Globalization and Communications Policy: The Role of the Media in Communications Policy Development in Kenya between 2002 and 2009

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The candidate confirms that the work submitted is his/her own and that appropriate credit has been given where reference has been made to the work of others.

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Abstract

This thesis is a case study analysis of the role of the media in communications policy development in Kenya. The aim of the research was to investigate whether the press in particular could play a role in policy-making as policy stakeholders, moving beyond the traditional role of the media in policy as agenda setting agents. This was done through a case study analysis of two policy-making processes, namely the process of developing the National ICT Policy and the process which resulted in the Kenya Communications Amendment Act.

While traditional studies of the media's role in policy have examined the manner in which media coverage has influenced policy-makers and the public, this thesis aims to investigate whether the media can play a more direct role in policy processes as stakeholders in policy discussions and debates. The media's role in communications policy in Kenya was examined within the context of globalization and the potential of multi-stakeholder partnerships (MSPs) to create an enabling environment for the participation of diverse stakeholders, including the media, in the policy-making process. The findings have shed light on the political, social and economic context within which policy is made in Kenya and within which the press in Kenya operate and the obstacles that this has posed to their participation in policy-making processes.

What has emerged from this thesis is that although there is some engagement by policy stakeholders other than the government, it is of a superficial nature and fails to ensure real diversity and participation by a range of different stakeholders from different sectors. Furthermore, the press failed to take advantage of avenues for debate and discussion to engage in policy discussions, and instead in the case of the KCAA used their agenda setting power to influence the policy negatively. Through biased, subjective and misleading reporting, the press were able to influence policy-makers to the point where the passed Act (KCAA) was returned to parliament for further amendments.

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Abbreviations

AfriNIC	African Network Information Centre
AISI	African Information Society Initiative
AMARC	World Association of Community Radio Broadcasters
APC	Association of Progressive Communication
CATIA	Catalysing Access to ICTs in Africa
CCK	Communications Commission of Kenya
CRIS	Communication Rights in the Information Society
CSO	Civil Society Organisation
DFID	Department for International Development
DMTIC	La Dynamique Multisectorielle pour les Technologies de l'Information et de la Communication
DRC	Democratic Republic of Congo
ECK	Electoral Commission of Kenya
ERS	Economic Recovery Strategy
FORD	Forum for the Restoration of Democracy
ICT	Information and Communications Technology
ICT4D	Information and Communications Technology For Development
IDRC	International Development Research Council
IGF	Internet Governance Forum
IMF	International Monetary Fund
IT	Information Technology
ITU	International Telecommunications Union
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KCA	Kenya Communications Act
KCAA	Kenya Communications Amendment Act
KEPSA	Kenya Private Sector Alliance
KICTANet	Kenya ICT African Network
KIF	Kenya ICT Federation
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KPTC	Kenya Postal and Telecommunications Corporation
KTN	Kenya Television Network
MOA	Media Owners Association
MSP	Multi-Stakeholder Partnership

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NAM	Non-Aligned Movement
NARC	National Alliance Rainbow Coalition
NATO	North Atlantic Treaty Organization
NCS	National Communications Secretariat
NGO	Non-Governmental Organisation
NICTP	National ICT Policy
NMG	Nation Media Group
NWICO	New World Information and Communication Order
OAU	Organisation of African Unity
ODM	Orange Democratic Movement
PNU	Party of National Unity
POSTA	Postal Corporation of Kenya
PRGF	Poverty Reduction and Growth Facility
SIDA	Swedish International Development Cooperation Agency
TAN	Transnational Advocacy Network
TNC	Transnational Corporation
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
WACC	World Association for Christian Communication
WIPO	World Intellectual Property Organization
WSSD	World Summit on Sustainable Development
WSIS	World Summit on the Information Society
WTO	World Trade Organization

1   Chapter 1: Introduction

This thesis provides an analysis of the role of the media as stakeholders in communications policy in Kenya. It aims to examine whether and how the press in particular in Kenya were able to directly and indirectly influence communications policy by participating in the policy process and engaging with other stakeholders. This goes beyond the traditional agenda-setting role attributed to the media which regards its influence as an indirect response to its reporting and coverage of a policy issue or process. The contemporary view of the media examined in this research is carried out within the context of globalization within which communications policy processes and participation are changing to adapt to new technologies and the developing cultural, political and economic contexts. Within this globalized world, the reality which will be illustrated in this thesis is that policy processes have adapted to the new environment to include more diverse stakeholders and policy-makers. Within this new environment, the media at large are given an opportunity to engage in communications policy as stakeholders. The question at the heart of this research is whether, in the Kenyan context, the press took advantage of this opportunity and participated in policy-making processes as stakeholders and policy participants.

Kenya was chosen as a case study for the examination of the potential for the press to participate in policy as stakeholders for a number of reasons. Having grown up in South Africa, the African context and the issues which have shaped the way that African countries operate has always been close to my research interests and the work I have done. What makes Kenya unique is that, although it is a third world, developing African country, it is also uniquely positioned to adopt many of the developed world's new technologies and places itself as a leader on the continent in terms of Information and Communications Technology (ICTs). It was also one of the earliest countries to adopt an ICT policy on the continent (although it was only passed in 2006 which is much later than many developed countries) and continues to regard ICTs as a key sector for growth and development at the social and economic level. Over and above this, the media in Kenya have played a key role in the development of the country and as with many African countries operate in a

unique space between the political, economic and social spheres. For these reasons, and the fact that I had worked as a trainer in Kenya and understand the social, political and economic context, I chose to use Kenya as a case study to examine the role of the media in communications policy.

1.1 Research context and significance

The examination of the role of the press in communications policy will take place within the context of current globalization trends. Globalization has influenced both the kinds of communications policy being formulated, and also the manner in which communications policy is being developed and debated globally and locally. It is argued here that perhaps one of the biggest influences of globalization on the media's role in the communications policy process was the establishment of Multi-stakeholder Partnerships (MSPs). The establishment of MSPs at the global level resulted in the establishment of MSPs at the local policy development level. This has happened as the influence of international stakeholders (such as UNESCO and the International Development Research Council - IDRC - which fund ICT policy processes in developing countries) and international agencies (such as the United Nations) promote multi-stakeholderism at the global level. These MSPs initiated a change in the interaction between the media and communications policy, allowing the media (from both the print and broadcasting industries) to potentially play a direct role in policy formation as stakeholders in the policy and through the MSPs to influence the direction and outcome of policy. Even within the Kenyan context, the influence of global communications policy processes have been felt, not least because of the part played by global development organisations such as the IDRC and Department for International Development (DFID) which bring their global perspectives on policy-making and policy advocacy to the local context.

The growth of Information Communication Technologies (ICT) and the resultant boom in the ICT industry in developing countries meant a demand for regulation and ICT policy began to emerge at the beginning of the 21st Century. Many African countries looked to developing countries for exemplary policies which they could adapt to suit their own needs, but were slow in tackling the real needs and challenges faced by their own situations. As global communications policy became a priority and communications policy initiatives were implemented, so they began to

influence local African policy processes. One such influence was funding by an international organisation to assist in the development of Kenya's ICT policy. Of the African countries I worked in, Kenya has represented both the best and worst of African politics. For many years it was an example of what is possible in developing countries with a smooth transition to democracy from independence and seemed to be a stable force on the continent. Kenya was also a political and technological leader in the continent, taking the forefront in ICT initiatives. This began to change, however in 2007 and 2008 as political changes and difficulties emerged within the country. Kenya thus provides an opportunity to investigate communications policy processes in different contexts which can be used by other African and developing countries.

As an African, it is important for me to locate my research within the case study's colonial history, but also recognise that the continent and each country within it, has a local history and local presence which provides the context in which this research has taken place. Although this thesis uses theories of globalization and the notion of the multi-stakeholder partnership which was borne out of globalization, the local Kenyan context is vital to understanding the processes taking place at the policy level, as well as at the media level and how these two relate to each other. As with many authors writing about the impact of globalization, I am acutely aware that the local context is affected by globalization, but retains its own power to manipulate the powers of globalization and that these two have to be taken into consideration in this thesis. My research is cognisant of the fact that the Kenya we see today in terms of economic and political climate has adapted as a result of its colonial and post-colonial history, and that much of the manner in which the current landscape is formed has been strongly influenced by global forces and trends.

In order to best understand the local context, it will be examined by focusing on two major milestones which coincide with the development of the two policies being examined. The first milestone which influenced the case studies was the end of the autocratic presidency of Daniel Arap Moi in 2002. The general elections of 2002 saw the culmination of 11 years of struggle by opposition parties and politicians to be able to unite with sufficient power to bring an end to the Moi regime (Steeves, 2006). This milestone in the political history of Kenya permeated all aspects of Kenyan political, economic and social life. This signficant event integrally influenced

the policies being studied and the role of the press within those, as a result of the vast changes the elections brought to the government, and the way in which the government now relates to the media and other stakeholders. The second milestone which had signficant influence on both the country at large and the case studies being examined for this research, was the general elections of 2007. These elections were marred by political uncertainty and post-result violence of which a large part was blamed on the country's media. This incident within the country's larger political landscape strongly affected the way the media and the government, as well as other stakeholders, relate to each other at the political level.

Both of these milestones have greater significance beyond this research, but are also integral to the manner in which the media at large engaged with other stakeholders, as well as with the policies being developed and are therefore important for this research. While these milestones provide insight into the politics of policy-making at the local level, in order to better understand the process of making policy in Kenya and the media's role within that, it has been important to understand theories of policy-making which have influenced contemporary policy-making studies. The traditional stages model of policy making is disregarded for the purpose of this research because it provides a very simple, linear model of policy making without taking into account either context or participation by stakeholders other than the government. To provide a more holistic examination of the policy making process in Kenya, Kingdon's policy stream convergence model is evaluated. Although it also fails to take into consideration the impact of different policy stakeholders, it allows for a less linear process and the emergence of different avenues for debate with the policy process as a whole (Birkland, 2011,pg 297).

The significance of this research on the role of the media in communications policy processes is that it examines policy-making as a process of engagement from multiple stakeholders, and which is subject to cultural, economic and political pressures creating a process which is imperfect and context-bound. More pertinently, it regards the press as a possible stakeholder and direct participant in the policy-process while taking into consideration the context in which the policies are developed and in which the media operate. While my research is not big enough to engage in public opinion studies, it does examine the coverage of the policy processes by the press in order to gauge what type of coverage the policies

received and whether this did have any direct influence on the policy-makers. Although other studies have examined the media's influence on policy, most notably the 'CNN effect'[1], they fail to regard the media as stakeholders. My research aims to encompass both the direct and indirect influence of the media on communications policy.

