its troops entered Somalia to attack rebels they accused of being behind several attacks and kidnappings.

In April 2011, a truth commission began as a public probe into the mass killings at Wagalla airstrip during a 1984 crackdown on ethnic Somalis, a hushed-up chapter in Kenya's history. The exact numbers of those who died have never been verified. The government of the day claimed that 57 people were killed. Survivors of the massacre however have consistently asserted that the deaths numbered in the thousands<sup>6</sup>.

2011 was also the year that six accused appeared before the ICC in The Hague, linked to the 2007/08 post-election violence. Among the accused were Uhuru Kenyatta, who would in 2013 be sworn in as Kenya's president, and William Ruto, who be his deputy President.

In 2012, in August and September, more than 100 people were killed in communal clashes over land and resources in Coast Province. Then five people died in riots by Muslim protesters in Mombasa after the fatal shooting of religious leader Aboud Rogo Mohammed. A Muslim cleric, Abubaker Ahmed, was charged with inciting the protests.

In December 2012, then Deputy Prime Minister, Uhuru Kenyatta, and Member of Parliament William Ruto, confirmed that they were forming an alliance, Jubilee, to contest the 2013 election.

Three months later, in March 2013, Kenyatta, the son of Kenya's first president, won the presidential election, ostensibly with just over 50 percent of the vote. A challenge to the results by his main rival, Raila Odinga, was rejected by the Supreme Court.

Charges of crimes against humanity brought by the International Criminal Court (ICC) against President Kenyatta, and his deputy, William Ruto, and radio journalist Joshua Arap Sang still stand. The ICC originally charged six people, but charges against two were not confirmed. In early 2013, charges against Francis Muthaura, one of the co-accused, were dropped. Arap Sang was the first journalist ever indicted by the ICC.

<sup>6</sup> Kenya: Wagalla massacre survivors testify. April 18, 2011. <http://www.bbc.co.uk/news/world-africa-13123813>

### 30 days in words and pictures

When the violence broke out in 2007/08, Internews had already been established four years earlier in Kenya, training journalists to report responsibly on scars of another kind, HIV and AIDS. Funded by the U. S. Agency for International Development (USAID), the media development organization was well-placed to execute an immediate contextual response to the political crisis that saw violence flare in Nairobi, Kisumu, Mombasa and the Rift Valley. Jooste recalled how on New Year's Eve 2007 it was already clear that an urgent response was necessary, given the impact of the crisis on people living with HIV and their health.

"It was immediately apparent that displacement and general chaos would affect the vulnerable most," Jooste said. "People whose health demanded regular visits to clinics were almost thrown to the wind. For those who were HIV infected and needed a stable supply of drugs, life in a camp for the displaced might have meant health disruptions that would cost them their life." Jooste explained that "journalists needed to tell these stories – so that those affected would get vital information; so that swift decisions could be made to help the sick and needy. And journalists also needed to tell the political story. We wanted desperately to help them with an entirely new challenge."

It was a case of high-level thinking that quickly morphed into immediate post-election violence responses that included media re-appraisal roundtables and rudimentary media skills enhancement. In the scramble for survival, many people, including children, left their homes in Nairobi, the Rift Valley, Kisumu and Mombasa without taking anything with them. For many, this also meant leaving their medication, such as anti-retroviral drugs behind. A roundtable focused on the plight of children to highlight their ordeal and the medical consequences of not having access to their medication exposed journalists to the public health fall-out of the conflict. Another roundtable focused on gender-based violence – a troubling trend that saw a three-fold increase

in the 2007/08 post-election period. These were critical interventions, as most journalists simply did not have the skills to report on troubling topics such as rape.

Kiio recounted how she had made contact with an organization working in a camp where internally displaced people had found a temporary home<sup>7</sup>.

"Initially, I just wanted to be a journalist, tell the story. I hadn't realized the magnitude of the story," she remembered. Mary was covering the story of the rape of two young children and a woman. Even seasoned aid workers were horrified by the brutal nature of rape in Kenya's post-election period.

Kassim Mohamed, a freelance journalist who filed for Star FM, was also there. "I was up and down and all over the place with questions. My questions were not good and did not help the situation. I wish I had the powers to counsel her on how to deal with the sadness. I wasn't prepared." Kassim also regretted that he didn't know enough about PEP (post-exposure prophylaxis), the ARV treatment given to rape survivors to prevent HIV infection<sup>8</sup>.

"Even I was so emotionally involved," he said of the story he covered, along with Kiio, about a woman who had been raped by 10 men<sup>9</sup>.



7 Gender-based violence intervention. (2008). Internews in Kenya report.

8 Ibid

9 Ibid



*Election workshop, 2012*  
Mombasa residents sharing their expectations on the 2013 election with Free and Fair Media project trainees  
**Credit:** Boni Odinga



*Rapid response roundtable, 2011*  
Human Rights activists Omar Hassan addressing Nairobi journalists at the “Somalia Incursion Uncovered” roundtable event  
**Credit:** Kate Holt



Kiio raised the issue of language. “How do you talk to a child about forced sex and rape? Even when we talk to adults, we sometimes lack the words. For example the Kiswahili word “kubukwa” (meaning to be violated) is too harsh sounding and the child may have no idea what we are talking about. “Mapenzi ya ngono” (the love, which is of the genital area) is less harsh, but not at all the right words for rape,” she said.

The experiences of Kiio and Mohammed sharply illustrated the need for journalists to be emotionally prepared for reporting on such acts of violence, and having the skills to use the right language in their reports. They also needed to know what was available in terms of treatment options (two of the rape survivors whom the journalists interviewed had not sought any medical help, which suggested that there was not enough awareness of PEP), while some should ideally have received work-related traumatic stress counseling.

“I didn’t know when to stop being a journalist and when my emotions should take over,” said Kiio, of having to report on the horrors that so many people had endured, and were being witnessed by journalists daily<sup>10</sup>.

On January 30, 2008 a group of journalists who had been on the frontlines of reporting the violence gathered in Nairobi. The **30 Days in Words and Pictures** meeting was an opportunity to share their thoughts on the conduct of the media as a whole, and to most importantly, reflect on their individual roles as journalists during this time<sup>11</sup>. They represented the print, online and broadcasting media, who would for the first time since the crisis, come together to identify political ownership and manipulation of the media, and other contributing factors such as endemic corruption in news decisions, compromised regulatory regimes, the lack of or minimal training and poor pay in the profession. Most troubling was that by far the majority of the journalists had absolutely no knowledge of how to cover violent social conflict.

10 Gender-based violence intervention. (2008). Internews in Kenya report.

11 30 Days in Words and Pictures: Reflections of journalists on reporting on violence in Kenya. (January 30, 2008). Internews Network report.

Julius Kibet, who now manages the Internews Eldoret Media Training Center – established as part of the conflict sensitive journalism projects – was working as a radio journalist in 2007. “We had just delivered our first-born,” he told me over the phone, adding how shocked he was at how quickly the crisis unfolded and how concerned he was for his family’s safety. Kibet recalled the profound dilemma of many journalists who were caught between the personal and the professional. “People called the station, saying, ‘our house is on fire, help us, call the police’ and then more would call as the houses were torched. We even did not sleep. We kept vigil. We sent our families to churches to make sure that they were safe,” Kibet recounted. “It was terrifying.”

I came across another journalist’s account of her experiences in one of the reports I reviewed. Jane Mwangi of Radio Waumini in Nairobi told how a group of angry men stopped the vehicle she and another journalist were in as they tried to make their way to a camp where internally displaced people were housed. Mwangi recounted how the men “tested us with questions” to see if she and her friend belong to the “right tribe” and how she made loud noises to distract their “interrogator from her friend’s accent, which would reveal he was from “the wrong tribe.”<sup>12</sup> Mwangi remembered the words she used to try and appease the angry mob: “*Thayu, thayu, thayu* (peace, peace, peace)” – prescient words that would echo through the years, right up until the 2013 election; a peace narrative deeply etched on the consciousness of Kenya’s media.

Trust levels were at an all-time low. Kenya’s media found itself under attack, with all political sides accusing journalists of fuelling tribal tensions. The government’s blanket ban on December 30, 2007 on Kenya’s radio and television covering live events did not help. It was frustrating given the availability of diverse international media beaming live broadcasts into the country, essentially making nonsense of the ban<sup>13</sup>.



<sup>12</sup> State of terror. (2008) Internews in Kenya report

<sup>13</sup> 30 Days in Words and Pictures: Reflections of journalists on reporting on violence in Kenya. (January 30, 2008). Internews Network report.





*Conflict-affected listeners, 2008*

A girl is listening to radio, the most popular medium of information in Kenya

**Credit:** Dolphine Emali

Kenyan's watched and listened as international news outlets told their story. Their own stations played music.

## **Mission Possible**

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In February 2008, Internews launched a rapid response training program "**Mission Possible**."<sup>14</sup> It centered on a series of roundtables that took an in-depth look at the role of the media during times of conflict, a seminar that brought news editors together, six three-day station-based trainings, and intensive mentoring sessions. Five of the training workshops took place outside of Nairobi in three of the places that suffered the brunt of the violence: Nakuru, Eldoret and Kisumu.

The final session took place in Kibera at Pamoja FM. An important approach was to involve its young audience to counter the fighting between the different youth groups. "If I'm not wrong, we were the only station that was talking about peace and encouraging people to live together before the election," says Nyatta. "We saw the tension before and we tried to tell people to iron out their differences. But we didn't do it as hard as we would have liked to, because we didn't have the resources."<sup>15</sup>

A roundtable discussion, "A take on truth. The use, abuse and power of images in the media," focused on the agency of images to define the way audiences feel about and respond to events they have not witnessed firsthand themselves. The intention of the session was to underscore how images can be used to incite hatred and violence, but how too, they can reveal truth and promote peace. Two international photojournalists were also invited: Chiba Yasuyoshi and Jack Picone. Picone told those present: "When you don't tell the truth it creates a climate of confusion, suspicion, [and] accusation; people start text messages to each other - they find the truth quickly enough. Then there's all this disinformation and propaganda floating around, so it's always better to get the truth out there.

It's also a form of self-censorship not to put the truth out there."

Perhaps a remark by a journalist working at Pamoja FM gives insight into the enormous internal struggle of those trying to tell the news: "Our own physical security leads to self-censorship [...] Everything you say or do as a journo creates perceptions, which have led to physical threats and so journalists may move further into 'mind ghettos', trying to please several or specific communities, depending on where the threats come from."<sup>16</sup>

The Kenyan media had to stand up to tough questions that would require deep introspection. How did they get it so wrong? Were they simply incompetent, afraid or did they actively or passively collude in the covering up of a rigged election? Benjamin Chesterton, who authored the Mission Possible report, noted: "Sadly, as the roundtables so clearly highlighted, there is currently too little appetite for journalism of this nature in Kenya. Whether it is because of corruption or the fear that the 'truth' will further fuel violence is unclear. It may be because a journalist seriously examining these questions could become the target of intimidation, or worse - be killed."<sup>17</sup>

A journalist from Radio Lake Victoria put it this way: "How can I not be biased in my reporting? I can be lynched if I report on some issues here at the station." As Kiiio remembered - it all felt "very personal."

Waithaka Waihenya, Managing Director of the state broadcaster, Kenya Broadcasting Corporation, paused a long time before he spoke about the soul searching he did along with his colleagues over the years. "We saw what was happening. We asked ourselves 'how can we be so helpless as a media to stop this?' We had failed the people, and were never going to do that again."

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14 Mission Possible, Internews' PACT-funded media intervention launched in February 2008, following the post-election violence that gripped Kenya.

