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Press Freedom and Media's Role in Conflict and Peace-building
Case of the Post-2007 Election Crisis in Kenya

By

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Declaration

The work I have submitted is my own effort. I certify that all the material in the dissertation which is not my own work has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed: Ouma Lydia Radoli   **Date: 27th May 2011**

Acknowledgements

Abstract

For years, Kenya has been known as an 'Isle of Peace'. This image changed rapidly after the 2007/8 election crisis which left more than 1,200 people dead and over half a million internally displaced. Other serious human rights, including freedom of movement, assembly and opinion were violated. The Commission of Inquiry set to investigate the violence has attributed the crisis to unresolved historical grievances. However, the government and international agencies blame some sections of the media, for inflaming violence and ethnic hatred among Kenyans (KNCHR, 2008).

Although Kenya remains East African's economic hub, its system of governance is riddled with rampant corruption, impunity and ethnic divisionism. The media is one of the most vibrant institutions. It is vocal on political and socio-economic developments. In so far, much has been written on the role of the media in the conflict, but little on their role in peace-building. Yet, peace remains a human rights concern locally and internationally.

This thesis investigates the human rights dimension in conflict and peace-building by focusing on the said case. Specifically, it will: a) study the role of the media as an agenda setter for human rights b) develop a framework of analysis using Fairclough's approach to Discourse Analysis to illustrate how 'freedom of the media' is understood within Kenyan legislation in relation to human rights c) contribute to policy and research.

The study is grounded within media theories hereunder; the normative roles of the media as agents of order, public sphere, and mobiliser. It employs the *agenda setting theory* (McCombs and Shaw, 1972) on how the media reinforces public discourses on political processes, to explain concepts. The agenda setting role provides a theoretical assumption of the responsibility of the media in preserving rights and freedoms. I argue that the media's agenda to promote human rights can only be achieved within an independent free media guarded by working legislations and effective monitoring systems.

Key words: *Press Freedom and Media's Role, Media in Conflict and Peace-building, Post-election violence in Kenya and human rights.*

TABLE OF CONTENTS

List of abbreviations

PEV	Post Election Violence
CIPEV	Commission of Inquiry into Post Election violence
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally Displaced Persons
KASS	Kalenjin FM station
RTLM	Radio Television Libre des Milles Collines
UNSC	United Nations Security Council
NARA	National Accord and Reconciliation Act
EAJA	East African Journalism Association
KUJ	Kenya Union of Journalists
CAK	Correspondents Association of Kenya
ECK	Electoral Commission of Kenya
UNDHR	United Nations Declaration of Human Rights
OHCHR	United Nations Commission of Human Rights
ICTR	International Criminal Tribunal for Rwanda

KENYA'S ETHNIC COMPOSITION

Ethnic Percentages

Kikuyu 22 %

Luhya 14 %

Luo 13 %

Kalenjin 12 %

Kamba 11 %

Kisii 6%

Meru 6%

Other African 16 %

Non African

(European 1%

Asian and Arab1%
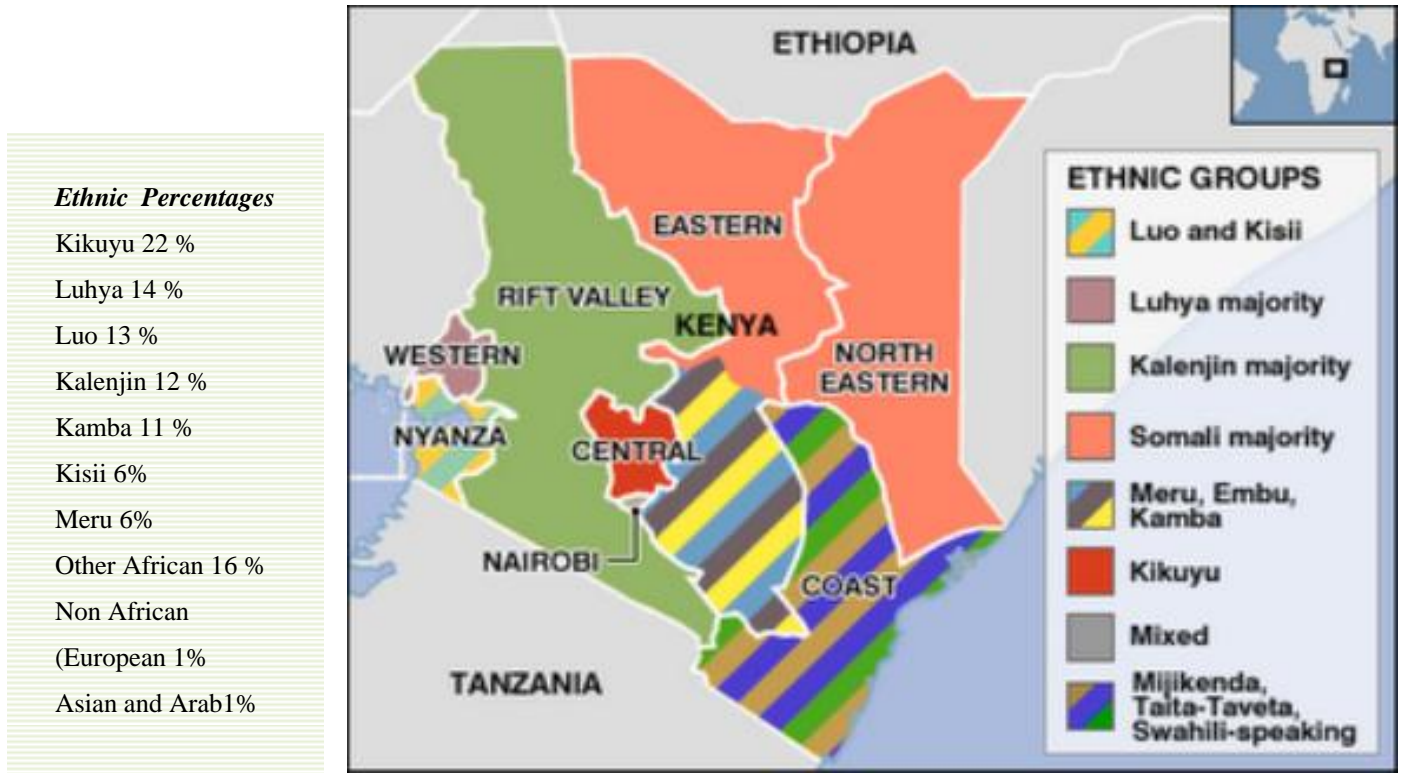
Figure 1, Map and Ethnic percentages[1]

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[1] Map adopted from BBC Country Profile: available at http://news.bbc.co.uk/2/hi/africa/7169155.stm#map.Percentages sourced from maps of the world: available at http://www.mapsofworld.com/kenya/kenya-ethnic-groups.html.

CHAPTER ONE

1. INTRODUCTION

1.1 The Post - Election Crisis in Kenya

Kenya has an estimated population of 35 million people composed of more than 44 ethnic groups. Major tribes are Kikuyu, Luo, Kalenjin and Luhya as shown in *figure 1* above[2]. Its ethnic diversity is both a source of a rich culture and political related conflicts. After independence in 1963, the first president Jomo Kenyatta dominated the political scene, until his death in 1978. Barkan (1992) writes that in the 14 years of Kenyatta's reign, clear norms were established in respect to political competition, rules of elected civil servants, the judiciary and parameters of social life. Daniel Moi succeeded Kenyatta and remained in power for 24 years. The ruling Kenya African National Union (KANU), was the only legal political party for much of the 1980's (Nyongo, 2007:9).

Moi bowed to local and international pressure and restored multi-party politics in the early 1990's. But in 2002, Mwai Kibaki the candidate of a multi-ethnic united opposition, ended nearly 40 years of KANU's rule. The media attributed Kibaki's landslide victory to a campaign centred on anti-corruption and promotion of human rights. The fourth multiparty elections ended on 27th December 2007, with delays in vote count and controversy over re-election of the incumbent President. The voting process was considered peaceful, despite multiple cases of election malpractices (EU, 2008).

Kibaki on the Party of National Unity (PNU) gained 47% votes against 44% of his close contender Raila Odinga, of the Orange Democratic Movement (ODM).The third presidential candidate Kalonzo Musyoka of ODM-Kenya, secured only 9% of the votes (Larfague, 2008:7). The results sparked violence across the country. In the ensuing days, official figures placed the death toll to over 1200. There was massive destruction of property; nearly 600,000 Kenyans were displaced from their communities. In addition, human rights defenders critical of the electoral process, began receiving death threats (OHCHR, 2008).

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[2] BBC Kenya country profile, 2011: http://news.bbc.co.uk/2/hi/africa/country_profiles/1024563.stm

The conflict between (PNU) and (ODM) supporters took three phases and varied from one region to the next. The first *spontaneous* violence emerged from frustrated, unemployed poor youth living in Kibera and Mathare slums[3]. They perceived the presidential result as rigged (OHCHR, 2008). In the second pattern, perpetrators mainly targeted *ethnic communities* seen to be government supporters. Medard (2008) relates the explosion of violence into ethnic clashes to heightened fear and insecurity among rural communities. She argues that Kenyans were aware of claims in the media and from politicians that an ODM rule could lead to land dispossessions[4]. The third pattern of violence was *retaliatory,* targeting migrant workers from communities seen to be opposition supporters. This phase of violence was allegedly carried out by government supporters and militia in the Rift valley, Central Province and in the slums of Nairobi (OHCHR, 2008).

Overall, the violence triggered the worst humanitarian crisis since the Mau Mau insurgency in 1952[5]. Under the National Accord and Reconciliation Act of parliament (NARA)[6], an African Union-United Nations backed committee of eminent personalities brokered a power sharing agreement between Kibaki and Odinga on 28th February 2008. The agreement provided options to try perpetrators of violence in a local tribunal or at the International Criminal Court (ICC) in The Hague. Parliament voted for the latter. The final goal of the act was to achieve sustainable peace, stability and justice through the rule of law and respect for human rights (ICC, 2010).

In December 2010, the ICC pre-trial chamber released six names of Kenyans allegedly responsible for crimes against humanity, committed during the crisis. Of the six, a senior journalist with KASS FM (Kalenjin ethnic radio) was accused of using his program - "Lene emet" (*this is what the world says)*, to foment violence. He allegedly used "coded language", to coordinate attacks against a rival party to his ethnic community (ibid).

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[3] Kibera is the largest slum in Africa. Many residents in Kibera are of Luo, Luhya and Kamba ethnic groups. The residential houses are low cost shacks owned by mostly Kikuyu. The residents like most people in rural Kenya live below one dollar a day. http://www.kkibera.org.uk.Facts.html.

[4] Kenyans from Central Province (Kikuyu) lost their land to the colonial regime. After independence Jomo Kenyatta used a 'willing seller, willing buyer' concept to allocate land (Medard, 2009).

[5] Mau Mau emergency refers to liberation struggle of Kenyan Kikuyu bound by oath to force white settlers out of the country in a claim to independence.

[6] NARA (2008) an Act of Parliament set to settle disputes arising from the 2007 presidential elections.

The journalist and five other key politicians have appeared before the pre-trial chamber for murder, torture, deportation or forcible transfer, and political persecution as provided in Article 25 of the Rome Statute[7]. Other ethnic radio stations identified as fuellers of the violence were Inooro and Kameme (broadcasting in Kikuyu), Lake Victoria (broadcasting in Luo) and Injili, a religious station (KNCHR, 2008). Kenya has since petitioned the United Nations Security Council (UNSC) for a deferment from ICC under Article 16 of the Rome Statute.[8] This came about after divisions over the best way to try perpetrators emerged in parliament.

Given Kenya's history of civil and political crimes, many see the international court as the only option to address a culture of impunity as local tribunal could be abused by the ruling regime. Kenya is ethnically divided and a crisis of immense magnitude generally elicits complex political, cultural, economic, and historical factors. This thesis does not try to establish all the root causes of the crisis, but instead looks at the role of the media as an outlet of divergent opinions as one among many other such factors.

1.2 Media Freedom and Human Rights

Article 19 of the United Nations Declaration of Human Rights (UNDHR) recognizes media freedom as a right to communicate through both electronic and print media. The right is also reified in Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Article 20 of the covenant emphasizes that such freedoms should be exercised "with respect to rights and reputation of others". Freedom of expression falls under the *First Generation* rights. It is considered a pillar of democratic societies and embodies the right to take part in government, through freely chosen representatives (UNDHR, Article 21). In essence, it relates to freedom of thought and conscience and sometimes overlaps with the right to participation in public life, the right to vote and the right to stand for election[9]. Although it is an individual right, by definition there are examples of it which are inherently communal in origin (Smith, 2007:267).

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[7] See Crimes Against Humanity Article 7, 25 of the Rome Statute

[8] Article 16 of the Rome Statute applies in the event of a threat to international peace and security (Du Plessis & Gevers, 2011).

[9] See also Art.10,ECHR;Art.13,ACHR;Art.9(2).ACHPR;Art.11,CIS;Art.32 (Smith,2007)

The media is not duty bound to preserve human rights, but the fact that it operates as a conveyor of information between the state and society, requires media practitioners to act responsibly. The International Council on Human Rights[10] notes that press freedom is directly connected with independent Journalism Practice, conditions without which, other human rights are endangered (ICHR, 2001). It can therefore be argued that information as an aspect of media freedom is a right as vital as the right to life, or medical care. People have the right to know, it is their quest for human equality and justice (Dahal, 2011). Abuse of media freedom hence endangers essential human rights and goes against the spirit of a free society, under which independent media are established. It imperils the very rights the media is expected to protect. Watson (1998) explicitly suggests that the subject of human rights is recognized in the field of Journalism, especially if the media conditions are set to honour and defend against abuse.