1.1.1 Definitions

This thesis makes use of what could be regarded as 'common' terms within the communications studies field such as globalization, communications policy and the media, but it is important to define them within the scope of my research. Globalization will be discussed in further detail in Chapter 3 and definitions for this term will be discussed which provide a useful tool for my research and context in which it takes place. The other two terms, communications policy and the media, are more general, but will be briefly defined here for the purpose of this thesis in order to ensure the reader has an established idea of the use of these terms within my research.

Communications policy research emerged as a significant and important area of policy research since the 1960s, constantly changing and adapting to the developments in communications technology (de Sola Pool, 1976). As processes in communications trends change and adapt to political and economic changes at the global level, so communications policy has adapted to these changes. Processes such as the New World Information and Communications Order and the rise of the Non-Aliged Movement, the MacBride Report, the rise of neoliberalism and with it the rise of globalization, the rise of the Internet, and the subsequent emphasis on first the technology and later the social importance of the World Wide Web have all strongly influenced the direction of communications policy.

Within the context of this thesis, communications policy is regarded as any policy which informs, impacts or changes the way society communicates.

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[1] This refers to the notion that the media (not just the television news channel CNN as it had been originally named for) have a direct influence on foreign policy through their coverage of events. The premise is that as a result of exposure to both television and print news coverage of mostly political events, the decisions made by policy-makers and policy elites are influenced (Robinson, 2002).

"Communications policy includes media as well as telecommunications, electronic and non-electronic, old and new, public and non-public media. This implies that the communications policy domain may currently be defined as society's entire communications system" (Van Cuilenburg, 1999, pg 184). This includes the internet and ICT tools which have converged the media with the Internet and changed the way that society does communicate. Due to the fact that the two policy case studies being examined in this thesis address different (though at times parallel) areas of communications policy, it is important for this study to ensure that the definition used throughout of communications policy is as broad as the definition provided above by Van Cuilenburg.

Defining the term 'the media' has been a challenge because it is so widely used in everyday life, but has very different connotations in different contexts. The greater difficulty within this thesis is that although I use the term 'the media' throughout my writing, I have specifically examined the printed press in the case studies researched which means that the broadcast media (although impacted by the results) have not been central to the research itself. The focus of the content analysis of the case studies is the print media in Kenya, specifically the two largest daily newspapers in the country, but the observations, discussions and interviews go beyond the print media to include a more general overview of the media in Kenya. This means that interviews were conducted with broadcast, print and online journalists, and that the policy case studies themselves impact on not just the printed press, but include broadcasting and new media.

I would therefore argue for the purpose of this thesis that the discussions around the media focus on the printed press, but do not exclude broadcasting and new media. I have used the printed media as a tool for gathering data, and the majority of media interviews conducted were with journalists or media practitioners who work within the printed press and as a result of this the term 'the media' when used within the Kenyan context does focus on the newspaper industry within the country. It is also true to say that the broadcasting sector within Kenya have been less influenced by the policies being examined because they are regulated and structured by specific broadcasting policies, whereas the print media have been largely unregulated and legislated since the advent of democracy and therefore more directly influenced by the policies being examined. The context of the media in Kenya will be examined in

Chapter 4 and provide insight into the manner in which the printed press specifically is integrally linked to the political, social and economic landscape in Kenya and why the case study policies may play a larger role in their operations than within the broadcasting sector. As stated previously, although the printed media is the focus of the case study in Kenya, I believe that the results of the data can be extended to the media more generally in Kenya and may be relevant to print, broadcasting and ICT policy processes in the future.

1.2   Structure of the thesis

This thesis examines the way the press engaged in two policy processes in Kenya and argues that although there were opportunities for engagement and participation by diverse stakeholders, the media failed to take advantage of those opportunities and acted outside the policy process in order to influence the outcome. As a result of the context in which the media operated, the context of the relationship between the media and the government, and despite the influences of globalizing forces such as ICTs, multi-stakeholder partnerships and regional and global processes, the press regarded their position as external to the processes at hand.

Chapter two provides an overview of the theories which examine existing research on the role of the media in influencing policy as an agenda setting agent. Although a study of the media's influence on public opinion is beyond the scope of this research, it is important to understand the manner in which the media influence policy makers through their coverage of policy processes as this has emerged as the most significant aspect of the research conducted for this study. This literature review will provide important understandings of the concepts and research conducted on agenda setting thus far, which will be used to examine the role of the media as an agenda setter in media and communications policy. In addition to this, this chapter provides an examination of different policy-making processes in order to understand how the media would be able to engage in the process and at which points in the process.

Chapter three aims to provide an overview of the influence of globalization on communications policy at both the global and local levels and how this phenomenon

has not only influenced what kind of policy is being developed, but also how policy is developed and who participates in policy processes. This chapter begins by discussing globalization and its effects on policy process and then raises questions around policy participation which is examined by looking at different kinds of participatory schemes such as multi-stakeholder partnerships, policy networks, and policy communities.

Chapter four is the context chapter for this research and provides extensive detail about the recent and current political and cultural history of Kenya which is relevant to the media and communications sector in Kenya. The Kenya we see today does not exist within a vacuum and although local changes are intrinsic to the manner in which the country operates today, these local transitions have been strongly influenced by global forces and trends. This chapter also highlights two significant milestones which integrally shaped the two case studies being examined and explains why they are important to the wider study. Within this chapter it was also important to provide background and a historical context to the current media landscape within Kenya. The development of both printed and broadcasting media is detailed, as well as the current major media orgnaisations within broadcasting and the print industry are examined. In order to establish a perspective of the kind of industry within which the media are working in, an overview of the regulatory environment which governs the press is also examined within Chapter 4.

Chapter five explains the methodology used to carry out the research for this study and looks at the research questions and sub-questions, the hypothesis of the study, as well as the research design. This chapter provides extensive detail about the macro case study which is Kenya and the micro case studies which are the two policy processes, as well as the methods used to gather data on these. This research required the use of a number of methodologies in order to gain a deep understanding of the media's role in communications policy. With the aim of providing an understanding of the perception of the media, as well as an understanding of how the media works, in-depth semi-structured interviews with participants from some of the stakeholder groups (government, civil society, media and academia) were conducted. Content analysis was also conducted of the two biggest daily newspapers in Kenya, as well as a content analysis of the KICTANet mailing list. Together these three sets of data were used to triangulate the findings

and provide valuable results for analysis.

Chapter six provides an in-depth overview of the results of the research carried out by examining the data for each case study policy separately. This chapter presents the major trends and themes which emerged from the data and provides insight into the way in which the media conducted itself in relation to the policy processes and the other stakeholders during the development of the policies.

Chapter seven is an examination of the data discussed in chapter six in order to provide an analysis of the press in relation to the policies under scrutiny. This chapter brings together the data from the interviews, and the two content analysis studies and uses the theoretical foundations examined in Chapters two and three to provide an understanding of the role of the press in policy processes. This was done by also contextualising the research within Kenyan society in order to examine the press as a stakeholder within the policy processes and its relationships, with not only the policy, but the other stakeholders too.

The thesis is concluded in Chapter eight which brings together the theoretical, empirical and contextual information discussed in the thesis and makes recommendations about future research in this field and ways in which this thesis can be extended to include broadcasting and other fields of media. This chapter also provides insight into some of the limitations and challenges of this thesis and how these might be overcome. It concludes by examining the potential of the media in policy processes, and in the case of Kenya as a strong opposition to the policy and negative agenda setting agent which influenced policy through negative reporting.

2 Chapter 2: The Media and policy

2.1 Introduction

The aim of the research is to examine what kind of role the media played in the development of communications policy in Kenya over a number of years. The importance of this research is its focus on the media's influence in communications policy as a stakeholder within the policy-making process. While previous research has examined the role of the media in influencing different kinds of policy, most notably foreign policy (Robinson, 2002; and Cohen, 1963) and general public policy processes (McCombs & Shaw, 1972; and Livingston, 1997), there is a vast information and research gap in the examination of the media's influence on media and communications policy. Research into the media's role in policy-making and development has also tended to focus on its impact as a distant, though influential, element of the process rather than as a key stakeholder which is part of the policy-making process.

The importance of the media as a stakeholder in communications policy is clear as the media will be directly affected by policy decisions in this area, but the question being posed here is whether the media can move beyond this traditional agenda-setting role, and a play a more integral role in the policy process. Researchers have for many years been examining the influence of the media on policy through their ability to influence the attitude that the public has on policy issues and the importance these issues are afforded in the public sphere. This role as agenda setter requires examination of a range of theories of media effects, which provide insight into the influence of the media on society, such as agenda setting theory, framing, attribute agenda setting, influence on public opinion, and the public sphere. In their role as agenda setters the media impact the public which will have an effect on policy through the attitudes and behaviours of the public on policy makers, government bodies and policy structures (voting). The media's effects on policy through their agenda setting role will also have direct consequences for policy makers and their actions.

The role of the media as an active stakeholder in communications policy processes has been little researched at an adequate level. The role of the media in communications policy processes at a global level with regards to the World Summit on the Information Society (WSIS) has been documented by civil society organisations. While these case studies (Dany, 2004; Cammaerts & Carpentier, 2005; and Raboy, 2004) provide some insight into the role of the media as an advocating stakeholder, their focus is on civil society as an organised body, with the media being included in this larger body, rather than on the media as a separate entity. The media have a vested interest in media and communications policy but their influence in these kinds of policy processes, it is argued here, go beyond looking after their own interests. The media play a powerful role in society as monitors, purveyors and interpreters of information and their role as stakeholders of policy decisions will mean acting in their own interests, but also in the interests of society.

The purpose of this literature review is to examine existing research and theories on the role of the media in influencing policy as an agenda setting agent. In order to best understand the way the media will impact policy-making, an examination of the policy-making process will be undertaken. This will provide a framework through which to examine how the media would be able to engage in the process and at which points in the process. Policy-making has tended to be looked at as a linear process, but the complexities of the process will be examined here in an effort to better understand where the media are able to play a role as an external force, as well as a key stakeholder. Traditionally the media have been examined as an external force which influences policy both directly and indirectly through its interaction with the public, policy makers and other influencing factors. The agenda setting thesis comes out of the field of political communication studies, but has been examined in a range of disciplines including sociology, psychology, politics and economics. This is due to the fact that the impact the media has on policy decisions and political action is but one of many complex influences. The media cannot work in isolation of social, economic and political forces, which impinge on the work the media do and how they affect the policy process. In the examination of the role of the media in Kenya's communications policy process, the media will be examined as part of social, political and economic spheres in order to avoid a media-centric and limited view of the media's power on policy-making.