15 Chesterton, B. (2008). Mission Possible. Internews report.

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16 Ibid

17 30 Days in Words and Pictures: Reflections of journalists on reporting on violence in Kenya. (January 30, 2008). Internews Network report.

## What went wrong with the Kenyan media coverage of the 2007 elections?<sup>18</sup>

On January 30, 2008, Internews held a roundtable with Kenyan journalists to gauge their responses to their coverage of the violence that followed the 2007 elections. One thought provoking response summed it up this way: “Negative ethnicity has always been under the surface, but journalists were afraid of addressing it for fear of being branded tribalists.” Other responses included:

- Media manipulation by politicians on all sides was cited as the major failing of the media. Media propelled the agendas of politicians, political parties and tribal extremists and forgot the national interest. This pandering to the politicians allowed them to monopolize opinion on the election and the conflict.
- Media ownership undermined what journalists did, especially when editors were instructed to kill stories that went against the stance of the owners. Journalists complained that the issue of ownership posed a major threat to the practice of journalism in Kenya. Most owners are politically active and the partisan stand of many media houses led to tensions in newsrooms that poured into the public domain through media reports.
- Opinion pushed aside facts. Journalists like other Kenyans were also polarized along party and ethnic lines and in the process forgot their ethics and suspended their commitment to truth. Reporting became colored by the emotions, interests, ethnic and political leanings of journalists, which led to a wholesale ditching of their agenda-setting role to become mouth pieces for the political classes and their election propaganda, which was rarely challenged or investigated.
- Hate speech was carried without qualification or censure for the first time in Kenyan media in the months preceding the elections. Everything from attacks on the cultures and tribes of others to attacks on their person were carried by media even when no public interest was served. Vernacular stations were inciting inter-tribal hatred, fuelling animosity.
- Issues were not clearly framed: the media and journalists have yet to properly frame and give context to the current events and this is confusing. Is this a civil war or is it still the post election violence? At what point did violence become ethnic cleansing? What were the characteristics of genocide?
- Loose use of language by journalists attacked and branded individuals with derogatory titles such as warlords, traitors, tribalists, and thieves – allegations that were never investigated or substantiated.
- Weaknesses in knowledge and experience of election coverage contributed to the confusion in the public domain and provided fuel for the conflict.
- Lack of preparedness for independent reporting of the elections by media houses. Despite having media correspondents across the country that could have actively played a watchdog role on behalf of the public, the media was passive, even relaying incorrect results.
- Impunity in journalism. Many journalists published stories without consideration for the consequences of their news reports.
- Politicians escaped scrutiny. Coverage of leadership focused on the public lives of many politicians ignoring the private lives that often reveal interesting friendships and business associations between politicians.
- Professionalization of journalism remains a major concern. Much of the scorn poured on journalists emanated from media presenters who often dabble in journalistic practices without training. This was made worse by the absence of an umbrella organization to speak for journalists and take such issues forward.
- Corruption and checkbook journalism in the elections played a role in distorting news.

<sup>18</sup> 30 Days in Words and Pictures: Reflections of journalists on reporting on violence in Kenya. Internews Network report. January 30, 2008.



*Election artwork in Kibera, Nairobi, 2012*

**Credit:** Brice Rambaud



Kenya is known for its diverse and sophisticated media that continues to enjoy considerable freedom of speech compared to many other countries on the continent. There are over 100 radio stations on air across the country, a dozen TV channels and several daily newspapers, all bolstered by the restoration of multi-party democracy in the early 1990s.<sup>19</sup> In spite of the multilayered negative takes on Kenya's media and its obvious failures in 2007/08, it benefits from considerable public trust. As recently as June 2013, a survey done by Ipsos Synovate in Kenya showed that the media is one of the most trusted institutions in the country, by far outstripping the police and judiciary.

Waihenya believed that the scars of 2007 on the psyche of Kenyans ran deep, with direct consequences for 2013 in terms of media coverage. "We were grossly ashamed of ourselves as Kenyans [in 2007]. And we were very, very afraid of the possibility of terror. It was so hard to understand that our children had played together and now our neighbors were spewing hatred. The country was so divided. Who could we trust? There was such a sense of helplessness [...] I even forgot my role as a journalist, because I needed to help people, tried to save them."

"Maybe we had taken peace for granted, not realizing how fragile it is. It's like a cup," Waihenya said, lifting the one in his hand. "It can take this hot tea, but if you drop it, that moment of breakage, it shatters," Waihenya said.

<sup>19</sup> Infoasaid

# Doing things differently, and better

**In early 2008, the Mission Possible intervention powerfully captured the zeitgeist, which was best summarized by Pamoja FM's Paul Ohaga. "The media has failed Kenya. We got people into this mess and it's up to us to get them out." While the cycle of violence was widely believed to be rooted in political, social and ethnic inequalities that can be traced back to long before Kenya's independence, many commentators believed that the media played a key role in fueling the violence. Like Paul, other individual members of the media put their hands up and admitted to feeling some responsibility.<sup>20</sup> However, what was important in moving forward was that the media needed to contribute to the reconciliation and reconstruction of Kenyan society by countering existing hatred.**

Having already established good working relationships with all of Kenya's major media houses Internews was ideally placed to help channel this expressed desire on the part of many in the media to make a difference. Over the next five years the organization rolled out several media projects, working with journalists and their editors to report on conflict responsibly, hold those in power to account, and generally apply the highest ethics and standards in telling the stories of Kenyans. The methodology of conflict mitigation training, known as conflict sensitive journalism, had been done by Internews in other conflict countries to great success. It encourages journalists to identify and explain the context and underlying causes of conflict. It demonstrates how to use neutral language and images in describing the conflict. It demonstrates how responsible journalism implicitly plays the role of conflict mediator by opening dialogue and understanding of possible conflict solutions. It also includes technical skills development.<sup>21</sup>

## **The 5 Ps: People, Places, Parties, Process, and Peace**

Of the five "Ps" – people, places, parties, process and peace – that drove the conflict sensitive projects, the most important was the "P" that signified the "people-driven" principle that underpinned the conflict sensitive journalism projects.

Internews in Kenya's program director of its democracy and governance projects, Brice Rambaud, noted: "When we supported the coverage of the election campaign, the focus of the training was on people's needs, and how politicians intended to respond to these needs. Later, we shifted our perspective to create more issue-based coverage of events. But, without people, we don't have a program... they drive everything. It means that we put people at the center of our stories, always. This is how we can make sure that journalists respond to unfolding events."

"Places" referred to the areas known as conflict-affected regions. From a purely geographic point of view, it included a focus on places other than Nairobi, to ensure that the media were reporting from Mombasa, Eldoret, Garissa and other regions. But places also meant a deepening of the kinds of political space covered in the media: at the constituency, national and county levels – from parliament to the camps for internally displaced people.

"Parties" was the shorthand for the political parties that make up Kenya's landscapes, all of which journalists would be expected to hold to account over the next five years, and especially during the run-up to the 2013 elections

<sup>20</sup> Chesterton, B. (2008). Mission Possible. Internews report.

<sup>21</sup> Howard, R. (2009). An external evaluation: The Internews Reporting for Peace project.

and afterwards. “Process” was the dry as dust word that belied the intensity and innovation that drove everything in working with the media: roundtables, training, mentoring, travel grants, and the many tools that would be developed over the course of the interventions. It meant following up on the peace and reconciliation process that included institutional reforms to tackle long-standing grievances and the implications of the new Constitution, as well as the March 2013 election that promised to be complex.

The fifth “P” stood for “peace.” Initially prominent, it took on a more nuanced function as the organization’s journalism projects evolved. Although continuing to value “peace” as a construct, “peace journalism” can be perceived as a journalism that allows for self-censorship as a strategy to preserve peace. Training teams, while still encouraging journalists to report on peace initiatives as part of the role in mitigating conflict, were keen to let journalists know that truth-telling should not be compromised. As a result, the emphasis now fell on conflict sensitive journalism, rather than on reporting for peace as had the first project.

Critical to the conflict sensitive journalism approach was buy-in from Kenya’s media. Were they willing to do things differently? There is no doubt in Rambaud’s mind that the training achieved its goals. Referring to the 2007/08 crisis, he believed that it was often a case of many of the journalists being young, untrained, not knowing how to report news, moderate a talk show, or what to say in a news bulletin. “We started so small and we finished so big. In March 2013, the climax [the election] was the highest point in the life of the democracy and governance program.

“We really supported the media to understand their role and report professionally. This we achieved.” He paused, and then added: “Lots of small things make up the big picture, all of which led to impact and the authorities taking action.” He added: “Also the fact that many of our trainee journalists were promoted. This is all part of professionalism – to better understand journalism and to grow in their careers.”


## Reporting for peace

By the end of 2008, Internews was in position with a new 13-month Reporting for Peace journalism initiative as a more comprehensive year-long response, rather than the more ad hoc programs instituted as an emergency response. Designed to develop and stimulate the potential of Kenya’s media to focus on peace-building efforts and community reconciliation, the program, funded by the U.S. Agency for International Development (USAID), would galvanize the public’s awareness of their options for peace-building and reform. Rumor, misinformation and incendiary reports and comments were endemic to many vernacular media reports, especially on radio, and directly encouraged further outbreaks of violence between communities visible by their tribal identities linked to political parties.<sup>22</sup>

Some community radio stations and some national vernacular radio stations particularly exacerbated tensions with their handling of on-air debates and call-in shows, allowing, and in some cases participating in hate speech on the air. The Reporting for Peace conflict sensitive journalism principles were therefore highly appropriate, as many journalists were completely unfamiliar with reporting violent conflict responsibly.

The project comprised training journalists in conflict sensitivity to support the vernacular media in making a positive contribution to community reconciliation and peace building, while strengthening communities’ awareness of these initiatives to enhance their receptiveness to reconciliation. Many journalists conceded that they needed to do things differently. And better. Some of their comments still resonate.

<sup>22</sup> Howard, R. (2009). An external evaluation: The Internews Reporting for Peace project



'Between the insanity of the story of the day and the sobriety of making meaning of it - we have been caught unawares. Serious errors. The media stands accused of trampling on our own codes of ethics, because we stopped being detached. In my opinion we need to entirely overhaul ourselves and start correcting what we have caused. We have glossed over subjects like Peace and Conflict Resolution reporting. Now need to find out what it really means and find ways to start practicing this.'

- Journalist

'What makes it difficult to address is the subtle nature of [what was said]. Subjective interpretations may range from deeming the speech acceptable to highly inciting. Talk show hosts need to think on their feet when fielding callers or interviewees who are guilty of more or less subtle hate speech.'

- Talk show host

*Conflict sensitive journalism workshop, 2012*

Radio journalists in Kibera at the "State of reconciliation before the election" workshop

Credit: Brice Rambaud





In his evaluation of the 2009 **Reporting for Peace** project, Ross Howard, the media development expert internationally acknowledged as one of the key architects of the conflict sensitive journalism training methodology, gave the project high marks. He noted that “in itself, the agenda was challenging” as Kenya’s political environment “was in flux and crowded with impinging factors that could easily be manipulated by politicians and overwhelm an untrained media again to motivate new violence.” However, he pointed out that the selection of primarily community-focused vernacular radio stations in Nairobi and the Rift Valley appropriately targeted the most skills-deprived sectors capable of the most immediate effect.<sup>23</sup>

Howard flagged as of concern the many promises made by fragile coalition government. These included: tribunals to explore the causes of the violence; punish the instigators and perpetrators; conduct a truth, justice and reconciliation process; address long-standing land ownership and occupancy disputes; draft a modern Constitution; enact political reform; reform the police and judiciary; and develop an agenda to address poverty, inequality, youth unemployment and national transparency in government. A daunting set of undertakings.

