

Strengthening Kenyan Media

Exploring a Path Towards
Journalism in the Public Interest



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Why Support Kenyan Independent Media?

Kenya's establishment media is frequently¹ cited² as the strongest in East Africa, thanks to constitutional protections for freedom of the press, a broad plurality of media, bold journalists, and Kenyans' healthy demand for news and information. But it still faces steep challenges in achieving media's full potential as an agenda-setter and public watchdog. Long-standing political and commercial forces—and, to some degree, constraints related to skills and capacity—continue to hamper the media's collective ability to sustain high-quality, independent reporting.

Right now, there is an opportunity to support the brave journalists and media entrepreneurs who are committed to greater government accountability through media oversight. Those who support free press and good governance can play a role in helping media achieve its potential, by assisting media actors overcome the systemic barriers—economic uncertainty, political interference, skills and capacity gaps, and weak links with civil society—they face in Kenya today. This report offers a close look at the current state of the Kenyan media, and provides a set of recommendations for how to best support a stronger independent press.

Support for independent media

Independent Kenyan media has experienced a decline in resources over the past few years, including donor support for media initiatives. This has led to downsized programs, staff layoffs, and the deterioration of core operating support that has been critical to the survival of independent media.

These declines in funding come at a time when most media respondents have perceived intensified efforts from government actors to undermine freedom of the press. Attacks on the press are not new in Kenya, but this downward shift has stood in contrast to the optimism inspired by the explicit protections for freedoms of press, expression, and access to information in sections 33, 34, and 35 of the 2010 Constitution. Supporters have typically focused on training and capacity, resource centers, reporting grants, and some operating costs for outlets. But support has been insufficient to address the significant economic and political pressures that limit media's independence.

This report hopes to inspire a holistic approach to strengthening independent media in Kenya. This means addressing economic, skill, and capacity shortfalls while at the same time finding creative ways to shield journalists from political interference. Our goal is to offer analysis and recommendations to help media entrepreneurs, journalists, donors, investors, government actors, and other stakeholders develop a shared understanding of the powerful economic and political challenges faced by Kenyan media, in order to inform new collaborative efforts that can strengthen the ecosystem for independent media.

1 Kenya's vibrant and critical media (BBC, 2008).

2 Westgate mall attack: how Kenya's vibrant media exposed the army's botched response (The Guardian)

What do we mean by “media”?

As a broad landscape assessment, this report does not discuss granular differences between types of media outlets. But it does distinguish between establishment media organizations, which are well-established, large companies controlling national, regional, and local print, radio, television, and digital outlets, and independent media organizations, which are less impacted by the structural and political influences that limit media’s independence, and which are in critical need of financial and technical support to remain independent.

About this Report

This report was commissioned by Omidyar Network, which engaged Reboot to examine the current state of Kenyan media, and identify opportunities to support independent media in reporting on governance issues. To do this, research focused broadly on how decision-making is done in the media ecosystem: How do different media actors account for the needs and interests of diverse audiences when reporting on governance issues? What risks or challenges do different media actors face, and how have they overcome (or struggled to overcome) them? What are the various factors—e.g. political, ethnic, other considerations—that affect editorial and business decisions?

Researchers also looked closely at media’s interactions with other key actors in Kenya’s social accountability ecosystem—citizens, civil society, and government—to gain a broader perspective of how Kenyans view their media. Specifically, research sought to understand the extent to which these actors believed media was fulfilling its responsibilities in keeping citizens informed, influencing the public agenda, and holding government accountable.

The findings and opportunities presented seek to inform those interested in supporting independent media in Kenya, and are intended as a starting point for further exploration.

How this research was conducted

Primary field research was conducted over three weeks in July 2017, which included 61 in-person and 12 phone/video interviews, which were semi-structured and lasted 1 to 1.5 hours. One focus group was also conducted. Media actors

with a wide range of profiles represented approximately half of the respondents. They included journalists and editors within establishment and independent media organizations, as well as freelancers with varying degrees of experience. The second half of the respondents consisted of civil society organizations (most of which work with media or on media-related issues), citizens, and government actors. The perspectives of these non-industry actors helped provide a holistic view of how media currently operates and is perceived in Kenya.

The analysis presented in this report is based on the synthesis of primary research, key informant interviews, and a desktop review. Researchers made an effort to capture the patterns surfaced across multiple respondents. In some cases, direct quotes and examples have been used to help illustrate the findings presented.

A note about the 2017 presidential elections

In the time since this research was conducted, Kenya’s media has faced significant challenges in covering the country’s extended election period. In August 8, 2017, Kenya held a presidential election. The leading candidates included incumbent president Uhuru Kenyatta on the Jubilee party ticket, and opposition leader Raila Odinga, of the National Super Alliance (NASA) coalition. Following a contested outcome, Kenya’s Supreme Court annulled the results of the August election. It then ordered an unprecedented second election, held on October 26, 2017, which Kenyatta ultimately won. Subsequently, in late January 2018, the government took unprecedented action against the media and forced four television stations off the air for covering the mock inauguration of Odinga.

While there has been vigorous public discussion on how well the press has covered a tense election period, we have limited analysis of the election itself in this report, as it took place after primary research was completed. Nevertheless, the many challenges detailed were on full display during the election period. For example, there were numerous reports of journalists being prevented from covering protests and accusations that the media failed to adequately investigate discrepancies in the vote collation process. Researchers frequently heard complaints that the media was failing to scrutinize the Jubilee and NASA campaign platforms. Of course, the dynamics and opportunities described in this report—which have affected coverage of the election period—run more deeply than current electoral politics, and are likely to persist through ongoing political changes.

Limitations due to geographic focus and timing

The research was based almost entirely in Kenya's capital of Nairobi and its surrounding peri-urban areas. The capital was chosen because of its proximity to both the media industry and government actors, as well as other project constraints. However, as Kenya is primarily a rural country, confining the research to Nairobi limits the representativeness of findings in relation to Kenya at large. For one, while the team sought to speak to a variety of actors specializing in a range of mediums (radio, television, print, and digital), the sample has a slight leaning towards published and digital mediums.

The timing of this research also posed some limitations. Research took place just weeks before the August 2017 elec-

tions, a heightened time of polarization in the country. As a result, there was significant scrutiny on the performance of Kenyan media. In a country where ethnic identity influences political decision making, the media's performance is heavily judged based on each media institution's perceived alignment with specific ethno-political interests. As a result, this potentially sharpened respondents' perceptions about the performance of media as an agenda setter and public watchdog.

Researchers also struggled to secure the desired level of input from politicians and government officials due to the electoral campaign period. However, in spite of these weaknesses, the timing was, on the whole, a positive. A highly-charged election season provided abundant evidence of the intricate relationships between Kenya's media and its political system.

Research opportunities in local media

Beyond the scope of this research, there is much more to examine outside of Nairobi. The 2010 Constitution created a system of devolved government in Kenya, reallocating many of the country's resources to the county level. As a result, this also created new local centers of power and governance, and a need for stronger media, capable of covering local issues.

Given the importance of county governments in service delivery, future research might explore how national challenges to media independence detailed in this report play out at the local level. For example, how are media covering local government in the context of devolution? Respondents frequently commented on the struggles of media to adjust their business models, as well as journalists' abilities to adequately cover county governance issues.

What kind of business models can be applied to ensure local media have the resources they need? As one respondent with the Standard explained, "we cannot monetize the rural areas," raising questions about how the media can be incentivized to cover critical issues in vast swathes of the country, given the absence of clear revenue sources.

Another important question to examine is how relationships between government, media, and civil society differ at the local level. While respondents discussed limited cooperation between media and civil society at the national level, researchers also heard about cooperation between county level media and local civil society. For example, the Network of Catholic Radios works through the Catholic diocese, which has many local religious affiliates throughout communities. Because these partner organizations are deeply connected to the grassroots, media actors reported that these relationships can provide information, access, and, in some cases, allow them to cover politically sensitive issues.

Particularly in rural Kenya, local language radio, known as vernacular radio, has assumed an important information and communication role. These stations are typically owned by local politicians, faith-based organizations, or operate as franchises of established national media companies. Some questions to explore include: How does vernacular radio cover local and national governance issues? How do the forces that affect national media impact these local language media?

Finally, how has digital media impacted Kenyans living outside urban areas? While urban Kenyans are increasingly turning to digital and social media for information, it is unclear how the digital divide is impacting rural Kenyans.

While this research touched on some of the above issues in relation to local media, the authors encourage further study to understand the scope and impact of local media in rural Kenya.