The media are able to influence policy in a number of ways, both directly and indirectly. Directly influencing the information conveyed to policy makers through their news stories is one means of affecting the policy decisions and actions that are taken. The media also impact on policy indirectly by affecting the attitudes and behaviour of the public on policy issues. These influences on the public are largely researched and theorised as the agenda setting role of the media and as a result of this the public are able to influence policy makers and policy decisions. The examination of the media as agenda setters is one of the core theories of political communication and provides a starting point from which to examine the complex manner in which the media impact on all policy. The effects of the media on the issues the public consider important has been one of the most well known, used and researched areas of media effects. With hundreds of studies having been conducted in agenda setting, this literature review will provide an examination of some of the more seminal and relevant works *vis-à-vis* policy, and in doing so illustrate the gap in the research. While extensive studies have focused on the agenda setting role of the media in general policy process and foreign policy (which will be discussed later), there is no evidence of any research being done on the agenda setting role of the media in media and communications policy. This provides both an opportunity and a challenge to my research. This literature review will provide important understandings of the concepts and research conducted on agenda setting thus far and align these with the theory of policy-making in order to provide an overview of how the media have traditionally been seen as influencing policy, as well as insight into how the media can influence policy in other ways.

2.2   The policy process and the media

> Any theory of the manner in which governmental policies get
> formulated and implemented, as well as the effects of those actions on
> the world, requires an understanding of the behaviour of major types
> of governmental institutions (legislatures, courts, administrative
> agencies, chief executives), as well as the behaviour of interest
> groups, the general public, and the media (Sabatier, 1991, pg147)

One of the key elements of the quote by Sabatier is that there is more to policy-making than a simple process of bringing government institutions together to debate policy issues. While he fails to take into account the importance of external factors

such as political and economic context, he does point to the issues of power and the balance of power amongst the policy players or those who have even a small interest in the policy development process, such as the media or civil society. Hill argues that the "study of the policy process is essentially the study of the exercise of power in the making of policy, and cannot therefore disregard underlying questions about the sources and nature of power" (Hill, 2005, pg26). Although Hill's argument is based strongly on a policy process which is dominated by government, it does point to the fact that policy making is about the power relations between those who are directly engaged in the process, as well as those who have a more indirect role in policy making. In order to better understand how these power relations play out, it is important to examine some of the theories around policy making and the steps involved in this.

Much of the work done today in examining policy making has emerged from the linear model of policy making, called the Stages Model, adapted by Lasswell which breaks the policy-making process up into distinct linear stages (Jenkins-Smith & Sabatier, 2003)
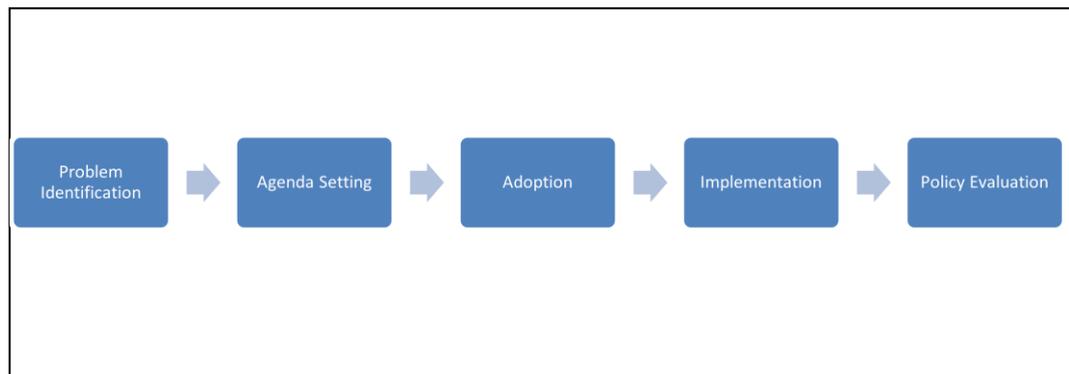
Figure 1: The Stages Model

This visual representation of the Stages Model of policy-making illustrates the linear nature and the fact that it fails to take into consideration issues of context, power, alternative sub-processes and the complex nature of policy-making in reality as direct influences of the policy process. Rather, these issues are perhaps assumed within each stage of the process such as the agenda-setting stage which could take into consideration power and context, but is not specified in the Stages Model. Although Jenkins-Smith & Sabatier note that the model has "encouraged analysis of phenomena that transcend any given institution" (2003, pg136) and can thus be used to take into account policy-making beyond the realms of simply government

institutions, its rigid nature fails to provide an adequate model for the complex web that is often the reality of policy-making. "This model assumes that policy makers approach the issues rationally, going through each logical stage of the process, and carefully considering all relevant information" (Sutton, 1999, pg9). It also assumes that there is a smooth transition from one step to the next, without having to revisit a step, or add an additional step to the process in order to ensure it is successful and context-based.

As policy theory has broadened, so the understanding of the complexity of the policy process has improved, and today it is widely acknowledged that this linear model of policy-making is inadequate in understanding the reality of the policy process. Today, different disciplines examine policy in different ways, allowing for the fact that each process may be different and must consider the environment in which it is developed. Perhaps the biggest change from the linear model is the recognition that policy engagement and participation will include a range of stakeholders, interest groups and institutions. Sabatier acknowledges that current policy theorists are accepting that policy should include for example "agencies and interest groups at all levels of government...researchers, specialist reporters, and professional associations" (Sabatier, 1991, pg148).

While there are many different newer models of policy-making, taking into account different kinds of policy, governmental structures and institutions and the complexity of the process, the one which provides some insight into the early stages of policy-making and which is more appropriate for this research, is Kingdon's policy stream convergence model developed in 1984 (Kingdon, 1995).
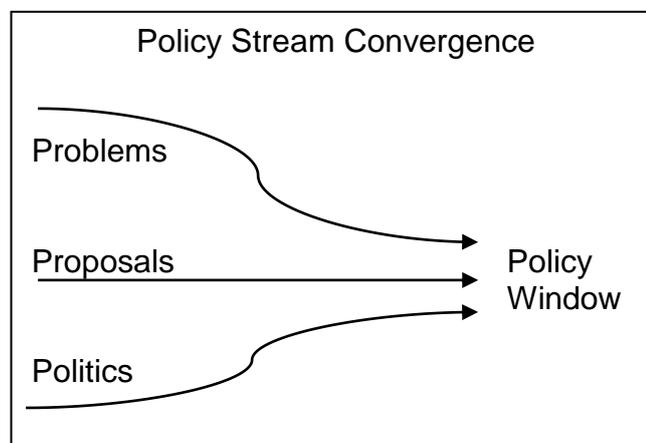
Figure 2: Policy stream convergence

Despite the fact that is too fails to take into account the activity and impact of policy stakeholders and influences of interest groups, it does allow for a greater entry point for a greater number of groups in the problem identification and agenda setting stages of the policy process.

While these theories and models of policy-making provide some insight into the way in which policy processes develop, the more significant aspect for this research is to examine where, within the policy-making process, the media would have an influence. Traditional views have regarded the media as agenda-setters in the early stages of policy-making and as I have stated previously, one cannot research the media's influence on policy in isolation of other factors, such as social, political, economic and organisational influence. The media are simply one – albeit important – factor of many in influencing policy. Researchers have traditionally applied a four-level model of influence of the media on policy (Kepplinger, 2007, pg4): the first level includes policy makers and government officials, the second level comprises the media which report on and cover the activities of those in the first level, the third level is made up of the public, and the last level comes back to those influential in policy making who act on the basis of the reactions by the public in the third level, developing or acting on policy issues. See figure below for a graphic representation of the levels (Kepplinger, 2007, pg5).
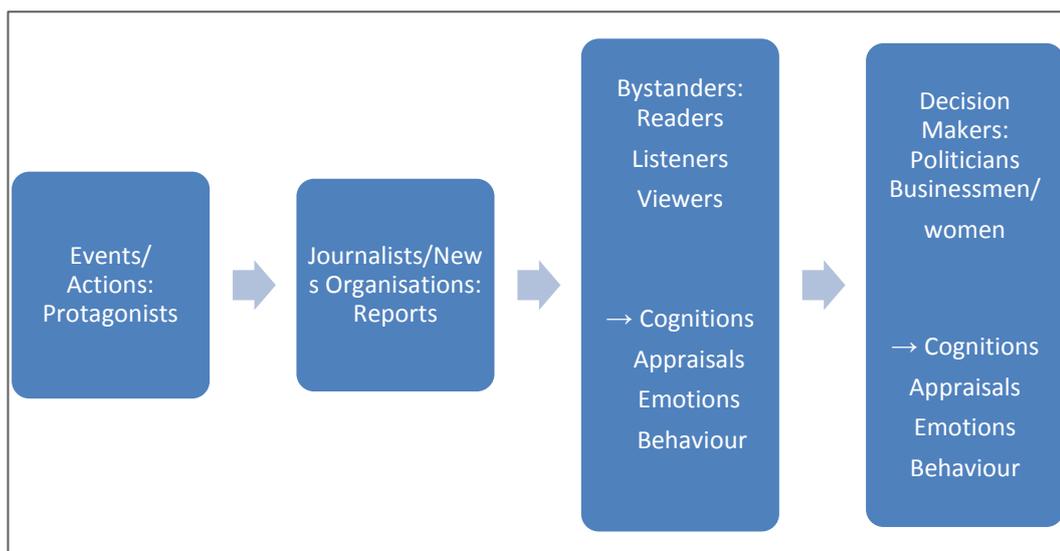
Figure 3: Indirect impact of news reports on decision makers

Kepplinger argues that the flaw in the model is that it does not take into consideration the "direct influence of the media on politicians" (pg4). This is however, not the only shortcoming of this model. While this provides a basic understanding of the role of the media on both policy and public opinion, it does not take into account many of the other factors which influence all these levels such as the type of media coverage, methods of consumption, and the attitudes and emotions of media consumers. Kepplinger (2007) himself concedes that the media are part of many different sectors in society (social, political, private, cultural) and it is because of their involvement in different spheres of society and their influence on these spheres, as well as the influence of these spheres on the media, that the media are such a powerful force in society.