“However, the pace of reforms was slow, impeded by a political culture of impunity,” Howard wrote, adding that the failure to substantively address police reforms led to rising frustration among Kenyan citizens. Also of concern were the efforts to close down camps of displaced persons that sparked suspicion of political motivations and raised fear among those displaced.

Kenya’s media landscape also presented challenges. Nairobi newspapers exercise some agenda-setting for other media, but radio remains the most influential media in Kenya, as the principal source of information for 70 per cent of the population. A substantial number of media outlets are owned and subsidized by politicians and the stations’ editorial policies, especially represented by

23 Howard. R. (2009). An external evaluation: The Internews Reporting for Peace project.

## VOICES OF THE 2009 REPORTING FOR PEACE TRAINEES

“Now I know ways to handle very sensitive topics on air.”

“Conflict sensitive journalism made me aware of how to handle information with concern for the consequences. It helped me recognize the dangers of sensationalized reporting. Previously I used to do sensational stories. They pleased editors.”

“As a journalist I can capture a peace aspect but still be objective.”

“The angle we take can be constructive or destructive.”

“Our job is to discover how things happen: root causes, solutions. Then we educate the listeners.”

## VOICES OF STATION MANAGERS

“Today we cover the violence but we also report on the cause and those who say ‘don’t fight.’”

Nairobi community radio station manager

“It is making a difference. We get calls of appreciation for the balanced reports.”

Rift Valley radio station manager

## CITIZENS’ VOICES

“That (radio) program. I use its story when I go to meetings of peace-building ... I wish we could hear it again.”

(One of many requests from listeners to hear specific peace-related stories again.)

talk-show hosts, reflect the interests of the owners. In other cases, local language stations say that their partisan coverage is in response to listeners' expectations and demands. During the post-election violence, some vernacular editors reported they were forced by threats from the dominant language group to remove dissenting views and programming in other languages. Multiple perspectives, especially from civil society and peace-builders, were denied airtime.

Howard wrote that "therefore, the ambition of strengthening vernacular radio journalism and increasing citizen understanding of reconciliation opportunities was bold." However, the author concluded in his report in December 2009 that the Reporting for Peace program had "undeniable beneficial impacts on Kenyan communities. The semi-structured evaluation administered to a small group of the trainees indicated that feedback to the journalists from the community concerning the conflict sensitivity of their journalism was very positive."

Howard wrote that "similarly, the small group of demographically representative Rift Valley citizens' group interviewed" for his evaluation commented positively on the Reporting for Peace-influenced radio programming. "They also added strong praise for the utility of some of the programming for their personal use in reconciliation efforts with neighbours. It was this praise which left a lasting impression on this evaluator."

"They wanted to know if they could receive copies of the stories on CD discs, to play the stories for their neighbours. They said they wanted to be able to hear these kinds of stories again and again."

Mary Kiio however reminded me that when working with journalists, "no matter how beautiful the training sessions are, we always have to look at the stories of the [journalists], who will say something on air, because of the pain [they're] going through, or the anger that [they] have, as this will influence how the stories are reported."

## Land and conflict sensitive journalism

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Internews launched its Conflict Sensitive Journalism (L&CSJ) program on January 1, 2010.<sup>24</sup> The program ran for 39 months – up to the March 2013 elections. In this time, it also included a land-centered component between March 2010 and April 2013. Focused on community and vernacular media in four regions of the country still considered most volatile, Nairobi, Rift Valley, Nyanza and Coast provinces, the program was designed to instill the normative values of good journalism.

The conflict sensitive journalism approach was largely shaped by the work of Peter du Toit, a journalist and educator from the Department of Journalism and Media Studies of Rhodes University in South Africa. He was instrumental in developing the curriculum that would see the program through the pre- and post-election periods. Du Toit is internationally respected for his work in conflict sensitive journalism which he defines as landing between those who claim that journalism's only responsibility is to be accurate and objective and not the consequences of what journalists report, and those who champion what is known as a "journalism of attachment" in which journalists side with the victims of the conflict. I worked with Du Toit in Zimbabwe, when he trained journalists, and saw firsthand how he encouraged journalists to grasp why they can only contribute towards the alleviation of suffering if they are trusted and viewed as credible by all parties to a conflict.

The conflict sensitive journalism approach especially made sense within the Kenyan context of a media that was considered a pariah in the aftermath of the 2007/08 post-election inter-ethnic crisis. Hate speech was critical to this approach, but the refined definition of dangerous speech seemed especially fitting.<sup>25</sup> Rambaud explained that it meant adapting the training approach to the needs of the media industry. "We adopted a 360 degrees approach," he explained. "This included working with news managers

24 The Land & Conflict Sensitive Journalism team: Tole Nyatta, Mary Kiio, Julius Kibet, Freddy Ngechu, Kentis Onyatch, Venter Mwongera, Baron Shitemi, Isaac Sagala, and Wesley Langat.

25 Benesch, S. & Somerville, K. Voices that poison. <http://www.voicesthatpoison.org>

## Conflict Sensitive Journalism

Conflict Sensitive Journalism (CSJ) informs journalists of the fundamental standards and roles of the news media. ■ The approach provides a rudimentary introduction to conflict theory and analysis with particular reference to causes and to patterns of mitigation and reconciliation. ■ It identifies the potential of the news media as an unintended mediator among conflicting interests through the provision of balanced, more inclusive and non-stigmatizing information to all parties. ■ CSJ sensitizes journalists to framing language about conflicts to include potential solutions, and to consider and include civil society, marginalized and citizen voices as legitimate and equal to the elites' voices. ■ It specifically focuses on the using restrained language and imagery, and challenges abuses such as hate speech and gender bias. ■ CSJ emphasizes how important it is to enable well-informed citizen decision-making to empower democratic behavior, as an automatic or innate outcome of accurate, impartial, responsible and conflict-sensitive reporting and commentary.

The CSJ methodology was developed over more than a decade by journalism trainers and is an indispensable tool in peace-building initiatives, post-conflict societies and emerging democracies. It is most applicable where the concept of an independent and diverse professional news media has been substantially abused and neglected. If done right, it has the potential to make the media a powerful instrument to counter conflict.

and editors, talk show hosts, as well as civil society organizations, and critically included a focus on land.”

The land component of the project that lasted 14 months, between March 2011 and April 2012, was described by the 59 radio and print journalists who underwent training as a big success. Nearly 200 stories focused on land issues resulted from this part of the training, which also included discussion forums with communities affected by land disputes, roundtable meetings with community leaders, the requisite mentoring, and two journalism fellowships. One of the most striking examples of impact was the detailed case study on the dispossessed people of Kijipwa in the coastal region. Trainees researched the issues, analyzed them in workshops, held a community roundtable, as well as other meetings with key people, and then prepared the features with the help of mentors.

Following their publication, the Kijipwa District Commissioner was removed, some 9,000 title deeds were given to squatters and another 1,300 people resettled in the Rift Valley, all of which can be plausibly connected to the project. The Chairman of the Land Development and Government Institute, a resource person for the trainings, says that these stories quoted more authoritative sources, put the issues in context and looked at the policy context “quite some output from the training. A few journalists have since followed the land story very consistently.” He believes that the team was right to focus on land, a cross-cutting issue involving infrastructure, tourism, wildlife and farming where “the potential for conflict is very high.”<sup>26</sup>

<sup>26</sup> Adam, G. & Harford, N. (2013) *Internews Land & Conflict Sensitive Journalism project evaluation*. iMedia Associates

Looking at a wall in his office papered with photos taken by journalists and journalism trainers over the course of several years – each one a testimony to the conflict and peace-related projects he had steered – Rambaud explained that the land and conflict sensitive journalism initiative deepened the Reporting for Peace activities. The program happened at a critical stage in Kenya’s history, leading up to the constitutional referendum, and subsequently the adoption of the new Constitution in 2010. What was troubling however, according to Rambaud, was the lack of cohesion in the ranks of the then power-sharing government.

From a training perspective however, he felt that much had been achieved, born out by a just-concluded external evaluation of the Conflict Sensitive Journalism training program. Done by Gordon Adam, director of the independent media consultancy firm iMedia, the evaluation noted that the land and conflict sensitive journalism project correctly identified the role of talk show hosts as key in delivering a conflict sensitive approach to broadcasting. “The problems of 2007 had been exacerbated because many of these were DJs with no journalism training. As they speak unscripted, the risk of inexperienced DJs tackling serious topics and defaming people is a serious one. The work on ‘On Air Mediation’ tackled these issues at a senior level, emphasizing the need for research on issues, choice of studio guests, maintaining balance and advice on how to

handle abuse from telephone callers on air.”<sup>27</sup> Other critical moments during the life of the L&CSJ program included the Truth, Justice and Reconciliation Commission (TJRC) that was experiencing one crisis after another. Dogged by resignations and calls for its disbanding by a section of the civil society, and a complete lack of goodwill on the part of the politicians, a decision was made to support journalists in reporting on the commission hearings outside Nairobi. The hearings focused on historical injustices such as the Wagalla Massacre, the unsolved murder of the politician Robert Ouko, and the land claims in Eldoret.

Reaching out to news editors was an important step in engaging the media, as they need to see the value in allowing their staff to participate in trainings. Adam noted in his evaluation that the work with news editors was one of the activities that made a demonstrable impact, and that many of the news editors who attended the initial trainings put into practice advice on scheduling, placement of special reports and inviting audience feedback.

Other activities that had enormous impact included the mentoring of journalists – one of the most appreciated aspects of the support the journalists received. “Mentoring gives me the confidence that my staff are working professionally,” commented a radio station manager from Eldoret. “It gave us backing to write difficult stories,” was the appraisal of a freelance reporter based in Nairobi. These remarks are not unusual – rather, they are the norm, and explains why more than 3,300 stories were produced as a result of the 39-month project. The majority of these stories came about because of the sustained mentoring approach, which included planning of stories, mentoring on location, technical mentoring and script writing support.

*“This forum is particularly important since it enables journalists to understand and appreciate not just the history but also the actual processes involved in judicial reform.”*

**Elsy Saina,  
International Commission of  
Jurists (2012)**

*“There is so much I took for granted about the judiciary. I now know so much and ... I can report better and more authoritatively about judicial reforms.”*

**Bargetuny Korir,  
The Standard (2012)**

<sup>27</sup> Adam, G. & Harford, N. (2013) Internews Land & Conflict Sensitive Journalism project evaluation. iMedia Associates



*Land workshop, 2011*

Community radio journalists gathering views from an elder in Mau Narok during the 'Resettlement of IDPs' workshop

**Credit:** Brice Rambaud

## QUALITATIVE & QUANTITATIVE IMPACT OF THE LAND & CONFLICT SENSITIVE JOURNALISM (L&CSJ) PROJECT

The project had three goals: 1) To strengthen the ability of those radio station trained by Internews to report effectively and appropriately on news related to democracy and governance, using conflict sensitive approaches; 2) To increase people's understanding of the National Accord and Reconciliation Act (NARA) of 2008; and 3) To promote civil society and community engagement in land conflict issues.