Understanding Kenyan Media

	Event	Implications
1990s	<p>Media Ownership Diversifies After decades of total state control, the Kenyan media begins to open through legal and regulatory reform.</p>	In a newly commercialized media, consumers enjoy expanded choices, especially as local language FM radio stations mushroom across the country. But while access to information increases, structural issues begin, as foreign entertainment floods in, and political interests claim radio frequencies.
2002	<p>End of the Moi Regime After 24 years of autocratic rule as president, Daniel Moi is pushed to retire, and his political party loses in the election; Mwai Kibaki becomes president.</p>	As media ownership begins to diversify, audience demand increasingly drives content. Journalist integrity degrades (as sensationalist coverage wins eyeballs). Seeing the need for reform, in 2003 private media actors found the Media Council of Kenya, seeking to promote self-regulation within the press in terms of industry standards and journalist credentials.
2007	<p>Post-Election Violence Following the re-election of Mwai Kibaki, opposition-led tribal violence breaks out, killing as many as 1,400 people.</p>	Concerned by the media's perceived role in the violence, Parliament pushes through new regulations, especially focused on controlling broadcast media; the 2009 regulations deal with hate speech and "inciting language" as well as profanity and explicitly sexual material. These continue to be used to reign in media through the 2017 election. Simultaneously, a number of international bodies push for conflict-sensitive reporting. While full of positive intentions, this push contributes to further media suppression.
2010	<p>The New Constitution Kenya's constitution is considered one of the region's most progressive. It devolves significant powers from the federal to the county level.</p>	<p>The constitution is a step forward for Kenyan media, negating many previous restrictive media regulations, and enshrining freedom of the press and access to information.</p> <p>The devolution of power also thrusts local media into a crucial position of holding local government accountable for vital service delivery (a role many are not prepared to play).</p>
2013	<p>Amending Press Freedom Parliament passes a number of amendments to laws dealing with the media, expanding the state's role in media regulation.</p>	With the series of reforms, the state provides funding for the Media Council of Kenya—absorbing some of its role. Two new regulatory bodies are also established within government, meaning there are three bodies, with overlapping functions, in charge of regulating the industry and with the power to impose large fines on media houses or individuals. The reforms' positive effect of streamlined media governance is largely undercut by the journalist intimidation to which the new regulatory bodies contribute.
2013	<p>Westgate Mall Attack A gunman with ties to an extremist Islamic group kills 67 people in a Nairobi shopping mall.</p>	After a TV news story exposes footage showing government forces allegedly looting stores during the attack, Parliament introduces a veiled "counterterrorism policy." The new Securities Law criminalizes the publication of any insulting, threatening, or inciting material likely to cause alarm to the general public. The law increases self-censorship amongst journalists and editors.
2015	<p>Choking Ad Revenue The government streamlines all advertising through the Government Advertising Agency, and consolidates its ad buys into a single platform (MyGov).</p>	The government, formerly one of the largest and most reliable revenue sources for media, gains steep negotiating leverage this way; by centralizing its advertising, the government is able to use advertising revenue as bait to push media institutions into uncritical support of its agenda.
2015	<p>Digital Television Arrives Kenya transitions from analog to digital television, meeting one of the goals of the Vision 2030 development blueprint.</p>	The goals of the transition are linked to economic and social development by creating jobs, expanding content, and efficiently using broadcasting resources. However, the government seeks to control the emerging TV landscape
2016	<p>Access to Information Parliament passes the Access to Information Law, through strong advocacy support from civil society.</p>	The right to access information, a constitutional guarantee, is strengthened through a new law which expands the types of information open to public request, and theoretically increases the speed. However, implementation is slow; government employees are nervous about what information they can share (and when), and citizen information request protocols are still new.
2017	<p>Kenyatta Wins Second Presidential Term The Supreme Court annuls the August election and orders a rerun in October, which Uhuru Kenyatta wins. The opposition candidate Raila Odinga boycotts the second balloting.</p>	Many of the challenges that establishment media face—political and commercial influence and intimidation, limited capacity—were on full display during this tense and drawn out election period. In addition to accusations of political bias in reporting, media largely failed to scrutinize either presidential candidate's campaign platform. There were also reports of direct intimidation of journalists trying to cover campaign events and protests as well as accusations that the media abrogated its responsibility when covering the vote collation in August.
2018	<p>Government Forces 4 TV Stations Off Air The Jubilee government forces four major television stations off air for covering a mock inauguration by opposition candidate Raila Odinga. It then ignores a court order to turn stations back on for almost a week.</p>	The current government has been known to wield both carrots and sticks to influence press coverage, such as paying journalists for favorable coverage while pressuring media houses to fire troublesome journalists. However, forcibly taking television stations off the air is unprecedented. For many commentators, this action served to legitimize the mock inauguration, which may not have amounted to more than political theater had the government chosen to ignore it. At the same time, this recent action against the media has many worried about the future implications for freedom of press in Kenya.

The Accountability Ecosystem in Kenya Today

Understanding the current Kenyan media landscape, and its strength as a public gatekeeper and watchdog, requires examining the strength and character of media’s relationship with the other “accountability ecosystem” constituents: Government, Citizens, and Civil Society. As this study attempts to show, interactions between media and these constituents create pressures and incentives, which influence media’s ability to provide independent, unbiased reporting on issues of public interest. This report analyzes these pressures, as well as media’s responses, to understand how different factors influence media’s ability to produce robust, critical, and independent journalism.

In the first section, we examine the Media itself to explore how financial struggles are forcing establishment media companies to downsize their newsrooms, which in turn has contributed to a decline in the quality of reporting and the capacity of journalists. We also look at gender imbalances within Kenya’s media, which has implications for the future leadership of women in media organizations and the representativeness of reporting. We then explore the role of the other three constituents—Government, Citizens, and Civil Society—and the pressures and incentives they bring to bear on Kenyan media’s ability to produce quality report-

ing in the public interest. We assess the impact of these pressures through a Free and Fair Scale, which illustrates whether a particular incentive or pressure is contributing to a stronger media landscape, or weakening it. For example, a decline in revenue for establishment media has forced staff layoffs, reducing the media’s capacity to produce sustained reporting on important issues, while leaving many journalists economically vulnerable. This receives a negative score on the scale, because the media now has reduced capacity to fulfil its mandate as a public watchdog.

We define civil society broadly, encompassing community-based organizations, religious organizations, and other non-governmental and non-commercial groups.

The influence of ethnicity

Ethnicity is a powerful and sometimes divisive force in Kenya. Politicians at every level of government have used ethnic allegiances as a tool to mobilize support. Just as ethnic identity is woven into Kenyan society and politics, it too is woven into Kenyan media. It is reflected in both the decisions about which stories to cover and how to cover them, as well as how audiences perceive ethnic bias in reporting. Most citizen respondents perceived that establishment media companies were more sympathetic towards particular ethnic groups. Editors interviewed were acutely aware of this perception, and confirmed that ethnic bias does occasionally affect reporting.



interactions between media and these constituents create pressures & incentives



*The methods in which media copes will **weaken** or **strengthen** the media landscape*



EFFECT OF COPING STRATEGY ON THE INDEPENDENCE AND QUALITY OF REPORTING IN KENYA

CONSTITUENT 1: MEDIA



Kenyan media faces powerful political and commercial challenges. Media organizations have had to contend with declining commercial advertising revenue as new entrants have led to a crowded landscape. This audience fragmentation in turn has reduced the market share for the major media companies. For example, the shift to digital television in 2015 introduced significant new competition among television channels. Kenyan media is also still trying to figure out how to cope with drastic cuts in government advertising stemming from a government directive in 2017 limiting the publishing of ads and public notices to the government's own "MyGov" publication.

In this section, we look closely inside Media itself, and the pressures and incentives that journalists and editors face.

Pressures and incentives

Across all mediums, most media companies have struggled to find appropriate business models within a changing economic and technological environment. As a consequence, leading companies have radically downsized, starting in late 2015, with the onset of digital television. The Nation Media Group, for instance, closed two radio stations³ (opting instead for an online stream) and merged two television stations. Most establishment media companies have gone through several rounds of layoffs. In late 2017 and early 2018, both The Nation Media Group⁴ and The Standard⁵ announced another round of substantial layoffs.

Declining revenue limits journalists' capacity

With financial troubles fundamentally changing newsrooms, respondents were eager to identify new, sustainable funding streams and models. Like media companies around the world, Kenyan media are still struggling to monetize online audiences and make up for lost ad revenue. Commercial advertisers have started to move their money to online ad services such as Google Adwords. At the same time, establishment media have had to contend with a drastic decline in government ad revenue. The government has reportedly ordered government departments to only advertise in the government's MyGov publication. AFP reported⁶ that the government had been spending upwards of USD 19 million a year on private advertising, which the establishment media stand to lose. At the same, the government has allegedly failed to pay debts⁷ of almost USD 10 million to Kenyan media houses for advertising it had already run. In turn, establishment media's profitability has dropped significantly. In 2016, profits across the industry reportedly⁸ shrank by almost USD 15 million. They have since gone through multiple rounds of layoffs of editors and journalists, retrenching hundreds of staff.

Without staff journalists, newsrooms increasingly depend on freelance journalists and correspondents to produce content at a lower cost. In fact, one study found⁹ that approximately 80 percent of journalists are employed as correspondents. Correspondents, who typically have contracts to produce a certain number of stories a week, and freelance, paid-per-story journalists receive significantly less payment than staff. They also do not receive benefits and typically have less experience and/or training. Staff journalists, on the other hand, are generally paid a salary, which, as one correspondent for The Standard notes, "allows for more time to work on quality stories."

3 Transforming For A Stronger Future, Nation Media Group Embarks on Implementing a New Strategic Direction (Kenya: Nation Media Group, 2016).

4 Nation Media Group announces fresh round of layoffs (Kenya: Nation Media Group, 2018).

5 Top Standard Group editors sacked (Kenya: Business Today, 2017).

6 Kenya to pull government adverts in private media (Kenya: News24, 2017).

7 NMG threatens to sue government advertising agency over Ksh123m debt (Kenya: Business Today, 2016).

8 Paul Bonuke, Media houses lost Ksh1.5 billion in one year (Kenya: Business Today, 2016).

9 Judith Lohner, Sandra Banjac, Irene Neverla, Mapping structural conditions of journalism in Egypt, Kenya, Serbia and South Africa (United Kingdom: Media, Conflict and Democratisation, 2016).

In addition to pay, there are other benefits to working as staff journalists. A Standard correspondent noted that working in the newsroom as staff allows “a lot of face time with editors, which helps get stories in the paper.” The implication is that without this face time, it is harder to get the necessary feedback and support to get stories published, which impacts whether correspondents and freelance journalists will be paid at all. This particular Standard correspondent was contracted to produce two stories per day, but tried to produce up to four, because he was unsure what the newspaper would actually print, which then impacted whether he would be paid at all. Payments for a story can range from as low as USD 20 to 1000, depending on the perceived value of the story. Monthly pay for freelancers may be “as little as USD 100 per month.”¹⁰

However, even in newsrooms, journalists are not receiving the support they need. A culture of mentorship, once an important source of professionalization amongst journalists, has mostly disappeared. In reference to the declining quality of reporting in Kenya, an investigative journalist explained, “a lot of this is because of a lack of mentorship. This is no longer embedded in the culture of news reporting. Before, editors would take time to explain to their staff why a story was good or bad. They would take the time to brief them before they went out to get a story; now, not so much.” He went on to say that, “some of this is because of the level of experience editors have now. While it used to be 10 plus years of experience, now it has gone down to about two or three.”

This shift to low-wage, contract journalism has, in the words of one respondent, resulted in the “juniorisation” of the newsroom. Without resources, mentorship, or professional support, young journalists struggle to produce high quality

reporting. In fact, most respondents cited journalistic capacity as one of the biggest challenges to strong independent media. Even journalists themselves acknowledge their own capacity issues. A county-level correspondent said, “As a correspondent, I feel held captive. I have very little opportunity for professional growth. Correspondents are expected to cover county issues but we are not taught how to do so.”

Need for targeted training

Given the well-known capacity gaps of professional journalists and editors, many respondents lamented a lack of hands-on training within the education system. A current media trainer and experienced journalist explained that “many universities offer journalism courses, but they offer theoretical skills and not practical. This is a shortcoming and hindrance of the current crop of journalists being churned out.”

A number of actors are working to fill this gap: The Media Council of Kenya offers trainings, as do some civil society groups. A few international NGOs are providing mentorship and training. However, at least a few respondents referred to journalists as “overtrained,” even though capacity continues to remain an issue. The criticism frequently heard was that these trainings, often referred to as “helicopter trainings,” were seen to be designed based on donor directives, rather than a thorough understanding of journalists’ needs. Media trainers cited instances of journalists failing to complete trainings or applying the new skills they had acquired. Journalists, for instance, who receive training on covering government finance, were not observed actually reporting on related issues.