I would argue that in order to fully appreciate the complexity of the policy-making process and the influence of any stakeholder (including the media), it would be important to bring together these different possible models of policy-making. In the figure below (Figure 4), the influence of both different kinds of stakeholders as well as the context in which the policy is developed is taken into consideration. Policy processes involve much more than just government officials, and should include stakeholders such as interest groups which provide different views on policy issues, lobby groups which actively promote their issues or concerns within policy, researchers which provide information about different aspects of the impact of policy, the private sector and civil society which may also use other avenues such as research and lobbying to promote their own concerns about a policy, and the media which not only report on policy processes, but may play a more direct role in advocating and lobbying for policy change. Leach et al define stakeholder partnerships as those partnerships between "private interest groups, local public agencies, and state or federal agencies" (2002, pg646), which goes some way to encompassing the variety of stakeholders which can influence policy-making at this level. While this may provide some insight into traditional models of MSP, the element which this research focuses on is the inclusive nature of these partnerships. The very fact that they move beyond government focused policy and aim towards bringing in different kinds of stakeholders is what is important. "As partnership experience has evolved, a general lesson that has emerged is the importance of involving diverse stakeholder viewpoints" (Malena, 2004, pg7).

Not only are the power relations between policy stakeholders important to take into consideration, but so is the context in which specific policies are developed, as well as the opportunities for influence at different stages of a non-linear process. Global policy processes will influence the manner in which policy is approached and may well determine the direction that policies take at the local level. The policy context is also strongly influenced by the local situation at the political, economic and social level which will determine what kind of political focus the policy will take, whether the policy will lean towards liberalisation of a sector or perhaps the nationalisation of the sector, and whether there is a development and social impact which informs the policy. These factors have been illustrated in the figure below, which provides a basic understanding of some of the stakeholders as well as the contexts which impact on the many streams which make up a policy process.

Some of the stakeholders and policy-players which influence the policy process

| Interest/lobby groups | Government | Civil Society | Researcher | Private Sector | Media |

Problems

Proposals

Politics

Policy Window

| Political | Economic | Social |

Contextual influences on policy processes
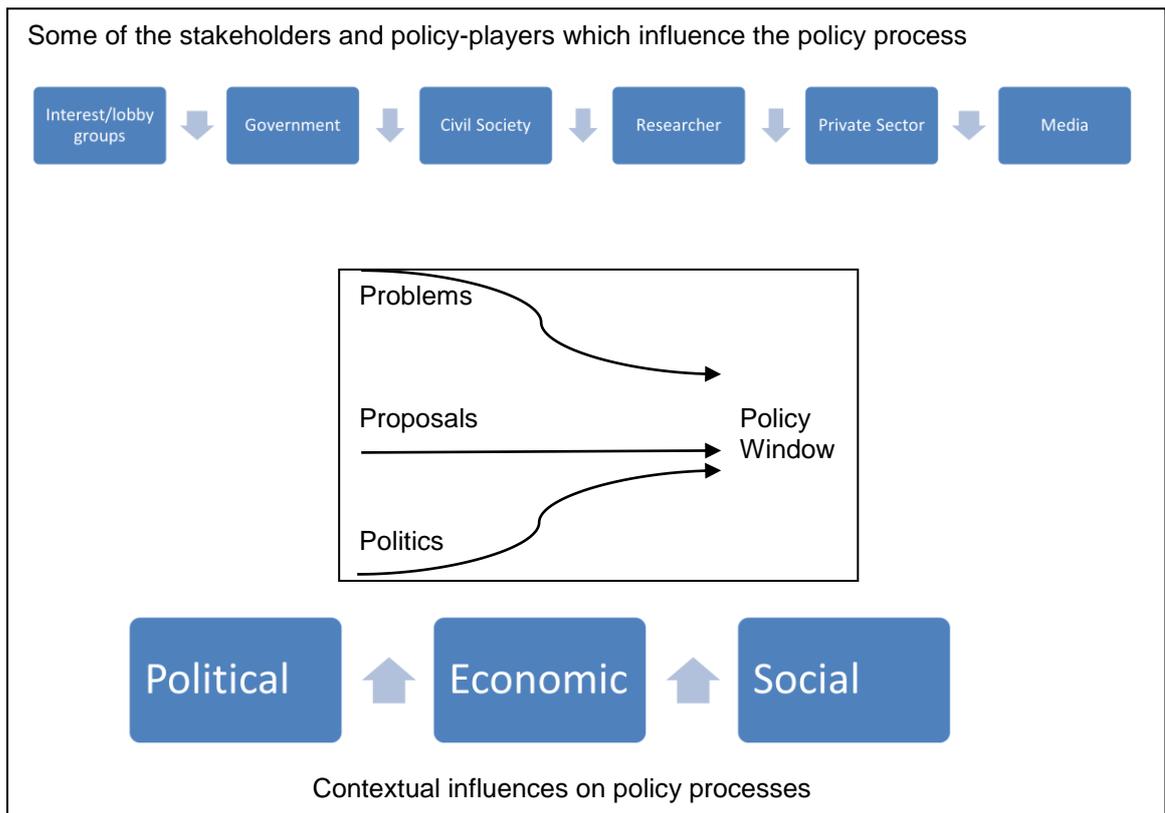
Figure 4: Policy model based on combined theories

The importance of understanding the basic processes which are involved in the

development of different policies allows one to begin to hypothesise where the media would be most influential, and how it would engage with other stakeholders if it were to play a role in policy-making. The value of having examined previous theories around policy-making is that they highlight the gaps in the research, but also the potential for the research to add value to the examination of the role of the media in communications policy in Kenya. They have provided this research with a base from which to bring together their strengths and use them to better understand and analyse the policy-making processes under investigation in Kenya and the role that the media played in these.

2.3   The agenda setting role of the media

The importance of agenda setting on the research into the role of the media in communications policy in Kenya is that part of the influence the media will always have on policy is as an agenda setting agent. It is argued that through its influence on the public, the media indirectly influence policy makers and policy decisions. This is done in two ways: the first is that through its influence on public opinion the media affect the attitudes and behaviour of the public in responding to policy issues. These behaviours are then a catalyst for policy action. The second is that through its coverage of public opinion the media influence policy makers who use this coverage to gauge public sentiment on policy issues and react to this by changing or discussing those policy issues. In order to gain an understanding of these two different plays in the media-public opinion-policy relationship it is important to examine agenda setting and theories of media effects related to it. These include framing, attribute agenda setting and the concept of public opinion, all of which will be discussed in this section.

In a historical paper published in Public Opinion Quarterly, McCombs and Shaw (1972) began what is today a rich focus on an important aspect of the media, and its influences on society. McCombs and Shaw were not only credited with one of the first detailed studies in this area (known as the Chapel Hill study), but also of coining the term agenda setting. Agenda setting is the "ability to influence the salience of topics on the public agenda" (McCombs, 2004, pg1). While research in the area has continued to grow and examine the issue from different angles, the central thesis remains the influence of the media on the public. The agenda which is set by the media becomes the publics' agenda, as a result of the manner in which content is

chosen and portrayed.

Any scholar examining media effects on society should not only be familiar with the original Chapel Hill study, but would gain even further insight with a much more current, and perhaps more relevant, re-examination of agenda setting by McCombs in his work published in 2004. McCombs makes the case that agenda setting research has to go beyond looking simply at issue salience, but must examine the influence of the media on the public's perception of attributes of an issue - the second level of influence, which McCombs calls attribute agenda setting. The author then explores this theory by linking agenda setting to other theoretical notions of mass communication research. Perhaps the most important of these is framing, the argument that the manner in which media content is organised supplies a context to readers and suggests to them what the issue is by using different methods such as selection, emphasis, exclusion and elaboration. "The convergence of framing and attribute agenda setting significantly advances the explication of media effects" (McCombs, 2004, pg 87). Another important theoretical concept which McCombs links to attribute agenda setting is priming: the link between agenda setting, which influences issue salience amongst the public, and the public's subsequent expression of opinion about public figures.

One critique of the agenda setting theory is that it fails to look at more complex issues of the effects of the media on public opinion and policy. Agenda setting is the influence of the media on the salience of policy issues on the public, which means that it examines only the influence of the media on big issues within the public's perception. Its limiting factor is that it cannot examine the more nuanced attitudes of the public and the manner in which the media have influenced these. "Agenda-setting at its core is a system for describing the key issues of the day in rather broad, abstract categories such as "the economy, " "trust in government," and "environment," and correlating the public and media agendas" (Kosicki 2003, pg 69). It is therefore important to examine the influence of the media on public opinion and the media in relation to other theories of media effects, in order to ensure a more comprehensive understanding of the way in which the media influence policy. These theories are attribute agenda setting, framing and briefly priming and although framing and priming can be viewed as "rivals of agenda-setting in terms of ways to think about and study issues in public opinion" (Kosicki 2003, pg 70) they provide valuable insight into more complex influences of the media on policy.

2.3.1   Attribute agenda setting

While much of the early research in agenda setting restricted itself to the idea that the media influence the importance of issues within the public, researchers today are conducting research to prove the media's impact on the public's attitude towards particular issues. Wanta, Golan & Lee (2004) for example, undertook an analysis of agenda setting of foreign or international news and its influence on their sample audience. Their rationale for looking specifically at foreign news is that previous research has shown that it has a strong influence on public opinion in relation to other types of news. This study (continuing in the vein of the work done by McCombs) examines agenda setting on two levels of influence on public opinion and policy. The first is the traditional level of object or issue salience (how does media coverage and agenda setting impact on what the public believe are important issues and the result of this on policy processes), but the second goes beyond this to examine the attributes of objects and the power of that on the public's perception of these objects (for example how the media influence the public's perception of policy makers or policy decisions). This second level of investigation (attribute agenda setting) aims to look at a much more complex, and subtler media effect and in the case of their research looks at the change of public perception on nations as objects in the media.

The study by Wanta, Golan & Lee (2004) found some correlation between media coverage and public opinion, and generally found when examining the first level of influence that increased coverage meant increased salience of issues amongst the public. There were some exceptions as well, such as with the coverage of Saudi Arabia which received little media coverage but scored high on the public's interest. This was explained by the fact that Saudi Arabia is an oil rich country, supplying the US with a large percentage of its oil, and because the public see oil consumption and provision as important, they would see Saudi Arabia as important. At the more complex, second level which attempted to investigate perception, the results also corresponded to the hypothesis that negative coverage of an issue results in a 'cold' perception by the public. This did not extend to positive or warm perceptions of nations, as many of those which were perceived positively by the public were covered in a neutral light or had no coverage at all by the media.

