From incitement to self-censorship: the media in the Kenyan elections of 2007 and 2013

Katherine Bruce-Lockhart looks at the media's role in two Kenyan elections and argues that peace and critical media coverage should not be mutually exclusive.

On December 30, 2007, the Kenyan Electoral Commission declared incumbent President Mwai Kibaki the winner of a closely contested election. As he was being sworn in for his second term at State House in a rushed ceremony, many Kenyans went on to the streets. Crowds amassed not only in celebration, but also out of anger, which quickly took violent forms. Clashes between supporters of Kibaki and those of his opponent Raila Odinga engulfed five of Kenya's eight provinces. Homes, churches and shops were set ablaze and machete-wielding gangs carried out attacks on real and perceived political opponents. Infuriated by what many believed to be a fraudulent election result, Kenya's citizens turned against one another in the worst eruption of violence since the country gained independence in 1963. By the time the violence had subsided, over one thousand Kenyans had lost their lives, with a further six hundred thousand displaced.

The post-election violence of 2007/2008 left deep wounds in the Kenyan populace, sparking national soul-searching and demands for answers about the causes and perpetrators of the violence. One of the culprits identified by both Kenyans and the international community was the Kenyan media, seen as stimulating and exacerbating the violence with ethnically charged hate

speech. Coverage of the violence carried story headlines such as 'Spreading the word of hate,' 'Kenyan media inciting ethnic hatred,' and 'Kenya: the role of media in hate crimes.' The blame placed on the vernacular media is epitomised by the current trial of Kalenjin-language broadcaster Joshua Arap Sang at the International Criminal Court (ICC), which commenced on 10 September, 2013 and is still ongoing at the time of writing. His trial represents the first time a journalist has been tried at the ICC, making it an important precedent for determining the legal relationship between hate speech and violence.

While Sang's trial in and of itself represents a key litmus test of the boundary between 'free speech' and 'hate speech,' it is representative of a wider debate unfolding in Kenya today. In March 2013, Kenyans went to the polls again. Many, especially foreign onlookers, expected a repeat of the violence of 2007/2008. Once again, the election was controversial, with Raila Odinga challenging the results after losing to Uhuru Kenyatta. Yet the violence never came, and hate speech was almost entirely absent from the airwaves and newspapers. Issack Hassan, Chair of the Independent Electoral and Boundaries Commission (IEBC) responsible for running the election, praised the media for its "modesty and professionalism" during the electoral process, signifying the dramatic contrast from 2007/2008. Former United Nations Secretary General Kofi Annan also spoke highly of the Kenyan media, applauding them for "promoting peace and exercising good judgment in their election coverage."

Wary of any potential for inciting violence, the media had erred on the side of extreme caution in their coverage of the 2013 election. Media executives entered into a 'gentleman's agreement' not to provide live coverage for announcements or press conferences by political parties in an effort to avoid "anything that might whip up ethnic tensions." In contrast to previous elections, media houses were not present at exit polls, generally considered a crucial venue for early flagging of voting irregularities. They also agreed not to report results from the polling and constituency levels directly, instead replying only on the official results announced by the IEBC.

While figures such as Hassan and Annan praised the media's contribution to peace, others were more critical. Journalists inside and outside of Kenya lambasted the media for its allegedly anemic coverage of the election, especially for glossing over the controversies about the disputed results. Rather than playing its vital watchdog role, the critics argue that Kenya's media was 'supine' and 'mute,' tailoring its reporting to promote peace at all costs. Once again, freedom of speech was the central issue in the Kenyan election, but this time with debates over self-censorship rather than hate speech.

This swing from sensationalism to self-censorship has had numerous negative implications for the integrity of both the journalism profession and the democratic process in Kenya. The prioritisation of peace resulted in press coverage that downplayed potentially controversial election stories. Incidents such as the confiscation of identity cards by gun-wielding gangs in Mathare and the death of thirteen people in Mombasa as a result of violent attacks by secessionists were underreported due to fears of sparking panic and further violence. When the IEBC revealed that there had been

many technical glitches during the election, such as the failure of the biometric voter identification kits and a 'bug' that multiplied the number of rejected votes by eight, few queries were launched by the media. As Odinga began questioning the viability of the results, asking for the ballot counting to be stopped and for an audit to be launched, the media "were still cheerfully assuring listeners that everything was on track."