¹⁰ Judith Lohner, Sandra Banjac, Irene Neverla, Mapping structural conditions of journalism in Egypt, Kenya, Serbia and South Africa (United Kingdom: Media, Conflict and Democratisation, 2016).

Women face challenges in newsrooms

For Kenya's female journalists, the constraints multiply. Although recent data on the percentage of female journalists in Kenya is unavailable, a 2011 study found¹¹ "women journalists are greatly under-represented in the Kenyan news organizations surveyed, with men outnumbering women more than 2:1. Women's participation is most noticeably low in governance and middle management levels, as well as in production and design." Respondents for our research highlighted multiple barriers that include discriminatory hiring practices, widespread sexual harassment in the workplace, and increased risks of online attacks.

Beyond affecting editorial decision-making on the issues covered, this gender imbalance is reflected in the ways stories are told. A 2015 report¹² found men "10 times more likely than women to be a news source actor", illustrating the lack of representativeness in voices and perspectives that are sought, legitimized, and used.

However, Kenyan communication and journalism schools are flush with aspiring female journalists—in some cases, they outnumber male students. Yet newsrooms remain heavily male-dominated. As one civil society respondent working on gender and media issues noted, "there are lots of female communication or journalism students, but they aren't going

to or staying in the newsroom. There is this prevailing notion that the newsroom is for men." This lack of female journalists is consistent with 2015 research by the Media Council of Kenya, which examined 912 news articles and found only 7 percent were written by women.¹³

The prevalence of sexual harassment, both within and outside the newsroom, may be one reason preventing female journalists from advancing in their careers. Researchers heard frequent reports of women journalists subjected to sexual harassment in the workplace, some of which have recently been reported on¹⁴ in the Kenyan press. Such harassment is frequently compounded online, mirroring a well-documented, global trend¹⁵ of online harassment toward female journalists. In Kenya, a 2016 survey¹⁶ found 75 percent of female journalists to have experienced digital harassment during the course of their work. Female journalists are also perceived, in some cases, to be judged more harshly than their male colleagues, and face increased risk of public threat and intimidation. One respondent cited an example of a female sports announcer who is regularly subjected to fierce online attacks, most notably when her predictions are wrong.

Yet Kenya's female journalists continue to work to overcome these barriers, even as these forces narrow the critical pipeline of their rise through media ranks.

11 Carolyn M. Byerly, *Global Report on the Status of Women in the News Media* (Washington DC: International Media Women's Foundation, 2011).

12 *The Gender Agenda: Assessing gender issues in the Kenyan media* (Kenya: The Media Council of Kenya, 2015).

13 *The Gender Agenda: Assessing gender issues in the Kenyan media* (Kenya: The Media Council of Kenya, 2015).

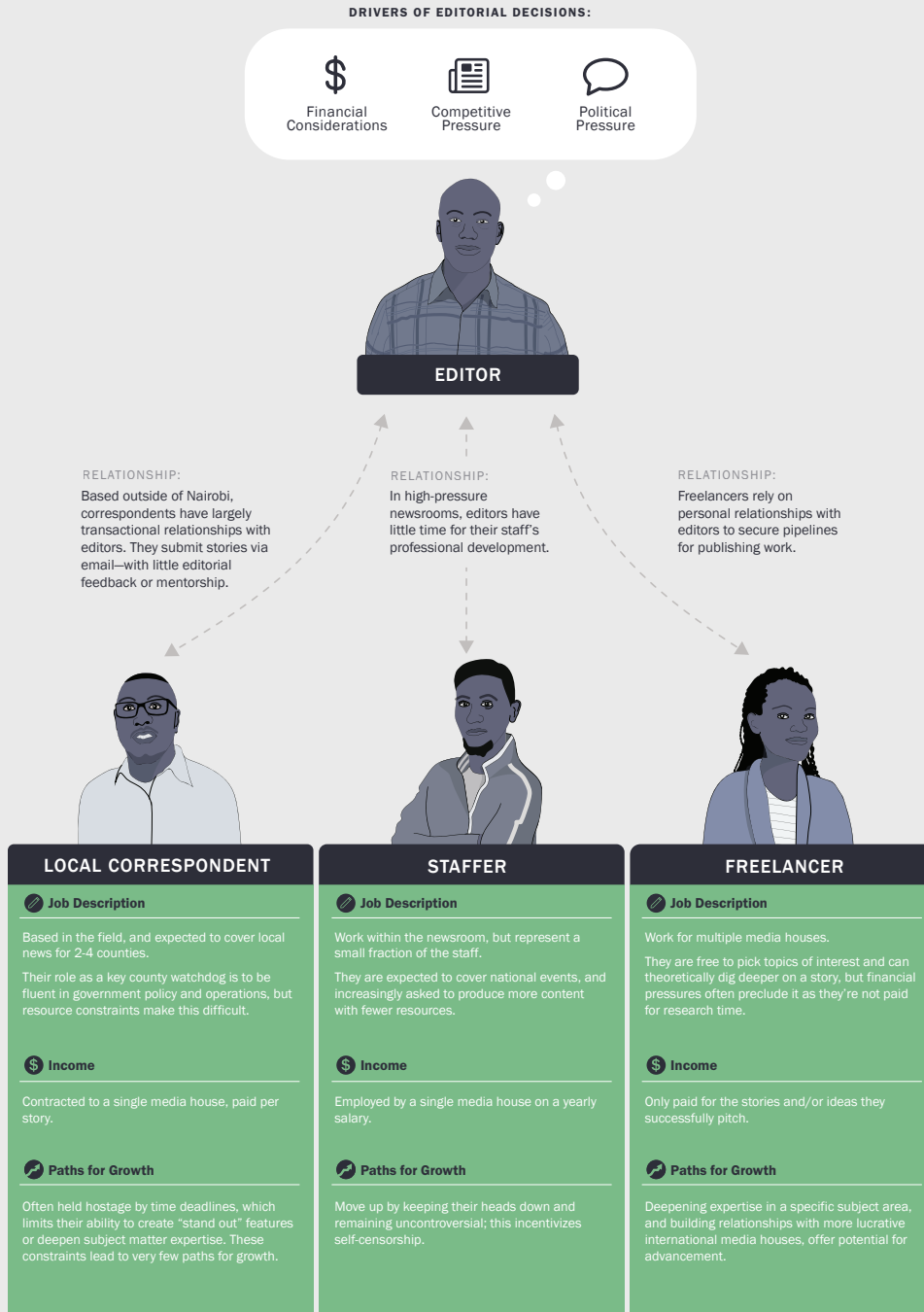
14 *Sex Monsters in the Newsroom* (Kenya: Business Today, 2018).

15 Sherry Ricchiardi, *How newsrooms can fight online harassment targeting female journalists* (Washington DC: International Journalists' Network, 2017).

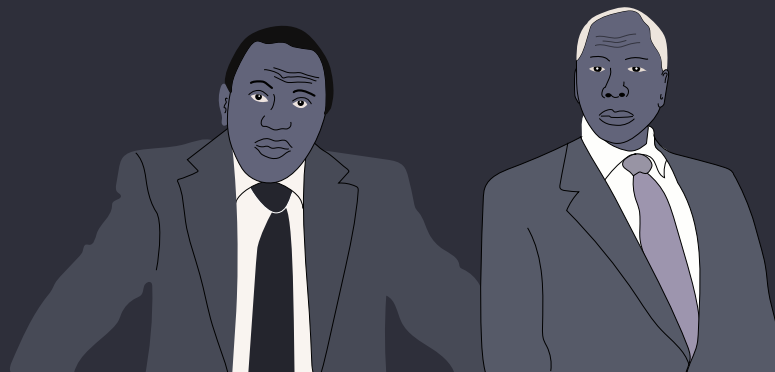
16 *Women Journalist's Digital Security* (Nairobi: Article 19, 2016).

How individuals respond

Kenyan journalists work in a politically sensitive context, often hindered by political and economic forces. The following graphic will introduce a few of these actors as “user personas,” which represent composite portraits of respondents. These four user personas demonstrate the pressures faced by Kenyan journalists and editors today:



CONSTITUENT 2: GOVERNMENT



The government has been, and continues to be, one of the media's most determined opponents in Kenya. Kenya has a long history of political interference in media, applied through a wide array of control tactics. These range from laws and regulations aimed at limiting press freedom to cooptation, harassment, and even violence. For many respondents, however, the 2010 Constitution—which includes explicit protections for freedom of the press—fostered widespread optimism about the potential strengthening of media. This optimism was challenged, however, after the 2012 elections, which made Uhuru Kenyatta president. At the time, he was facing charges by the International Criminal Court (ICC) for alleged involvement in violence following the 2007 elections that left over 1,000 people dead. As a result of negative press coverage, many respondents felt strongly that the Jubilee administration began targeting media actors with an increasingly aggressive zeal. Respondents believed that the Jubilee government implemented a strategic anti-press policy because it “blamed” the media [and CSOs] for the prolonging of the ICC trial.

Even after the ICC case was dropped, the Jubilee government did not relent in its efforts to undermine press freedom. A former reporter for KTN explained, “The government consolidated power after the Westgate [terrorist attack]. With Westgate, investigative reporting really helped the public understand what was happening. It was good for the public, but it was negative for the government because it exposed the corruption and the compliance of the army. It exposed how long the army let the attack unfold for. The government responded to this exposure by clamping down on security-related reporting. It first started as open threats to the media houses, then came out with a more refined communication strategy that both isolated reporters and then media houses.”

The conflict with the media was again recently evidenced when the current Jubilee government took four television stations off the air after they refused to comply with State House orders¹⁷ not to cover a mock inauguration by political opposition leader Raila Odinga.

How government pressures and incentivizes media

In its efforts to limit press freedom, the state has employed many tactics, including, in some circumstances, violence and intimidation. In a recent report¹⁸, Human Rights Watch and Article 19 documented a worrying trend of journalist intimidation. Yet outright violence is not as common as the more subtle tools of economic, regulatory, legal, and political pressure. As a former managing editor noted, “There has been an elaborate plan on the part of the state to downgrade media since 2013. It was a two-pronged approach to deal with the media and the International Criminal Court [case]. This plan has utilised various strategies including new media regulatory laws, institutions, direct intimidation, use of the courts and legal procedures to wear down journalists.” Most respondents believed the government's approach was strategic, and its tactics expansive.