Despite comprehensive correlation between media coverage and issue salience within the public from the research conducted by Wanta, Golan & Lee, the other studies mentioned and the positive results reported by Wanta, Golan & Lee have illustrated the point that the influence of the media on public perception is a powerful factor in the media-policy relationship. If the media are able to not only influence what people believe are important policy issues (agenda setting) but also influence how people think about those issues and their attitudes towards policy (attribute agenda setting), the resultant influence on policy will be even greater.

McCombs (2004) illustrates the manner in which the media are able to influence the public's attitude towards an issue in his examination of studies conducted of the perception of the 1976 US electoral candidates by citizens. The research illustrated that the attributes highlighted by the media were those adopted by the public. "A striking degree of correspondence was found between the agenda of attributes presented in the election coverage of the Chicago Tribute and the agenda of attributes in those Illinois voters' descriptions of Carter and Ford" (McCombs, 2004, pg73). McCombs argues strongly for the influence of the media on the public's attitudes towards the electoral candidates, almost to the exclusion of other influencing factors. In order to illustrate the fact that this influence by the media is not a phenomenon unique to the US, McCombs provides evidence from research conducted during the Spanish general election in 1996. The research, conducted by McCombs, Lopex-Escobar & Llamas in 2000 compared the attributes given by voters' of candidates with those displayed in the mass media. "Voters do learn from the media. This evidence for attribute agenda-setting by the mass media is especially impressive because it combines a large, diverse set of mass media with rich substantive and affective descriptions of three national candidates in the political setting of a young democracy" (McCombs 2004, pg75).

To further illustrate the power of the media in influencing the public's perception of an issue, McCombs (2004) once again examines research conducted in Spain, this time a local election in 1995. The evidence supports the earlier research that the correlation between the media's attribute agenda and that of the public will increase as there is more exposure to information in the media. The discussion by McCombs does not only examine attribute agenda setting of political candidates, but also of political issues. "Evidence continues to accumulate that the ways we think and talk about public issues are influenced by the pictures of those issues presented by the

mass media. The attributes of issues that are prominent in media presentations are prominent in the public mind" (McCombs, 2004, pg82). This could be extended to policy issues and illustrate the importance of the way in which the media cover policy and its influence on the public's perception of that policy.

An important point made by Pritchard (1994) is that the media's role in agenda setting is different for the public and for policy makers. The influence on the public is cognitive (changes the way the public think about an issue) whereas with policy makers the influence is behavioural (changes the way they behave or act towards an issue). The core of the argument is that increased attention on an issue may make it more salient to the public which in turn may result in increased public opinion, resulting in action from policy makers. This is arguably a limited view of the influence the media has on public opinion. The media influence not only what the public believe are important policy issues, but also influence their attitude and perceptions about those issues. This will lead to changes in behaviour such as changes in how citizens will vote for policy makers, and how they will react to policy changes or actions. McCombs (2004) provides evidence through his discussion of attribute agenda setting to illustrate the behavioural influence of the media on the public. Attribute agenda setting (which is influenced by framing, which will be discussed further below) will result in priming[2] by the public and these opinions about different issues will have implications for how the public behave. It can for example change voting patterns amongst the public, and play a vital role in electoral success (Kepplinger, 2007 & Shiraev, 2000).

2.4 Media framing policy issues

Research on the media's effect on society and particularly on policy have provided a range of theories and concepts which can be used to better understand the media's influence. Having discussed agenda setting as one of those theories, it is useful for this research on the media's role in policy-making in Kenya to examine framing as an effect of the media on policy. As noted by Reese (2003) "framing has been

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[2]Priming has often been equated to agenda setting, but should be viewed as having a more complex influence on the public than agenda setting. Priming can be defined as "changes in the standards that people use to make political evaluations" (Iyengar & Kinder: 1987, pg 63). As an extension of the agenda setting influence of the media, priming can be seen as the influence of information (provided by the media) which influences the way in which audiences evaluate the performance of leaders, governments or policy makers. Priming is more about changing the "benchmarks" that the public use when making judgments about political issues (Scheufele & Tewksbury: 2007).

particularly useful in understanding the media's role in political life" (pg7). It is important to gain as many perspectives as possible on the role played by the media in policy processes through an examination of previous research and theorising in order to better understand the role played by the media in Kenya's communications policy development processes. The value of examining framing is that it provides an avenue for understanding the social, organisational, political and economic influences on media content. This means gaining an understanding of why journalists choose to portray issues in a particular way and the influence this will have on public opinion and policy processes.

The importance of framing within the media's influencing role examined in this thesis is how it affects the relationship between the media and policy. Framing is the process of influencing attitudes and salience about an aspect of a policy (or political matter) by highlighting or eliminating certain information. This relates to the process of policy making and action by using framing to influence what people believe and the way they act in relation to policy (Entman 2007). As Entman notes, "it is through framing that political actors shape the texts that influence or prime the agendas and considerations that people think about" (pg165). Framing is the process of selecting a part of a policy issue and in doing so "promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described" (Entman 1993, pg52). Framing therefore goes beyond agenda setting and is a means of examining, in more depth, the way that the media influence policy. The importance of examining framing as a theoretical concept in relation to the media's role in the communications policies in Kenya is because the media being researched would have framed policy issues in a very particular way in order to influence salience and attitudes towards that policy. The political, economic and social context within which the press in Kenya operate would strongly influence the way in which they frame issues, and their political and economic ties will certainly influence their framing of policy issues. It is then possible to regard the media's indirect influence on the policy process as more than simple agenda setting and rather examine the more sophisticated and nuanced framing of policy issues and how this would influence policy-makers and the policy process.

Framing goes beyond simply looking at how increased media coverage of an issue increases its importance with the public as agenda setting does. Although agenda setting is a valuable theory and method of examining media influence on policy and

public opinion, framing provides a more complex examination of the media's influence on policy, but also of the power relations which influence media coverage. In their work examining the recent framing research, Carragee & Roefs (2004, pg214), provide valuable insight into the importance of framing on policy issues. One of the most important aspects discussed in their paper is the fact that framing does not occur in a vacuum, that the news process is influenced by many different aspects and that in order to better understand the influence of the media through framing one has to take into consideration the power relationships influencing the media. "Because the distribution of economic, political, and cultural resources shapes frame sponsorship and framing contests, studying the construction of reality through framing necessarily involves an examination of power" (pg217). Here the importance of framing for the research on the media's influence on the policy process in Kenya is further highlighted, without examining the power relations affecting the media as a stakeholder and agenda setting agent one cannot comprehend the full effect of the media in the process. If one considers for example the political context in the process of developing the Kenya Communications Amendment Act, the fact that elections had taken place the year before and the media had been accused of inciting post-election violence would strongly influence the way in which the media engaged with the policy process and their coverage of the policy-makers.

The complexity of framing is further highlighted by Carragee & Roefs in their paper when they argue that framing has to be examined as more than simply the selection of stories and how they are constructed, although it can be argued that this is part of framing analysis. Framing has to be an examination of the construction of meaning and "power relationships that influence that process" (pg219). Without an understanding of the power relationships which influence the selection and construction of meaning in the media, it is impossible to understand whose interests are being served by those meanings and their resultant influence. In the research being conducted on the communications policy processes in Kenya for example, it is important to understand the power relationships influencing the media, including all the stakeholders involved in the policy-making and their engagement with each other and the media. It is important to go beyond an examination of the influence of the media on public opinion, and in order to be able to examine the influence of the media on policy, research has to examine how political and social power influences the media (Carragee & Roefs 2004, pg221). Carragee & Roefs provide a well

structured critique of research in framing analysis. Their focus on the importance of power relationships on the media provides a valuable direction for this research.

In order to understand framing in relation to policy an examination of the research conducted by Shah et al (2003) will be carried out. They highlight the importance of not only powerful policy makers on media framing, but also the fact that individuals, the audience or citizens will construct meanings from the information they receive through their own processes of sorting and filtering information. Together these will affect the manner in which individuals think and react to policy issues. The research conducted by Shah et al focused on the notion of value-framing and hypothesised that "value-frames in news content, by selecting and emphasizing certain aspects of an issues, influence citizens' application of particular values in interpreting issues" (pg231). The results of their research clearly show that the framing of issues in the media strongly influences the actions taken by citizens in relation to electoral behaviour. Perhaps, more importantly, they argue that the influence of policy makers and advocacy stakeholders and the coverage of the discourse between the two by the media, influences the way individuals will interpret the information they receive. "Therefore, results provide support for the perspective that media frames directly and indirectly influence voters' political judgements and reasoning processes" (pg239).

The value of the research by Shah et al (2003) and its results for this thesis is that it further highlights the complexity of the media-policy relationship and the elements which need to be considered when examining the media's interaction in the policy processes. As discussed by Carragee and Roefs, political and social power will influence framing of an issue, and Shah et al have illustrated that this is then further influenced by the construction of meaning by the public which will then have an influence on policy through their voting behaviour or behaviour towards policy issues. In researching the role of the media in influencing the communications policy in Kenya, it will be important to not only examine the role of the media in policy, but also take into account the way the media frame the issues and how this element influences the policy process by understanding that those frames will affect the policy makers and citizens.

This can be substantiated by examining the work of Scheufele (1999), who uses

social constructivism as one means through which to analyse the theory of framing. Within this ideology, the media actively 'spin' a story, providing the frames through which their audience will interpret and interact with events and issues. The public are themselves not completely susceptible to the framing by the media, as they process and interpret the information they receive from the media, based on their experiences and social structures, so the public frame the information they consume by selecting, highlighting, ignoring and interpreting it in different ways. As illustrated previously, social, economic, and political powers will influence the media in their framing of an issue and thus provide a more complex relationship between the media, the public and policy. It is important to remember that although the media are the focus of this thesis, examinations of the influence of the media on policy should not be media-centric and should examine (or at least acknowledge) the many influences which act on the media and on the policy process and the public. Scheufele (1999) points briefly to the fact that the media are influenced by outside forces in his development of a four level process model of framing. The first level, "frame building" (pg115) argues that it is important to examine the process of creating frames and provides three sources of influence on this process. These are the journalists themselves, the news organisation and its political standing, and "external sources of influence (e.g., political actors, authorities, interest groups, and other elites)" (pg115). The three other levels of Scheufele's model, frame setting, individual-level effects of framing, and journalists as audiences, provide few new avenues through which framing can be developed for this thesis. The author continues on a media-centred approach to framing without further consideration of the external influences on the media and their importance in the framing of policy issues.