The media concerned with peace-building initiatives can argue for human rights by respecting such freedoms as of essence to democracy. Regardless of having ratified several human rights instruments that guarantee media freedom, Kenya's history of political related conflicts inhibits the full realization of human rights[11]. Even though, the media in Kenya is relatively free, exercising this right has in some cases inspired violence against sections of the populations. The intended use of the media to stir up the public to commit acts of violence can therefore hardly be defended under the right to "freedom of the media". Inspiring violence further defeats the role of the media as an agenda setter for human rights.

1.3 The Post Election Crisis and the Media

The post election crisis raised concerns over the ability of the state to protect citizen's rights, and whether the media in Kenya reflects the human rights agenda. The role of the media in Kenya's political processes places it at a central position to guard the society against state infringements. During conflicts, a democratic media serves to encourage dialogue, tolerance and interaction among communities hence reducing inherent conflicts and building lasting peace. But, the media can either report negatively on political opponents, or raise the legitimacy of those supporting peaceful negotiations (Wolfsfeld, 2004:12).

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[10] International Council of Human Rights Staff paper on Press Freedom (1999)

[11] Kenya adopted the (ICCPR) in 1972; the African Charter on Human and Peoples Rights in 1981 and the UNDHR in 1948[11] (United Nations, Country Profile, 2011).

These roles are sometimes inseparable and were applied constantly before, during and after the election crisis. For instance, some forms of references in the media and political platforms went against principles of media freedom and democracy. The UN based Humanitarian News Agency, IRIN for example reports that:

> *Kikuyus, who have settled in traditionally Kalenjin and Luo areas, were called "mongooses" wanting to "steal the chickens" of other tribes."People of the milk", meaning the cattle-herding Kalenjin, were told they must "take out the weeds in their midst" ... the Kikuyu's. In turn, Kikuyu stations referred to the "animals from the west" wanting to take over the "kingdom" ... a reference to Luo and Kalenjin threats to Kikuyu homes and businesses (IRIN, 27, January, 2008).*

This excerpt demonstrates multiple ethnic issues embedded in the country's social, political and economic set up. The illustration shows that ethnic centred messages can infringe not only on the right to information, but other related human rights. In the context of the crisis, a series of human rights violations flowed from one violation to another. In this way, it was easy to see that human rights are indivisible, universal, and inalienable. As such, media freedom is an element of "freedom of expression". It also directly connects to linguistic rights, freedom of assembly and association, right to privacy and freedom from state interferences (Smith, 2007:267).

While some sections of the media, particularly ethnic language radio stations allegedly disseminated ethnic centred information, some media houses bridged gaps between warring ethnic groups[12]. For instance, independent radio and television used interactive shows to engage audiences in peace dialogue (Klopp, Githinji & Keffa, 2008). Journalists across the country joined efforts to call for peace. According to the Committee for the Protection of Journalists (CPJ)[13] , a group of 40 Kenyan female journalists launched a "white ribbon" campaign to encourage peace and ethnic harmony (CPJ, 2009). A similar track was evident in leading newspaper's uniform headline *"Save our beloved Nation"* as the crisis worsened (Ismail &Deane, 2008).

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[12] Pamoja FM - a community radio in Kibera slums used constructive radio shows to call for peace and tolerance during the crisis. Media owners of independent press, Nation Media Group and Standard Newspapers published uniform headlines and stories calling for peace (KNCHR, 2008, USIP, 2008).

[13] The Committee for the Protection of journalists –advocates for Press freedom. http://www.cpj.org/2009/02/attacks-on-the-press-in-2008-kenya.php

While such efforts are heralded for reversing conflict to peace, critics maintain that the media failed in its analysis and only adopted a peace crusade when the situation was getting out of hand. Somerville's (2010) comparative study on hate speech in Rwanda and Kenya found that stories on the post-election violence in the foreign press were outlined along genocide and ethnic cleansing themes, some making comparisons to the 1994 Rwandan Genocide (Somerville, 2010:6). Beyond the crisis, the media has continued to support efforts to push Kenya back to its past glory, as an "isle of peace" and democracy. However, during the crisis the media operated in a highly tense and risky environment. In addition, journalists were faced with ethnic and political biases in their work places.

1.4 The Research Problem

Literature on conflict and peace-building reveals a dismal focus on the role of the media in peace processes. Existing theory only tends to portray the media as essential in reporting and generating discourses on conflicts (Wolfsfeld, 2004; Watson, 2006; Bratic, 2006). Scholars of the post-election phenomenon quickly conclude that, the crisis was a deeply rooted political and ethnic problem. Yet, the role of the media in the conflict, as well as its ability to mediate peace is not adequately tackled. In the East African region, Kenyan media like that in Rwanda has been scrutinized at the level of international law as a perpetrator of political violence.

The post-2007 crisis serves as a good case to exemplify the process from conflict to peace-building. *First*, it illustrates the double role of the media as a constructive and destructive agent, and provides a link between media freedom and human rights. *Secondly,* this thesis explores challenges of media freedom within fragile democracies, where politics, poverty and ethnic differences can influence the media agenda. While the use of "hate speech" in the media is not discounted, I will not focus on the subject as a whole, but draw examples to examine arguments.

This thesis does not discuss ethnicity as a theory, but rather uses the term *ethnic violence*, a theme applied to describe political and ethnic tensions in Kenya (Hagg & Kagwanja, 2007). The concept of ethnic violence has also been characterised as an element of civil or "degenerate wars" by several authors in recent years (Hanssen, 2000; Shaw, 2003; Kaldor, 2006).

1.5 Aims and Objectives

This thesis aims to assess the role of the media as an "agenda setter" in promoting human rights in Kenya. To achieve this objective I focus on legislation, peoples understanding of it and the social political context of its application. I will particularly focus on the role of ethnic radio broadcasting in relation to the post-2007 election crisis. Thus the main questions for this thesis can be formulated as follows:

1. How is "Freedom of the Media" understood within Kenyan legislation, in relation to human rights?
2. In what context does the Media in Kenya operate?
3. What was the role of the media in enhancing violence during the crisis?
4. What was the role of the Media in negotiating peace during the crisis?

The study is limited to the period between the December 2007 polls and the signing of a peace accord on the 28th February 2008. The media referred to in this thesis is mainstream or independent (press, radio, television) in general, and ethnic radio particular role in instigating violence among rival ethnic groups with rival political loyalties.

Due to the inaccessible ethnic radio broadcast transcripts, the methodology follows qualitative research concepts of Critical Discourse Analysis (CDA). I will use narratives from interviews and other literature as data to explore how media messages influences audiences to think about public discourses. In the end, it aims to contribute to an academic discussion of the human rights dimension in conflict and peace building, and recommend policy action and future areas for research.

CHAPTER TWO
2. MEDIA THEORY AND THE MEDIA IN KENYA: A REVIEW OF THE LITERATURE

This chapter examines an existing body of literature on violence, media's role in perpetuating it and peace-building initiatives undertaken. The discussion highlights gaps in the literature that the research can contribute to. The second part puts theory into context using the Agenda Setting model in relation to violent conflicts. I will apply the theory to indicate how the media used to reporting violence can also promote human rights. Finally, I will explore the socio-economic and political factors which characterize elections and regime change in Kenya in relation to the crisis.

2.1 Peace, Conflict and the Media

Theoretically, conflict and peace share the same platform in media discourses, since reporting conflict also means finding alternative constructive solutions. The nature of the election crisis in Kenya is captured in Goodhand and Humle's (1999) definition of conflict. The authors define conflict as a struggle between individuals or collectives, over values or claims to status, power and scarce resources in which the aims of the conflicting parties are to assert their values or claims over those of others (Goodhand &Humle, 1999:13). The post election crisis more or less emerged from a struggle for power, with each party pursuing an agenda that would bring it closer to controlling resources. On the other hand, the authors see peace-building as a promotion of institutional and socio-economic measures to address the underlying causes of conflict (ibid: 15).

In a separate spectrum, the renowned Norwegian Peace researcher Johan Galtung work on positive peace emphasizes that peace may be more than just the absence of overt violent conflict (*negative peace)*. He says peace will likely include various relationships up to a state where nations or any groupings in conflict might have collaborative and supportive relationships or *positive peace* (Galtung, 1964:2).His definition, first published in the initial editorial of the *Journal of Peace Research*, was a direct challenge to the prevalent normative nature of peace. Informed by Galtung's idea of "moving closer to peace or at least not drifting closer to violence", I would suggest that there is a need to involve various actors in peace-building.

In addition to research in this field, peace has remained a human rights concern since the inception of the United Nations in 1945. The UN Charter Article 2, preambles (1, 3, 7) support principles of non-interference and respect to state sovereignty. The article requires states to stabilize internal conflicts and commit to peace and development for citizens. Galtung had earlier argued that the domination of the UN as holder of coercive power is in itself an element of negative peace (Galtung, 1964: 5). It therefore applies that, if such powers are used to integrate various stakeholders in conflicts, positive peace can be achieved.

Even though, the UN primacy to maintain global peace and security can hardly be questioned, Aning & Danso (2010:42) argue that African countries have since the Rwandan genocide come to realise the imprudence of depending entirely on the UN for the continent's peace and security needs. In so far, the media has pushed Peace and Security issues on the global agenda. It has also been part and parcel of reproducing information on war and conflict for some time now. A common view of the media effects in violent conflicts is captured in the 19th century William Randolph Hearst statement; *"you furnish the pictures, I'll furnish the war"* (Aho, 2004:41)[14]. Hearst realized that conflict and media feed on each other, one a source of captivating news, the other a platform where agendas to end and sometimes promote policies on conflicts are debated.

In other examples, events of the 20th century record occasions where the mass media have been employed for war propaganda in Germany and World War 1 allies (Watson, 1998; Bratic, 2006). In recent history, several authors have also explored the role of the media in inciting violence (Des forges, 1999; Thompson, 2007). Wolfsfeld (2004) argues that media researchers tend to concentrate on analyses of conflicts, rather than peace processes which remain hidden or even subtle[15].In his accounts on Peace Journalism, Galtung (1998) exemplifies difficulties in reporting peace processes and argues that peace and news make strange bedfellows news covers events, not processes.

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[14] While a publisher Hearst commented to stir American anger against Spain. Allegedly, a tired reporter told Hearst, "There will be no war" and asked to return home (Aho, 2004).

[15] Wolfsfeld 2001 book, *the news media and peace processes: showcases peace processes in the Middle East and Northern Ireland*, He notes while there are varying degrees of intensities of research on this area little research stands alone as a solid theory.

This approach to peace news is problematic. It presents the public with an extremely narrow and simplistic view of inherent conflicts and does not offer possible cues for stakeholders to promote long-term policies. A similar struggle to find ways of framing peace discourses in the media was experienced after the post-2007 crisis. Researchers Mbeke (2008); Somerville (2010); Ismail & Deane (2008) endeavoured to explain reasons behind the crisis. Their work highlights ethnic tensions and shortcomings in media management, as reasons to why the media in Kenya is loosing its credibility.

Their analysis does not explicitly establish the link between media as an instigator of violence or an arbiter for peace, neither is it focused on human rights discourses. As such, this study moves to investigate the link and contribute to research. In Bratic's words, "if the media is often found to support forces that lead to violent conflicts, it should also have power to support forces to peace" (Bratic, 2006:6). Therefore, any discussion that examines the role of the media in promoting specific types of behaviour cannot be complete without an analysis of how the media affect audiences, as captured in the agenda setting model.

2.2 The Agenda Setting Theory

The agenda setting theory associated with Shaw and McCombs (1972) explains the strong media effects, closely linked to the ability of the media to reproduce social and cultural aspects of society, through the publication of information. The agenda in this context refers to the salience or importance of issues and not a pre-determined goal of the media to influence audiences. The model suggests that the media affects the scope of the public thinking. If applied to the post election crisis, we find that through daily reporting over time, issues *(agenda)* covered in the media were transformed to public agendas.

By generating discussions on peace-building, journalists and policy makers can collectively shape the public agenda to more constructive dialogues. Contrary, to a general assumption that the media has power to directly inject behaviours and attitudes in the minds of people, the model suggests that the media affects the scope of their thinking. This argument is also reflected in Bernard Cohen's 1963 statement that "the press may not be successful much of the time in telling people what to think, but it is stunningly successful in telling readers what to think about" (Cohen 1963 cited from Rogers & Dearing, 2001:1).

In essence, through daily reporting over time, the media agenda becomes the public agenda. The theory tends to imply that in an environment of conflict, the media mirrors the disorder in society and does not necessarily brew conflicts. This assumption then challenges the idea otherwise that the media can directly foment conflicts, but provides a good scope in the analysis of inherent socio-economic and political set up of the media in Kenya. Agenda setting operates under two assumptions .F*irstly*, the media does not reflect reality they filter and shape it. *Secondly,* the media concentration on a few issues and subjects leads the public to perceive those issues as more important than other issues (McQuail & Windhal, 1993).