Political pressure

To varying extents, many Kenyan media houses have political entanglements, which influence their independence. Every one of the establishment media houses is owned by either a politician, a close party affiliate, or a business person with commercial interests that depend on politicians' good graces. One civil society respondent believed “there is no distinction between politicians and media. Politicians or their cronies own the media, which is a big challenge. Corporations who buy advertising also have links to politicians and will exert pressure on the media.”

17 Ibrahim Oruko, Editor's guild accuses President Kenyatta of gagging media over coverage (Kenya: Daily Nation, 2018).

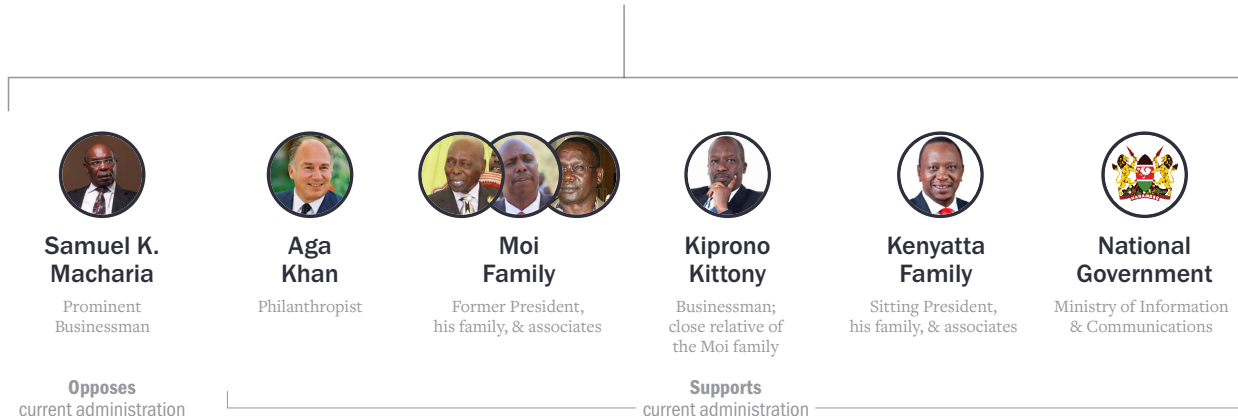
18 Otsieno Namwaya, Not Worth the Risk (East Africa: Human Rights Watch, 2017)

Kenyan Media Landscape at a Glance

6

MAIN PLAYERS

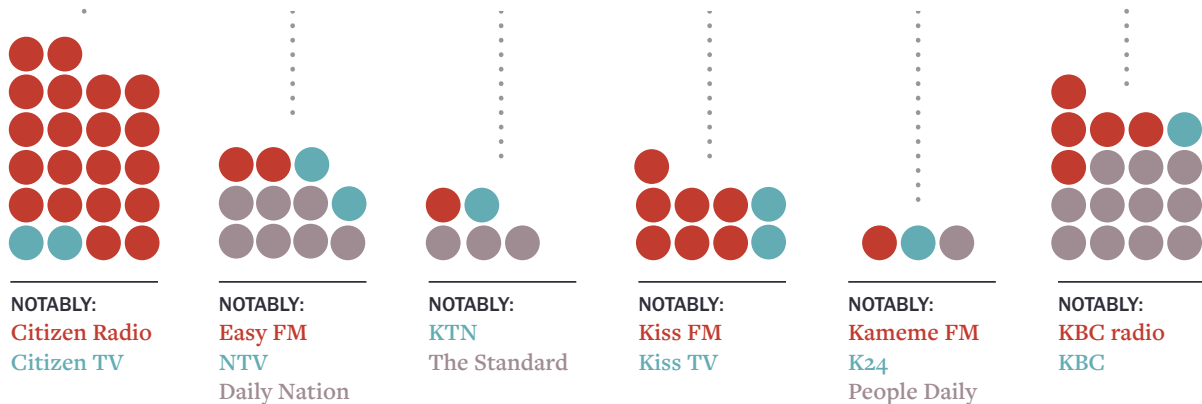
*control the majority
of media in Kenya.*



Each of these players manage a media group.

- 1 Royal Media
- 2 Nation Media Group
- 3 Standard Media Group
- 4 Radio Africa
- 5 TV Africa Holdings
- 6 Kenya Broadcasting Corporation

*These media groups oversee a variety of national and local
radio, television, & print media outlets*



As owners wield influence over journalists' and editors' careers, politicians have been known to work their connections, resulting in a widespread sense of insecurity among journalists. "Politicians, particularly the ruling coalition, have influenced the removal of critical journalists from the newsrooms across various media institutions, hence depleting media of critical journalists," according to one respondent working on press freedom issues. He went on to say "the government flags enemy journalists, and then pressures editors to punish, marginalize, or fire them." Several recent, high-profile firings were cited as evidence, such as the firings of Daily Nation editor Denis Galava¹⁹ and cartoonist Gado²⁰.

Economic pressure

Government also wields economic leverage over Kenya's media. As discussed earlier, the government has historically been one of the main sources of advertising revenue in the country; large corporations, primarily banks and telecommunications firms, are the other key sources. Some estimates²¹ place government advertising at 30 percent for the entire media industry. In a sharp departure, the government created the Government Advertising Agency (GAA) in 2015, which required all government departments to go through this agency before purchasing public advertisements. It then created its own advertising platform, "MyGov," a website and newspaper insert, where government agencies would now be required to place their ads, in lieu of purchasing advertising from Kenyan media. While the Kenyan government claimed that this shift was for efficiency, many in media and civil society believe²² that this was intended to wield greater influence over private media houses. As a result, this policy has eliminated the media's single largest sources of ad revenue.

Overall, the significant decline in ad revenue has cost thousands of newsroom jobs. The political influence of advertising also extends to corporate advertisers. A number of media respondents noted that corporate interests threaten to withdraw advertising if unfavorable coverage is published or broadcasted.

However, these new pressures are also driving media entrepreneurs to think creatively and experiment with new business models. Paywalls, online advertising, interactive web features, and social media were all cited as ways establishment media are trying to attract and strengthen audience engagement through online content. Media companies—both establishment and independent—have also

launched efforts to strengthen fact-checking (Africa Check, The Nation's Newsplex), to support investigative journalism (Africa Uncensored), and to crowdsource content for independent reporting (Hivisasa, The Elephant).

Regulatory and legal pressure

The 2010 Constitution marked a major turning point for media regulation in Kenya. The new constitution provided, under Section 34, the establishment of the Media Council of Kenya, an independent regulatory body tasked with setting media standards, and regulating and monitoring compliance with those standards. Subsequent laws—enacted largely after the Jubilee government assumed power in 2012—have, in essence, undermined the independence of this body. The 2013 Media Act, a revision of a 2007 act by the same name, weakened the Council, which must look to the state for core support while trying to maintain its independence.

Further amendments to the law, under the Information and Communications Act of 2013, created two other regulatory bodies with more authority to intervene in the media: the Communications Authority and the Multimedia Appeals Tribunal. Unlike the Media Council, these institutions are not independent of the state but their roles duplicate the core functions of the Council.

Attention has been drawn to the Tribunal's role in hearing complaints against journalists and media organizations, although this falls within the Media Council of Kenya's purview. It is however, the hefty fines of up to approximately USD 20,000 for individual media houses, and approximately USD 5,000 for individual journalists, that are most problematic. In a bid to avoid such severe penalties, media institutions and individual journalists are likely to self-censor or completely drop stories deemed politically sensitive. For many respondents, the creation of additional regulatory institutions is a deliberate effort by the state to create confusion within the regulatory regime and exercise greater control over the country's media.

Legal action by government officials against media organizations has been another strategy for attacks against the press. The threat of lawsuits hangs over media houses. One respondent joked that journalists are trained in "how not to get sued." Another journalist noted that "the fines are beyond the budgets of many media houses, especially independent media, bloggers, or online news sites." Fortunately, respondents generally reported faith in the independence of the courts. In February 2018, the courts demonstrated this

19 Blow to Kenya's media after editor sacked for criticising president (The Guardian, 2016).

20 Gado blames government pressure as cartoonist's contract at Kenya's Nation ends (Committee to Protect Journalists, 2016).

21 How African governments use advertising as a weapon against media freedom (The Conversation, 2017).

22 Geoffrey Mosoku, Jubilee declares advertising blackout on local media (Kenya: The Standard, 2017).

by ordering the government²³ to allow four television stations back on the air after they had been forced to stop broadcasting following their coverage of the mock inauguration of opposition politician Raila Odinga. It was several days, however, before the government complied with the court's orders.

Social media as a tool to control public messaging

Since 2007, political parties, political candidates, and the state have become increasingly adept at using social media to circumvent media and reach citizens directly, to self-promote, and to manipulate public perceptions. Reportedly, the Jubilee administration has proudly called itself a “digital government,” and uses that expertise to influence public opinion.

Although the Communications Authority has issued regulations against the dissemination of hate speech, critics argue they are too broad and open to abuse. Indeed, several respondents reported that bloggers have been engaged by political interests to spread rumors and harass adversaries online. Both Jubilee and NASA reportedly employed bloggers to attack opponents during the 2017 presidential campaign. It was widely reported that the Jubilee campaign employed Cambridge Analytica, the controversial data and analytics firm that supported both Donald Trump's presidential campaign in the U.S., and the pro-Brexit campaign in the U.K. While it is difficult to determine the exact role this firm played in the Jubilee campaign, the company allegedly specializes in “psychographics” and “data driven [online] campaigns.” Likewise, Privacy International reports that the Jubilee campaign retained an American company, Harris Media, to produce a “viral, anonymous attack campaign,” hinting further at the current government's efforts to shape the digital communications' landscape to serve its own ends.

Yet, on the whole, social media has been a positive force for independent media and freedom of expression, providing new channels for Kenyans to express themselves, publicly pressure the government, and disseminate information not picked up by establishment media. This is illustrated through media coverage of a country-wide doctor's strike, which stretched for 100 days from January through March 2017. Doctors went on strike to demand that the government implement a collective bargaining agreement from 2013, which had provisions for increasing the pay of doctors working at public hospitals and clinics. In the absence of in-depth coverage by establishment media, social media was an important tool for the doctors to air their grievances, and present a counter narrative to that of the state. The government had tried to present the striking doctors as “greedy” and “enemies of public health.”

A private nurse remembered, “The media coverage was bad. The message got distorted and it misrepresented issues. It failed to energize people. This strike should have broken the government, but it didn't. It went for 100 days without a public outcry.” For a journalist who covered the strike, the media failed to present in-depth and compelling reporting. She explained, “The media was only concentrating on the reactive. They did a good job but they didn't go into how the strike was affecting specific areas, such as maternal health. This was because the pressure was too high—all the negotiating, it was intense and they were blinded by the strike itself. But, if journalists were able to report about the effects of the strike on different areas, it may have convinced politicians to move faster than they did.”