What is clear from the discussion above is that, while this research on the communications policy processes in Kenya will focus on the role played by the media in the policy decisions and actions that were taken, consideration has to be given to social, political and economic factors which influenced the process. This means that in examining the role of the media as an agenda setting agent, and its framing influence on public opinion and policy makers, the research should provide a contextual analysis of external factors acting on the media and on the communications policy process in Kenya.

2.5 What is public opinion

Much of the research conducted on agenda setting and other 'media effects' research has focused on the media's influence on public opinion and the resultant effect on policy. While researchers today have begun to consider the complex elements which influence the media-policy relationship, early studies provided a much more linear and simpler hypothesis of the relationship between the media and policy. This can be termed the 'Muckraking Model' and provides a view of the simplistic idea that the media influence public opinion which in turn results in policy changes without any consideration for external factors. This is a completely media-centric perspective. Molotch, Protess & Gordon (1996, pg44) provide a schematic understanding of the model, illustrated below:
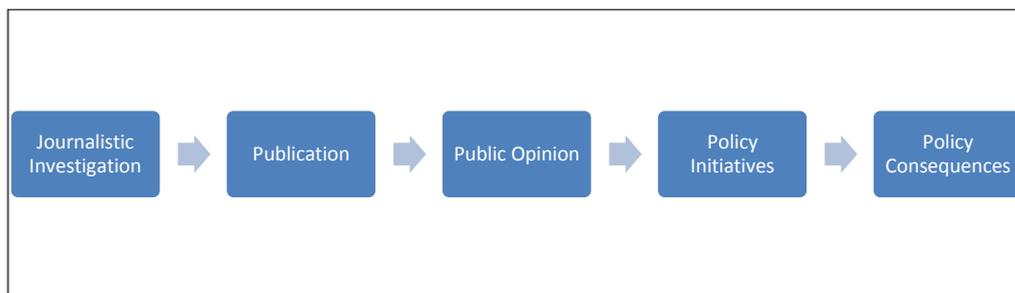
Figure 5: Muckraking Model

Despite its simplicity and linear nature, it does illustrate the point that public opinion is one avenue through which the media influence policy. It is not by chance that years of research have examined the media's influence on public opinion and the influence of this on policy as it is a very important aspect of the media-policy relationship. Although the media influence policy in other ways, as will be discussed, the influence of the media on public opinion is a vital part of the quest for understanding the role the media play in policy. In order to better understand the role of the media in policy processes through its influence on public opinion it is important to have a comprehensive understanding of what public opinion is. This is important for this research because the media as key stakeholders in the policy process in Kenya's communications policy development could have played a number of influencing roles, including influencing policy makers directly, but also more indirectly through their influence of public opinion.

One of the debates within the study of agenda setting and media effects has been

defining the very concept public opinion. An excellent starting point for any scholar looking at the influence of the media on public opinion is the work by Peters (1995). This work provides a historical account of the concept of public opinion, and we cannot understand public opinion today without knowing how it developed historically. In its earliest form, the idea of the public came about through citizen's involvement in meeting places and public gatherings where they discussed a common 'truth'. The question is whether there is a public at all today because it does not exist in one physical space as it used to in historical times – except, as Peters argues, in the media, where the public can participate as a single body. The media can provide this public space for citizens to 'discuss' and convey their common ideas or public opinion to policy makers, which will then influence policy decisions and actions. It can be argued, therefore that the media are today's 'public square' and one of the links between citizens and policy makers[3]. Peters provides a starting point from which to question the idea of public opinion, but also makes it clear that this is a complex issue.

If the media act as the space where public deliberation can take place, it could be argued that the media act as the public sphere – the space where public opinion is formed. This is argued by McNair in a discussion on 'Politics, Democracy and the Media' in which he notes that "public opinion, in this sense, is formed in what German sociologist Jurgen Habermas called 'the public sphere'" (1995, pg17). It is important to have an understanding of the public sphere as a space where public opinion is formed and engaged as this thesis would argue that the media is one aspect of that public sphere, one avenue through which public deliberation can be formed and developed. Although the term emerged from the exclusive debates within the coffee houses and salons of Britain and France, the media soon became the vehicle for public discussion and public opinion which was less exclusionary and more representative of a wider public. Habermas argues that the public sphere developed further through the newspapers in Great Britain, where newspapers changed from being strictly sellers of news to being "dealer[s] in public opinion" (1989, pg182). The importance of the public sphere is that it was a space which acted between both the state and the private realm, as noted by Habermas (1989) that "the bourgeois public sphere evolved in the tension-charged field between state

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[3]Kosicki reiterates this point when discussing public deliberation, the discussion of public policy by citizens, and notes that the media are a key means through which this takes place, "ranging from media talk shows ... to public opportunity to question candidates directly in debates" (Kosicki 2003, pg65).

and society" (pg141). The public sphere emerged as a space in which the media acted as an avenue for public discussion on politics and cultural interests. McNair provides further discussion on the role of the media in the public sphere and on public opinion:

> The public sphere, as can be seen, comprises in essence the communicative institutions of a society, through which facts and opinions circulate and by means of which a common stock of knowledge is built up as the basis for collective political action: in other words, the mass media, which since the eighteenth century have evolved into the main source and focus of a society's shared experience (McNair, 1995, pg 18).

While the quote from McNair provides a basis from which to develop an understanding of the public sphere and its relation to public opinion, it is perhaps an overly media-centric view of the public sphere which does not take into consideration other factors which influence public opinion and the space in which it is developed. Ferree et al (2002) acknowledge the fact that participation within the public sphere should, in liberal participatory models of the public sphere be strongly encouraged for citizens through many different avenues. Participation by the citizenry in the public sphere can be done through organisations, political parties, and the media which are used as a tool for discussion and debate. Ferree et al note that "whatever frames or points of view are most entrenched and taken-for-granted should be challenged by ideas that call the taken-for-granted into question. Opponents of the political status quo have a normative role in challenging established elites and dominant ideologies" (2002, pg298).

I would argue that the media are a means through which public opinion can be developed, portrayed and influenced, but it is one of many factors in play when considering public opinion and its relation to policy development. The advent of the Internet has been increasingly regarded as a tool for strengthening the public sphere and the means through which the public can participate in discussion and debate. Researchers such as Dahlgren (2000) and Bennett (2003) regard the Internet not "as a technological wonder by which (representative) democracy will be saved or as producing more or better participation, but rather as an opportunity structure – opening up potentialities and opportunities – in the realm of informal political processes and social movement organization (Cammaerts & van

Audenhove, 2005, pg183). Whether this is a universal truth is questionable, and questioned in this thesis through the examination of the KICTANet mailing list, which had been purported by its founders as an avenue for public debate and discussion, a tool for the citizenry to participate in the public sphere and for civil society and other policy stakeholders to engage in policy discussions. If this is the case, then the mailing list would open avenues for discussion on communications policy and the issues which it raises in Kenya, as well as a space for the media to participate in public discussions about communications policy.

When examining public opinion further, the simplification of public opinion is a common trend amongst many authors today, who equate public opinion to opinion polls (Chang 1999; Herbst 1995). This oversimplification disregards the complexity of the issue and the role of the media in covering public opinion. "Public opinion is no longer a reified macro-level entity nor is it a simple aggregate of individual reports in opinion polls. Rather, it is an important theoretical construct needed to understand the social and political dynamics of modern democracy" (McLoed et al 1995, pg76). It is argued that public opinion polls are simply institutional means of individualising public opinion derived mostly from the state or other official institutions. While opinion polls do provide some insight into the opinions of the public, there are other expressions of public opinion evident in public demonstrations such as riots or petitions, although these are extreme cases and less common in society today (Herbst 1995). These are still valid arguments as petitions for example are collective acts which are generally initiated by society (or interest groups) and not by government bodies or groups.

Entman provides a useful model of examining public opinion, by using four ways of referring to the term. Their importance to this thesis is that of those four referents, three "are influenced by the mass media and affect government policy" (Entman 2000, pg20). These three referents are:

- Actual individual preference: these are the preferences of individuals with regards to government action and processes and can be thought of as "the phenomena that observers apparently believe they are aggregating into majorities when they invoke public opinion" (pg20).
- Polling opinion: while polls may be problematic, they do influence policy makers

and polling opinions are strongly influenced by the media (pg20)

- Perceived public opinion: despite research and information suggesting that this general sense of what the public is thinking and its attitudes towards an issue is not a feasible gauge of public opinion, this sense of the public's perceptions is often claimed to be understood by the media and policy makers. Entman (2000) argues that

> a major part of politics these days is precisely the struggle among contending politicians to induce the media to construct a particular perception of what public opinion is. If the media keep asserting that public opinion holds a particular view, the resulting perceptions of public desires – perceived public opinion – can shape actual behaviour by government and citizens (Entman, 2000, pg21).

To illustrate the point, Entman points to research conducted during the 1970s US presidential elections, when the media asserted that the public had shifted to a more politically conservative political attitude, yet opinion polls showed mixed reaction to different issues. Political elites and the media were able to frame the data, and "this and other episodes of disjunction between perceived and polling opinion seemed to have had a critical impact on the actual policy success of President Reagan and his administration. Such effects provide examples of real media power in the policy process" (Entman 2000, pg21). While Entman illustrates the value of opinion polls in the media-policy relationship, it is simply one means of accessing public opinion.

It is argued in this thesis that public opinion is much more than simply opinion polls, which are initiated for particular reasons and by particular organisations for their own benefit. The focus of this thesis is on the role of the media in policy and as illustrated, public opinion will have a strong influence on policy decisions through the actions of the public. But what is the role of the media in public opinion? Schoenback & Becker (1995) recognise a number of ways in which the media influence public opinion. Perhaps the most pertinent and important to this thesis is that the media, in communicating events and issues, influence the salience and perceptions of the public on those issues. The media play a vital role in not only influencing public opinion through agenda setting, attribute agenda setting and framing, but by covering public opinion through their stories. This can mean covering riots, voting behaviour, investigative stories or even human interest stories.