The independent evaluation of the project noted that "from all the evidence [...] it is a testament to the dedication of the project team, who worked hard to make limited resources go a long way. At the same time they responded to news events with a spontaneity that enhanced their credibility amongst the Kenyan media, and also provided the latter with important access to sources that strengthened their news coverage and comment on key violence and election-related issues." Although it is difficult making a direct causal link related to citizens' understanding of NARA, as other media organizations not trained by Internews also reported more responsibly, testimonies from Internews' trainees made it clear that they "put their learning into practice, for which they credit the L&CSJ project." - Gordon Adam (2013)

"Before the conflict sensitive training you could start chaos unknowingly, now we are aware of the impact [of what we say] on our audiences" (Radio talks show host)

- 1. Impact on journalism standards:** Trainees, resource persons and independent observers all agreed that journalism standards had improved as a result of the L&CSJ training. Improvements most commented on included:
  - Better use of language and delivery tone in reporting and writing on conflict.
  - Use of multiple, more authoritative sources.
  - Better research resulting in putting stories into context.
  - Incorporating all sides of the argument.
  - Improved skills in packaging radio features.
  - Producing multiple features on an issue to stimulate listener interest and feedback
  - A greater emphasis on following up stories suggested by listeners.
  - A more interactive approach to phone-in programs.
  - An emphasis on finding solutions as well as airing problems, and developing trust with stakeholders such as civil society and the police to achieve this.
- 2. Impact on journalists' careers:** Among the 306 trainees who attended one or more of 43 workshops, their subsequent careers showed that about 24% of them had either landed jobs in the media (those who were not already employed) or had been promoted to better jobs within their organization or in another media organization over a three year period. A significant trend amongst L&CSJ freelance trainees was that their improved skills resulted in them selling more stories and making more money. They also developed closer and more trusting relationships with civil society organisations, local government and the police. In Eldoret, they (and CSO representatives) were quite open in saying that this had led to a marked decrease in "brown envelope" journalism in which journalists were paid to attend press conferences and report on events. "The journalists are now looking for us rather than us looking for them" was how one civil society worker described the change.
- 3. Impact on civil society:** building trust was at the heart of L&CSJ work - in this case trust between civil society and the media. In one exercise remembered by former trainees, the journalists and the CSO members changed roles so they could appreciate the others' point of view more clearly.

(From Adam, G. & Harford, N. (2013) Internews Land & Conflict Sensitive Journalism project evaluation. iMedia Associates Ltd.)



*Launch of Free and Fair Media, 2011*

PLO Lumumba, then director of Kenya Anti Corruption Commission, launches the Free and Fair Media project

Credit: Dolphine Emali



## A free and fair media

The tacit role of the media in the build-up to the 2007/08 election violence highlighted the need for an additional journalism training program, called Free and Fair Media (2011 – November 2013), to help journalists report specifically on election processes. Whereas the land and conflict sensitive program was more issue-driven in terms of politics, and focused on guiding journalists to report responsibly on political and ethnic conflict, the Free and Fair Media program focused on the mechanics of doing so – reporting responsibly as watchdogs of electoral systems. It was clear that the legacy of the bungled 2007 election results and the media’s failure to report with authority on this failure was still fresh in many journalists’ minds. No-one wanted history to repeat itself. In August 2011, with 19 months till the election, it would be a steep hill to climb, but one for which the team was prepared.<sup>28</sup>

By the end of 2012 everyone was scrambling, including the media. The controversial Biometric Voter Registration (BVR) kits arrived in early November. Between November 19 and December 18, 14.3 million voters were registered. Although a few million short of the 18 million the electoral commission had hoped for, it still represented the highest number of registered voters in Kenya’s democratic history. With the deadline to submit the details of party alliances also set for December, the month threw another curveball, when political parties set up coalitions in a hurry. The Orange Democratic Movement (ODM) and the Wiper party formed the Coalition for Reforms and Democracy (CORD), in spite of their leaders having been at odds for much of the five years of the coalition government. Another coalition, Jubilee, brought Uhuru Kenyatta’s National Alliance (TNA) party and William Ruto’s United Republican Party under one umbrella. This didn’t come as a surprise, as the two leaders, linked by the ICC court case set for 2013, had already campaigned together in early 2012. It would be interesting times for the media.

Rambaud explained that along with the other conflict sensitive journalism training, the Free and Fair Media project trained journalists to report professionally on the election process using conflict sensitive approaches and identify and avoid hate speech. In addition, journalists were trained to use polling data effectively.

Importantly, the journalists were also given the tools to deal with the many instances of conflict of interest arising from political ownership of media houses. The electoral commission, the National Cohesion and Integration Commission (NCIC) and the Ministry of Information all agreed to be available for interviews and participate as experts in discussions if called on.

Rambaud is justifiably proud of the program’s achievements. Working for instance with the Kenya Chapter of the International Commission of Jurists (ICJ), the team focused on news editors and journalists in the Eldoret area, to foster good working relationship between the judiciary and the media, given the good record of judicial transformation in the area. Training also followed in Nairobi – all work that should be seen in the context of the prevailing popular Kenyan perception: “Why hire a lawyer when you can pay a judge?”

Kenya’s judiciary had long suffered ignominy. Most Kenyans had had enough, and with the new Constitution in place, demanded judicial reform. By 2012, the judicial reform process was attracting enormous attention, arousing passions. The media was caught in the crossfire, either accused of doing the bidding of the reformists or those targeted for the so-called great purge.

As part of Free and Fair Media, it’s the Citizen Watchdog activity in 2012 involved communities directly in the monitoring of five radio stations that were selected based on their location – all in areas prone to conflict. The stations were: Kameme FM in Central Province, Ramogi FM in Nyanza Province,

<sup>28</sup> The Free and Fair Media team: Caleb Atemi, Boni Odinga and Jacqueline Ooko Atieno.

KASS FM in the Rift Valley, Radio Salaam from Coast Province, and the Kenyan Broadcasting Corporation's Idhaa ya Taifa, which broadcast countrywide in Kiswahili. The initiative was a great way to give communities an insiders' perspective on the role of the media in promoting peace and countering conflict, while providing editors with immediate feedback from their audiences. Fifty monitors were recruited; ten each monitoring a radio station.

Coordinator for the Citizen Watchdog component, Edna Ipalei, said that the activity had its own successes: two radio programs deemed indefensible were taken off air, and in cases where journalists were found to either have political interests, or were biased in their reporting, were dealt with by the stations. But beyond monitoring content, the project also provided important information to the journalism trainers. "We were not only looking at hate speech and biased coverage, but really wanted to see if the journalists put into practice what they had learned," she said. And, most importantly, the information was not placed in silos. "The trainers needed to know what people are thinking on the ground, because it's people's reactions [to the news] that can bring about chaos."

## FREE AND FAIR MEDIA ACTIVITIES

### UNDERSTANDING AND REPORTING PROFESSIONALLY ON THE ELECTORAL PROCESS

1. Knowing the election laws.
2. How to interview politicians.
3. How to cover campaigns.
4. Editorial leadership/balanced coverage of news.
5. Voting day coverage/results analysis.
6. Election follow-up.

### IDENTIFYING & AVOIDING HATE SPEECH IN THE MEDIA

1. Training of the National Cohesion and Integration Commission (NCIC) staff.
2. NCIC and media discussion events (roundtables.)
3. Monitor content as "Citizen Watchdogs."
4. Publish "Citizen Watchdog" reports.

### USING POLLING DATA EFFECTIVELY & LEGITIMATELY IN THE MEDIA.

1. Polling data training for journalists.
2. Revamping the Media Code of Conduct for Election Coverage & Editorial Guidelines.

### MITIGATING CONFLICTS OF INTEREST ARISING FROM MEDIA OWNERSHIP

1. Research on ownership of media houses.
2. Mapped high-risk coverage areas.
3. Media ownership roundtables.
4. Stimulating media bodies to counter political interference.

Ipalei was understandably concerned that the project was coming to an end in September 2013. “For this project to make a real impact, it needed to continue. The country is more divided now than ever before. The counties are all along tribal lines, and there can be a lot of conflict, because of resource allocation for instance.”

Was the project successful? “Yes,” Ipalei said, quoting one radio station head as referring to the training as “noble.” However, Ipalei felt uneasy about the fact that she did not believe that people really understood hate speech in all its complexity. “Just because we had zero incidents of hate speech [recorded] in March 2013 does not mean that it did not exist. The media censored a lot.”

Jacqueline Atieno, who joined Ipalei for the interview with me, laughed. “Journalists were saying ‘we don’t want to go to The Hague.’” Ipalei agreed. “That’s why anything that was offensive was cut off.”

The Free and Fair Media team also produced a report “*Factually true, legally untrue: Political media ownership in Kenya*” that showed the wide extent of vested political interest and ownership of the media in the country. Many politicians, ministers, and aspirants for presidential, senators’ and governors’ seats in 2013 election were media owners – either explicitly or indirectly. In addition to political influence, the stations also provide an avenue for profit because of advertising revenue and electoral publicity. In Coast Province, nearly all the radio stations are owned by politicians who campaigned for elective positions (e.g. PiliPili FM, Radio Rahma, Radio Salaam, and Kaya FM.)

Caleb Atemi, who was the Free and Fair Media team leader, explained that “the research teased out the intricate nature of Kenyan political ownership of the media where legal documents were covered by mysterious undertakings. It opened a great door of opportunity to further interrogate media ownership in the new constitutional dispensation when freedom of information is supposed to be a citizen’s right.”

In addition to the report on media ownership, the team used the findings to develop an online Media Map. The map is interactive and is a public resource that can be used by anyone, the media included, to post comments on the way their favourite media outlets covered the elections.

Another tool that would guide the media was the set of guidelines developed in partnership with the Media Council of Kenya (MCK) and the MacArthur Foundation. The Guidelines for Election Coverage was a collaborative effort led by Internews between the media and several organizations that wanted to see free and fair coverage of the 2013 election. It offered good advice, such as when covering opinion polls, to “lighten up on the horse race” for instance – a reference to covering the front-runners in elections and being consumed with who was ahead, rather than focusing on important issues affecting Kenyans. It also tackled the new challenges facing the media: the post-election violence and hate speech and social media among other concerns. A total of 21 media owners, community radio associations, media networks, the state broadcaster, and the Editors Guild endorsed the guidelines. Speaking at the launch of the guidelines to some 100 people that represented the broad spectrum of Kenya’s media, IEBC chair Ahmed Issack Hassan advocated for accuracy, truth and the need for the media to remain impartial when reporting on the election. “*The media is the biggest civic education provider so we have to work with you.*”

For Atemi, his “most powerful moments are not just about stories produced but events and processes that I believe will impact on the media industry for years after Free and Fair Media (FFM) has left the scene. When we at FFM initiated talks with the Media Council of Kenya to produce guidelines on election coverage, it sounded like a tall order. The most exciting part was the launch moment, when the media owners and editors appended their signatures on the publication, signifying their commitment to abide by the set rules. The guidelines became our key training and mentorship tool throughout the period we worked with the media.”

## **Kass FM: A new start**

Kass FM is a highly popular station in the Rift Valley, broadcasting in Kalenjin. It is also one of the most implicated in ethnic hate-speech violence during and after the 2007 elections. Its most senior presenter is one of the three individuals (with the Kenyan President and Deputy-President) indicted and facing trial at the International Criminal Court. Kass FM faced closure after 2007, but since then has successfully reinvented itself and is thriving, a process in which the L&CSJ project played a significant role.

“It was not easy to establish a working relationship based on mutual trust, but after a number of meetings, the Kass FM management agreed to send staff on conflict sensitive journalism and editorial leadership courses,” said Brice Rambaud. In Nairobi, six staff, a senior presenter and the station manager were trained, while eight of their reporters based in the Rift Valley also underwent training. All still work at the station. Silas Tarus, the breakfast show presenter, noted an overall improvement in the daily programming – from better sound quality and editing skills to a revamped issue-driven daily program schedule that focuses on development, women, youth and the law on different days of the week. This is reinforced by social responsibility – sponsoring of football tournaments and programs streamed on the internet for the Kalenjin speaking Diaspora in the UK and the USA. Tarus says that Kass’ media owners do not interfere in editorial decision making.

Both Tarus and the station manager, Timothy Kirui, credit Internews with raising journalism standards and giving them an insight into putting conflict-related stories into their historical context. They requested in-house training and were especially positive about the subsequent mentoring programme. They also wrote new editorial guidelines for the station following the editorial leadership course.