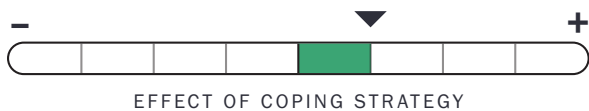
As a result, doctors took their stories to social media, evoking the negative impact of state corruption on the health system, showcasing the difficult working conditions and inadequate facilities and supplies they contended with. As a result of this pressure, the government ultimately agreed to raise doctors' salaries.

23 Maggie Fick, George Obulutsa, Kenya government ignores court order suspending shutdown of three TV stations (Nairobi: Reuters, 2018).

How media responds

In response to political pressure, media organizations opt between the risk-mitigating strategy of self-censorship or directly confronting government interference. The latter path—resisting government pressure to publish stories that hold the powerful to account—runs serious risks. Despite this, some have been testing new tactics to protect themselves, while ensuring critical coverage reaches the citizens who need it.

Standing in solidarity



Journalists have been experimenting with approaches to temper risks to their career or wellbeing. Solidarity has emerged as an important strategy. An establishment media columnist explained, “media needs to create strong solidarity networks. Politicians are very good at isolating and attacking media houses.” Staff reporters, editors, freelancers, and correspondents counter by organizing collective opposition to government efforts to stifle freedom of the press. This includes speaking out together when the government targets individual journalists or media houses, and sharing tactics for political pressure. For example, one tactic for bringing critical coverage to the public is to have journalists pass along promising leads to a colleague to make a story public if they themselves feel unable to publish it. They may also circulate leads to many journalists, encouraging widespread coverage of an issue and making it difficult to retaliate against a single journalist in response—a practice one respondent described as “spreading the risk”.

An illustrative case is the coverage of two massive corruption scandals that demonstrate the importance of widespread coverage of sensitive issues to force government action: the National Youth Service (NYS) scandal in 2015 and the Afya House (Ministry of Health) scandal in 2016. In the former, close to USD 2 million was lost through a scheme that in-

involved misuse, diversion, and siphoning of public funds related to the NYS. As a result of the scandal, Anne Waiguru, the cabinet secretary in charge of the Ministry of Devolution and Planning, which oversees the NYS, was forced to step down. (She later contested and won the governorship of Kirinyaga County in August 2017.) In the Afya House scandal, close to USD 5 million went unaccounted for after an internal leak showed massive theft of public funds. As a result of the scandal, 30 health officials were “re-deployed²⁴.”

Both scandals involved individuals close to Kenya’s top political leadership. Given the sensitivities, media reporting was, in some cases, over cautious. Some respondents, particularly in regards to the NYS scandal, felt the media had failed to maintain sustained pressure. At the same time, in both cases, the government felt compelled to take public action in response to the negative publicity it was receiving.

Efforts at creating solidarity networks to challenge political interference exist to some degree. Journalists are, for example, represented by several different organizations—the Kenyan Union of Journalists, the Kenyan Correspondents Association, the Association for Freelance Journalists, the Association of Media Women in Kenya, and the Bloggers Association of Kenya—with varying degrees of success. In addition, there are initiatives such as the Kenya Media Sector Working Group, a coalition of like-minded civil society organizations with an interest in media and press freedom, convened by UNESCO Kenya.

The Kenya Editors Guild (KEG) has also, in recent times, become vocal in cases where the state has threatened the journalists’ right to report. Recently, KEG put out a strongly worded statement²⁵ in response to the government’s threat to punish journalists and media houses that covered NASA leader Raila Odinga’s mock swearing-in ceremony in January 2018. The statement—signed by KEG Chair Linus Kaikai, a senior editor at the Nation—apparently upset the state. In the days that followed, police blocked The Nation Media Group’s entrance for two days, seeking to arrest Kaikai and two other journalists. A Kenyan court then issued an order²⁶ barring police from arresting them.

Despite the existence of these efforts, many respondents noted that these networks could be strengthened.

24 Stellar Murumba, Afya House deploys top officers after Sh5bn scam (Business Daily, 2017)

25 Linus Kaikai, Editors’ Guild alarmed by State House secret orders to media (Kenya: The Star, 2018).

26 Maureen Kakah, Court extends order barring arrest of three NTV journalists (Kenya: Daily Nation, 2018).

Calling out government intimidation



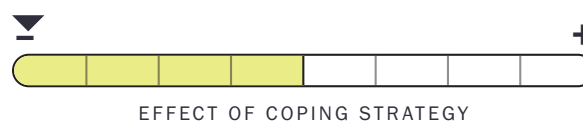
Journalists are also experimenting with ways to hold government to account for its attacks on the press. Some respondents shared stories of successfully subjecting government to widespread public criticism. Journalists who have been threatened by political actors will sometimes respond publicly to those efforts by naming the individuals who are issuing threats. In doing so, journalists can draw public support, and rally other journalists in solidarity. A former managing editor explains, “There has always been a danger to journalists. Good journalists are aware of the risks and don’t care. But if you are in danger, you need to spread the word to slow the government’s momentum. Make it public, name and shame, don’t pull punches.” A recent report by Human Rights Watch and Article 19, “Not Worth the Risk: Threats to Free Expression Ahead of Kenya’s 2017 Elections²⁷,” is one example of an effort to draw attention to the risks journalists face, and to those that threaten them.

Defensive coverage



On the other hand, many newsrooms have adopted a culture of self-censorship, softening their coverage or avoiding topics that could draw the negative attention of political interests. Many engage in shallow reporting, often simply repeating the official government line in an effort to protect themselves. As one establishment reporter explained, “Journalists need to calibrate, to be more cautious. There is an unwritten rule that they need to know all the interests in a story and weigh those interests carefully when deciding to report.” A respondent with The Standard noted that while the Moi family, which owns the Standard Media Group, rarely gives explicit direction to editorial staff, they frequently censor themselves over issues perceived as upsetting ownership. For example, he cited sensitivities covering the candidacy of Gladys Boss Shollei, the wife of then Standard Media Group CEO Sam Shollei, for women’s representative in Uasin Gishu County. Failing to self-censor, on the other hand, can lead to retribution. One journalist recalled that he was let go over after reporting on alleged corruption within the National Youth Service.

Accepting pay for coverage



Government pressure combined with low pay among journalists, particularly correspondents and freelancers, has also created perverse incentives for “pay-to-play” journalism. A journalist or editor might receive a one-time or regular payment in return for favorable coverage. Some journalists are even on retainer by politicians, the state, and political parties to ensure positive press. One civil society respondent noted, “The government strategy is to co-opt journalists. The president has had [many] campaign stops but has not allowed local journalists to cover his campaign events. Instead it is his ‘press corps’ who are paid to cover his campaign favorably. Local journalists try to cover them but end up just parroting what he says. They will also go as far as to self-censor, and to give preferential coverage in the hopes of being favored next time to secure access.”

A study²⁸ by the Media Council of Kenya found that, “83 percent of the journalists interviewed noted there is rampant favoritism among editors in selecting stories to be published.” “Editors,” the study goes on to say, “are most likely to air political stories that come with brown envelopes.”

27 Otsieno Namwaya, Not Worth the Risk (East Africa: Human Rights Watch, 2017)

28 Gender Equality: Observation from the Kenyan Media Perspective (Kenya: The Media Council of Kenya, 2015).

CASE STUDY:

Scrappy grassroots groups push back

Since 2007, when they helped skirt the government-imposed media blackout following the presidential elections, bloggers have become an increasingly important source of information. A number of bloggers, such as Owaahh and Gathara's World, have found ways to provide critical and independent analysis. However, as bloggers grow more prominent, they are not immune to the political and economic pressures faced by professional journalists. In 2016, the Bloggers Association of Kenya (BAKE) documented the arrest of 60 bloggers. At the same time, while some bloggers are being attacked, others are paid for favorable articles and online campaigns against political opponents. Multiple respondents commented that bloggers are paid to damage reputations. As a result, there are legitimate concerns about the independence and trustworthiness of bloggers.

BAKE is seeking to build the credibility of Kenya's bloggers. The organization started in 2011 and grew as a membership group to support individual bloggers, while focusing on policy issues such as freedom of speech and government intimidation. Members carry a card, which can be used to access press events; many members proudly display membership badges on their blogs.

BAKE is pushing back against government intimidation through solidarity. Following mass, superfluous arrests of bloggers in 2016, BAKE spearheaded a campaign for media rights, called #iFreeKE. The organization has played a role in pushing for policy reform that protects bloggers, publicly challenging the Film, Stage Plays and Publications Bill of 2016, and the ICT Practitioners Bill of 2016, both of which threatened freedom of speech.

BAKE is one of a few grassroots groups—Association of Freelance Journalists is another—organizing to protect media actors and advocate for greater freedom. These efforts are currently largely isolated and under-resourced.

CONSTITUENT 3: CITIZENS



Citizen demand for news may be one of the Kenyan media's greatest advantages. Kenyans consume a large quantity and wide variety of information and media. According to the Kenya Audience Research Foundation (KARF), "Out of the 24.7 million Kenyans aged 15 years and above, 19 million consume media on an average week." Of the 16 million daily media consumers, KARF reports that 94 percent use print, radio, and television, and 33 percent access media digitally.

How citizens pressure and incentivises media

Every respondent in this study expressed some level of frustration or mistrust of media—a finding consistent with research by Afrobarometer that found only 39 percent of Kenyans "trust the media a lot."

Low trust in media

Respondents were aware of the political relationships of the owners of establishment media organizations (see Constituent 2), and believe that these relationships influence coverage. This is a key driver of mistrust. To illustrate this, a university student explained, "Media in Kenya is not independent. [I know] because of the way the media houses report the news. Citizen TV, for example, changed its colors to be close to Jubilee." In fact, most citizen respondents believed media houses to be politically aligned. Another student said, "Media is run based on the business interest of somebody. We see the media houses who are either pro-left or pro-right. You can see how they cover stories. You also see self-censorship."

Media respondents were acutely aware of this perception. One editor noted that "covering politics is tricky. If you attack one side, you are branded as supporting the opposition." One strategy, described earlier, is to run an equal number

of stories or columns perceived as pro- and as anti-government. However, despite the efforts of some editors to overcome these perceptions, respondents felt strongly that Kenya's media retain strong partisan bias. This feeling was reinforced by the well-known political relationships of media owners, and the belief that ownership strongly influences the types and angles of stories produced. These perceptions are also reinforced by the public's awareness that journalists are paid to write favorably about public figures.