Through coverage of public opinion, the media will influence policy by providing policymakers a way of predicting the way the public will react to policy issues (Mutz & Soss 1997; Shiraev 2000). The importance therefore of public opinion and the media's influence on the public in relation to policy is clear. Public opinion is influenced by the media, but also portrayed by the media which government and policy makers are made aware of and may respond to with policy decisions and actions.

2.6 Influences on media content – How is the news agenda shaped?

It is important to understand that one cannot research the media's influence on either public opinion or policy in isolation of other factors, such as social, political, economic and organisational influences, and that the media is simply one - albeit important - factor of many influencing policy.

One cannot simply analyse the relationship between the media, public opinion and policy without examining the factors which influence media content. While much of the research conducted in the area of the media-public opinion relationship has shown that the media do indeed influence public opinion, it is essential to take a step back and look at what content is being provided by the media, how that content is chosen and how that content is displayed by the media, thus becoming part of the publics' agenda or focus. From this we can begin to understand the complexity of issues that affect the media and its influence on policy decisions and development. In order to take this step backwards and examine the process preceding public consumption of media content, it is important to examine how content is chosen for and displayed by the media. This is an important question because it asks who or what is really influencing the public. For example, do government press officers or spokespeople provide content for news organisations which is then supplied to the public, influencing their opinions? In research conducted by VanSlyke Turk (1991) on the influence of public relations on the news, it was found that half of stories supplied by public information officers (from six state agencies in the United States) were used by news organisations. This seems to be a proportionately large amount of content being provided by state bodies and being passed onto the public, influencing their attitude towards issues and their salience.

The contribution by Berkowitz (1992) focuses on how the news agenda is shaped, as it is important to note that one cannot simply ask 'who sets the news agenda' because very rarely is it simply one person or one entity which determines the news agenda. There are many influences and processes which determine what the news media will focus on in each story, for each page of their product, and each day. The author notes that the biggest influence on the news agenda was news sources, and that policy makers were the most influential of those sources. It is policy makers themselves who seem to have the biggest influence on the news media content and therefore on agenda setting, which means they should have the biggest influence on public opinion.

The importance of government bodies or policy makers providing information and content to media organisations goes beyond the simple provision of information, but requires an investigation of the manner in which this information is structured and framed. As noted previously, framing an issue will influence the manner in which it is perceived by the public and will influence behaviour of the public towards political issues (Gamson, 1992; Terkildsen & Schnell, 1997). Just as the media frame issues as a result of organisational, social, economic, and political factors, so news sources will frame content provided to the media. Policy makers, government bodies and interest groups will use methods of framing and message structuring to highlight particular issues and events in an effort to influence public opinion. While these frames may be incorporated into media content, the media then further influence the public through their own framing of an issue and its representation in the media (Terkildsen et al, 1998).

The impact of outside bodies (policy makers etc) on the media is unmistakable and while the media may further structure content, the public will be influenced by both forces on the information they consume. As part of a multi-stakeholder partnership (MSP) in the communications policy development processes in Kenya, the media would have been exposed to influence from not only policy makers and other government officials (such as the telecommunications regulator), but would have been influenced by other stakeholders in the partnership. These included civil society organisations, and the private sector, all of which had their own interests to protect and would have influenced the media in their role of informing the public and policy makers through their coverage of the policy process.

Press regulation and media censorship are equally influential factors on the content produced by the media and the manner in which the media are able to influence public opinion and policy debates through their coverage of political, economic and social issues at the local and global level. Censorship of the media has been a long standing issue in Kenya as the many different autocratic regimes have demanded that both the broadcasting and print media align their coverage to the ruling political party and its ideology. Although there is currently a democratic government in place which does not openly censor the media, the regulation of the broadcasting and print media content has become an issue in recent years and has influenced the kind of content being produced by the media in Kenya. If, as Barnett asks of the South African context, "news-production is shaped by a broad politics of knowledge, then this politics of knowledge has been fundamentally transformed by initiatives for open government, the restructuring of government communications and changes to censorship laws" (2003, pg7). This same question and answer can be applied to the Kenyan context, where the government has deregulated the media industry, but through the KCAA is trying to regulate some content, thus influencing the content being produced. The context in which the Kenyan print media operate will be discussed further in Chapters 4 and 6.

2.7   The Role of the media in policy

The discussions on the media effects theories and the role of the media in influencing public opinion have provided a solid grounding from which it is now possible to postulate a more direct link between the media and policy. Having provided some examples of research in those specific theories of media effects in order to generate an understanding of the role of the media in influencing policy, further research will now be examined in order to provide evidence of the media's role in policy in a more direct manner. It is important to note that the media are but one of many factors which influence policy and are therefore part of a web of influencing elements. This area of research is not dominated by any one discipline, but draws from a range of different areas of study, which all have an interest in policy making and development. These include economics, political science, communication studies, journalism and development studies. This provides any scholar reading in this area with a wide range of views on this subject and ensures that further research is equipped with foundations from different perspectives.

This discussion will examine the role of the media in different areas of policy and will aim to ensure an understanding of the research that has been conducted in the area of media-policy influence. While little research has been conducted on the role of the media in media or communications policy, the following discussion will provide insight into the kinds of role the media can play in different policy areas which can be used to infer hypotheses about the roles the media played in the communications policy development processes in Kenya.

"In recent years, the media have become one of the most significant centres of power in the modern state" (Auerbach & Block-Elkon 2005, pg83), influencing not only individuals, but greater social processes such as policy, both domestic and foreign, which affect people's daily lives. Researchers have not always agreed on the degree to which the media influence policy (Edwards & Wood 1999), but that there is influence is certain. Berkowitz (1992) provides an important discussion on the influence by the media on policy makers. He argues that this relationship is not simply a one way process, and that policy makers have an enormous influence on the media and the media are equally influential on policy makers. This dynamic relationship is further influenced by a number of factors such as organisational level influences (the role of the journalist in the media organisation), professional level role expectations (ethics and standards of both parties), societal level influences (social power and social structures) and internal role prescriptions on policy makers. What this all points to, is that there is no simple linear process of influence between the media and policy makers. This is a complex web which is structured at multiple levels with different factors influencing the relationship, and it cannot be seen as a simple linear process.

Robinson (2001), who has written widely on the relationship between the media and policy, provides further examination of the importance of this relationship by aiming to prove a co-active relationship between the media and politics, rather than the traditional views of the media simply influencing policy or the impact of the media through 'CNN Effect'. By providing an overview of different theories, Robinson provides an argument for a much more symbiotic relationship between the media and policy. One of these is the work by Wolfsfeld (1997) which aims to identify the factors which ensure that media coverage plays a role in the formulation of policy. Wolfsfeld's work examines the relationship between the media and interest groups that aim to challenge authority and policy change, and provides evidence of the

influence of smaller interest groups on the media agenda, but fails to provide an adequate link between the media and policy action. The second argument from which Robinson draws is his own policy-media interaction model. His hypothesis is that the media become promoters of a particular elite group in society which forces the government to consider the media's agenda in a number of different ways. Firstly, the government may believe that negative media coverage will negatively influence public opinion. Secondly, policy makers may have to consider the fact that negative media coverage will damage the government image and credibility and thirdly, policy makers may begin to question the cogency of the current government policy.

Robinson believes that regardless of the government's reaction towards this kind of media coverage, there is likely to be some kind of policy action in response. If this is the case, policy makers will work hard to promote their particular policy in order to influence the media coverage and lower critical or negative coverage of policy actions, thus contributing to the two-way relationship that Robinson believes is in play. "Crucially, the greater the level of uncertainty over policy within the executive, the more vulnerable the policy process is to the influence of negative media coverage" (Robinson 2001, pg535). On the other hand, if policy makers are confronted by negative media coverage about an established policy, they are likely to use their power as a news source for the media in order to promote the policy. I would argue that regardless of which type of policy is being covered, the media influence the policy process and policy actions in relation to that policy through their coverage. Robinson's assertions about negative coverage will be examined further in the data analysis as it provides an excellent platform from which to examine the largely negative coverage by the media of the Kenya Communications Amendment Act (KCAA), and how the government reacted to this.

While the work of Robinson examines the interplay between the media and policy, much of the research in this area of study, examining the relationship between the media and policy, looks simply at the influence of the media on policy actions - usually through public opinion. Stromberg (2001) for example notes, from an economic theory perspective, three ways in which the media influence policy. The first is its influence on elections, which similarly to Robinson views the means through which the media are conveyors of policies and campaign promises to the politician's electorate – which should ensure that policies are then established once

these politicians have been elected. The second way the media influence policy is by informing the public about actions taken by politicians who are not usually directly observable such as budget cuts or other less directly influencing policy decisions. Lastly, the media influence the salience of political issues in voters (the public) through agenda setting.

As discussed by McCombs (2004), there seems to be a gap in this research area of empirical studies conducted which would provide an in depth and analytical study of the media's influence on policy processes. Robinson (2000) argues that traditionally the problem with research is that it was either approached from a politics-centric perspective (such as the work of Gowing, 1994) or from a media-centric perspective (such as that of Shaw, 1996 and Volkmer, 1999). He believes that few researchers are able to adequately and effectively balance the two approaches to provide real evidence of the media's influence on policy makers and policy decisions. Researchers such as Wolfsfeld (reviewed above) are one of the few that examines both media and policy processes in a way that provides empirical evidence of a relationship between these two entities.

One could argue that the study conducted by Cook et al (1983) which aimed to evaluate the effects of the media on the public and policy makers is another which provides a more balanced view of the media's influence on policy. The study begins with a critique of previous agenda setting research which the authors argue fail in their analysis of the media–public opinion–policy relationship because they focus solely on the media influence on public opinion and do not delve deeper by investigating the influence of the media on policy makers and policy processes. Their aim is to go beyond previous studies and trace the effects of a particular media event to alter the outcome of a policy decision or process. The research was focused on a media event which the researchers knew was going to occur months before its screening, allowing them to collaborate with the reporters working on the programme as well as policy makers who were exposed to the media event. Results of the study showed a clear influence on the public who were exposed to the media programme and there was a definite shift in their attitude towards the issue subsequent to watching the programme, as would be expected from the evidence of previous research in agenda setting. The authors note that "the general public who saw the report did in fact change their perceptions of issue importance and altered their policy priorities...Government policy makers who were exposed to the

investigative report changed their views of the issue's importance and their perception of the public's view of issue importance, and became convinced that policy action was necessary" (Cook et al, 1983, pg33).