(From Adam, G. & Harford, N. (2013) Internews Land & Conflict Sensitive Journalism project evaluation. iMedia Associates Ltd.)



Production, 2011

Back from the field, trainee journalists produce stories at the 'Interviewing politicians' workshop

Credit: Brice Rambaud

Haron Mwangi, Chief Executive Officer of MCK described the guidelines as providing a framework for Kenyan journalists' conduct that is informed by a philosophy of self-regulation – a living document that can be customized depending on emerging issues, particularly in the realm of online journalism. From the perspective of the 2013 election, Mwangi saw the guidelines as being instrumental in a degree of responsibility in the behavior of the media. However, he saw what he termed as a “lack of depth” in the reporting, as well the over-riding national desire for peace, which superseded to some extent their professionalism. “They turned out to be preachers of the gospel of peace, and forgot that they had a duty to go deeper, and to be journalists.”

Other tools that were developed during the program included nine briefing papers on institutions and events, and were examples of the team's proactive approach to identifying needs. These single page summaries were highly sought after, and became very popular resources. Surprisingly, a companion website, Kurasasa, did not gain quite as much traction.

### Checking hate speech with “Talk Check”

In a 2012 analysis IRIN news quoted the executive director of the NGO Kenya Human Rights Commission (KHRC), Atsango Chesoni: “Hate speech is the precursor to violence and has [been] every electioneering year in this country. We must begin to seriously hold people accountable for inciting people to violence and hatred.”<sup>29</sup> The analysis confirmed what had been identified early on as major stumbling blocks in preparing for the 2013 election – that political rallies, vernacular radio stations, leaflets and mobile phone texting services had all been used to transmit messages that contributed to the violence.

I traveled to Mombasa to conduct a mini-assessment of Internews' work in countering hate speech at Kenya's Coast Province in July 2013 that focused on the media. I interviewed 12 news editors and journalists working in radio and facilitated two focus group discussions. From a qualitative perspective, the in-depth semi-structured interviews and discussions were good tools to gain a deeper understanding of the impact of work with the media in Coast Province.

The project, *Talk Check*, trained radio news editors, talk show hosts and journalists, and civil society representatives in identifying and countering hate speech or dangerous speech. *Talk Check* was launched in early 2013 to support the radio stations in playing a role in the public political discourse just before the elections and immediately afterwards. The radio stations who participated in the assessment were: Radio Salaam, Baraka FM, Radio Rahma, Pwani Fm, Pilipili FM and Sheki FM.

Ann Mikia, who trained the journalists for four of the five months of *Talk Check*, said that radio journalists of the Coast region especially had to walk a fine line between informing their audiences impartially and going out of their way to avoid friction with the owners of their stations during Kenya's election campaigns. “Most of the radio stations in the region are owned by local politicians who were running for various elective posts. It was tricky for the journalists because the region is also prone to conflict.” Sammy Muraya, who headed up *Talk Check*, said that while “trying to bring people together was an inherent aspect of the project,” one of the biggest challenges was that journalists did not really know what hate speech was. “When we finished, they did, and I think we broke the cycle of fear,” Muraya said of the all-pervasive sense of dread that had settled in the newsrooms over handling conflict and hate speech.

The saying “we must chew our words first” or words to similar effect, was a sentiment that cropped up many times during the interviews I did with news editors from five Mombasa

<sup>29</sup> Analysis: Taming hate speech in Kenya. (2008). IRIN. <http://www.irinnews.org/report/96168/analysis-taming-hate-speech-in-kenya>

radio stations, and the 13 journalists who participated in the two focus groups discussions. It was the colloquial equivalent of checking hate and dangerous speech. Clearly, people had taken the training to heart and made it their own.

Analyzing the responses of the news editors and journalists delivered three main findings: 1) The radio stations all reported what they perceived an increase in trust on the part of their listeners; 2) Conflict sensitive approaches to news that encouraged objectivity and balance in reporting resulted in greater listener engagement, especially in relation to election coverage and religious tension; and 3) Feature story production drew the most responses from listeners by far, and even more telling was that it was overwhelmingly positive.

All the news editors confirmed that applying conflict sensitivity in their approach to news had the parallel effect of increasing the trust their listeners had in their news broadcasts. They based this perception on the increase and positive in feedback from listeners. This was telling, as the radio stations' staff was being trained during a time that several critical issues that had a profound effect on the lives of people in Coast Province were making the news. There were increased tensions between groups in the run-up to the elections early March; increased activity by the secessionist Mombasa Republican Council; violent clashes that led to the death of several people in Tana River region; and an uptick in tension between religious communities, especially after the murder of Sheik Aboud Rogo.

Contrary to what the editors and journalists had originally assumed, their audiences overwhelmingly welcomed an objective and a balanced approach to news. Bringing in a diversity of voices to address issues of concern related to the conflict directly resulted in a flood of call-ins and text messages from listeners – in some instances asking the stations to rebroadcast feature programs. Khadija Mwinyi, a news editor at Radio Rahma, also took part in the focus group

discussion the day before we met for our interview. She listed many benefits from the training, but revealed that “conflict sensitivity ... it was something that did not click in our minds. [During the training I went] oh, there is conflict sensitive reporting. It came to me as a surprise.”

Duncan Dixon, the news editor at Sheki FM – a faith-based radio station – thought the training he and others received was “excellent.” He said that “having the right tools gave us the confidence to even increase the content of our news bulletins ... it also helped us strategize better, and even have dedicated programs for peace. The verdict? It worked. Look, after the election, people were sad, but nobody went to the streets.”

Most importantly, all the news editors interviewed were in agreement that the training gave them the necessary tools to counter hate speech *on air*. Prior to the training, news staff's only recourse when dealing with listeners intent on fomenting dissent was to cut them off. This inevitably led to what one journalist described as a “tsunami of call-ins” by other listeners, as cutting people off in mid-stride only made them angry and frustrated. After the training, news staff had the tools and confidence to deal with these potentially incendiary calls. Using disclaimers, new language, and knowing how to frame sensitive issues helped them “get the story right” and also to calm irate callers. Several journalists mentioned during the group discussions that finally they had a “solution” to deal with what had been a very difficult problem.

Backing up this anecdotal evidence were the results of independent monitoring as a test case of the talk shows of Radio Salaam, which showed a sharp decline in what had been a troubling trend of hate speech, or at the very least, hateful speech. The news editors confirmed that by March 2013, hardly any incidents of hate speech were heard on the radio stations whose staff had been trained, and the few comments that cropped up were dealt with immediately in a way that mitigated the escalation of other commentary.

The training had a marked positive effect on the language used in news stories, and it contributed to significant changes in on-air programming structure. In four instances, feature stories became an integral part of either daily or weekly on air programs, whereas in the past, feature story production was extremely limited to non-existent.

To find out why the conflict sensitive approach found such traction with the journalists and brought about such profound shifts in the way in which they tackled stories, I looked at the curriculum that had been developed by Du Toit, who summed up the core assumptions of good journalism in four points:

- Journalists can contribute towards the creation of conditions that may facilitate the peaceful resolution of conflict through fair, accurate, comprehensive and responsible reporting.
- The more journalists know about the causes of conflict, its dynamics and how it is managed, the more effective they will be in reporting on it.
- Journalists should not promote the agenda of any particular group or advocate a particular solution; instead they should help to broaden the range of options available to parties.
- A journalist's work should be informed by ongoing reflection on how his or her reporting can impact positively or negatively on conflict.

Finally, both journalists and news editors were overwhelmingly positive about their new-found engagement with civil society, as it gave them access to strong independent voices of peace and reconciliation. As Ibrahim Mahmud, news editor of Radio Salaam, explained to me: "It was like a heavy load lifted. We [now] understood what was important. It helped us get different views, which was a problem for us ... By April I can say that 90% of the politicians saw this as a good venture. They were open to interviews. This was a change on their part."

## KEY FINDINGS OF MINI ASSESSMENT OF TALK CHECK

### News editors:

- 100% responded that they perceived a greater trust in their stations by their audiences and that feedback from their listeners was overwhelming, especially after feature reports went to air.
- 80% indicated a significant shift in on-air programming to include feature productions.
- 100% responded that they engaged more often with civil society than prior to the training.

### Journalists:

- 85% stated that the conflict sensitive journalism approach gave them the confidence to address conflict in their reports.
- 96% said that they valued feature production most, as it was a new way of telling balanced and objective stories, as it included many voices.
- 38% spoke of their fear when reporting on conflict, noting that they had received threats.





*Election workshop, 2012*

Print journalists in the field during the 'Judicial reforms and the 2013 election' workshop

**Credit:** Javier Merelo



*International Criminal Court (ICC) roundtable, Nairobi, 2011*

Luis Moreno Ocampo, then Prosecutor of the ICC meets community and vernacular radio journalists at an Internews 'News after the Names' roundtable event.

**Credit:** Dolphine Emali

# The specter of the International Criminal Court

**The International Criminal Court's (ICC) launch of its probe into the post-election violence of 2007/08, led by Prosecutor Luis Moreno Ocampo, prompted several ICC-related activities. Troublingly, among those charged with incitement and using hate speech was the prominent talk show host, Joshua arap Sang, who had participated in a few of Internews events.**

The ICC had also contacted the organization early 2010, wanting to work with the media to do better in communicating investigations and matters related to prosecutions. It was a partnership that took the form of media roundtable events, the production of CDs and memos distributed to radio station for use in their news broadcasts, features and talk shows, and monitoring the content of key media houses. Mentoring formed the backbone of the approach: news editors in mapping and planning stories to provide diverse and contextual information, and journalists in producing compelling stories linked to the ICC process and those who had been affected by the conflict.

At the December 2010 roundtable Ocampo held a 90-minute Question & Answer session with 12 journalists. It was December 2 – less than two weeks before the announcement of the names of those who were to be indicted. The biggest gain for the journalists and radio presenters present was having such immediate access to a news personality of the moment. They did not represent the big media houses, but rather community and vernacular radio stations from Nairobi, Central, Rift Valley, Nyanza, and Coast provinces.

Ocampo's message was to the point: "You have a bigger role than me in dividing or uniting Kenyans. You represent victims." The event seemed to have had the exact impact it had aimed for. "Leaders are telling the people that they cannot trust the ICC," said Benjamin Wangari of Inooro FM. "Today I have learnt so much. I will now speak to my listeners with authority after meeting Ocampo face to face. My people will trust me."

The hours and days following the ICC announcement of the six people's names, including that of President Kenyatta, his running mate and now Deputy President William Ruto, and the journalist, Joshua arap Sang, were filled with many anxious moments. Many were afraid that some communities would react with anger to the news that their political heroes were being indicted for crimes against humanity. The challenge lay in preparing journalists for such an eventuality, and supporting them to report responsibly on communities' responses. Legal experts were put on standby for possible interviews. Mentoring was stepped up to support journalists and editors from Nairobi, Rift Valley and Nyanza daily, especially those community radio stations with roots in the strongholds of political figures, understanding risk that journalists could succumb to pressure from people in their communities and produce one-sided coverage of the indictments.

In 2011, an independent consultant commissioned by Internews tested whether media interventions had made a difference through focus group discussions with communities. Two stories on the ICC process were played: "ICC Revelation" of Sayare FM and "Shoka la ICC" of Pamoja FM. Both stories featured sound clips of ICC Prosecutor Ocampo recorded at the December 2010 roundtable. After listening to the recording, 20 percent of the focus group discussion participants changed their minds, saying that they believed that the prosecution of those involved in the post-election violence would help end impunity in Kenya, while 11 percent also changed their views saying that they now thought that justice for the victims of post-election violence would bring reconciliation and healing in the country.