The agenda setting theory has been challenged for portraying the public as a passive receiver (Hall, 1998 cited from Street, 2001:243). In view of this, I argue that the media does not passively relay information from sources; they select or reject it according to the reality of the day, or the particular slant of the media house. In the absence of effective guidelines on conflict sensitive journalism, practitioners are likely to infuse their own biases in news commentaries.
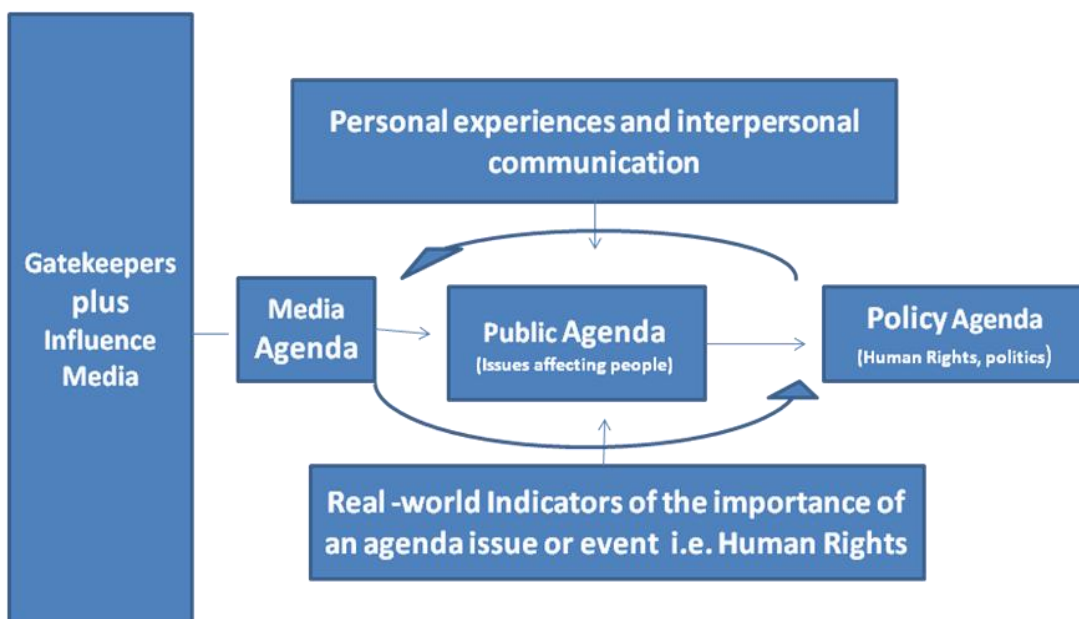
The agenda setting process

Fig. 2 Adopted from: McQuail & Windhal (1993).

The model identifies three main components of the agenda setting process illustrated in the figure 2 above , a) the media agenda, which reinforces public opinions b) the public agenda, which may influence selectivity of news items c) the policy agenda, includes issues policy makers consider important (Dearing & Rogers, 2001:5). The model indicates that these agendas are interrelated, but their salience and prominence in the news media still depends on the editors and journalist's choice. More often the media is successful in setting the agenda and getting people to talk about issues such as politics or human rights. In other cases, the audience may reject the issues the media considers important. Audiences then "co-construct" what they see, hear or read from the media drawing from their personal experiences (ibid: 7).

However, Dearing & Rogers (1996) posit that audiences are actively engaged in dominant societal discourses at any particular moment. They argue that the media helps to reinforce ideas and contexts in which information is perceived. In their view, the agenda setting process is not static, but a continuous motion of different issues in the public domain competing to gain the attention of the media, the public and policy elites (Dearing & Rogers, 1996: 22). Protess and McCombs (1991) had earlier acknowledged that the audience learns what issues are salient from the news selection of the media and incorporate a similar set of significance in their own personal agendas. Recent studies have shown that when individuals are highly interested in national issues such as politics, they are more likely to show a strong agenda setting effect (Kalyango, 2010:8).

I agree with this view, but demonstrate that unlike newspaper and television which serve the urban elite in Kenya, radio attracts large audiences in rural communities. This group is likely to follow opinions or repeat discussions shared in daily experiences. Radio announcers can use messages that affect audience sense of insecurity and ethnic discontent to create animosities for opposing groups. However, urban populations are more critical of the media and political regime. Hall has touched on these complexities he writes, media institutions "produces consensus" in conditions of conflict and struggle not just those generated by class divisions (Hall, 1982 cited in Street, 2001:243).

In sum, the agenda setting model follows a linear mass communication process, where information travels from the source *(politicians, policies),* through a conveyor *(media)* to the receiver - *audience* (McQuail, 2010). But, this process occurs in the midst of distortions from both physical and psychosocial factors, which affects the nature of the intended message. At the point of reception the audience state of mind and cultural backgrounds determine how the

message is perceived. Thus, "our pictures of the world[16]" are sometimes shaped through the media intent to reflect what it considers as the most important on its agenda. For the purposes of this study leading to a discussion of human rights, the inter-relation between the media, public and policy agenda's is analyzed in the role of the media as a public sphere (gatekeeper), agent of public order and mobiliser.

2.3 The Media and Human Rights

Media as a public sphere

The media has perfected its role as a platform where the public can exchange diverse issues and foster productive debates in the society. Essentially, the media is regarded as a contemporary "*Greek agora",* usually a city or square in which the population gathers to discuss affairs of the state (Watson, 1998:99). The principle of the public sphere[17] shapes the way human rights processes are initiated within media and institutional frameworks. On its part, the media can be seen to contribute to public good by defending, protecting and promoting human rights. The media has a duty to facilitate the "public sphere" against the encroachment of the state and corporate powers that is, performing the role of the watchdog (ICHRP, 2001). This is not always the case, government and other authorities have used human rights themes to manipulate or inflame public opinion especially during periods of conflicts or political ventures.

A (2001) International Human Rights Policy (ICHRP) study on the media found that those in positions of influence usually employ public relations strategies or persuasive communication to manage conflicts and peace. More often than not, politicians manufacture statements which help to push their agendas forward. The challenge is for the media to stand above such influence even though it may not be an easy task. The media Curran (1991) contends can be seen as a source of redress against abuse of power by others (cited from Watson, 1998.p.100).

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[16] "Our pictures in our mind", is an expression used by Walter Lipmann (1922 cited in McCullagh, 2002).

[17] From Jurgen Harbermas (1964) concept of 'publics sphere' in Watson (1998) *Media communication, theories* introduces a model setting the process of information from the media to the audience, and touches on the concept of receiver rights.

Media as agents of public order

The media bears the responsibility to inform the public and politicians about national issues and suggest ways to promote and protect human rights situations in any country. In their capacity as watchdogs, the media are the "eyes and ears" of the public. They are defenders against possible abuses of rights in the society (Watson, 1998:94). While the mainstream media endeavours to achieve these roles, it cannot ignore competition from the alternative or sensational media. Alternative press is sometimes characterized with the manufacture of misinformation and falsehoods (ICHRP, 2001).

Dahal (2011) avers that a responsible media can judge whether the power used by opposing parties to a peace process, is legitimate and consistent with people's aspirations for peace, democracy and social justice or just resisting each other's power to enact national strength. In a situation of political uncertainty, what is critically important is how political actors achieve common good together, not what they oppose. Essentially, how the information is gathered, processed and disseminated in a political system becomes a matter of great public concern. This is captured in John Hartley's (1992) statement that "the media defines what is right by describing what is wrong"[18].

In essence, by reporting on conflicts and ills in society, the media provides a synthesis to the social problem and opportunity to correct errors. Thus, the media can be utilised to bridge the gap between violent conflicts and peace and in turn promote human rights. I argue here that the media preservation of human rights is only possible in the presence of a legitimate government, which acts as an instrument of public power and helps media to assume its responsibility. Rather than a state which coerces the media to manufacture consent or threatens to limit its freedom of choice.

Media as mobilisers

In conflict situations, the public is desperate for information, for assurance and for guidance and leadership, while sometimes conflict may push the public together in pursuit for peaceful solutions. In other cases, as illustrated in this study, conflicts could present opportunities for further tensions. The public relies on the media for information, while the media depends on authorities to provide updates on the situation. However, Dunsky and

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[18] In *"the politics of pictures: the creation of the public in the age of popular media"* John Hartley (1992) investigates popular media reality, showing how pictures and texts are powerful political forces in their own right.

Nyama (2003) point out that the media in Africa has failed to be critical and analytical on conflicts and shaping the peace agenda. In so far, reporting on conflicts in Kenya lacks concise explanation of root causes of problems and only mirrors simplistic causal effect features, which do not offer adequate answers to consumers.

The essential role of the media in reporting conflicts is to accurately present events in a fair and balanced manner. Usually, these values are used interchangeably and simply mean, giving each side an opportunity to express its opinions. However, there are contradicting views on the social responsibility role of the media. Lauk (2004) and Ochilo (1993) separately criticise this role as too idealistic in the absence of free and democratic structures. In short, the media can inflame conflicts by circulating "negative messages" in society, but it can also be a messenger of peace, reconciliation and unity of people by being sensitive to inherent conflicts.

Peace-building media

Robertson (2000) and Livingstone (2007) research on the mass media effects[19] shows how messages are shaped to address complex social political phenomenon. The research is associated with how different actors endeavour to influence policy decisions to arbitrate conflicts. Robertson (2000) suggests that only under certain and generally unlikely conditions might one expect media coverage to force intervention decisions. In contrast, Livingstone (2007) observes that media content can affect policies, since leaders today prefer to communicate through media programmes to accelerate political decisions rather than, using traditional diplomatic channels (cited from Thompson,2007:196).

There are positive examples where the media has been useful in peace initiatives, albeit when violent conflicts have ended. Since 2002, Mega FM has promoted peace in Northern Uganda through encouraging dialogue between the Lord Resistance's Army (LRA) factions, government and civil society as a good step towards peace (Oriarie, 2009:5). Earlier on in 1995, Burundi's Search for Common Ground (SCG) initiative launched radio Ijambo ("*wise words*" in Kirundi) in the months ending the genocide in neighbouring Rwanda (Gardner, 2001).

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[19] In his critic of the Eachus findings on the CNN Effect (*the idea that media reporting can trigger policy decisions over distant crisis*), Piers Robinson (2000) suggest the idea of media driving intervention is a myth.

Gardner (2001) affirms the radio has been a safe haven where Tutsis and Hutus work together using radio as a "voice of hope" in finding solutions to end ethnic animosities. The Hirondelle Foundation[20] established radio Agatashya ('little swallow' in Kinyarwanda) in the Great Lakes Region, to secure peace and dialogue among Rwandans coming from the genocide scourge. Dahinden (2007) portrays how Agatashya broadcasts of facts devoid of political voices, were effective in promoting an environment for securing human rights. The Hirondelle News Agency has continued to report on the ICTR proceedings in Arusha Tanzania long after it became defunct following increasing conflicts in the DRC.

In summary, the influence of the media on society has attracted international agencies closely involved in peace-building since the early 1990's[21]. The media can contribute to peace, by engaging in credible reporting, representing balanced opinions in its editorial content, and opening up communication channels among parties in a conflict. It can also identify and articulate without bias the underlying interests of warring factions. By doing so, the media is capable of disseminating information that builds on the confidence of stakeholders in a conflict.

2.4 Media as a weapon of conflict

History records occasions where the media has been used as a destructive weapon to fundamental human rights. Adolf Hitler used the media to create hatred for Jews (Thompson, 1994:5). Rwanda's Radio Television Libre des Milles Collines (RTLM), urged listeners "to kill Tutsis" or what it called 'the cockroaches' (Des Forges, 1999). In the Balkans broadcasters polarised local communities to the point where, violence became an acceptable tool for addressing grievances (Thompson, 1994:7). In the case of Rwanda, the media was also used to guide the perpetrators of the genocide towards their victims[22]. The media may also incite violence through manipulative, negative presentation of facts that create the impression that the situation is worsening.

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[20] The Hirondelle Foundation – a Geneva Peace Initiative has established peace media in crisis areas – including radio Okapi (DRC), Star (Liberia), Blue sky(Kosovo), Ndeke Luka in Bangui – Central African republic (CAR), Miraya in Sudan and also runs Moris Hamatuk refugee programme in East Timor (Dahinden, 2007).

[21] Ross (2002) demonstrates how the Institute for Media, Policy and Civil Society (IMPACS) in Vancouver, British Columbia has been instrumental in developing the first operational framework for media's involvement in peace. While in 2009 the United States Institute of Peace (USIP) published a qualitative study of local peace initiatives on Kenya's IDP's.

[22] ibid

This type of reporting more often than not provides a justification for people or groups to take decisive action, including violence (Frohardt & Temin, 2003).Both local and international media in Rwanda failed to report on the impact of the conflict as early as 1990. Local media ignored to report on massacres of political dissents and those suspected to be Tutsi sympathizers (Des Forges, 1999). The role of the media in the Rwandan genocide was in great disrepute of the legal and moral principles of Journalism and human rights.

By instigating a genocide campaign, the media turned into a dangerous weapon. Its international counterpart failed to monitor escalating killings and rather pictured the crisis as a civil strife between the Tutsi and Hutus (Chaon, 2007:161). Similar characteristics are portrayed in coverage of the Darfur conflict in Southern Sudan. Since 2003, local (Arab media) has passively dealt with atrocities committed in Sudan. The conflict in Darfur has been framed as an "Arab war"[23], a line quickly adopted in by the local media. This kind of reporting is vague and only worsens the conflicts.

A number of journalists were accused of taking part in the killings in Rwanda. Authorities used RTLM and Radio Rwanda broadcasters to spur and direct killings where Tutsis were hiding (Kamilindi, 2007:136). RTLM transcripts presented as evidence in the Arusha Tribunal show how broadcasters used hate speech on air and rendered the minority Tutsis vulnerable to the attacks[24]. Thompson (2007) has argued that media spurs conflict in society by making derogatory remarks based on ethnic differences, race, colour, and sex. In Rwanda like the Balkans, media messages were designed to sharpen ethnic and political sensitivities. Thompson writing on the Yugoslavian war notes that the media was saturated with intensified propaganda to mobilize the population and make war thinkable, let alone inevitable (Thompson, 1994:1).

These examples highlight the precarious role of the media in vulnerable society's .In such circumstances the media can be viewed as "a double edged sword". They can be weapons of war and conflict or can uphold prospects for peace. In the hands of totalitarian interests, the media can be a dangerous device. It can be used to spread misinformation and manipulate public sentiments. If the media is used responsibly, it creates an informed society that respects individual freedoms and rights. But, there has to be a democratic state to fulfil it part of the bargain in ensuring stability and enjoyment of such rights.

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[23] The Listening Post: Media coverage of Darfur 11. July (2008) available at www.Aljazeera/english.net

[24] RTLM transcripts :13, 29 April; 15, 20 May; 1, 5,9,19 June 1994 (Thompson, 2007)

2.5 Elections and Regime Change in Kenya

Any analysis of post-conflict reconstruction must recognize how conflict erupted and what was left at stake in its wake. Perhaps the way it reports on regime change explains the genesis of the election crisis. For instance, the media in Kenya portrays the election pattern as a replica of consecutive leaderships, where corruption, inequality, political violence and systematic abuse of power characterize regimes since Kenya's independence in 1963.