Relying on social media

Internet usage estimates vary considerably in Kenya, from 26 percent, reported by the International Telecommunications Union in 2016, to 90 percent, reported by the Communications Authority (CA) in 2017²⁹. Despite the CA's highly optimistic estimation for internet users, social media use remains considerably lower across the country as a whole. Across Kenya's 48.5 million people, recent estimates suggest there are approximately 7 million Facebook users³⁰, 10 million WhatsApp users³¹, and 2 million Twitter users³². Nevertheless, in Nairobi, where social media usage is most concentrated³³, all three are important channels for accessing and triangulating information.

Many respondents expressed understanding of the potential for misinformation online, a finding backed by a recent poll³⁴ which found 90 percent of respondents reported having seen false or inaccurate news in relation to the general election. As one journalist said, "Digital has really impacted the newsroom. It has changed how people get news. But it has also empowered the purveyors of fake news." On one hand, some people believe that online conversations are fast, diverse, and resilient enough to challenge rumor, and surface the truth. However, others expressed the opposite opinion, calling Kenyans "uncritical," too quick to share news without evaluating it. There is truth to both statements. Social media is valuable in spreading news, but the risks of rumor mongering and manipulation are also real.

29 Third Quarter Sector Statistics Report for the Financial Year 2016-2017 (Communications Authority of Kenya, 2017).

30 Duncan Miriri, Facebook offers tool to combat fake news in Kenya ahead of polls (Reuters, 2017).

31 State of the Internet in Kenya 2016 Report (Kenya: Bloggers Association of Kenya, 2016).

32 State of the Internet in Kenya 2016 Report (Kenya: Bloggers Association of Kenya, 2016).

33 Noah Miller, The Tyranny of Numbers on Social Media during Kenya's 2017 Elections (United Kingdom: Centre for Africa, 2017).

34 Njeri Wangari, GeoPoll and Portland launch a Survey Report on Fake News in Kenya (Geopoll, 2017).

Triangulating information from multiple platforms

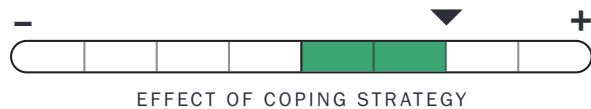
While there may be many factors, citizen respondents frequently noted that they rely on multiple sources for information to balance the perceived bias in media. By looking at several media outlets, they hope to gather multiple angles, understand the potential biases in individual pieces of coverage, and identify stories or details that have been entirely omitted. As one University of Nairobi student noted, “You just need to be smart and check multiple sources to not fall into the trap of fake news... If you watch one channel for long, you have a skewed mindset on certain issues and that is why it is necessary for us to watch as many channels so as to have a broad view of information from various sources.”

Kenyans triangulate information through multiple outlets and across multiple mediums. They will read newspapers, watch television, and listen to the radio. Friends and family are an important source of validation, and social media has made it significantly easier to access, share, and validate information. Multiple audience respondents discussed the fact that they “trust” social media, because they trust their friends and family, who share information and engage in conversations with them on those platforms. Across the board, respondents most widely referenced using WhatsApp groups to monitor and share news with friends, colleagues, and family. Facebook and Twitter were also commonly cited, though the former more so.

How media responds

Cumulatively, through an appetite for news and information, and especially through a passion for social media, citizens in Kenya today are putting pressure on the national media industry to innovate and improve its work.

Covering stories that break on social media



The pressure of social media, where news breaks more quickly, is also putting competitive pressure on traditional media organizations. Almost all media respondents noted that breaking news has become the domain of social media. Events that Kenya’s news media would have traditionally been the first to present to the public are being “scooped” online. Without the ability to break news, journalists feel that their relevance has suffered.

As a result, social media is pushing establishment media to think more strategically about its competitive advantage in an environment where it can no longer break news. “Online is dominating breaking news. Media has become something of a curator as opposed to news breaker,” said a civil society respondent working on digital policy and advocacy. Another respondent working in digital news argued that, with the loss of their breaking news function, his organization is focusing on adding value through fact-checking and more in-depth reporting to ensure news circulating online is credible.

The rise of digital has also helped to “democratize” Kenya’s information ecosystem. Establishment media no longer have a monopoly on information. Some stories that might otherwise have been censored, self-censored, or ignored by the establishment media accordingly gain traction online. Researchers frequently heard that stories generating attention on social media can, in turn, compel establishment media organizations to also extend coverage. For example, in June 2017, 30 people were rushed to the hospital after a cholera outbreak at a hotel in Nairobi. Because the hotel was affiliated with a prominent politician in the Kenyatta administration, some respondents believed the outbreak would have been ignored if not for social media. (The story was eventually covered critically in establishment outlets, including *The Nation*³⁵). Without the presence of social media, there would be less pressure on establishment media to report on sensitive topics.

35 Verah Okeyo, Eunice Kilonzo, Government in apparent attempt to cover up outbreak (Kenya: Daily Nation, 2017).

CASE STUDY:

Reintroducing fact-checking

In the age of social media, with its attendant risk of quick-spreading rumors, fact-checking is a steep but vital challenge facing media actors all over the world. In Kenya, some media outlets have attempted to fill the gap, such as the Nation Media Group, which has instituted a fact-checking effort, Newsplex. A respondent from the Nation described Newsplex as “a fundamental public good.” He said, “This is seen as part of our corporate social responsibility. The current election period calls for this kind of an effort given the volume of fake news circulating through social media.”

Africa Check, which receives funding from Omidyar Network, is an independent fact-checking organization, serving Senegal, Nigeria, South Africa, and, most recently, Kenya. Seeking to change the status quo within the media industry, the organization posts the majority of its fact-checking work online. Its target audiences include journalists and media actors, as well as politicians and government actors, who receive their reports through a mailing list, social media, or the website directly.

public interest stories that normally will not come through mainstream media,” explained an editor with The Nation. A handful of promising digital-first publications were referenced by multiple respondents as examples of the growing diversity of the media landscape. For example, Owaahh and Gathara’s World were cited as outlets for thoughtful reporting and analysis, and Hivisasa and The Elephant were noted for their diversity of contributors and viewpoints. The Reject and the Kenyan Women, both produced by the African Women and Child Feature Service, were noted for surfacing underreported stories, with a focus on development and women’s issues.

A number of media sector respondents acknowledged the importance of bloggers in covering stories censored by establishment media houses. Publishing independently online liberates journalists from the political pressures of ownership (although not government intimidation), with lower startup costs than printing a newspaper or operating a radio station.

Innovating digitally



Many outlets are struggling to adjust their business and reporting models in response to pressure from social media and online advertising. All media outlets are struggling to earn money from their websites. Online ad sales have not replaced the decline in revenue from print ad sales. And, like most media companies globally have had to contend with, audiences are increasingly accustomed to free content. Nevertheless, respondents working at establishment media houses frequently discussed the importance of having a strong digital presence, as more and more consumers come online. One respondent discussed expanding the newspaper’s digital presence, and incorporating online video and interactive storytelling methods. As another example of digital innovation, a local media site, Thika Town Today, uses WhatsApp and Facebook to connect more closely with its audiences, by crowdsourcing story ideas and facilitating conversations about local issues.

Shifting to digital platforms



Journalists have had success publishing content digitally, circumventing the constraints of establishment media organizations, and reaching citizens directly. “Apart from expanding the democratic space, digital is also largely inexpensive to start and operate. One does not, for instance, need a lot of money to invest in the establishment of a website. In many instances, digital spaces enable the publication of

CASE STUDY:

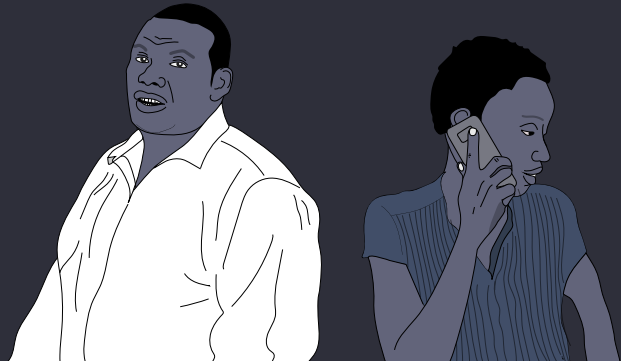
New businesses explore alternative channels

Some media innovators and entrepreneurs are using alternative channels and models to reach citizens and engage them in new ways. Their efforts provide a useful starting point for those exploring new models of storytelling:

Africa Uncensored is an independent investigative media house. According to its website, it works to “expose wrongdoing by the powerful, and shine a light on the things that truly matter to the people of this continent.” Africa Uncensored works with civil society, citizen journalists, and experts to identify stories and develop expertise around a range of issues. Some examples include tribal identity, Kenya’s new educational curriculum, and what the Panama Papers exposed about African leaders. It then turns its work over to those who have specialized expertise to drive and sustain public dialogue, and ultimately to bring enough collective pressure on government to enact policy reform. Its editorial team assess the newsworthiness of an issue based not just on the number of people it will impact, but who those people are, with a focus on marginalized groups. For example, Africa Uncensored reporting exposed abuse and extortion by the police of Nairobi’s street hawkers, an economically vulnerable group of men and women who sell small wares in and along streets.

Well Told Story is another business experimenting with creative approaches to new media. It has a defined target audience (young people, ages 15 to 24), and an explicit mission: to move youth from ignorance to action through creative storytelling on issues of health, money, sex, and agency. A for-profit company, funded by international donors (including Omidyar Network), Well Told Story produces comic books and radio programs. They are invested in spreading their work online—for example, their comic book characters have Facebook pages, and interact with fans online. The organization is also building dialogue between government and youth organizations through live events, bringing local officials to play games, through role-play and other interactive methods, with youth on issues they care about.

CONSTITUENT 4: CIVIL SOCIETY



Like the media, Kenyan civil society has a history and reputation for being relatively robust and professional. Also like the media, civil society is working in a shrinking civic space, with decreasing support from donors, and under pressure from the Jubilee administration. For example, in 2015, the Kenyan government froze the banks accounts³⁶ of two Mombasa-based organizations, Muslims for Human Rights and Haki Africa, which had been critical of the government’s anti-terrorism policies. (A Kenyan court subsequently ordered that their banks accounts be unfrozen.) In a more recent example, after the August 2017 election, Kenya’s NGO regulator attempted to shut down³⁷ two human rights organizations involved in election monitoring.

A strong, symbiotic relationship between civil society and the media is one of the most important potential connections in Kenya’s accountability ecosystem. While it is the media’s role to shine a light on issues of public interest, it is civil society’s role to translate that information into policy change, by engaging government and mobilizing citizens. Highlighting the power of cooperation, a veteran freelance journalist said, “Media plays a role that goes beyond CSOs. While CSOs can lobby and negotiate with government, media has the power to pick the issues that people focus on.” In Kenya, there is an opportunity to strengthen the connection between these sectors by highlighting their similar challenges and their aligned governance goals.