Rambaud noted how for two weeks editors and journalists called the team daily after arap Sang's indictment, saying: "I want training, and come to our newsrooms'. All of them talked about arap Sang, about what went wrong. The journalists were saying things like 'oh my, if I say [bad things] they're not coming for the owner or the editor, they can come for me'"

When I met with some of the news editors who had signed their commitment to the election guidelines, I asked them if the ICC indictments, and especially that of the journalist, Joshua arap Sang, had weighed them down or even hobbled their reporting. Michael Mumo, editorial director of the Capital Group, said that no more so than the threat of being sued for libel in a Kenyan court. "I don't think it was really a concern for many. If you conform to what you need to on a day to day basis, then you don't have anything to worry about; being called to The Hague, because you don't have to go to The Hague, you can go to a court here."

Others were not quite so sure. John Gachie's article in MCK's Media Observer about the ICC and its impact on the media, made the point that "one thing is clear and certain, the Kenyan media did not and were not keen to be so adjudged and accused this time around (the veracity of the accusations notwithstanding)."





*ICC roundtable, Eldoret, 2012*

Newly appointed ICC Prosecutor Fatou Bensouda is interviewed by journalists in Eldoret

Credit: Javier Merelo



*Election day, 2013*  
Nairobi's Central Business District streets are empty on voting day, March 4, 2013  
**Credit:** Dolphine Emali

## Putting their best foot forward: The 2013 election



**I**f the international airport of Nairobi was unusually quiet on the morning of March 4, 2013, after my flight landed a few minutes after 5 a.m., the drive into the city was even more eerie. A few hours later, little had changed.

One of the takeaway images of Nairobi, as anyone who has visited the city will tell you, is the constant and gridlocked traffic. Not so on March 4. It was the day that Kenyans elected their President, Senators, County Governors, and MPs for the 290 electoral constituencies, Civic Wards and Women County Representatives. It seemed as if everyone was somewhere else – certainly not on the roads, and not in the center of Nairobi.

Less than two months before, all the major political parties completed their nominations by the January 18, 2013 deadline. Observers noted that the process was a shambles. A troubling trend was that the parties did not comply with the requirements of putting effective dispute resolution mechanisms in place. It left the Independent Electoral and Boundaries Commission (IEBC) to settle these. Campaigning kicked into high gear on February 1, 2013 – largely peaceful, although the odd incident marred the calm spirit that prevailed. A few days before the election, the presidential candidates held joint peace rallies calling on their supporters to remain calm during election week, and to accept the outcome of the election. They also took part in Kenya's first-ever two-part presidential debates, broadcast live on television.

Then, on the night of Sunday, March 3, 2013, only a few hours before voting started, at least twelve people, including several police officers, were killed in Mombasa County. Suspicion fell to Mombasa Republican Council secessionists. Yet the incident did not make headlines. I was told by several editors that they had called each other when the news about the killings

broke so soon before the polling stations opened, deciding unanimously not to give the story the prominence it deserved, so as not to scare off the voters.

Was this a failing on the part of the media? MCK's Mwangi said no.<sup>30</sup>

"That story was placed on page 7 of the papers. It did not make headlines. There was a kind of understanding among journalists that never again would 2007 happen. There was more responsibility; they understood that such issues, if given prominence, would bring conflict. Now we are accused of self-censorship." Mwangi believes this goes with the territory in post-conflict situations in the world and in Africa. He reeled off the names of countries where the media had been accused of censoring themselves, including Rwanda, Mozambique, Tanzania, and Zambia. "But have those who accuse them asked whether it was not perhaps because they did not want to experience a similar situation [as 2007]?"

Perhaps the congratulations for a job well done came too quickly. IEBC chairperson Issack Hassan, in his preamble to the announcement of the final results of Kenya's 2013 elections made explicit mention of the media's performance. "If there was ever a time we needed a partner to moderate the rising temperatures, this was it, and the local media came through in a special way. They handled issues with modesty and professionalism. The media, especially local media, deserves special attention for their fair coverage of the election and for conducting themselves in a most exemplary way, in accordance with the code of conduct they had signed as media on the coverage of elections," he said.

Kofi Annan also added his voice to the praise. In a statement, on behalf of the African Union Panel of Eminent African Personalities, he wrote: "Let me also highlight the positive role that has been played by the media, in educating the public, promoting peace and exercising good judgment in their elections



*High turnout, 2013*

Kenya saw a record voter turnout of 85% in the 2013 general election

**Credit:** Tole Nyatta

<sup>30</sup> Mwangi's recounting of this story was corroborated by many editors, who had all agreed not to headline the story so as not to scupper polling day.





coverage.” Annan played a pivotal role in 2008 by working with Kenyan leaders to negotiate the National Accord that signaled the start of Kenya’s reform and reconciliation process post-2007/08. Jooste summarized the long wait for the results and the way in which Kenyan journalists handled the situation in a story posted online:<sup>31</sup>

“In the hours and days that followed voting day, Kenyan citizens eagerly followed the media for updates on election results.” she wrote. “Four and a half days later than originally promised, the final results were formally announced: Uhuru Kenyatta is Kenya’s elected President. All day and all night long, the media provided even-handed and comprehensive coverage – sometimes having to be inventive to fill the extra TV and radio air time created by the long wait. In that time, citizens made contributions on blogs and on Twitter – with some tweets going viral and being relayed on mainstream media, as the nation held its breath to hear the final tally.

“In his closing speech, Hassan also referred to the popular Tweet making the rounds: ‘Tunaweswait’ - urging people to wait patiently through the many delays in the process. This was after a presidential candidate’s ‘Tunawesmek’ - Sheng (street language for Obama’s ‘yes we can.’”

The media’s response to the election was a major test for the L&CSJ project. No-one wanted a repeat of 2007/08. As Kiio told me when we spoke: “Many journalists were shocked to think that they may have contributed to the violence. Without training, the way their words may have been couched.” And how she heard from one journalist: “Joshua was not the only one.”

On March 4, Hassan said that Kenyans had a “date with destiny, a rendezvous with history.” He described the elections as complex, that expectations were high – but that Kenyans had put their best foot forward. For the journalists who had been trained in conflict sensitive journalism, putting their

best foot forward would be a natural next step in finding their voices again – as watchdogs of society.

If reaching one’s goal is a huge accomplishment, then the let-down when criticism starts to flow is painful. This was the case once the largely peaceful election of 2013 was over, and the euphoria of a “job well-done” by the media started dwindling. Self-reflection came with some cruel knocks, especially when unkind words on the role of the media during the election made it into print and online.

Perhaps the harshest critique came from journalist/author Michela Wrong, who viewed the praise of the media by IEBC chairperson Issack Hassan before announcing the results as troubling. Wrong wrote in a blog in the International New York Times: “Any journalist worth their salt should start feeling itchy when praised by those in authority. The recent accolades will chafe as more polling irregularities become public. The media should be asking themselves whether, in their determination to act responsibly, they allowed another major abuse to occur right before their eyes.”<sup>32</sup> She pointed out that Hassan’s congratulatory remarks came at the same time as problematic election results were flashing across results screens behind him. Referring to the coverage by Kenyan journalists as slick, but lifeless, she wrote: “It sometimes feels as though a zombie army has taken up position where Kenya’s feisty media used to be.”

Much self-reflection by Kenya’s media has followed since this unflattering opinion piece was published in the International New York Times, and picked up by other international mainstream media. Citizen Group’s Mumo says that his answer to this criticism is that “we did not abdicate our responsibility. When I sit in meetings where we are criticized I ask the question, ‘what did you expect us to do?’ And I keep asking the question: ‘Is the media in Kenya only seen to be doing its job when it’s not fomenting trouble. Is that what it amounts to being a good journalist, if we are not inflaming ethnic passions?’

31 Jooste, I. (2013). Local Media Gets High Praise from Kenya’s Electoral Commission Chairperson and from Kofi Annan. <http://www.internews.org/our-stories/project-updates/local-media-gets-high-praise-kenya%E2%80%99s-electoral-commission-chairperson-an>

32 Wrong, M. (2013). To be prudent is to be partial. International New York Times. March 14, 2013. Retrieved from <http://latitude.blogs.nytimes.com/2013/03/14/erring-on-the-side-of-caution-kenyas-media-undercovered-the-election/?smid=tw-share>

We have a responsibility to society and if we are part of creating a problem, that's not good journalism." Mumo however hastened to say: "Of course we can always do better," referring to the lack of in-depth probing of the electoral commission, and not focusing on the glaring shortcomings of the IEBC that included the fact that the results of the election in many instances did not add up. Other omissions on the part of the media included the many technical hitches on voting day, and the bungled procurement and subsequent failure of the voter identification kits and that of the electronic result transmission system. Mumo agreed that the media should have gone deeper. But in terms of [for instance] not running the then-Vice President's news conference live after the election had been called in favour of Kenyatta, Mumo said: "We did a good job. By not airing the event live [because we needed to fact check], does not make me a bad journalist, but that I cross checked the facts, that makes me a good one."

There was also the threat by Kenyan government spokesman, Muthui Kariuki, when he announced "a tough stance on information deemed divisive" during the March 4 elections. Speaking to a gathering of international reporters, he was quoted as saying that the government would "summon journalists who publish stories that have a polarizing effect." And then the widely condemned vicious invective: "We will set you on fire before you set us on fire."<sup>33</sup>

Following the 2013 election, the MCK curated some of the best self-reflection on the event in their magazine, *The Media Observer*. Wellington Nyongesa of Radio Maisha dissected some of the questions raised on the conduct of the media during the election that included accusations of the media failing to champion the public's interest. He recounted the story of the journalist who first discovered the bodies of the police and civilians killed in Kilifi Town on the eve of the March 4 election. "Was [the] media truthful in covering 2013 elections? Now that's the question. The guiding philosophy of journalism is the pursuit of truth, but as you can see from the above experience truth was

forced to take a back seat. March 4 has been a time when big players in the media industry, especially broadcasters wanted to depart from past mistakes. And there was no other time to undergo a total metamorphosis than at the 2013 election. Memories of 2007 and its repercussions [...] were cascading through the minds of editors and their writers/ broadcasters. Media owners were worried about their businesses," Nyongesa wrote.

Jooste, in analyzing the media's introspection, quotes Anne Kiguta, a news anchor at KTN. "Did we fail in our role? Absolutely not!" A week after the General Election, Kiguta congratulated her colleagues in the industry for a job well done, "not a perfect job but given the circumstances, pretty good."

This was also the view of the chair of the Kenya Editors Guild, Macharia Gaitho. He saw the Kenyan media's coverage of the last election as "not perfect and yet not imperfect." Nyongesa quoted Gaitho as asking us to consider what it was that the media was supposed to do or ask that it did not do and ask, saying criticism or praise have come mostly from the losers and the winners, respectively. He believed that there were few objective assessments of the media's performance. Jooste pointed to the external evaluation of Adam, who wrote that "the burning issue on media coverage of the 2013 election has been whether there was self censorship as a reaction to all the warnings to the media about stirring up violence and the perceived threat of more ICC action."