Barkan (1992:167) writes that during elections incumbents peg their agendas on distribution of resources rather than pragmatic alternatives. As a result, the emerging competitive struggle fuels ethnic related violence[25]. In the second independent political regime, Moi who comes from the Kalenjin community embraced a populist approach to leadership based on three pillars, peace, love and unity or the '*Nyayo philosophy* (Atieno, 2006). Literally, he followed in Kenyatta's footsteps[26]. However his autocratic strategy to wield power went against these core utopian values and was characterized with a suppression of the civil society, human rights groups and the media.

Nyongo (2007) points out that after the attempted coup in 1982, Moi's regime developed a culture of consolidating legitimacy through a reward system, orchestrated around ethnic elites. In other words, he advanced the interests of the Kalenjin and other smaller ethnic groups who benefited marginally under Kenyatta's system of patronage. Corruption and inefficiency went from bad to worse as Moi tightened his hold on power, extending the control of the state over society (Nyongo, 2007:18). In 2002, Kenyans voted overwhelmingly for Mwai Kibaki to end two decades of Moi's authoritarian tendencies. The media took an onslaught on the dramatic events dubbed the '*rainbow wave*'[27].

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[25] Kagwanja & Hagg (2007) in their work: *Identity and Peace Reconfiguring Conflict resolution* explicitly portray how traditional cultural identities in Africa, have been transformed to tribal politics leading to ethnic violence.

[26] Nyayo is a Swahili term meaning footsteps, implying that Moi would continue what Kenyatta had started in the political and economic realms (Atieno, 2006).

[27] Edozie (2009) coins 'wave' to mean rapid transitions from non-democratic to democratic states.

As a result of excessive media coverage, there was a euphoric sway of the public to vote. These voters saw the election of Kibaki as an opportunity for change[28]. But, the media soon became critical of Kibaki's regime when he appointed leaders from his tribe to ministerial positions. Among Kibaki's 2002 election pledges was to enact the constitution within 100 days in office, fight corruption and promote human rights. Instead the regime administration used the police force to silence those critical of the government. It interfered with the judiciary and the electoral commission which also contributed to massive irregularities in the 2007 elections.

Corruption scandals became common place, repressive tendencies towards the media emerged[29] after a short period of freedom. A national referendum for the new constitution was held in 2005, after consecutive failures by a constitutional committee and parliament to assent the document. The media dramatized the referendum as an antagonism between Raila's (ODM) and Kibaki's (PNU) parties. During the 2007 election campaign the media platform was adversely used in hyping the federalism debate or "*Majimboism*"[30], which refined the 2007 elections.

Oriarie (2009:10) explains that for the media supportive of ODM, federalism meant devolution of power and resources to grassroots, while to those supportive to PNU, federalism meant eviction of Kikuyus from the Rift Valley and other parts of the country [31] and a challenge to land rights and economic interests. He additionally states that the media laid the foundation for high stakes in the political duel that stimulated ethnic passion and emotions.

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[28] As portrayed in reports from print media (Nation and Standard Newspapers) and electronic media (Kenya Television Network, and Nation Television) from 2008.

[29] The Goldenberg and the Anglo leasing scandals were inherited from Moi's regime. The latest was the maize scandal which involved exporting maize from government reserves while most Kenyans depended on food aid (KTN and Nation Television, 2009).

[30] Majimbo is a Swahili term for federalism. In the Kenya context, it's interpreted as a political separation of administrative regions along ethnic lines (KNCHR, 2008).

[31] Rift Valley province is the economic backbone of Kenya. It's endowed with rich Agricultural land. Tribes from Central part of the country, moved to Rift Valley after colonial displacements which capitalized on utilizing land for cash crops (coffee, tea). Also see Oriarie (2009).

The media adopted periodical polls published by competing pollsters[32] predicting the election trend. The polls forecasted a small margin between President Kibaki and Raila Odinga. The media then curved the 2007 elections as a life and death contest, a '*horse race*'. This shaped the idea that the vote would determine the fate of each candidate's ethnic community. Traugott and Lavrakas (2008) see a horse race as a contest in which the candidate's battle for the lead position and pollsters keep scores until the Election Day. The media had thus set a stage for a bruising election that led to the post election crisis.

2.6 The Mainstream Media and Ethnic Radio

Mainstream Media

The mainstream media refers to independent radio, television and newspaper. Kenya's media was state controlled formally from 1930's until the middle of 1990. During that period, mainstream media was subjected to harassment, torture, imprisonment and fines on journalists expressing their views[33]. There are eight daily Newspapers in Kenya and over ten weekly papers the most read mainstream Newspapers are the Standard, which also runs the Kenya Television Network (KTN).The Daily Nation has the only significant Kiswahili daily, Taifa Leo and operates Nation TV, Easy FM and QFM radio frequencies (Powell, 2010). The Royal Media Services is an emerging enterprise. It has several radio frequencies' and a television station.

The mainstream media operates in English and Swahili as national ad official languages[34]. Television reaches 40% of the population while Newspaper circulates up to 30%. In conflict or controversial situations, mainstream media resorts to self-censorship for fear of state reprisals[35]. Despite these challenges, the mainstream media shapes Kenya's democratic vitality as a watchdog of society. The Kenyan mainstream media has gained a reputation for exposing corruption, promoting human rights and providing a forum for public debates. The mainstream media also guards public interest against state power.

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[32] Steadman Group, Info track, Strategic Research and Consumer Insight were the major pollsters in 2007 elections (Larfague, 2009).

[33] Kriegler and Waki Report on the 2007 post election violence

[34] The Constitution of Kenya (2010), Chapter Two

[35] Kenya Media Landscape Guide (2010)

Ethnic radio

Ethnic radio stations refer to those broadcasting in local languages, other than English and Swahili. Other radio stations fall under community or national. The radio stations commands 30 percent of the market share and operates in over 21 ethnic languages out of 44 in Kenya[36].Generally, radio alone reaches 90% of the population (Powell, 2010). The national broadcaster, Kenya Broadcasting Corporation (KBC) has over 19 public service radio frequencies' out of which 17 broadcast in ethnic languages (Ibid: 6). There are over 11 community radio stations across the country, about 7.5 million radio sets (1.9 million in urban and 5.6 million in rural areas and about 16.7 radio listeners across the country with 12.4 million in rural and 4.4 million in towns (Oriarie, 2009:8).

A weak regulatory and legislative framework in Kenya has contributed to the ethnic radio's "reckless and irresponsible" approach[37]. The radio stations use untrained partisan individuals, who are politically biased. Their broadcasts are sometimes laced with foul language, and interactive culture (MDI Report, 2009). Journalists on these channels manipulated the rural community's sense of insecurity and ethnic dissent during the crisis.

Powell (2010) highlights that low literacy levels in rural and minority communities has meant that large numbers of Kenyans in these areas do not speak the official languages and prefer their mother tongue. The ethnic radio has therefore filled the gap in local language information, formally provided by the National Broadcaster and informal networks. In addition, to serving as platforms for local voices on grassroots problems, most of these ethnic radio stations are poor, use outdated technologies and lack adequate expertise in media and management (Oriarie, 2009:8).

Spitlunik (1996) argues that radio today achieves what newspapers did in the colonial world. Drawing on Benedict Anderson's (1983) concept of 'imagined communities'[38], she writes that it creates a shared cognitive space , a community of listeners who incorporate its linguistic elements into their everyday lives in both the conscious and unconscious ways. Radio in Kenya is the simplest yet, significant medium among audiences, its casual approach and conversational style has created "celebrity status" for announcers.

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[36] Media Development Institute (2009)

[37] The Commission of Inquiry into Post Election Violence (CIPEV, 2008) Chapter 8

[38] Benedict Anderson's (1983) Imagined Communities offers reflections on nationalist political movement's sense of nationality--the personal and cultural feeling of belonging to a nation. Critically, arguing why people will kill or die for a nation.

CHAPTER THREE

3. REASEARCH METHODOLOGY AND ANALYTICAL FRAMEWORK

The purpose of research is developing and testing theories and discovering general principles. Research also helps to understand social problems and predict alternative solutions. According to Charmaz (2006) research methods can be established using various assumptions developed in different settings within which the study is undertaken. The choice of this study is based on its significance to the researcher's personal experiences. It also generates an area of discussion as regards to the media's contribution to social cohesion.

Overall I aim to contribute to existing gaps in the study of the role of the media as an "agenda setter" for human rights. The methodological approaches are informed by qualitative research already established in existing theory and practice. Charmaz (2006); Atkinson, Coffey & Delamont (2003) found that the problem under investigation sometimes determines the sample and methods selected to carry out the study. The chosen method adopts existing theories and follows systematic guidelines which are flexible for data collection and analysis.

This approach is generally referred to as "grounded theory" – a method in social research tracing back to sociologists' Glaser and Strauss (1965, 1967) analysis of social organizations. The researchers jointly explored ideas derived from long conversations and observations in their work with mental patients and developed approaches which social scientists later applied in the study of different concepts (cited from Charmaz, 2006:10). For this, it was possible to carry out interviews within a previously established network of contacts, transcribe them and analyse narratives.

3.1 Methodological Approaches

I used primary and secondary data to investigate the effect of media messages on the political process and audiences, which now forms a basis for analysis. Primary data was derived from telephone interviews, while texts from documents formed secondary sources. Data was collected between the months of January and February 2011.The interviews provided me with an extended range of opinions to interpret such data and the overall social discourse they form a part of. I carried out semi-structured interviews with 12 respondents

out of a purposively selected sample of 20. Three respondents returned written responses to interview questions rounding the sample to a total of 15.

The interviews lasted between 15 to 30 minutes, they were recorded and transcribed. The respondents were chosen for their knowledge and experiences either as journalists, editors, analysts or observers of the post-election crisis. The interview guides were distributed one month in advance to prepare respondents, after which unstructured telephone conversations followed. The questions during the conversation were not restricted to the guide, but were asked in order or priority and relevance to individual respondent experience and knowledge of the themes discussed.

Charmaz (2002) advises on constant reflections and critical review of questions, to obtain better results and to see where questions do not fit within data being analysed. This meant that each respondent's level in the profession or representation in the media house, determined the nature of questions asked. Some questions were omitted while new ones emerged in the course of the interview. The structure of the data findings and analysis flows from narratives of respondents.

The data is grouped in three categories as identified in the agenda setting model a) the media; b) the public; c) the policy (Dearing & Rogers, 1996). The first category the *Media* is composed of editors and journalists from radio, television and newspapers in Kenya. The second *Public* is made up of citizens who witnessed the crisis. Lastly, the *Policy* category includes media analysts drawn from academia, NGO-Internews[39] and officials from the East Africa Journalism Association (EAJA)[40].

These respondents form a representative sample of views held within the media, public and policy circles on the post-2007 crisis. However, since their views cannot represent a satisfactory picture of the real situation on the ground, data is analysed alongside other material retrieved from the (KNHCR, 2008) report on post-election violence and news items from the media. The results establish a discussion on the effect of language in textual contexts on public attitudes and behaviour during the crisis.

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[39] Internews: An NGO actively involved in assessment and media monitoring. Internews also trains journalists in peace building and social justice issues.

[40] EAJA: A regional body engaged in sensitizing journalists on ethics and professional standards in the Great Lakes Region.

3.2 The interview process

Interviews and conversations on a personal level provide a glimpse into every day human experiences. They also give clues to the feelings and attitudes of people who help shape the social reality. Gabrium & Holstein (2003); Rubin (2005) view interviews as the most flexible and unpredictable form of social research, but an effective way of making meaning out of personal experiences. With limited access to the field I adapted new media techniques for the practical aspect of interviewing respondents. These techniques are essential for online messaging and communication. They included Skype and Audacity softwares[41].

The choice of this medium was based on Stewart & Mann (2003) suggestions that Computer Mediated Communication (CMC) represent a new format where researchers can interact online and gather data for analysis, without having to go to the field. There were both advantages and limitations in using this medium. For example as Seale (2004:421) has indicated, I found sources to be forthright with their responses compared to face to face interviews. Where the interview appeared to be more informal, I incorporated approaches used in ethnographic qualitative research like follow up questions and probes to get the right responses to questions. This approach helped in emphasizing on areas or pointers missed in the conversation. I opened the interviews with an initial pre-chat to establish rapport. Appropriate time slots were made in consideration of work pressures and differences in geographical time zones.

3.3 Discourse Analysis

Fairclough sees Discourse Analysis (DA), as a study of how language constructs social realities (Fairclough & Chouliaraki, 1999). Closely defined as the aspect of "who uses language, how, why and when" Gee (2011:3), DA is not only relevant in prediction of discourses in a given context, but also looks at social problems, institutional and political implications of the language in use. The term discourse can convey different meanings in different fields. For example in the field of linguistics Fairclough (1992) points out that discourse can be used to refer to (1) extended samples of spoken dialogue in contrast with

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[41] Skype: an online messaging and communication software, while audacity, is multimedia software for recording and editing – mostly used in electronic studio productions.

written text; (2) to refer to samples of either spoken or written language, with emphasis on the interaction between speaker and addressee (or reader and writer); or (3) to indicate different types of language as they are used in different social contexts (Fairclough 1992 cited in Hays, 2002:26).

In social theory discourse is one of the elements that form knowledge and social practice. Discourse does not only represent social realities, but plays a significant part in its construction and assessing challenges on the prevailing social order. Discourse can therefore refer to a broader pattern of talk systems that are taken up in particular speeches and conversations. According to VanDjik (1997) discourse plays an important role in the production and reproduction of social prejudices (cited in De Wet, 2001:100). In the case of Kenya, prejudices based on ethnic differences have increasingly contributed to individual, cultural and institutional discrimination. In this regard, DA is in itself a theory and a method concerned with *language* and *texts*.