How civil society pressures and incentivises media

CSOs are well aware of the need to have productive relationships with media. They need these relationships to draw the public’s attention to the issues they work on. They also need these relationships to ensure that these issues are presented accurately in the press. However, considering the current divide between CSOs and media cited by several respondents, to realize the potential of these relationships, CSOs need a greater understanding of how media works and how to engage them.

Facilitating human interest content for journalists



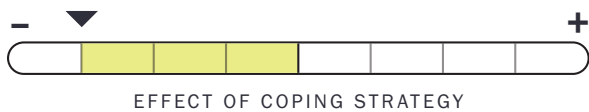
When Kenyan CSOs and media cooperate, they both benefit. One journalist called NGOs and CSOs “great links to story ideas.” Another respondent who participated in a civil society-facilitated gender training described it as transformational. This training successfully sparked debate, helping important gender issues resonate with the (largely male) audience by encouraging them to relate the topic to their own female family members. To this particular respondent, civil society trainings must be personal and compelling. When they are, she went on to say, they can transform the way journalists think about and cover social issues.

Another CSO respondent described the story of a health facility, which was put at risk due to a “land grab” by government officials. Within a few hours of hearing the news, the CSO organized a demonstration via WhatsApp with hospital patients. They simultaneously organized a press briefing in Nairobi for media. This successfully drew the attention of the Ethics and Anti-Corruption Commission, and within three weeks, the land was returned to the health facility.

36 Joseph Akwiri, Kenya court orders reopening of rights groups’ bank accounts (Kenya: Reuters, 2015).

37 Kenya: Attempts to shut down human rights groups unlawful and irresponsible (Amnesty International, 2017).

Confusion and mistrust



On the other hand, CSOs and media need to overcome mutual mistrust. According to a former Standard journalist, now working in civil society, “Media holds the view that CSOs cannot be trusted. CSOs think media is weak and influenced.” The sectors primarily interact with each other through personal connections rather than institutional relationships.

Outside of personal connections, CSOs and journalists relationships are weak at best. This mistrust seems to be driven by frustration among CSOs that media appear uninterested in covering issues CSOs work on, and on the other side, that CSOs fail to make their issues compelling and newsworthy. Researchers also heard concerns from CSOs about the need to pay for coverage. One CSO respondent noted that “Media always want sensational stories, and think the development issues can wait until tomorrow.” A sympathetic civil society respondent acknowledged that his peers needed to take greater responsibility in getting their issues into the media saying “CSOs complain about media, but their events are not newsworthy. CSOs need to prove [our issues] are newsworthy.” Overall, limited understanding of each sector by the other seems to underpin the trust issues that have hurt cooperation. Improving communication and understanding between CSOs and journalists, including developing CSOs’ media outreach capacity, could help to begin bridging some of these gaps and establishing stronger, more productive relationships.

CASE STUDY:

Outrage, but no coverage, for key political events

The missed opportunities from weak relationships between media and CSOs was highlighted by one CSO respondent who described the lack of coverage relating to police accountability. As a result of this divide, civil society struggled to rally public condemnation of human rights abuses by the police.

Since 2012, Kenyan police have committed dozens of extrajudicial killings in a mainly Muslim region of the country. Although the human rights group Haki Africa broke the story in December 2016, coverage remained largely absent from establishment media.

CSOs blamed the media’s silence on government pressure. One CSO attempted to organize an event with elected leaders to raise awareness about the story, but several officials who had committed to attend—including one who had helped organize the event—stopped communicating at the last minute. Rumors suggested that an order not to attend had come from high-level political actors. Yet despite the failure of local media to cover it, the story trickled into mainstream consciousness through extensive international media coverage and through social media. But, respondents felt it still lacked the scale of awareness necessary to pressure government to respond. Without the collaboration and support of the Kenyan media, major CSO efforts to draw attention to the issue were unsuccessful in pressuring government to respond.

Conclusion

Kenya's independent media is ripe for a new era of investment. Changes in advertising and the rise of digital and social media alone are enough to spur shifts in the media industry. But Kenyan media face additional powerful political and economic forces, which underpin the need to find creative strategies to enhance media's independence. Declines in revenues have led to the downsizing of newsrooms, and an accompanying downgrading of capacity. Many journalists have been left without sufficient pay and job security, which has made them economically vulnerable. At the same time, the Kenyan government has demonstrated its willingness to exercise a range of tactics—economic, regulatory, legal, and political—to minimize critical coverage and restrict press freedom.

Fortunately, there is an appetite for trustworthy, rigorous journalism among Kenyans. There is also a talented pool of journalists who, with the right support, can deliver high-quality, in-depth reporting. At times, the Kenyan media has demonstrated its willingness to cover issues of public importance, no matter how sensitive or controversial. Digital media has also significantly reduced the costs of publishing and disseminating information, freeing independent journalists from the whims of a small number of decision makers who control the media establishment.

To overcome the many forces described in this report, an array of complementary strategies are necessary. Investments need to be made in developing the capacity of journalists to produce high quality, in-depth reporting that meets international standards. Such investments may range from training in journalistic basics (e.g. abiding by journalists' codes of conduct, addressing issues of bias in reporting) to building an expert cadre of investigative journalists. Connecting journalists more closely to civil society can help them access the latter's expertise on issues ranging from health to finance to government. In turn, this can increase the ease and ability of media to cover issues of public importance.

Perhaps more challenging will be finding creative solutions to shield journalists and independent media from direct government intimidation and influence. Nevertheless, there are options that can begin to mitigate the impact of the government's many carrots and sticks it wields against Kenyan media. Supporting new or existing independent platforms for publishing content free of political interference can help reduce the dependence on establishment media, who face constraints on their independence from government. Paying journalists fairly can help mitigate their dependence on "brown envelopes." Strengthening solidarity networks among journalists, and empowering these networks to advocate for press freedom, can help challenge government attacks on media and journalists.

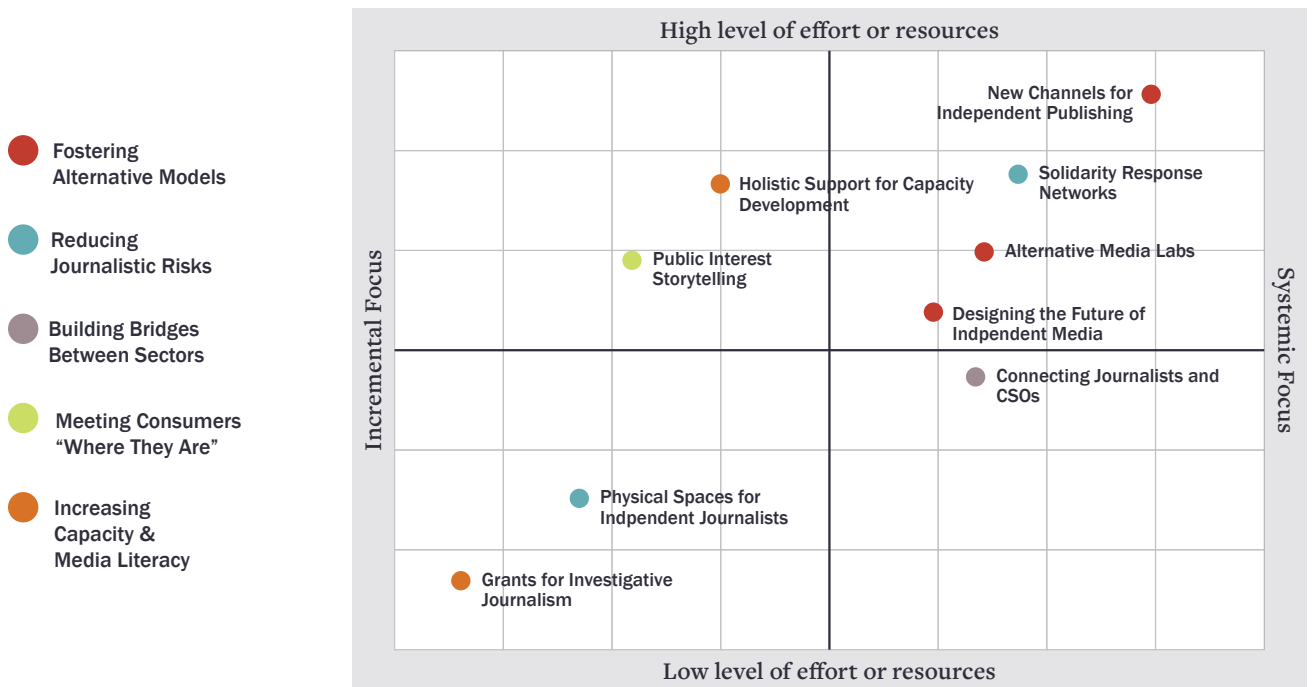
In the following section, we offer a few signposts on the way to this ambitious goal.

Opportunities

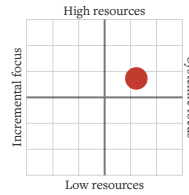
Supporting independent media in Kenya today will require helping journalists, publishers, and media entrepreneurs overcome the political and economic pressures that limit their ability to report freely. This means providing financing to free them from the dependence on commercial advertising while they work to identify new business models. It means helping journalists become financially secure to insulate them from pay-to-play journalism. It means helping to professionalize re-

porting through well-designed training and mentorship. It also means working to insulate journalists from political influence by helping to build a strong collective voice among themselves, and with civil society, to stand up to government challenges.

Below, we have identified a portfolio of opportunities—both creative new ideas and adjustments to more traditional media development approaches—to support and strengthen independent media.



1. Designing the Future of Independent Media



Convening creative, field-leading journalists to brainstorm can shape the foundation of future public interest media in Kenya.

Opportunity

For any effort to support independent journalism to be successful, investors must identify the right local partners—and get their ideas and participation. Before any intervention in the Kenyan media landscape, it would be useful to convene journalists and media actors to begin a dialogue on the future of Kenya’s independent media.