By glossing over election controversies and towing the line of the IEBC, the media may have helped facilitate Kenyatta's victory. Prudency in the name of peace was tantamount to partiality, favouring whichever candidate took the initial lead and marring the public's awareness of irregularities. When reports flowed in that Kenyatta was ahead of Odinga, the media continued to disseminate that narrative, rather than focusing on Odinga's concerns about the legitimacy of the election. At a 'critical threshold,' argues Sinhanya ,as the high number of spoilt votes became apparent, the Kenyan media "stopped adding up their statistics and began featuring the official IEBC results." While in a studio during this process, Sinhanya was told by members of the media outlet: "no critical comments. We have moved on to outcomes and feedback. We have a moral obligation." This quick jump from a contested election to 'outcomes and feedback' was hastened by the lack of critical media reporting, buttressing not only the peace process but also Kenyatta's victory.

While the Kenyan media of years previous would have 'gone for the jugular' in the wake of election controversies, Michela Wrong of the New York Times characterised the 2013 version as a "zombie army" with reporters "going glaze-eyed through the motions." Journalist Christine Bukania similarly criticised the media for forgetting "their dedication to bring the full uncensored truth to the Kenyan people," thus neglecting their crucial "watchdog function." Although aware of election irregularities, she argued the media's "reluctance to pursue these events, to enrich their reports with investigative depth, and well-rounded analysis" was the most disturbing. Political cartoonist and blogger Patrick Gathara criticised the 'compact' that developed between the media and the Kenyan people, meant to ensure that "Kenya would have a peaceful and credible poll no matter what." The costs of such a strategy were high. As academic Godwin Munurga writes "we have turned the old notice declaring 'Silence, Meeting in Progress' into 'Silence, Peace in Progress'….we have traded peace for justice and absurdly convinced ourselves that the two cannot co-exist."

Some observers have argued that such an approach was justified by the aim and outcome of a peaceful election. Journalism professor Joe Kadhi insists that the media did not evade controversial events, but rather deliberately downplayed these 'sensitive stories.' This approach, he argues, was a "welcome exhibition of professional commitment to vital ethical principles that are internationally supported today by all studies of conflict sensitive journalism." In an impassioned defence of the Kenyan media's coverage of the election, journalist Anne Kiguta argued that the media's self-censorship provided "evidence that the media in Kenya has finally come of age," able to discern which stories and styles of reporting were conducive to a peaceful election process.

Such defences, however, are rendered rather hollow for those who view the media's watchdog function as fundamental rather than negotiable. While defenders of the media argue that critical reporting can be sacrificed for the collective good, critics contend that the two are not mutually exclusive. "The "public interest" should not unnecessarily fetter freedom of expression" argues lawyer Ben Sinhanya. "Freedom of expression and the ability to disseminate ideas and receive information is crucial for constitutional government, the rule of law, human rights, democracy, sustainable development and electoral justice," he stated. Furthermore, analytical and critical media coverage does not automatically generate violence. For Muthoni Wanyeki, former executive director of the Kenyan Human Rights Commission, 'critical reporting' is "different than using the media to consciously and deliberately incite Kenyans to harmful/violent action(s) at the expense of other Kenyans" (Interview). For the Kenyan media to 'come of age' as Kiguta claims it has, it will have to learn to foster critical debate without inciting violence.

Beyond the political realm, the media's approach to the Kenyan election also illuminated the deep fear that permeated the Kenyan populace. Their self-censorship, Wrong argued, "reveals a society terrified by its own capacity for violence." The election became "something to be endured," a precarious process that could at any moment lapse into violence. The nature of this peace was thus tainted, as it was haunted by the "perpetual shadow of self-annihilating silence." That the media was willing to sacrifice critical reporting in its desperation to ensure peace indicates just how precarious such peace was in the eyes of many Kenyans.