Norman Fairclough (2003) provides specific components through which a discourse can be analysed ; the *text* "as the written or spoken language produced in a discursive event" where *language* is used in maintaining and changing power relations in the society*, the discourse practice,* the production distribution and consumption of texts and its interpretations or meanings*, and the social practice,* the acting out of relations of power and domination which exists in the society (Fairclough, 2003:20). These frames makes it possible to ask questions of how any piece of language is used, what effects it generates and the context or meanings that can be interpreted. This paper uses Fairclough's three units of analysis namely the*, language*, *social practice* and *discourse practice* to perform a textual analysis on the role of the media in the Kenyan election crisis. The units of analysis are described in the next section in addition to a short discussion on *intertextuality*.

3.3.1 The Social Practice

Fairclough approach to Discourse analysis is influenced by Foucault's (1972) social theory, where practices are discursively shaped and enacted. This is achieved by exploring linkages between language and institutional practices of wider political and social structures. The nature of media messages provide an interaction between producers of the message (journalists) and the individual listener, reader or viewer in a mass structured phenomenon such as political or media discourses (Fairclough, 2001:20).

Fairclough interlinks textual analysis and social theory to examine how language shapes the social reality. Looking at language as a social practice, he argues, allows us to get at the ways in which language is both socially shaped and socially constitutive. He contends, we can approach the mutually supportive relationship between texts and social practice through an interdiscursive (or intertextuality) analysis, which focuses on the question "which discursive practices are being drawn upon and in what combinations (Fairclough 1995:189 cited from Hays, 2002:25).

3.3.2 The Discourse Practice

This analysis examines how discourses produced and disseminated through the media (*discourse practice*), were part of the Kenyan political process and how they played a major role in perpetuating violence and inspiring peace. For instance, the way the media framed news and debates on the political situation helped to shape public perceptions on society and culture, including power relations at that time. More generally, the extent to which the media set an agenda for their audience over time and especially, how ethnic radio stations framed messages during the highly intense crisis and the way in which they represented political and social actors.

As Bratic (2006) notes in his study of *media effects theory in conflict transformations*, framing is about selection of important issues and times of conflicts bring out conditions of uncertainty, insecurity and "silence" that enhances the effect of media on audience behaviour and attitudes. During conflicts he adds, events and perceptions are framed, agendas identified and this realization can offer a great opportunity for advocates of peace as opposed to those engaged in hate messages, to use to promote peace through the media (Bratic, 2006:6).

3.3.3 Language as a Social Practice

Language is indeed the major locus of ideology and significant to power relations within any social set up (Fairclough, 2001:10). In an analysis of how language is used in modern Britain, Fairclough (2001) argues that it varies according to social identities of people in relation to socially defined goals and forms part of the economic, political and cultural aspects of society. However in the case of Kenya, access and command of language represents certain social inequalities. Similarly, the mainstream media imitates western news formats while ethnic radio stations use mother tongue in their broadcasts.

3.3.4 Texts as a discourse

Texts are explained for their effects rather than their accuracy. One may ask what texts do, rather than what do texts say?. Fairclough's (2001) concept of *intertextuality* is envisioned in the way texts inter-link and derive meanings in relation to other texts. Hence the "discursive themes" identified in this thesis are extracted from opinions expressed in interviews as well as documents, rather than researchers observations in ethnographic field research. Discourse Analysis in most cases is performed as a textual analysis of items such as news reports, interview transcripts, advertising etc (Fairclough, 2003). There is a wide range of documents available for analysing, but the study is limited to official and publicly available written texts.

The components of analysis are determined for their relevance in understanding how the media shapes public and policy agendas. Discourse Analysis will unravel particular truths in the social context. Terre Blanche and Durheim (1999) note that authors of texts often want to achieve different objectives simultaneously. They want to convince the reader that the text is written with good intentions, advance a particular ideology, tell the truth or motivate the reader to act in a particular way.

3.4 Ethical and Methodological Implications

I put into consideration ethical issues as provided in research procedures and guidelines. Respondents have been appropriately acknowledged and identified for the credibility and validity of data.

The methodological choices in the research are informed by the type of questions under investigation and the data collected to explain them. I will integrate Fairclough's three units of analysis with depictions from McCombs and Shaw (1972) Agenda Setting Theory. The goal is to provide indicators of how the outcome of the study can lead to a discussion, on the responsibility of the media in relation to "freedom of the media" as a right.

Specifically, the study highlights difficulties encountered by media operating within fragile democracies where issues like poverty, "tribalism" and the inclination of politicians to restrict freedom of the media are part of a journalist's everyday life.

CHAPTER FOUR

4. FINDINGS AND ANALYSIS

       This chapter uses Fairclough's (2003) three concepts, *language*, *social practice*, and *discourse practice* established in the previous chapter to describe and analyse findings. The structure of analysis is based on interviews with journalists, editors, media analysts, Kenyans who witnessed the election crisis and texts. The first part discusses the social-political factors which inform the social practice. Themes from interviews overlap, but there are specific factors that determine the role of the media in the violence such as political coverage, and language use in ethnic radio broadcasts as a social practice.

       The *second* part looks at the role of the media in peace building efforts and forms part of the social practice. The third part highlights the concept of press freedom and human rights and moves to the context of media operation and corresponds to the discourse practice.

4.1 Exploring the Context: Factors that inform the Social Practice

      Based on findings and interviews, it is clear that news and media reports during the 2007 election were critical in getting the public to vote. The way information on the ensuing conflict was framed shaped the crisis and determined public reactions to it. This also included generating debates on growing divisions along ethnic lines. The idea is supported in McCombs and Shaw (1972) argument that the media has power to set a nation's agenda by emphasizing on salient issues.

      The model does not tell us if the effects are direct or intentional, but demonstrates the ability of the media to shape discourses within policy and public spheres. The concept is similar to Fairclough's view of *social practice* as a forum where opinions are discursively shaped and enacted (Fairclough, 2001). The analysis follows in the next section:

4.2 The Role of the Media in the Violence -The Social Practice

Despite significant social and political transformations in post-colonial Kenya, tensions bordering on ethnic, economic and political differences remain part of its social fabric and more often contributes to ethnic violence. Mercilla Wamoyi an Editor with the Kenya Broadcasting Corporation (KBC) identifies this discourse. She argues that during the post - election crisis, the public believed reports of election riggings earlier displayed in the media and resorted to violence to justify their frustrations and demand for justice. Some respondents were conscious of inherent social and political rivalry among Kenyans, which formed part of the media discourse. Thomas Bwire, a Journalist with Pamoja FM radio station in Kibera slums says the media was swayed towards certain political and ethnic leanings.

> The media took political stands which influenced the trend of reporting the campaigns and elections. We were unable to fight for our right to be impartial or condemn biased reporting. Though I know taking sides is wrong I couldn't go against my editor's decisions (Interview, 26.02.2011).

Walter Sisuma traces conflicts originating from the 2005 constitution referendum campaign, as having set the stage for the violence. He argues that divisions in the coalition government contributed to hostilities among supporters of rival political parties. Without being explicit, David Akombo a Kenyan Analyst and Professor at Weber State University - USA sees the referendum fallout as shaping the opposition campaign agenda. Using the concept of salience of issues (McQuail & Windhal, 1993) discussed in the agenda setting process, I found that themes such as poverty reduction, settlement of land and economic disparities were used in the campaign and ranked high in the media. In turn, the media worked on the audience insatiable desire for news on conflict to form its agenda. Akombo notes:

> The media was extremely influential in the campaigns of both the opposition and the government with each side having their preferred media to propagate political ideologies and controversy (Interview, 24.02.2011).

Generally, Media Analysts were of the view that despite different factors at play, the media shaped and cultivated opinions captured from political platforms and did not offer sufficient analysis of the problem.

As evidenced in the argument in chapter two that the media mirrors the society, respondents suggested that the media was trapped in social themes including youth unemployment, and escalating violence in the country and failed to explain reasons behind the crisis. Jackline Opar who witnessed the crisis explains that, it was the duty of the media to report the crisis, but it had no control on how the audience would react. She explains:

> The announcement of election results on Television triggered youth from the slums and supporters of ODM to demolish property and unleash violent mayhem. The ensuing chaos heightened a sense of insecurity causing Kenyans who had previously lived side by side to become suspicious of opposing tribes (Interview, 23.03.2011).

Opar's comment implies that the audience was in a state of anxiety and needed a voice of reason, which was lacking at that time.

4.2.1 Language as a Social Practice- Ethnic Radio and Conflict in Kenya

Discourse analysis as a theory shows how language is not just a medium of communication, but shapes political and media ideology. Fairclough argues that language employed in forms of communication has contributed to inequalities in social and political structures (Fairclough, 2001). Indeed, going by this view, messages in ethnic languages gained special legitimacy through being broadcast over the radio, which is a particularly valued and authoritative technology. Respondents point out that some of these broadcasts amounted to hate speech and spurred people to violent action, who might otherwise have stood on the sidelines.

Anthony Wafula a Media Consultant and Analyst in Nairobi explains that radio messages reach a mass audience simultaneously, but are not received and perceived with the same interpretations, thus all kinds of outcomes are possible. As I earlier discussed in the introduction, hate centred language endangers receivers' rights to information, and challenges privileges given to journalists in their work. According to interviews, Kameme FM (*Kikuyu)* and KASS FM *(Kalenjin)* used hate language to fuel ethnic hatred and animosity among Kenyans. Davies Wanyama, who worked as an Election Presiding Officer in the Rift Valley, notes that broadcasts from the mentioned radio stations encouraged ill feelings against other rival communities. While announcers gave a lot of air time to people expressing negative sentiments. Wanyama notes:

> KASS FM was common for saying "ngo'a kwekwe msumbufu" which means uproot the stubborn weeds. This phrase was used on the radio everyday. Those aligned to other parties like PNU, and ODM-Kenya were attacked and treated like outcasts in the Rift Valley, an ODM stronghold (Interview, 28.01.2011).

Respondents perceived that although interactive shows inspired audience participation, and implementation of policies at grassroots levels, to some extent they were used as platforms for listeners to relay destructive sentiments. From the data, it was evident that new tools of social communication such as, text messaging and Facebook hastened the spread of information. Walter Sisuma points out:

> Audiences reported back the number of people they had evicted. These stations thought they were getting glory from such programmes, yet they did not know that they were messing up the situation...instead of relaying messages of peace they were broadcasting what I can say was destructive (Interview,03.02.2011).

Several respondents singled out Radio Victoria *(broadcasting in Luo),* as calling on audiences to actively participate in mass action organized by ODM political leadership. For instance, Wanyama says "the radio station gave explicit suggestions to voters, on how to deal with members of communities perceived to have voted for rival parties" (Interview, 25.02.2011). While, the agenda setting theory does not determine the direct influence of media messages on audiences, Joseph Wakungu an Editor at Radio Waumini- a Catholic Radio Station demonstrates that certain themes reinforced from foreign framed the post election violence as a tribal war between Kikuyu and Luos. Wakhungu argues:

> The interplay in the reportage worked up emotions of conflicting groups and resulted to revenge attacks. Those aggrieved felt a need to retaliate while perpetrators exercised their intent to destroy (Interview, 26.02.2011).

Respondents see the ICC case against the KASS FM journalist as evidence that the said crimes were committed. But, most of them refrain from linking the ethnic radio stations to the Rwandan hate radio (RTLM) as portrayed in arguments discussed earlier by Somerville (2010). However, Wafula cautions that Kenyan ethnic radio stations were closely heading in that direction. "Ethnic radio stations downplayed the extent of the crisis and instead reinforced the growing ethnic rivalry among Kenyans, while politicians manipulated the ethnic differences in their political statements later relayed through the media" (Interview, 15.02.2011).

Various human rights actors have criticized the way the media handled the crisis. For instance ,the KNCHR (2008) report records that since the 2005 referendum up to the election time, politicians employed imagery and idioms in the campaigns which did not only ridicule their opponents, but were aimed at entire ethnic groups. The report states:

Kikuyus, who circumcise their male children, profiled Raila Odinga and the Luo community, who do not circumcise, as unfit for leadership and ODM aligned communities such as the Luo and Kalenjin projected the Kikuyu as assuming always the right to lead the country, as well as being arrogant, grabbers, and corrupt (KNCHR, 2008:26).

4.3 The role of the media in Peace-building as a Social Practice

Respondents generally agree that the media took an active role to report on the peace process that followed the crisis. Particularly, in terms of monitoring policy decisions that led to the signing of a Memorandum of Understanding (MoU) between the two principals. They indicate that the public and politicians were engaged in dialogues at different levels on how to consolidate existing power struggles and ethnic disparities at the time of the elections. While it is widely accepted that the peace accord was a positive step towards stability, some respondents still see unresolved injustices as a hindrance to peace and democracy in Kenya. David Akombo a Media Analyst points out:

> Kenya has a history of political grievances ... there has been pressure for the judiciary to prosecute crimes in the past 20 years going back to assassination of political figures, but things have been slowly in Kenya and other parts of Africa...the next election will come before any justice is done for the victims (Interview, 24.02.2011).

What Akombo is suggesting is that peace building efforts can only be sustained if the Kenyan leadership defines its priorities, whether to try perpetrators of the post election violence as opposed to solving injustices committed in the 1990's tribal clashes[42]. However he argues that there was an adequate coverage of the peace negotiations and outcomes of the AU-UN backed peace deal, while emphasis on deplorable conditions of IDP's initiated relief support from the government and international humanitarian agencies. Annie Arogo a Freelance Journalist in Nairobi recognizes efforts by the media to inspire peace. "The media called for an urgent settlement of the crisis in their editorials and commentaries" (Interview, 08.03.2011). Most respondents say the media enhanced peace after the crisis by reporting and monitoring the implementation of key agendas of the peace accord. The accord called for long term solutions for historical and political conflicts in Kenya and supported peace building efforts. As Arogo argues:

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[42] The clashes flared after the introduction of the multi-party system of Government in 1991 (Hagg & Kagwanja, 2007).