The journalists and news editors who spoke to both Adam and me said they took care to give political candidates equal airtime and subjected them to more rigorous questioning than – in some cases – the politicians were used to. Adam also noted that "politicians, too, were much more careful in what they said compared to 2007, resulting in fewer tricky editorial decisions having to be made about what to publicize and what to withhold because of the risk of incitement." However, what was striking was the seeming malaise that had settled over the media, which was especially criticized about keeping silent over delays exacerbated



<sup>33</sup> Odula, T. (2013). 'We will set you on fire', Kenya government warns media ahead of election. January 30, 2013. Retrieved from: [http://www.thestar.com/news/world/2013/01/30/we\\_will\\_set\\_you\\_on\\_fire\\_kenya\\_government\\_warns\\_media\\_ahead\\_of\\_election.html#](http://www.thestar.com/news/world/2013/01/30/we_will_set_you_on_fire_kenya_government_warns_media_ahead_of_election.html#)



*People's voices, 2013*

Internews Journalism Trainer Tole Nyatta interviews a person with disability on voting day

Credit: Dolphine Emali

by the failure of technology in reporting the election results. As one journalist said: “We became a country so afraid of our own shadows that we did not question the election process.”<sup>34</sup>

Health journalism trainer Patrick Rukwaro reflected in a blog that “during the March 4 elections, the local media was guarded, too cautious to the extent that some experts say the media played the role of peace activists and counselors. On the other hand, the western media was vilified, perhaps wrongly, for coming to cover the elections with a pre-conceived idea that there would be violence. Here was a case of two extremes: doves for the locals and blood for the West.”<sup>35</sup>

It reminded me of Otieno’s story of how he could not stomach what he saw during the conflict, leaving it to the international media to tell the story of the violence. It speaks to how completely unprepared Kenya’s media was to cope with the trauma of covering conflict in 2007, and echoed Kii’s remarks that beyond training journalists to be good at their craft – instilling sound principles and ethics – it was critical to “take the people behind the stories” into account. The 30 Days in Words and Pictures showed that by far the majority of the journalists had no knowledge of how to cover violent social conflict in 2007/08.

By 2013, the media landscape had however shifted significantly. Tole Nyatta believes that what happened with the coverage of the 2013 election was a case of “our hard work paying off.” At the very least, in spite of criticisms, which included self-critique, the Kenyan media had gone a long way in erasing its “bad reputation it earned in the 2007/08 post-election violence. The media has exorcised the demons of the previous elections.”

Three months after the March election, two polls by Ipsos Synovate and Infotrak suggested that the media as an institution is still considered relatively trustworthy by Kenyans – certainly more so than the police, the judiciary

and the IEBC.<sup>36</sup> The Ipsos Synovate survey showed that the top slice media approval rating for the media (meaning a lot) stood at 46 percent. Infotrak’s poll put it at 57 percent. Tom Wolf of Ipsos Synovate explained to me that it meant that the media “got pretty high marks” and placed fourth in terms of trustworthiness behind the President, the Deputy President, and religious leaders.

Boni Odinga wrote that “the approval ratings seem to significantly follow recent voting patterns. In the Jubilee areas of Central Kenya and the Rift Valley (the party of the President), the respondents were more than generous in their appraisal of the media, whereas in the CORD areas of western and Nyanza, the skepticism with which public institutions are regarded seems to have been extended to the media.”<sup>37</sup> Odinga also quote Victor Otieno in saying: “If the media continues to sit on its hands ostensibly playing the role of peace makers, who will [take] the government to task?”

It was clear that much still needed to be done. Rambaud said that if the media had a failing covering the most recent election, it was their “naiveté” when it came to the electoral commission. However, he cautioned against putting all the blame on the media. “The journalists trusted the ability of the electoral commission to deliver results too much ... it was as though the thought never crossed their minds that the IEBC was not prepared for the 2013 general election. I don’t understand why. Maybe it comes from the fear of creating mistrust, as in if you start criticizing the process the political actors will say that the electoral commission is not competent and not to trust the results, which can then create a scenario for potential violence.”

The political cartoonist and commentator, Patrick Gathara, did not mince his words, referring to a tweet that called what had happened with the media as a “peace lobotomy.” He asked: “What maturity is this that trembles at the first sign of disagreement or challenge?”

34 Adam, G. & Harford, N. (2013) *Internews Land & Conflict Sensitive Journalism project evaluation*. iMedia Associates Ltd.

35 Rukwaro, P. (2013). *Doves and blood: The mis-coverage of Kenya’s general election*.

36 Infotrak polled 2,343 respondents were polled whereas 2,000 were polled by Ipsos.

37 Odinga, B. (2013). *Kenya media, most trusted?* <http://internews-kenya.org/article.php?id=356>

What peace lives in the perpetual shadow of a self-annihilating violence?”<sup>38</sup>

“All this caution in 2013 was disappointing, but perhaps understandable,” Jooste noted. “With the benefit of hindsight, we know that journalists should have asked every single hard-to-ask question of the electoral commission. In those moments when Kenyans were wondering why results were merely trickling in, many journalists practiced the self-censorship that perhaps came from patriotism or from the fear of inciting violence. The next step towards political maturity would be for the environment to support a watchdog media that can be fearless, even as it is sensitive to the triggers for incitement.”

My sense after interviewing journalists and news editors was that everyone understood their role and cared passionately about telling the story of Kenya’s 2013 election. However, when it came to threading the needle as to what is peace reporting and what is conflict sensitive journalism, the eye of the needle became awfully narrow.

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38 Gathara, P. (2013). The monsters under the house. March 10, 2013. Retrieved from <http://gathara.blogspot.hk/2013/03/the-monsters-under-house.html>



*Roundtable, 2011*

Muslim journalists telling their stories at the 'Somalia incursion uncovered' roundtable event

**Credit:** Kate Holt

# Moving forward

**MCK's Mwangi believes that there was a disconnect between what Kenya's journalists should have done, and what they ended up doing, which as many have pointed out, was to take on the role of peacemaker, rather than mediator, even as he noted that "when you are careful about conflict sensitive issues, you are playing the peace card."**

"Peaceful journalism became a key issue when journalists started calling on their audiences to 'please be peaceful, please be patient'. That was not what we taught them. It was based on nothing. If a journalist is saying 'let us be peaceful', for me, that is not what journalism is about, [especially not] if it is not anchored in any events or reporting. That is a huge disconnect. You cannot sacrifice the right of people to know, simply by using the word peace without grounding it in the context. That created a perception of peacemakers as opposed to journalists who were supposed to tell the truth to do their job," he said.

Mwangi's analysis of the media made me think of NTV's Julie Gichuru's words as she was quoted by the author of the Mission Possible report in 2008: "I keep thinking about the way forward. Our responsibility. Yes we are not activists but we are thought leaders and we have the opportunity to change this country. I think we owe the people that have suffered, the victims, we owe this country, and if we're going to move forward the aggressors, we need to address these things. But what is our role? Where should we be going? How do we create this change that the country needs? We have not all done the best we could but we can learn lessons and take the country to a better place."

"What is next for the Kenyan media is to find a better balance, and to go deeper into investigative journalism. This is a weak area. They need to stop writing single source stories, Rambaud said. "And they should be careful of not being embedded with the new government," he cautioned. "The trend is already showing. They have to be very careful about this, making sure that they play the watchdog role - about the

devolution process and the peace and reconciliation process, because it is still a very divided country."

Devolution is indeed the next important chapter in Kenya's political life. Free and Fair Media team leader, Atemi, wrote to me in August 2013 that he saw the last editorial study tour related to devolution as a "great end for the project." He noted that the team took editors through the various phases of devolution, and provided opportunities for them to meet governors, senators, legal experts, civil society groups and ordinary citizens to help them appreciate the challenges ahead. "What a great way to end a most thrilling and exciting project," he concluded.

But as Rambaud, Mwangi, Waihenya and several other media actors noted: "There is still a long way to go." There may be peace as a result of the political interests entrenched in the moment, but reconciliation between the communities seems tantalizingly out of reach.

## Hateful speech, dangerous speech

In 2008, many people looked to the online media as an example of hope. There was a massive increase in the use of digital platforms, especially in terms of blogging, where people could get up to date news, even as the mainstream media was muzzled. Leap forward five years, and many are not quite so sure of the innate promise of the internet. In 2013, it was troubling to see the spikes in online vitriol before the election. Social media sites like Facebook was especially singled out by the NCIC - the agency tasked with investigating online offenses - as being fertile ground for online offensive comments and nastiness.

Special Projects Reporter at Kenya's Capital FM Judie Kaberia wrote in July 2013 that while the "official media" had been blamed for inciting the bloodshed in 2007/08, they "kept to the rules" this time round, while "the problem shifted to the online media which have boomed in Kenya in recent years," noting that the NCIC was "now under fire for fire for not bringing proceedings against any of the numerous other individuals who posted incendiary material online during and after the elections."<sup>39</sup>

She wrote that the NCIC in turn cited the difficulty of tracking down people who post offending material anonymously as an obstacle, but quoted the chairman of the Law Society of Kenya, Eric Mutua, as dismissing the defense: "I have myself identified two lawyers who use their real names and can be identified. "They post hate speech on Facebook. NCIC is looking for excuses not to do its work." Kaberia also quoted the Nairobi-based online monitoring group Umati as having logged 5,683 posts containing hate speech on social media between October 2012 and May 2013.



*Press conference, 2013*

Kalonzo Musyoka, one of the CORD coalition leaders, addressing journalists as votes are counted by the election commission

**Credit:** Dolphine Emali

<sup>39</sup> Judie Kaberia is Kenya Coordinator for ReportingKenya.net and Special Projects Reporter at Capital FM in Nairobi.





A quarter of those contained calls to kill, beat or forcefully evict one or more members of various ethnic groups. Rambaud is quoted as saying that “most of the dangerous speech witnessed on social media came from ordinary citizens.”

On June 27, Rambaud convened a meeting with senior news editors, representatives of the IEBC and other media experts to analyze the election and media monitoring by non-governmental organizations and civil society. What were the lessons learned from media monitoring after the mostly peaceful elections and how organizations that conducted the monitoring could improve as the country entered the devolution process? It seemed that while hate speech and dangerous speech had plummeted to an all time low on radio in particular, social media platforms was a playground for those who wanted to spread dissent and vitriol.

The Umati project reported that it had monitored certain blogs, forums, online newspapers, Facebook and Twitter for nine months, from September 2012 to the end of May 2013. Apart from monitoring online content in English, a unique aspect of the Umati project was its focus on locally spoken vernacular languages that included Kikuyu, Luhya dialects, Kalenjin, Dholuo, Kiswahili, Sheng/Slang and Kisomali. Umati concluded among its findings that the occurrence of online hate speech could not solely be relied on as a precursor to violence on the ground. Other factors could play a stronger role in determining violent or peaceful outcomes. Rather, it offered a glimpse into the conversations Kenyans engaged in offline, and a way to understand recurring issues that needed to be addressed. Umati noted that of the total comments collected that met the threshold for hate speech only 3 percent originated on Twitter, while 90 percent were found on Facebook.

A telling finding was that there was a huge disparity between what the public perceives as hate speech and what the Umati project defined it as.

From an exploratory survey it conducted in May 2013, Umati found that the public perceived personal insults, propaganda and negative commentary about politicians as hate speech. The public’s understanding of hate speech was also broader than the current constitutional definition, which only took into consideration discrimination based on ethnicity. Umati defined dangerous speech as a subset of hate speech that contained three out of the five possible calls to action, as defined by Benesch.<sup>40</sup>

Narrowing the definition of dangerous speech further was done in order to fit the Kenyan context. For example, stereotypical insults across tribes could amount to Benesch’s definition of dangerous speech. However, applied to the Kenyan context, such stereotyping across tribes was usually largely perceived as harmless banter.<sup>41</sup>

Pinning down hate speech can be difficult according to legal experts, as providing evidence of the prosecutorial threshold is not always easy.<sup>42</sup> The 2008 law defines hate speech as that which advocates or encourages violent acts against a specific group, and creates a climate of hate or prejudice, which may, in turn, foster the commission of hate crimes. It is a question being debated as at least three people in Kenya, including the President, have been charged with using hate speech – cases that will not only test the ambiguities in the law, but also its limits.