While the mainstream media did its best to cover up the reasons for that fear, social media was an arena in which hate speech was harder to silence. Interethnic tensions that played out in violent forms during the 2007/2008 election moved into cyberspace in 2013. As one commentator in the Daily Nation wrote, "This violence is not being fought on bloody streets; it is warfare waged on the pristine, modern, middle-class avenues of Twitter and Facebook." The Umati project, a civil society hate-speech monitoring initiative, found that incidences of hate speech on Facebook and Twitter spiked in the months immediately prior to the election. Using a research framework on 'dangerous speech' developed by Susan Benesch, it tracks the number and nature of offensive statements on social media in Kenya. The number of statements under the category of 'offensive speech' (meant to insult but not to give rise to harmful action) rose from 122 in February 2013 to 405 in March. Instances of 'dangerous speech' (those with the highest potential to promote violence' rose from 197 in February to 321 in March. Such high levels of hate speech surprised the government, who had failed to adequately target the social media platform. "Mainstream media after 2007 was properly taken care of [with efforts to stop hate speech]," argued Mark Irungu of Internews. "We forgot about this other giant that was just chilling over there – the social media. Somehow we did not see the warning signs."

During the last two elections, Kenyans have experienced the diverse yet powerful impact of the media on politics. The media has taken a path of extremes, first engaging in hate speech and promoting violence in 2007-2008 and then practicing self-censorship and silence in 2013. Both approaches shaped the contours of the election process in adverse ways. In 2007-2008,

sensationalist reporting served as a catalyst for violence. In 2013, the media's fear of once again promoting violence led to a strategy of self-censorship, which resulted in uncritical reporting that glossed over major electoral irregularities. While some celebrated the media's commitment to peace, others criticized its timid election coverage, viewed as detrimental to the values of truth and justice. The shallowness of such peace rhetoric was apparent outside the mainstream media, as platforms such as Twitter and Facebook were saturated with hate speech.

More must be done to define and understand hate speech in Kenya and the socioeconomic factors that drive it. As Grace Githagia, PhD researcher at the Institute of Development, University of Nairobi explains, hate speech is a "social challenge that cannot be handled with judicial measures" (Interview). Hate speech is driven by real grievances, and for it to be addressed in a meaningful way, such grievances must also be addressed. As Wanyeki argues: "Hate speech is misunderstood. It is equated with reporting on prejudicial or stereotypical utterances by politicians and the public--when such reporting can be done, critically, in a manner that points out the prejudice or stereotypes involved. It is also equated with (critically) reporting on the material/real grievances held by the public based on long-standing experiences and outcomes of systemic discrimination (in the Kenyan case, particularly on ethnic grounds)." (Interview).

Certainly, hate speech must be understood and addressed outside of the narrow context of electoral violence. "Taking too short a view of hate speech and only focusing on the symptom will ignore the root causes which are in issues such as land [ownership], youth unemployment and impunity," argued Wendy Crandall of the Umati Project. "If these larger issues are addressed, constructively discussed and adequately tackled, then I think over time, hate speech may decrease." Although this is a tall order, moving beyond the media and into the political, economic and social realms, it speaks to the media's utility as a window into society, and also to the ongoing challenges in the quest for Kenyan unity and peace.

Rather than engaging in hate speech or sacrificing critical reporting due to fears of violence, the Kenyan media must find a middle path, one that discourages sensationalism while promoting objective, analytical reporting. While journalists' determination to play their part in the peace process was laudable, peace and critical media coverage should not be mutually exclusive. More work needs to be done in Kenya to define the parameters of hate speech, dispel the notion that analytical reporting is tantamount to violence, and tackle the underlying issues that propel hate speech. A robust media is a key pillar of any democratic nation, and elections are time when such robustness is particularly vital. As Kenya moves forward into the next election, the media will need to find ways to allow peace and critical election coverage to go hand in hand.

Katherine Bruce-Lockhart is a former Dahrendorf Scholar at St Antony's College, Oxford. This article is an abridgement of her 2013 Dahrendorf Essay.

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