The media has performed reconciliatory roles, in bringing warring communities together. Some TV stations like KTN have taken a concise stand on human rights and peace campaigns. The stand speaks to the leadership, and may not only set an agenda but prompt change (Interview, 08.03.2011).

On the other hand, Ann Mikia a Radio Trainer with Internews an American based media agency says, there has been consistent dialogue between media industry stakeholders to identify and rectify weaknesses recognized as a result of the post election violence and election coverage. She adds that there is a general improvement in the observance of media laws and ethics. Mikia is optimistic and hopes that journalists will take up their responsibility to safeguard the public against hate messages:

As to whether journalists will act responsibly is another question, theirs is to inform on what is happening not to take sides or be seen as perpetuating violence among the communities (Interview, 17.02.2011).

Mikia singled out the National Cohesion and Integration Commission (NCIC) act established through the National Reconciliation Act of 2008 to sensitize politicians and the media against the use of hate speech, as a step in the right direction. The mandate of the commission is to facilitate and promote equality of opportunity, good relations, harmony and peaceful coexistence between persons of different ethnic and racial backgrounds in Kenya and to advise the government[43]. The Act, holds any newspaper, radio station or media enterprise which publishes hate related utterances liable to hate speech offence and enforces fines or prosecution for offenders.

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[43] The National Cohesion and Integration Act of 2008.

4.4 Media Freedom and Human Rights -The Discourse Practice

Gunther and Kress (1998) have put forward that news is a discourse, while news production is a discourse anchored by the ideology of news producers or owners of the media house (cited from Watson, 1998: 116). The process of news production can be related to Fairclough's view of *discourses practice* as ways in which discourses are produced and disseminated through the media (Fairclough, 2001). In this case, news production process is guided by specific values such as, novelty or newness of an issue, prominence, conflict, human interest among others. Tervil Okoko Chairman of the East African Journalists Association (EAJA) explains that these values are either culture free or linked to cultures within the context of the media. However, the analyst notes that in Kenya, the production process is not independent and can be influenced by different factors including ownership, political ideology and media agendas.

Drawing on ideas of press theorists (McQuail, 2010) in chapter two, the core function of the media is to produce and disseminate information to the public but, the level which the media agenda shapes the public agenda or *discourse* depends on the credibility of its information and whether it is free and independent. Going by this notion, respondents suggest that the mainstream media in Kenya was instrumental in educating voters on their civil and democratic rights. This section of the media sustained debates on various issues of social justice through its newspaper articles and TV documentaries. Anthony Wafula notes:

> Reporting on consequences of the violence such as, loss of life and property put pressure on the Coalition Government to open avenues for reconciliation and national dialogue. After the crisis the media has worked as a force to call for accountability on crimes committed during the conflict and also bore witness to the crisis by documenting grave violations of human rights (Interview, 15.02.2011).

While Arogo, mentioned earlier avers that the media in Kenya currently strives to create awareness on human rights issues, especially the after math of the 2007 violence like showcasing the lives of the IDP's. She further notes that other media related NGO's like the Association of Media Women in Kenya (AMWIK) are bringing warring communities together. They do this through combined activities and radio listening groups where participants interact and share peace messages.

As mentioned earlier, the legitimacy for the media is dependant on the message and intent. Arogo says that after the crisis, the message on vernacular radio has changed, frequently highlighting on human rights issues and refraining from inflammatory comments. As regards to Media Freedom, Xavier Ouma a TV Producer with KTN informs that although the free operational environment has attracted investors in the media sector, it also presents challenges and opportunities for practice. Ouma notes:

> The media in Kenya is free to a point that journalists can express themselves as long as they do not go overboard to incite wanachi (citizens) over a national matter. The Media Council of Kenya encourages us to observe professional ethics through objective and fair reporting (Interview, 28.02.2011).

He says in a bid to transform the conflict environment to a peaceful one, the Media Council of Kenya advocated for openness and information sharing. The council urged journalists to adhere to media guidelines and precincts of press freedom. Most journalists were of the view that the media situation in Kenya has changed from what was experienced in the previous regimes. Compared to other African countries, they said that the Kenyan Media had realized its rights and freedoms as supported by the Freedom House[44] (2010) index. The index lists Kenyan media as fairly free. But, Paul Kamau an ICT Trainer at Kenya Science College recognizes that although the media enjoys wider freedom, there are still certain infringements on freedom of expression and of assembly leading to violation of other individual rights.

There is convincing evidence that media freedom in Kenya has also catalyzed unfavourable ethnic commentary. In this view, Vannessa Mayombe a radio intern with Pamoja FM said that in most cases the message is taken seriously by listeners who understand the language. "Commentary in ethnic language has the ability to generate stereotypes that depict one community as less human than the other" (Interview, 22, 02.2011).

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[44] Freedom House 2010 world index on Media Freedom House (2010)
http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol7no3/jamr007003003.pdf

4.5 The context of media operation in Kenya

On the legal situation, media analysts point at gaps in legislation as reasons for the failure of journalists to be critical in their reporting. They were concerned that Kenyan laws on freedom of expression and of the media are vague and leave loop holes for practitioners to abuse media freedom, especially in talk shows and commentaries. Musa Ouma of the Correspondents Association of Kenya (CAK) suggested that there are extensive limitations to freedom of expression where these rights are interpreted in the interest of defence, public safety, order, morality and health.

His argument is based on the provisions in Article 35 of the Kenya constitutional Bill of Rights. The constitution gives citizens the right to access information provided it is in the pursuit and protection of other rights and fundamental freedoms. Like most journalists and editors, he argued that other laws which challenge the work of journalists are libel and defamation. Additionally, there are other inhibiting laws covered under the government's Information and Communication Act[45].

Ouma further elaborated that some government backed legislation proposed after the post-2007 crisis contains sections which if implemented will hamper "media freedom". He fears that the laws could increase government control over the sector. In this regard, I established that media industry stakeholders are still fighting to get amendments done on the act. Secondly, legislation is often used as a weapon against media freedom. According to Ouma, laws implemented in 2002 introduced extremely high penalties for media houses and practitioners caught up in litigations. The laws require publishers to submit an expensive insurance bond in order to operate, something many small private newspapers cannot afford. Ouma sees this as a challenge and suggests that:

> Liberalization reforms established in 1990's must be constantly reviewed and harmonised with international provisions of press freedom as hallmarks in the new constitution, which many see as source of hope in the preservation of Civil and Political Rights (Interview, 23.02.2011).

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[45] The laws under the Information and Communication Act include; the Official Secrets Act Cap 187, which bars civil servants from giving away government information, Section 79(1) of the Constitution, The Penal Code Cap 63,   the Public Archives and Documentation Service Act, Statistics Act and the Records Disposal Act. Defamation Act Cap, 36, Preservation of Public security Act Cap 63, Public Order Cap 56 (CCK, 2011).

As regards to journalists rights, respondents pointed out that working conditions for Journalists in Kenya varied from one media house to another. They said that this scenario hindered their effectiveness as conveyors of information. Some argued that those employed are poorly paid and in constant fear of losing their positions, given a lack of job security and increasing competition in the media market. Tervil Okoko notes:

> Working conditions for journalists in Kenya are not favourable, either their rights have been violated and abused by their employers or news sources. The legal provisions are not adequate to provide journalists with protection, while employers can abuse their rights to fair pay (Interview, 16.02.2011).

Okoko adds 75% of news content in newspapers radio and television is sourced from correspondents, who lack formal contracts with the media houses, yet they continue to work and provide information that the media survives on. In this case, Okoko views that freedom of the press, free market economy and existence of journalistic codes of ethics are not sufficient conditions for the development of fair and ethical journalism practice. He explained that in the past the Kenyan government has used its powers to ban publications, arrest vendors, search and seize broadcasting equipment and intercept communications. It also exerted control over journalists, on grounds that they were "compromising public safety".

Apart from government harassment, the media is also criticised for flouting ethical guidelines. The BBC World Service Policy Trust notes that there were a lot of unverified conspiracy theories of plans to rig the elections:

> The media published serious allegations bordering on incitement, outright misleading statements by politicians gave a field day to political propagandist. The media seemed content to report them in descriptive terms, only quoting the sources and at times the counter arguments, and only rarely pointing out the contradictions or putting to task the politicians levelling the allegations to unequivocally substantiate the claims (BBCWST, 2008).

In general, from the interviews it emerged that media houses took sides in the run up to the 2007 election. Most editors were compromised while some media houses became sensational and unnecessarily alarmed their audiences. It is evident from data for this analysis that live broadcast of vote tallying of the 2007 election results and the visible acrimony of political leaders inflamed tensions, bringing the country to a near collapse.

Summary of Findings

Findings indicate that omissions of key concepts of press freedom in Kenya's fundamental laws, hampers the democratic role of the media. It also limits the effectiveness to address socio- political issues that inform the human rights agenda. However, ethical issues raised here are not related to restrictions on freedom of the media. Rather, they arise from some sections of the media abusing their freedoms indirectly and contributing to the violence during the post-election crisis. These findings indicate that media freedom in Kenya is not directly co-related with a responsible ethical performance of the media, as the situation in democratic states elsewhere in the world demonstrate.

Even though there are positive impacts made by the media in attempts to foster peace, there is a general feeling among analysts that the media in Kenya has failed to condemn human rights violations of the past election. The most highlighted concern is the resettlement of IDP's, and prosecution of perpetrators of violence. There is a general consensus that so far, the government has done little to resettle victims of the crisis who still live in deplorable conditions and lack access to basic amenities such as water and sanitation. Overall, respondents have an understanding of the role of the media as an agenda setter for human rights and acknowledge it for exposing electoral malpractices and institutional corruption, which has characterized the Coalition Government since its inception.

At the same time, respondents said the media was instrumental in calling the audience to calm thereby balancing the wave of the crisis. Although this essential role came late, it has been underplayed in major reports in the crisis. From the analysis it is difficult to argue for absolute media freedom based on subjective media ethics, such as impartiality, accuracy, and responsibility to report. Free media space in Kenya has also seen a downhill trend in Journalism ethics. I argue here that effective self-regulation is the most appropriate way to deal with professional and ethical issues relating to the media. However in the absence of strong democratic structures including free and fair elections, an independent judiciary and a vibrant civil society there is a potential for states to abuse media freedom. There are significant efforts towards promoting human rights and peace, but the Kenyan media lack of impartial and analytical reporting contributed to the post 2007 crisis.

CHAPTER FIVE

5. CONCLUSIONS AND RECOMMENDATIONS

This thesis has attempted to analyse the concept of press freedom and the role of the media in conflict and peace building, as exemplified in the case of the post-2007 election crisis in Kenya. It also aimed at examining how the media can set the human rights agenda through peace building initiatives within its institutional framework and the Journalism profession. Discourse analysis and interviews constituted the research method. Textual material in relation to the research topic was used to support arguments and analysis.

The research was informed by McCombs and Shaw (1972) Agenda Setting theory, on how the media can influence policy through shaping public opinions. The analysis and findings sought to answer research questions on; a) the role of the media as an agenda setter for human rights; b) the role of the media in enhancing violence; b) the role of the media in peace building efforts; d) the context in which the media in Kenya operates. This chapter outlines key findings and gives recommendations for policy and practice.

5.1 Key Findings

The Kenyan law on freedom of the press and of expression relies on Article 19 and 20 of the ICCPR. Specifications in these articles are reflected in its constitution. They support the promotion of civil and political liberties. However, the laws do not give a clear distinction of action when the media directly inspires violence, or simply reports the advocacy of hatred or violence by politicians and others. The media in Kenya is still politically biased and sustains specific political ideologies depending on who owns, and controls its production resources. Politicians have invested in the media and use it as platform to propagate their interests, thereby endangering the democratic pre-requisite for the media to be free and independent. Ethnic radio stations operate in the same way. They are poorly managed and open to political manipulations.

Generally, this analysis indicates that politicians have increasingly used hate speech to incite communities to ethnic violence and advance their political and personal agendas. It also emerged that journalists in Kenya are ill prepared to cover violence, while media owners and managers frequently influence the editorial content. Despite its instrumental role in Kenya's political processes and human rights, the media still needs to rally, re-focus and set the public agenda.

5.1.1 Media Freedom and Responsibility

Media freedom is essential in any journalistic work. It is not a privilege, but an obligation for journalists to apply its use responsibly in the advancement of democracy and other human rights. Although Kenyan media enjoys wider freedom compared to other countries, political and commercial constraints hinder their independence and integrity. The manner in which the media reported the post-election violence uncovered deep seated ethnic divisions. Various media houses took obvious positions for or against the political divide. The ensuing violence moved from angry demonstrations about presidential results to clearly organised violence against specific targets with an ethnic character.

This paper establishes that the media played a role in enhancing violence as well inspiring efforts to build peace. However, there are indicators that causes of violence were rooted more in political, social and economic problems rather than primarily ethnic disparities. The violence experienced in that period and after, led to violations of human rights. It calls for solutions to future occurrences of violence. It suggests that the media as a voice of society can also serve to preserve, protect and promote human rights and transform conflicts.

5.1.2 Media and Peace-building

Conflict resolution processes require concerted efforts from human rights actors, social - community networks and the media. In essence, media owners, editors and journalists cannot simply escape responsibility for their actions. As this study has indicated journalists can be powerful individually and collectively, but they can also be manipulated very easily if they deviate from issues of substance and dwell on trivialities. The post-2007 case serves to point at the potential abuse of media freedom in vulnerable political societies. This thesis recognizes that in conflict situations, some states could muzzle the media on the pretext of protecting public order and safety.

However, it determines that controlling the media is not a solution, but a violation on individual and societal rights. Though self-regulation is seen as a favourable option for a sustainable media practice, there is need for an interpretation of human rights law on freedom of the press and of expression to prevent future violations. This thesis demonstrates that certain rights for instance; freedom of expression and of the media, justice and peace could conflict if given different interpretations.