40 S. Benesch (2012). Dangerous speech: A proposal to prevent group violence. Retrieved from <http://voicesthatpoison.org/proposed-guidelines-on-dangerous-speech/>

41 Umati Final Report. (2013). Retrieved from <http://migs.concordia.ca/documents/126741671-Umati-Monitoring-Online-Dangerous-Speech.pdf>

42 Analysis: Taming hate speech in Kenya. (2008). IRIN. <http://www.irinnews.org/report/96168/analysis-taming-hate-speech-in-kenya>

## A line in the sand

Consistently, shortly after the post-election violence of 2007/08, journalists expressed an overwhelming sense that they had let their profession and the public down during the election period. Many also felt that they had not done enough to capture the true extent of the humanitarian crisis that gripped the country. Kiio and Otieno explained this in part as having been a deeply painful and personal exercise that left many journalists traumatized. As Otieno noted, “I left it to the international media to cover.”

From its earlier responses Internews' interventions was a way to channel journalists' pain and dismay into something more positive, by supporting and challenging journalists to make a demonstrable impact on the political and social life of Kenya. By 2013, as its conflict sensitive journalism-related program closed, Adam in his evaluation noted four areas of tremendous impact achieved: on journalism standards; on the journalists' careers; on civil society; and on the journalists' audiences. In summing up the lessons learned over the life of the project, he noted that “the L&CSJ project had succeeded beyond expectations” setting a new benchmark for similar ventures. Some of these were predictable, for example, the lack of equipment for radio stations. In terms of future media development work, he highlighted the importance of mentoring, which he described as innovative and overcoming “the historic problem of workshop-based journalism training.”

Adam added that the other main constraint to change was “opposition from editors [...] successfully tackled through the editorial leadership courses.” On the downside, Adam wrote that the training was perhaps too wide ranging, and should have been more focused on a few key things. He also noted that in future, attention should be paid to social media and keeping journalists up to date with technology developments.

Ipalei agreed that much more needed to happen with regard training journalists, not only on conflict sensitive journalism – which for the moment is not to be – but also generally, as the media enters a period of significant political shifts. She recounted a story of a journalist asking a senator who would be his running mate and the senator saying he had not yet decided.<sup>44</sup> It's told as a joke, but speaks volumes as Ipalei pointed out. “Even the [aspirant] senators don't know their own mandates,” and that they don't have running mates. Journalists are also still coming to grips with the many new mandates as promulgated in Kenya's new Constitution. The last thing Kenya's media need is to stumble into the pitfalls baked into Kenyan politics. In the words of Ken Ramani: “It has been argued that that the Kenyan media's self-restraint reveals a society terrified by its own capacity for violence.”<sup>45</sup>

Much has been written about the violence and how the Kenyan vernacular, community and mainstream-national media exposed the country's ethnic fault lines, and how they were caught short and ill-prepared to deal with the crisis brought on by the presidential and parliamentary election.

My brief was not to analyze the media crisis of 2007/08, nor was it to assess the conflict sensitive journalism projects Internews ran for five and a half years. Rather, I was asked to document Internews' response to the crisis brought on by the previous election. However, I would be remiss if I did not mention the context in which the crisis unfolded. I would also do the journalists I spoke to a disservice if I did not mention that in spite of not once asking anyone specifically about the trauma they experienced from witnessing the violence of 2007/08 kept coming up as a critical issue for them – an unsolicited yet consistent response.

<sup>44</sup> Senators, although elected, do not have running mates.

<sup>45</sup> Ramani, K. (2013). *The Media Observer*. Media Council of Kenya

Even after the 2013 election, in a meeting with the Free and Fair Media team, the head of Ramogi FM cohort, Elizabeth Omollo, told Atemi and Ipalei how the majority of the on air presenters from the various Royal Media vernacular stations were “hurting and needed help.”

She urged Internews to consider working with others to help journalists to cope with the trauma they experience in their work. “Some can no longer read news or present programs. At times I just ask them to play music. It is as if they carried the burden of the election loss by the CORD team on their backs. Callers would unleash all the frustrations on them.” Rambaud explained this in the context of the Ramogi FM listenership having largely voted for CORD – the Coalition for Reform and Democracy – during the 2013 election. When the party lost, it hit them hard, with people expressing their anger and upset bitterly over the radio.

The MCK has heeded this call, setting up a press freedom monitoring portal where journalists can record incidents of violence directed at them. For journalists, work-related trauma and security go hand in hand. Both constitute a threat to media freedom.

If 2007 drew a line in the sand for Kenya’s media, the many journalists who actively called for peace crossed it in 2013. From pariahs, they became the peacemakers.

For Lexy Mbogho, a news editor at Nakuru-based Radio Amani, the questions kept coming: “Integrity-wise, this was not right. We’re suppressing people’s feelings. We Kenyans keep talking about peace and not about justice. We had a peaceful election ... it was all about peace, peace, peace. But where is the justice?”

Rambaud did not dismiss the calls for peace in the country, but with hindsight felt that a more measured approach would have been better. “All the peace campaigns, always the same message, ‘accept and move on’. That really affected Kenyans. It was one of our main challenges [working with the media].”

I spoke to more than 30 news editors, journalists, and media experts during my month-long research. It was striking how consistently those I interviewed said that the training had not only changed the way they practiced their craft, but had changed the way in which news was offered to their audiences. A few even said that the training changed their lives. It bore out Adam’s conclusion that from all the evidence confirmed in his evaluation that the goal of the L&SCJ program to promote peace and reconciliation at the community level as well as to mitigate possible future conflict was successful, based on the responsible behavior of radio stations during the 2013 elections. He wrote that although “the difficulty is making a direct causal link as other media which were not part of the Internews project also behaved more responsibly than before [...] testimonies from journalists made it clear that they now view their work through a conflict sensitive lens” and regularly apply this learning.

*Involving political leaders, 2012*

Abdikadir Mohamed, Mandera Central MP and Chairman of the Parliamentary Select Committee on Constitutional Review, addressing journalists at Internews offices

Credit: Brice Rambaud

“This was Internews’ core work and it marks impressive progress in just 39 months.” Adam applauded the team, noting that they made limited resources go a long way, and “at the same time responded to news events with a spontaneity that enhanced their credibility amongst the Kenyan media, [providing them] with important access to sources that strengthened news coverage and comment on key violence and election-related issues.”

After speaking to so many people either working in or associated with the media about their experiences in 2007/08 and then again in 2013, it was clear that media capacity alone cannot drive political and social change in Kenya. There were simply too many shifting and changing variables. One only has to think of the discovery by journalists who found themselves “fraudulently” registered as members of political parties, as Boni Odinga blogged in January 2013. And, as MCK’s Mwangi reminded: “You cannot deny people the right to know the truth by throwing in the word peace every time.”

For me, the final words go to Thomas Bwire, a journalist who works for the community radio station Pamoja FM and was commended by CNN in the 2013 Multichoice African Journalist awards. He told me how he loved to involve the people of his community – Kibera – on the radio, interviewing them on their work in and contributions to the community and producing their stories for air. “You know, they love to hear themselves on the radio. We should appreciate our small heroes.”

The 2013 election tested Kenya’s media. It also gave them the opportunity to redefine themselves. Seen by many to be pariahs in 2007, the pendulum swing took them into the realm of peace activism in 2013. Some argued that the media did the right and responsible thing for the public good in ensuring that peace prevailed. Others said no, they went too far, and had abdicated their responsibility as watchdogs of society, turning a blind eye to the truth of a failed election process. In terms of framing, they had landed on the side of peace activism rather than remaining firmly in the realm of neutral journalism.

When I asked Bwire what he believed had been achieved with the coverage of the 2013 election and the role of the media, he said: “There is hope. We have peace. But we do not yet have reconciliation. There is just so much hurt.” Therein lie both the ambiguity and dilemma that Kenya’s media face.





*Call for peaceful elections, 2013*  
Street artist Solo 7 paints a peace banner on a Kibera street on voting day  
Credit: Dolphine Emali

## Timeline of key events in Kenya's political transitions

**2007** December: Disputed presidential elections lead to violence in which more than 1,500 die over the course of a few weeks. More than 600,000 people are displaced.

The government and opposition come to a power-sharing agreement in February. The cabinet is in place in April.

**2008** October: Report into post-election clashes calls for international tribunal to try those implicated in violence. Many political leaders are reluctant to implement the commission of inquiry's recommendations, with some arguing that prosecutions could trigger further clashes between communities.

**2008** December: Kenya Anti-Corruption Commission (KACC) accuses seven current and former MPs of taking illegal allowances worth \$250,000.

**2009** August: Visiting US Secretary of State Hillary Clinton criticizes Kenya for failing to investigate the deadly violence after the 2007 election.

**2009** October: The government says it will co-operate with the International Criminal Court (ICC) to try key suspects in post-election violence.

**2010** January: The US suspends \$7m of funding for free primary schools in Kenya until fraud allegations are investigated.

**2010** February: President Kibaki overturns a decision by Prime Minister Odinga to suspend the country's agriculture and education ministers over alleged corruption. The row threatens the coalition government.

**2010** August: New Constitution designed to limit the powers of the president and devolve power to the regions approved in referendum. Controversy over release of national census figures that include tribal affiliations.

**2010** December: A grenade explosion kills three people on a Kampala-bound bus in Nairobi.

**2011** March: Governments of Kenya, Democratic Republic of Congo agree to investigate illegal gold trade, in which Kenyan allegedly plays a key role. (Linked to issues of corruption.)

**2011** April: Truth Commission begins public probe into 3,000 killings at Wagalla airstrip during a 1984 crackdown on ethnic Somalis, a hushed-up chapter in Kenya's history (Part of history.)

## Internews response

**30 Days in Words and Pictures (2008)**  
**Unpacking Kenya (2008)**

**Mission Possible (2008)**

**Reporting for Peace (2008-2009)**

**Land & Conflict Sensitive Journalism project (2010-2013)**

## Internews response

Free and Fair Media (2011-2013)

Talk Check (2013)

## Timeline of key events in Kenya's political transitions

**2011** Six politicians appear before the International Criminal Court in The Hague, accused of links to 2007-8 post-election violence.

**2011** August-September: Suspected Somali militants raid Kenyan coastal resorts and a refugee camp, targeting foreigners.

**2011** October - Kenyan troops enter Somalia to attack rebels they accuse of being behind several kidnappings of foreigners on Kenyan soil. Kenya suffers several apparent reprisal attacks.

**2012** January: International Criminal Court rules that several prominent Kenyans must stand trial over the 2007 post-election violence.

**2012** August-September: More than 100 people are killed in communal clashes over land and resources Coast Province. Junior minister Dhadho Godhana is charged with incitement. He denies the charge.

**2012** Five people die in riots by Muslim protesters in Mombasa after the shooting of religious leader Aboud Rogo Mohammed, accused by the UN of recruiting and funding al-Shabab Islamist fighters in Somalia. Muslim cleric Abubaker Ahmed is charged with inciting the protests.

**2012** September: Junior minister Ferdinand Waititu is charged with hate speech and incitement to violence over anti-Maasai remarks caught on video tape and made in response to the reported killing of a child by a Maasai security guard.

**2012** December: Deputy PM Uhuru Kenyatta and former minister William Ruto - bitter political rivals facing trial at the International Criminal Court over the 2007 post-election violence - confirm that are forming an alliance for the 2013 election.

**2013** March: Uhuru Kenyatta, the son of Kenya's first president, wins presidential election with just over 50% of the vote. A challenge to the results by his main rival, Prime Minister Raila Odinga, is rejected by the Supreme Court.

**2013** International Criminal Court (ICC) drops charges against Francis Muthaura, a co-accused of Mr Kenyatta, over the 2007 election violence. Charges against Mr Kenyatta, Vice-President William Ruto and journalist Joshua Arap Sang stand.