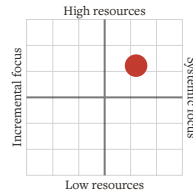
Such a convening could take place over three to five days in which participants align on the challenges they face, and begin designing feasible solutions. Sessions would be structured to strengthen productive relationships among people who have not previously collaborated. In an effort to encourage creative thinking, participants would be drawn from inside and outside media. Journalists and editors from establishment media, working in all mediums, could participate alongside editors and journalists from independent organizations; correspondents, freelancers, and bloggers should be represented as well. Civil society groups working on media issues would also bring an important perspective; this could include the various professional organizations (e.g. Kenyan Union of Journalists, the Kenyan Correspondents Association), those working on freedom of speech issues (e.g. Article 19, Human Rights Watch, and Internews), and those working on digital access (e.g. Kenya ICT Action Network). It could also include representatives from the

various university journalism and/or communications programs throughout the country. From outside media, it could include representatives from civil society working on issues like democracy and governance, and development, as well as digital communications practitioners and other creative storytellers. In addition to finding the right balance between media actors, special attention should also be paid to the gender balance of attendees to ensure that women’s voices are represented.

By bringing these groups together, we would hope to strengthen relationships among them, while introducing alternative ways of thinking about and engaging with audiences in an effort to stimulate creative problem solving.

Engaging in open conversations with and amongst media actors in Kenya is vital to identifying and prioritizing workable ideas. It can help ensure future investments are demand-driven, where Kenyan journalists, publishers, and entrepreneurs define the problems, set priorities, design solutions, and make plans to see them into reality. Such an event would also help strengthen a community of practice in Kenya and could catalyze the networks that will be tasked with implementing new ideas. This is a critical first step to any investments in Kenyan media.

2. Hosting Alternative Media Labs



Dedicated spaces for experimenting with creative storytelling and novel partnerships could tap into new ways of engaging audiences (and would inspire journalists and media entrepreneurs).

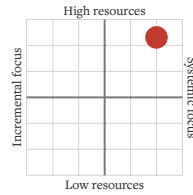
Opportunity

In the face of government pressure, journalists need creative ways to capture audience attention with compelling narratives. Media supporters could sow the seeds of long-term impact by creating a space for media actors to experiment and prototype new models of storytelling—especially alongside filmmakers, artists, social media experts, technologists, and other cross-disciplinary collaborators. A “media lab,” in the model of Nieman Lab or MIT Civic Media Lab in the U.S., could spark exciting new ventures in Kenya, and help surface promising journalists and other media entrepreneurs. The exact focus and mission, as well as where such a lab may be situated—within a university, or as an independent

institution—should be driven by the Kenyan media professionals who would lead such a venture.

Boosting independent media will require bold new models to engage and activate audiences. Creating a space for incubation could nurture the kinds of alternative media ventures that could reinvigorate Kenyans’ trust in media. We envision an investment in this kind of lab would require multi-year support, beyond the more typical one- to two-year grants media organizations receive. This would help encourage long-term thinking on potential models for independent journalism.

3. Opening New Channels for Independent Publishing



Create new spaces for journalists to publish their work, through international media distribution partnerships and/or by funding alternative Kenyan platforms.

Opportunity

Journalists need more ways to publish and share their work. Supporters can help open these opportunities through international distribution partnerships and by fostering the creation or growth of small, innovative media outlets.

At the organizational level, this research identified only a few experiments in independent media. For example, respondents referenced Thika Town Today, Africa Uncensored, Africa Check, the African Women and Child Feature Service, Hivisasa, the Elephant, and Talk Africa. Some of these upstarts are operated by journalists who previously worked in establishment media but have lost jobs in the recent years. While more research and evaluation is needed in the relative strengths and impact of each, further support of these upstarts can help strengthen Kenya's media ecosystem as a whole.

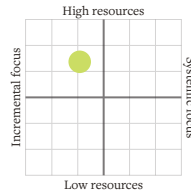
They may also choose the international route, establishing partnerships with traditional news sources (such as the BBC and The New York Times) as well as new media companies (such as HBO, Netflix, NewsDeeply, and Vice, which are known and used by Kenyan elites) to establish new pathways for Kenyan journalists to publish their work. For example, Patrick Gathara's relationship with the Washington Post has allowed him to publish several strong and critical pieces

about Kenya's recent election period. Most ambitiously, supporters could seriously consider fostering the growth and creation of new media platforms at the national level.

Supporting such initiatives, whether it is by funding new or existing independent publishers, or strengthening relationships between journalists with international publications, will almost certainly require extended funding over the course of several years. It will likely take time to build strong audience support for new or growing publishing platforms.

Supporting new independent platforms or international publishing partnerships may also expose journalists and editors to many of the negative influences that have been detailed in this report. Independent sources of funding should help provide some insulation from economic uncertainty and reliance on private or government financing. However, addressing the capacity issues will require making sure that proper training and mentorship accompany support to publishers and platforms. At the same time, fending off state attacks on the freedom of the press will need to be part of larger solidarity movements, which bring together independent media actors to channel their voices into strong collective advocacy campaigns.

4. Public Interest Storytelling



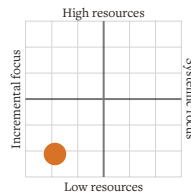
Funding commercially driven content that is designed to not just entertain but to inform or educate the public—such as news series, documentaries, comedy, and satire—can meet consumer demand while informing audiences.

Opportunity

Much of Kenyan entertainment media has historically been imported from international producers. However, a 2016 law requires 40 percent of content³⁸ to be produced locally, which is creating incentives for media outlets. Supporters can take advantage of this moment by backing independent

journalists to create new forms of public interest content in alternative mediums. Stories that portray the Kenyan experience (rather than more straightforward news), and/or that embed information or education into entertainment, can tap into new streams of audience demand.

5. Grants for Investigative Journalism



Providing travel grants and reporting funds for journalists can help support investigative journalism.

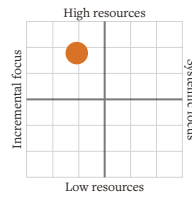
Opportunity

Most journalists are now freelancers, underpaid and producing work that struggles to get published. To increase their potential, donors could establish a system to fund journalists pursuing important investigative stories. Such funding programs exist in other countries, such as the Pulitzer Center’s travel grants, that offer lessons for such initiatives tailored for Kenya. This opportunity is best paired with an

effort to strengthen journalist relationships with international publishers or support for independent publishing platforms to ensure that when strong investigative pieces are produced, there are avenues willing and ready to publish them. Special attention could be paid to awarding grants to women journalists, or to those journalists working in typically marginalized parts of the country.

38 Frankline Sunday, Kenyan broadcasters have till June to comply with law on local content law (Kenya: The Standard, 2016).

6. Holistic Support for Capacity Development



Providing well-designed trainings and mentorship opportunities, tailored to journalist demand, can fill urgent capacity gaps.

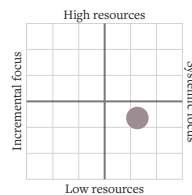
Opportunity

Capacity, particularly among younger journalists, was cited as one of the greatest challenges to a strong independent media. Kenyan media is not new to training, particularly donor-supported trainings. However, researchers heard frustrations that university journalism programs are not providing enough practical skills, while donor-supported trainings are not designed to meet the felt needs of journalists. At the same, mentorship, an important source of support for young journalists, has all but disappeared. As such, a shift toward “journalist-centered” training may be necessary. This means designing training programs around the explicit needs of

the journalists being supported, and connecting them to opportunities they need to sharpen their skills. This might mean establishing a series of trainings on a particular topic in partnership with a publisher who can both support and publish reporting.

For individual journalists, a truly effective training program can be transformational. Importantly, for a training program to have any impact at all, it must be designed—in other words, trainings must be based on a solid foundation of user research, and then created and improved in an iterative process in collaboration with journalists.

7. Connecting Journalists and CSOs



Institutionalizing networks of trust and collaboration between CSOs and journalists can accelerate and amplify the efforts of each.

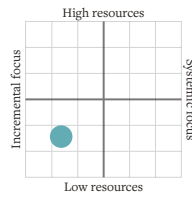
Opportunity

The vital relationships between media and civil society can be strengthened to the benefit of both sectors, and governance at large. Institutionalizing these relationships can encourage more collaboration, and should take many forms. We suggest a series of events designed to build networks between the two fields as a first step. These events would be aimed at helping journalist and civil society representatives to understand each other’s goals, challenges, and resources. They would help civil society understand how to better frame and pitch ideas to journalists for coverage. For

journalists, these events could be focused on helping them work with civil society to identify story ideas and access civil society expertise to improve the quality of their reporting.

These stronger relationships, in turn, would help increase the impact of both CSOs and media organizations. The former would be able to amplify their messages and work, reaching new audiences for advocacy and action. For journalists, CSOs can be highly valuable in contributing expertise and information, as well as in making connections to human interest stories.

8. Physical Spaces for Independent Journalists



Opening spaces for independent journalists to gather, access the internet, and seek mentorship will provide physical security as well as professional support.

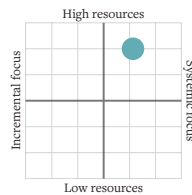
Opportunity

To address resource and skill gaps, particularly for young and freelance journalists, donors may provide physical spaces where journalists can access desks, internet, computers, and phone lines. They could also be staffed with experienced journalists to provide guidance and mentorship, which numerous respondents felt is essential to the professional growth of aspiring journalists. Internews, the Kenyan Correspondents Association, and the Association of Freelance Journalists have all had (or are currently running) similar initiatives. However, many of these “safe spaces” have been closed due to a lack of funding, which multiple

respondents who used these spaces lamented. Researchers heard stories of journalists who were attacked in internet cafés, because they did not have dedicated safe locations to work from.

These spaces have been implemented before, and so their moderate impact is fairly well known. Still, demand exists for more. Additionally, these hubs will likely provide the added benefit of creating and strengthening relationships amongst journalists, who can support each other more effectively if they are in frequent contact.

9. Solidarity Response Networks



Institutionalizing a “solidarity” network of journalists can increase safety, amplify calls against government intimidation, and support advocacy and legal efforts.

Opportunity

One of the most commonly cited strategies amongst respondents facing government intimidation is solidarity—sharing story tips with other journalists, and calling on other journalists to publicly report on antagonism faced by individual members of their community. Donors can build on this existing coping strategy by supporting a membership network, a kind of “NATO for journalists.”

Such a network could play an important role in mitigating journalists’ risks, and could embolden them to push harder and dig deeper in their stories—the psychological benefit of knowing that a community of journalists is ready to defend them could help to bolster their independence. By guaranteeing a sustained collective response, the organization could also dissuade government attacks.

Credits

Reboot

Reboot is a social impact firm dedicated to inclusive development and accountable governance. We work with governments, foundations, and civil society to achieve their missions. We explore the origins of complex issues, design contextually appropriate interventions, bring these ideas to reality, and evaluate the results along the way. The possibilities for inclusive development and accountable governance are growing. From supporting good governance in Nigeria to human development in Nicaragua to civic innovation in the United States and beyond, we are working to realize them.

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