5.2 Conflicting Rights

The notion of conflicting rights generates various opinions as to whether in some cases one set of rights can conflict with another. A "right" by definition is absolute - this distinction separates a right from an aspiration or a moral claim generated by a contract and accompanied by a correlative duty (Jones, 1994). If two "rights" conflict, it can mean that one right is emphasized more than the other or two rights demonstrate similar characteristics. Rights originated from the liberal principle of freedom, equality and justice. But, today society has become competitive over right claims and obligations.

5.2.1 Press Freedom and Freedom of Expression

Press freedom and freedom of expression are two areas of rights that may sometimes clash. On one hand a media practitioner's right to access and disseminate information is protected under "press freedom", while as an individual within the state he/she enjoys right to information and expression of opinions , as long they do no conflict with other peoples rights. According to findings and analysis, the outcomes either way are not easy to predict.

Journalists in Kenya, like elsewhere in the world will likely equate the two, albeit to use their right to freedom of expression to deny the same rights to others. The media in Kenya enjoys a level of freedom but there are certain infringements on freedom of expression and of assembly leading to violation of other individual rights. Arnheim (2004) has argued that media freedom is not equivalent to freedom of speech or expression, but more than that. It can actually be inimical to freedom of speech for all (Arnheim, 2004:62).

According to respondent's points of view, journalists in Kenya wrongly interpreted the context of press freedom and aired opinions from the public and political expressions, which amounted to hate speech. In essence, there was no credible evidence in the accuracy of some of the information disseminated through the media during the crisis. In this regard, the media abused its own freedom by misleading the population to resort to violence as an expression to claim for rights and justice.

5.2.2 Justice and Peace

In the aftermath of the conflict Kenyans demanded that justice for crimes committed must be achieved before peace is established. Peace and justice may clash at times, while striving for justice could imply that violence is justifiable. In reality just peace emphasizes on negotiations that can lead to the achievement of common views which help in building consensus on what justice might mean in specific circumstances (Pierre & Alexis, 2006:5). Although several authors on peace and justice explicitly outline and advocate specific cases for 'justifiable violence', alternative and non-violent ways are preferred for conflict transformation ideals (ibid).

Findings for this thesis are indicators that even though the process of acquiring justice after crimes is challenging, its accomplishment enhances long term peace settlements favourable to parties initially engaged in conflict. As analysed earlier, approaches to justice and peace in Kenya may take time especially since political conflicts originate from disagreements based on ethnic identities and past injustices. Identity differences have tended to derail the peace process and rekindle flames of violent conflict through the search for 'justice', particularly because not all stakeholders have the same agenda when it comes to resolving conflicts or winning political points (Pierre & Alexis, 2006:7).

In a human rights context, right to peace is based on universal norms of life, liberty, justice, solidarity, tolerance, respect to human rights and equality between men and women, while violent conflicts are not endemic part of the human condition (Roche, 2003:2). These ethical values that transform a culture of war and violence into a "culture of peace" can be drawn from UNESCO's principles[46]. The principles recognize tools of social communication (media, education and culture) as vital channels through which dialogue between conflicting parties occur. Their success depends on the existence of institutional policies and political structures that promote peace.

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[46] The UNESCO principles on a culture of peace include: Respect for life and for the dignity and human rights of individuals, a rejection of violence, recognition of equal rights for men and women. Upholding of the principles of democracy, freedom, justice, solidarity, tolerance, the acceptance of differences, and understanding between nations and countries and between ethnic, religious, cultural and social groups (Roche, 2003:4).

5.3 Limitations of the Study and Implications for Further Research

In this study, it was difficult to acquire broadcast transcripts that included clear evidence of incitement or hate speech due to lack of effective media monitoring systems in Kenya and access to media houses. On the legal basis, without evidence there is a risk that the media could breach laws and morals. The proof of the media intent to violence or hatred has been a conviction beyond doubt that the information published creates an imminent risk of discrimination, hostility or violence against another person (ARTICLE 19, 2009:15).

Limited space allocated for this paper resulted in a narrow focus on other themes that could cover the general scope on press freedom and peace building. However, the study attempted to include data from different categories of respondents in Kenya including journalists, editors, analysts and citizens who together formed a reasonably representative sample. Further research should examine the significance of ethnicity and how it influences the media and institutional practice. More research is needed to establish how conflict situations affect Journalist's endeavour to be objective agenda setters.

Research should explore the possibilities of post conflict transformations created by the New Media. The study could be analysed in parallels to the massive demonstrations and regime change in recent history in Tunisia, Egypt and Libya, particularly the use of social media such as YouTube, Twitter and Facebook.The effectiveness of these kinds of media in setting a global agenda should be considered for research.

5.4 Recommendations for Policy and Practice

Findings in this study indicate that the role of the media especially radio to reinforce attitudes in the society cannot be under-estimated. Therefore, restrictions of freedom of the press and of expression should be clearly and narrowly defined to ensure that they do not infringe on legitimate speech or go beyond the scope of harmful speech. Suggested measures to prohibit the abuse of media freedom and promotion of peaceful co-existence include:

A review of Kenya's media legislation

The effective performance of the media during periods of crisis requires harmonization of laws on 'hate speech' to protect against the infringement of media freedom. The media requires collaborative efforts from the international community and local human rights organizations to pressure the government institutions to improve legislations enacted. The media and government together must find ways to respond to abuses of media freedom without violating human rights principles on freedom expression and equality. Such measures have already been taken in similar situations at the international level.

For instance, in the ICTR- Media Trial[47] four media practitioners were found guilty of genocide, incitement to genocide, conspiracy and crimes against humanity for abusing their journalistic freedoms (Thompson, 2007:2). The case raised important principles concerning the role of the media in conflicts, which have not been addressed at the level of international criminal justice since Nuremberg[48]. The trial of a Kenyan journalist at the ICC for crimes against humanity further shows that the power of the media is increasingly being abused and could endanger enjoyment of rights.

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[47] Also see - The Media Trial – www.ictr.org

[48] The first of 12 trials for war crimes was the United States authorities held in their occupation zone in Nuremberg, Germany after the end of World War 11. Also see - (Freyhover, 2004) for a detailed discussion on the Nuremberg trials.

Enactment of a progressive media policy

There is need to revamp media monitoring systems by civil society and research organizations. Such monitoring should be systematic and effective in documenting evidence of incitement and malpractices perpetrated via the media. The documents gathered by these organizations will be helpful in determining the intent of violations. The government, in consultation with all stakeholders in the media industry should enact a progressive media policy. Such policy can strengthen and empower the media sector, as well as acting as an impetus for the growth of the industry. The policy should be inclusive of issues that deal with cross-ownership of the media, allocation of frequencies and policies that balance local and foreign content.

Strengthening the Media Council of Kenya

Data analysed establishes that, the Media Council of Kenya (MCK) safeguards the rights of journalists through monitoring policy and legal frameworks. The council mandate should be expanded to check on professional guidelines and ethics within the media industry and advice on possible threats to media freedom. The Kenyan media almost always reach a crossroad in conflict situations having previously never been prepared, anticipated or build the capacities to deal with such situations.

Capacity building activities and self-regulation initiatives can be spearheaded through MCK in collaboration with local and international development partners. There should be consistent dialogue between the media industry stakeholders to identify and rectify the weaknesses recognised as a result of the post-election violence coverage. Generally, media houses should strive to improve the observance of media laws and ethics and promote effective self- regulation.

Moderation in local language broadcasts

This study revealed that some ethnic radio stations incited fear and hatred particularly, at the height of violence. Local language radio stations are increasingly biased and flout codes of ethics. Talk shows on these radio stations represent a greater risk on media freedom, while talk hosts need to be sensitized on the value of responsible reporting. Although local language and mainstream media played an important role in calming the violent situation and promoting dialogue, there is a need to strengthen that role by supporting genuine and independent media which form a critical contribution to lasting peace.

Training in conflict sensitive Journalism

Media practitioners need to be equipped with conflict sensitive reporting skills. Kenyan news media should invest and develop a journalism practice that can cope and address critical issues underlying conflict situations. In terms of election coverage, media houses need to be advised and provided with guidelines in time, on how to handle the release of election results. They should work together with the Electoral Commission and verify results to avoid speculations. The role of the media as watchdog should serve to expose and condemn election malpractices.

Improving working conditions for Journalists

Poor remuneration and lack of safety for journalists hamper a free and plural media. Substantial progress in strengthening the media will not be possible unless the working conditions of journalists are improved. Recognizing the importance of the media as a system of checks and balances in a democratic society, the author is suggesting innovative funding schemes to strengthen the sector. Such initiatives can support the Journalism profession to perform its civic duty. This kind of support is necessary in upgrading media enterprises and sustaining their resource and technical capacity. With these initiatives, the media can be self-reliant and break from political and ethnic shackles that hinder their work as gatekeepers and agenda setters for human rights.

Word Count: 16, 244

The word count is within the tolerable limit of 17,000. It is inclusive of figures intended for visual illustration and excludes in-text referencing.

BIBLIOGRAPHY

1966 ICCPR   International Covenant on Civil and Political Rights

1948 UNDHR Universal Declaration of Human Rights

1981 African Charter on Human and People's Rights

 1948 Convention on the Prevention and Punishment of Crimes against Humanity

1945 Charter of the United Nations: Available at:
http://www.un.org/en/documents/charter/chapter1.shtml (Accessed 24.03. 2011)

Arnheim, T.M. (2004) *The Handbook of Human Rights Law: An Accessible Approach to Issues and Principles*, London: Kogan Page Ltd.

Aho, M. (2004) *Media's Role in Peace-building: United Nations Peace Support Operations*, Virginia: George Mason University

ARTICLE 19 - International Centre against Censorship (2009): *Kenya Article 19 Recommends amendments to Hate Speech Bill, Press Release 19 December 2009*. Available at: *http://www.article19.org/publications/global-issues/hate-speech.html*.(Accessed 15. 02. 2011)

ARTICLE 19 - *"Comment on the Prohibition of Hate speech Bill, 2007 Kenya, London, 2009*

BBCWST - British Broadcasting Corporation World Service Policy Paper. 2008. *The Kenya 2007 Elections and their Aftermath: The role of the Media and Communication*

Bryman, A. (2008) *Social Research Methods*, New York: Oxford University Press.

Barkan, D.J. (1992): **'**The Rise and fall of governance Realm in Kenya', in Goran, H. and M, Bratton (Eds) *Governance and Politics in Africa*, London: Lynne Rienner Publishers

Bratic, V. (2006) 'Media effects during violent conflict: Evaluating media contributions to peace-building', *Conflict and Communication Online*, Vol.no.5, No.1. Available at: http://www.cco.regener-online.de/2006_1/pdf_2006-1/bratic.pdf (Accessed 03.03.2011)

Chaon, A. (2007) 'Who failed in Rwanda Journalists or the media', in Thompson, A. *Media and the Rwanda Genocide (*Eds), London: Pluto Press, Kampala: Fountain Publishers.CH.13

Carter, C. and K. Weaver (2003) *Violence and the Media*, Philadelphia: Open University Press.

Charmaz, K. (2006) *Construction Grounded Theory: A practical Guide through qualitative Analysis*, Los Angeles: Sage publications

CPJ- Committee for the Protection of Journalists (2009). Available at: http://www.cpj.org/2009/02/attacks-on-the-press-in-2008-kenya.php (Accessed 09.02.2011)

De Wet, C. (2001) 'A Media Discourse Analysis of racism in South African Schools', *International Education Journal* Vol 2, no 5. 98-110

Des Forges, A. (2007) **'**Call to Genocide: Radio in Rwanda, 1994', in Thompson, A. *Media and the Rwanda Genocide (*Eds), London: Pluto Press, Kampala: Fountain Publishers .CH.4

Dearing, W.J. and E.Rodgers (1996) *Communication concept 6: Agenda Setting*, London: SAGE.CH's 1, 5, And 6

Dahinden, P. (2007) Information In crisis areas a tool for Peace: A Hirondelle Experience, in A. Thompson (Eds) *Media and the Rwanda Genocide (*Eds), London: Pluto Press, Kampala: Fountain Publishers.CH.31

Dahal, R. (2011): 'Conflict and Media', Friedrich Ebert Stiftung. [Online] Available at: <http://www.nepaldemocracy.org/media/conflict&media_freedom_drd.htm> (Accessed 07.03.2011)

Du Plessis, M. And C. Grevers (2011) 'Kenya ICC cases a good test of an ICC Founding Principle', *European Journal of International Law*. [Online] Available at: <http://www.ejiltalk.org/kenyan-case-a-good-test-of-an-icc-founding-principle> (Accessed 06.03.2011)

Danso, F. And K. Aning (2010) 'AU and EU Africa Lessons Learnt and future Scenarios', in N. Pirozzi (Eds) , *Ensuring Peace in Africa implementing the New Africa – EU partnership of the Institute of International Affairs*, Series 7.

Dunsky, M. (2003) 'Israel Palestinian Conflict: Roadmap to a Balanced media Picture' in *News Routes a Journal for Peace Research and Action* Vol 8, no 2. 9 -10

Edozie, K. (2009) *Reconstructing the Third Wave of Democracy: Comparative Africa Democratic Politics*, Maryland: University Press of America

Fairclough, N. (2001) 'Critical discourse analysis as a method in social scientific research', in Wodak. And M. Meyer, *Methods of critical Discourse Analysis,* London: Sage

Fairclough, N. (2001) *Language and Power* (Second Edition), Edinburg: Pearson Education Limited

Fairclough, N (2003) *Analysis Discourse: textual analysis for social research,* London: Routledge.

Fairclough, N. And L, Chouliaraki (1999) *Rethinking Critical Discourse Analysis*, Edinburgh: Edinburgh University Press

Frohardt, M. and J. Temin. (2003): 'Use of media in vulnerable societies: Special Report 110'.*United States Institute of Peace*, Washington DC, USA. [Online] Available at: <www.usip.org/pubs/special reports/sr110.pdf> (Accessed 08.02.2011).

Gardner, E. (2001) 'The Role of the Media in Conflicts', in Reychler, L. & T, Paffenholz (Eds.) Peace-*building a Field Guide*, London and Colorado: Lynne Rienner Publishes, INC.

Goodhand, J. And D, Humle (1999) 'From Wars to Complex Political Emergencies: Understanding Conflict and Peace-building in the New World Disorder', *Third World Quarterly*, Vol 20, no.1, 13-26

Galtung, J. (1998) 'High Road, Low Road: Charting the course for Peace Journalism', *Track Two* 7(4) (December 1998). [Online] Available at: <http://ccrweb.ccr.uct.ac.za/archive/two/7_4/p07_highroad_lowroad.html> (Accessed 06.03.2011)

Galtung, J. (1964) 'An Editorial', *Journal of Peace Research, Vol 1, no.1, 1-5.* [Online] Available at :< *http://jpr.sagepub.com/content/1/1/1.full.pdf+html> (*Accessed 23.03.2011)

Gee, J.P. (2011) *An introduction to Discourse Analysis*, New York: Routledge

Gabrium, F.J. and A. Holstein (2003) *Post Modern Interviewing* (Eds.) London: Sage

Ghandhi, S. (2008) *International Human Rights Documents 6th Edition*, New York: Oxford University Press

Hanssen, B. (2000) *Critic of Violence between Post structuralism and Critical Theory* London: Routledge Chapter 5.

Hays, J. (2002) 'Anguished Laments: A critical Discourse Analysis of Education, representation and Development of the San of Botswana', *Journal of the African Activists Association*, Vol 28, no 2-3 pp 24-41

Hattotuwa, S. (2002) 'The Role of the Media in Peace Processes', Written for 14th World Congress of Environmental Journalists, organised by Sri Lanka Environmental Journalists Forum (SLEJF), 27th - 31st October 2002, Colombo, Sri Lanka. [Online] Available at: <http://sanjanah.wordpress.com/2002/10/27/the-role-of-the-media-in-peace-processes/ > (Accessed 06.03.2011)

HRW- Human Rights Watch Report (2008) *"Ballots to bullets organized violence and Kenya's crisis to of Governance*. [Online] Available at: <http://www.responsibilitytoprotect.org/files/Kenya.pdf.> (Accessed 15.02. 2011)

Hagg, G. And P.Kagwanja (2007) 'Identity and Peace Reconfiguring Conflict resolution in Africa, African Journal on Conflict Resolution', Vol. l7.no.2 pp 9-26

Hartley, J. (1992) *The politics of pictures: the creation of the public in the age of popular media*

Ismail, J.A. & Deane, J. (2008) 'The 2007 General Election in Kenya and its Aftermath: The Role of Local Language Media', *The International Journal of Press/Politics*, Vol 13, 319-327

ICC- International Criminal Court (Pre -trial Chamber). 2010. *Situation the Republic of Kenya* Document CC‑01/09‑30‑Conf‑Ex . [Online] Available at *<http://www.standardmedia.co.ke/downloads/icc_case_1.pdf.>*(Accessed 20 .12.2010)

ICHRP- International Council on Human Rights Policy (2002) Journalism and Media the challenges of human Rights Reporting.

ICHR- International Council of Human Rights (1999) Staff Paper on Press Freedom

Jones, P. (1994) *Rights,* Basingstoke: Macmillan

Klopp, J.M (2010) 'Internal displacement and Local Peace Building in Kenya'*, Special Report* 251 Washington DC: USIP.

Kasoma, F.P. (2000): The Press and Multiparty Politics in Africa, PhD Thesis, Tampere: University of Tampere

KNCHR - The Kenya National Commission on Human Rights. (2008). *On the brink of a Precipice: A Human Rights Account of Kenya's Post-2007 Election* violence [Online] Available at :< *http://www.knchr.org/dmdocuments/KNCHR%20doc.pdf>(*[Accessed 23.01. 2011)

Kamilindi, T. (2007) 'Journalism in a Time of Hate Media', in Thompson, A. *Media and the Rwanda Genocide (*Eds), London: Pluto Press, Kampala: Fountain Publishers.CH.11

Kriegler & Waki Report on 2007 Elections [Online] Available at, **<http://www.kas.de/kenia/en/publications/16094/>** (Accessed 02.11. 2010)

Kalyongo, Y. (2008) 'Media Performance and Democratic rule in East Africa: Agenda Setting and Agenda Building Influences on Public Attitudes', PhD Thesis, Missouri: University of Missouri

KNCHR - The Kenya National Commission on Human Rights (2008) *on the brink of a Precipice: A Human Rights Account of Kenya's Post-2007 Election* violence [Online] Available at: <*http://www.knchr.org/dmdocuments/KNCHR%20doc.pdf> (*Accessed 23. 01. 2011)

Kaldor, M. (2006) *New and Old Wars Organized Violence in a Global Era* (Second Edition), Cambridge: Polity Press.

Larfague, J, (2009): *The General Elections in Kenya,* Nairobi*: IFRA*

Lauk, E. (2008) 'Freedom for the Media: Issues of Journalism Ethics in Estonia',
 Changing Journalism Cultures: A comparative perspective" by the Estonian Science Foundation, Vol 47. pp. 59 -64

Medard, C. (2009): 'Key Issues in disentangling the Kenyan Crisis: Evictions autochthony and land privatization', in Larfague, J, (2009) *The General Elections in Kenya,* Nairobi*: IFRA*

Mbeke, P.O. (2008) 'The Role of the Mass Media during the 2007 Post-Election Violence in Kenya' in Solbach et al (Eds*.), Media in Peace building and Conflict Prevention*, Bonn: Deutsche Welle, 178-191

MDI - Media Development Institute (2009) The Media Debates Project: a Media Council of Kenya and Friedrich Ebert Foundation initiative

Mann, C. and F. Stewart (2003) 'Internet Interviewing', in Gabrium F.J. and A. Holstein (Eds) *Post Modern Interviewing*, London: Sage

MCcombs, M (2004*) Setting the Agenda the mass media and Public Opinion,* New York*:* Blackwell

MCcullagh C. (2002) *Media and Power a Sociological Introduction*, New York: Palgrave

MCcombs, M. and A. Reynolds (2009) 'How the news shapes our Civic Agenda', in Bryant J. and M. Oliver (Eds*) Media Effects: Advances in theory and Research*, New York: Routledge

McCombs, M.E and Shaw, D. (1972) *The Agenda-Setting Function of Mass Media. POQ, 36*; 176-187.

McQuail, D. and S. Windhal (1993) *Communication Models for the study of Communications* (2nd Eds), London: Longman

McQuail, D. (2010) *Mass Communication Theories 6th Edition*, London: SAGE

National Cohesion and Integration Act of Kenya (2008) [Online] Available at <*http://www.ncck.org/index.php?option=com_content&view=article&id=117&Itemid=64*> (Accessed 03.03.2011)

Nyama, B. (2003) 'Media as Agents for Peace building', *News Routes a Journal for Peace Research and Action 8 no 2. 9 -10*

Nyongo, P (2007) *A leap in the Future: a vision for Kenya's Socio Political and Economic Transformation*, Nairobi: World Alive Publishers

Ochilo, P. (1993) 'Press Freedom and the Role of the Media in Kenya ', *African Media Review of African Council for Communication Education* Vol7, no 3. 19-33.

Oriarie, M.P (2009) The Role of the Media in Conflict (Radio and Others) Report Presented to the Internews Network, Nairobi April, 2009. [Online] Available at: http://www.internews.org/pubs/kenya/LiteratureReview_ReportingPeaceKenya_20090415.pdf . (Accessed 02.02.2011)

OHCHR - United Nations High Commissioner for Human Rights .2008. *Report from OHCHR fact finding mission to Kenya*

Pierre, A. and Alexis, K. (2006) *What is Just Peace*, New York: Oxford University Press

Powell, R (2010) *Kenya Media Landscape Guide*. [Online] Available at: <*http://www.infoasaid.org/sites/infoasaid.org/files/Kenya%20media%20landscape%20guide%20Nov%202010.pdf*> *(*Accessed 03.03.2011)

Robinson, P. (2000) 'The policy-Media interaction model: Measuring media power During Humanitarian Crisis'. *Journal of Peace Research*, 37 (5):613-33

Roche, D. (2003) 'The Human right to peace: Ethics and Policy', paper presented in the 4th World Summit of the Nobel peace Laureates Summit, Campidoglio November, 28, 2003 [Online] Available at: <www.middlepower.org> (Accessed 06.02. 2011)

Rubin, Herbert J. and I. Rubin (2005) *Qualitative Interviewing: the art of hearing data*, *Second Edition*, London: Sage

Ross, H. (2002) *An Operational Framework for Media and Peace-building*, for IMPACS, Institute for Media Policy and Civil Society, Vancouver: National Library of Canada

Street, J. (2001) The *Media, Politics and Democracy*, New York: PALGRAVE

Seale, C. (2004) *Researching Society and Culture,* Los Angeles, London, New Delhi, Singapore, Washington DC: Sage

Spitlunik, D. (1996) 'The social circulation of media discourses and the mediation of communities: consumption, circulation and community', *Journal of Linguistic Anthropology,* Vol no.6, Issue (2) pp 161-167

Smith, K. (2007) *Textbook on International human Rights,* New York*:* Oxford University Press. Ch.18

Somerville, K. (2010) *Kenya Violence, hate speech and Vernacular radio,* AMIGS Occasional paper, London: Brunel University

Shaw, M. (2003) *War and Genocide,* Cambridge: Polity Press

The Constitution of Kenya [Kenya], 27 August 2010, [Online] Available at: http://www.unhcr.org/refworld/docid/4c8508822.html (Accessed 07.11. 2010)

Traugott, M.W and P.J. Lavrakas (2008) *The voters guide to election polls* (Eds), Maryland: Rowman & Littlefield Publishers, INC.

Thompson, M. (1994) *Forging War: the media in Serbia, Croatia and Bosnia –Herzegovina*, Great Britain: Bath Press

Thompson, A. (2007) *Media and the Rwanda Genocide (*Eds), and London: Pluto Press, Kampala: Fountain Publishers.

Terre Blache, M. and Durrheim, K. (1999) 'Social constructionist methods', in M. Terre Blache and K. Durrheim K (eds.), *Research in practice: Applied methods for the social sciences,* 147-172. Cape Town: UCT Press.

USIP - United States Institute of Peace Special Report .*2008. Internal Displacement and Local Peace Building in Kenya*

Watson, J. (1998) *Media Communication: An Introduction to Theory and Process*, New York: PALGRAVE

Wolfsfeld, G. (2004) *Communication Society and Politics: Media and the path to Peace*. New York: Cambridge University Press

Wanyande, P. (1996):'The Media as Civil Society and Its Role in Democratic Transition in Kenya', *Africa Media Review* 9(3), pp.1-20

Appendix 1: Interview Respondents

Media Analysts

1. Anthony Wafula : Media Analyst -Wes and Abbot Consultants Nairobi
2. Tervil Okoko : Chairman - East African Journalists Association (EAJA)
3. Musa Ouma   : Chairman - Correspondents Association of Kenya (CAK)
4. Dr. David Akombo: Professor at Weber State University - USA

Editors/Producers

1. Anne Mikia : Radio Trainer - Internews Network Nairobi
2. Mercilla Wamoyi : Editor-Producer - Kenya Broadcasting Corporation (KBC)
3. Joseph Wakhungu : Assistant Editor - Radio Waumini
4. Xavier Ouma : Producer - Kenya Television Network (KTN)
5. Jackline Opar : Producer - Radio Waumini

Journalists

1. Annie Arogo : Freelance Journalist Nairobi
2. Vannessa Mayombe : Radio Intern at Pamoja FM
3. Thomas Bwire: Presenter at Pamoja FM - Nairobi

Members of the Public

1. Walter Sisuma: Airline Operator – Busia Resident
2. Paul Kamau: ICT Trainer at Kenya Science College - Nairobi Resident
3. Davies Wanyama: Former Electoral Presiding Officer - Resident in Oslo

Appendix 2: Interview Guide

Press freedom and Media's Role in Conflict and Peace- building

Case of post-2007 Election Crisis in Kenya

Kenya's media particularly the community-based radio stations played critical roles before and after the Kenya's general elections. While in some case they provided important information on the election and called for calm, in other cases, they have been charged with inciting violence through the dissemination of hate speech (Kriegler & Waki Report, 2008).

Please use the interview guide to provide responses to questions regarding the state of the media in Kenya, particularly its role in the violent aftermath of the December 2007 elections and the Peace process that followed.

The Role of the Media in Peace and or Violence

1. According to the agenda setting theory, the media has a powerful ability to create and influence public awareness and concern of salient issues. In your opinion, does this reflect the reality of the media in Kenya? Do the media operate in a free environment? What are the limitations?

2. Comment on the role of the mainstream vis-a-vis the ethnic radio role in election crisis in Kenya?

3. What role did the media play in the campaigns of both the opposition and the government how did this affect the poll?

4. What is the role of the media currently as regards to highlighting human rights issues, especially after the post-election violence? Please comment on the vernacular radio stations?

Freedom of the Press and Human Rights

1. What factors do you think have affected the ability of the media and journalists in Kenya to be effective agenda setters for human rights?

2. What role did the media play in exposing and highlighting election malpractices and other human rights violations?

3. In general, would you say the media has played: an important/crucial, small role or no role - in Kenya's human rights situation?

4. Comment on the role of the international community in general in Kenya's political and human rights situation?

Beyond the Post Election Violence

1. What have been some of the lessons learned in the aftermath of the post-election violence?
2. How have government and civil society responded to the role played by the media in Kenya's recent elections?
3. How has the Kenyan media itself addressed some of these criticisms?
4. What role has the media played generally, in conflict situations?

Your responses will be used only for the purposes of academic research. University and research ethical guidelines will be strictly adhered to.