It is interesting to note that the results of the research show a strong influence of the programme on government policy makers after the media programme was viewed. The importance of the issue increased for policy makers once they had viewed the programme and from the results of the interviews with policy makers, the researchers believe that there was also a shift in the perception of the policy makers on the need for policy action. The reason for this provided by the researchers is however interesting in that they argue "what seems to have influenced the policy recommendations which came out of this case were not so much aroused members of the public but rather the active collaboration between the investigative journalists and officials of the U.S. Senate" (Cook et al, 1983, pg33). The research clearly points to some correlation between media content and the behaviour of policy elites, despite its assertion that public opinion played no part. Although it is unlikely that the programme was the only influence on the policy-makers decision to take action, this study has provided some evidence of the media's power on the policy process.

While the case above advocates the collaboration between the media and the government, the question of whether the media follow the cues of government, or lead the government into policy action is still important. This issue has been well researched for example by Bartels (1996), Gans (1979), Ansolabehere et al, (1993) and Kernell (1993) but all presume that there is a leader. The research conducted by Jones & Wolfe (2007) provides a more balanced perspective on the media-policy relationship. The authors propose a new theory of examining the relationship between the media and policy. In order to establish their theory (the detection theory) they provide a critique of three other theories of media influence on policy: the influence theory (which suggests that the media tell politicians what to think), the agenda setting theory, and the indexing theory (the idea that the media are told by politicians what to write about). Arguing that none of these theories provide a comprehensive and viable means through which to examine the relationship between the media and policy, the authors provide not only a critique of each, but carry out a comparative analysis of the agenda setting and indexing theories in order to "compare systematically the agenda-setting power of the media with the agenda-setting power of government officials" (Jones & Wolfe, 2007, pg4). The

intention is to find out whether the media are the influencing factor in policy decisions or whether policy makers and political elites influence the media into writing about policy issues. Through the comparison, the authors conclude that there is a strong case for the indexing theory, suggesting that the government lead the media into covering policy issues.

It could be argued that this is an over-simplistic conclusion to a complex relationship which requires further investigation and consideration. This is exactly what the theory developed by Jones & Wolfe aims to provide. The authors propose their detection theory in which "actors – politicians, policy entrepreneurs, interest groups, and the media – are enmeshed in a complex set of interactions focusing on the recognition and interpretation of multiple complex and interaction information signals" (Jones & Wolfe, 2010, pg9). The authors note that their theory follows the work of Baumgartner & Jones (1993) which postulates that sometimes media lead government attention on policy and sometimes they follow. This seems a much more realistic interpretation of the media-policy relationship which not only allows for periods of strength by both actors, but takes into account external factors which influence both and their relationship on each other. The authors argue that the media and policy actors are not in a linear relationship of leading or following, they do not respond only to each other, but are strongly influenced by other elements and at different times will influence each other differently.

"It is even less clear that any one set of actors – be they from the media or the political elites, or from business or from 'the public' – in any sense 'controls' policymaking" (Jones & Wolfe 2010, pg10). This study provides a coherent argument for the fact that the media and policy makers are not in a relationship of simple give and take, they are elements in a complex system of policy making which is influenced by many factors and which influences the manner in which they affect each other, whether directly or indirectly. The aim of highlighting this study is that it provides empirical evidence of the need to examine the media-policy relationship in a more comprehensive manner when researching the role of the media in Kenya's communications policy development process. This means taking into account all actors in the policy making process and the factors which will influence the process as a whole, as well as the individual actors.

2.8   The role of the media in foreign policy

The discussion which follows highlights the influence of the media on specific policy processes. The reason foreign policy has been singled out as an area of policy research, is because it is perhaps one of the most researched areas of policy relating the media to policy processes. By examining research in the area of the media and foreign policy, it may be possible to establish a platform from which to examine other areas of policy, such as ICT policy and the influence the media may have on that.

Using the agenda setting role of the media has been a traditional means of examining the influence of the media on foreign policy. It is perhaps reasonable to expect that studies conducted in the area of foreign policy would use one of the seminal theories of media influence to examine the relationship. One such example is the work by Soroka (2003) which examined the relationship between media content, public opinion and foreign policy in the US and UK at two levels. The first was an agenda setting analysis which looked at the relationship between the salience of foreign affairs in the media and its subsequent importance in the public. The second examined the effects of varying issue salience on foreign policy making itself. This second area of examination is the more important for this discussion as it points to a direct influence by the media on policy makers and policy actions. It has been very difficult to prove a direct effect of the media on policy makers (Soroka, 2003; & Wlezien, 2005), which is due to the complexity of factors which influence policy processes (Kepplinger, 2007).

While much discussion has examined the influence of the media on public opinion through its role as an agenda setting agent, foreign policy decision makers are also influenced by the media in the same, though perhaps more complex, way. Just as individuals in society are influenced by what policy issues they believe are important and their attitude towards those issues, so foreign policy makers are strongly influenced by their exposure to media. As media are "conduits of information between policymakers and the public" (Boaz, 2005, pg349), so policy makers would be influenced by the information they receive through the media of the publics' perception about particular foreign policy issues.

Cohen (1986) believes the media form part of an "interdependent system" within

foreign policy making (pg52). This system is made complete by the inclusion of parliament, public opinion and interest groups, of which public opinion is perhaps the most important. The media are especially reliant on public opinion in their relationship with foreign policy making "because media are dependent on their audiences for any pressure on government to succeed" (Cohen, 1986, pg52). The media provide policy makers with information about public opinion (and interest groups), which will influence their decisions and actions in relation to policy.

Public opinion about particular foreign policy is not the only influencing information conveyed through the media to policy makers. Information about other governments, governmental bodies and organisations which determine foreign policy will also be portrayed in the media and will play an agenda setting function in foreign policy actions and decisions. A currently relevant example is the influence of terrorist organisations, through their exposure in the media on foreign policy. In research conducted by O'Heffernan (1991) which examined the relationship between the media, different terrorist organisations, such as the hijackers of TWA Flight 847 in 1985, and foreign policy processes clearly illustrates that the media can be actively and effectively used by such organisations to create exposure for their cause. These organisations use the media to create awareness of their issues to foreign policy decision makers, thus influencing the salience of issues viewed by policy makers. This has been coined 'terrorvision':- "the successful use of the media by terrorists to influence U.S. foreign policy" (O'Heffernan, 1991, pg42). Although the foreign policy officials who were interviewed for the study denied that their exposure to media coverage of terrorist organisations or activity had any altering influence on policy outputs, they agreed that the media ensure greater visibility of terrorist organisations and their ability to invoke responses from governments. It is clear from the case study above that the media played a role in the perceived importance of the issue and the policy-makers attitude towards the issue, and together with other factors would have an influence on policy activity.

The ability of the media to influence foreign policy decision makers and processes is not only through its coverage of different issues, such as public opinion and terrorist organisations, but the way in which these issues are framed is an equally important factor in influencing foreign policy processes. The value of framing is that it brings about different meanings of an issue that would not have been conveyed if it had been done differently or not at all (Scheufele, 1999). The question is whether the

media can use frames to actively influence policy processes or those involved in foreign policy decisions. Foreign policy is one of the most important policy areas in any government's work and the media play a vital role in informing and influencing that work. The way in which they do that is determined by their coverage of particular events (Boaz, 2005). Auerbach & Block-Elkon (2005) found that the coverage by the Washington Post and the New York Times of the Bosnian conflict between 1992 and 1995 prompted the active policy of engagement by the U.S. government in the crisis. The influence was particularly effective because of the manner in which they covered the Bosnian conflict. By highlighting the interests of the US in the area and shedding light on the values being threatened by the issue, and by "using mainly critical positions and emphasizing humanitarian and security metaframes – the elite press may have pushed the Clinton administration to a more active policy." (Auerback & Block-Elkon, 2005, pg96).

The examination on the relationship between the media and foreign policy decisions and actions is essential to not only enhancing the understanding of the media's influence on policy, but because it also provides a number of avenues for examination in the research being conducted on the media and communications policy in Kenya. It highlights the importance of examining not simply a linear relationship between the media and policy makers, but of considering the importance of elites and their influence on the media. This is important because as a possible stakeholder in the multi-stakeholder partnership (MSP) which played a role in the communications policy in Kenya, the media would have been exposed to strong influences from other stakeholders, many of which would have been elites (government officials, regulators, academics, business people and influential representatives of civil society). The research examined in this section has also highlighted the importance of media coverage of policy issues and the influence of this on policy processes, as well as the importance of considering that policy makers are influenced by many factors – of which the media is but one.

2.9 Role of the media in communications policy

The media's power in policy processes is best viewed for the purpose of this research on the media's influence on communications policy in Kenya from an examination of the role of the media in global communications policy processes. The media, through their involvement as part of multi-stakeholder partnerships

(MSPs), have been internal and external determinants of communications policy at different levels and within different global contexts. Communications policy, such as ICT policy, provides the media with an opportunity to not only act as a stakeholder of civil society in protecting social processes, but as a stakeholder which will be directly influenced by communications policy. Despite an abundance of discussion and research on global communications policy processes, little research has focused specifically on the role of the media in these policy processes. This lack of research is not only a gap in an exploration of the role of the media in communications policy as an agenda setting agent, but also as a key stakeholder in policy which directly influences media production and consumption.

An example which provides some insight into the role the media can play in information and communications technology (ICT) policy processes is the MSP process in the Democratic Republic of Congo (DRC) which targeted the establishment of an ICT policy in the country. The process began in 2003 and by 2005 had established a formal governance structure (La Dynamique Multisectorielle pour les Technologies de l'Information et de la Communication – DMTIC) which was made up of stakeholders from civil society organisations, international NGOs, academia, the media, the private sector, public sector representatives and the diasporas (Adam et al, 2007). DMTIC established four major priorities in its efforts which included the establishment and implementation of an ICT policy. This was perhaps the biggest step for the MSP, but also the most difficult as the government of the DRC was preoccupied with national elections scheduled for 2006[4]. Rather than targeting policy actions directly, the MSP engaged in a national media campaign to create awareness about ICT policy amongst the public and policy makers. Evaluation of the MSP showed that it was successful in a number of ways, which it could be argued would not have been achieved without the input of all the different stakeholders. These milestones included:

- Being able to secure funding from international NGOs in order to undertake their campaign
- The close relationship between the government and development agencies was assured by the inclusion of different stakeholders
- Being able to use the media to advocate for particular ICT policy, as a result of them being one of the key stakeholders.

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[4]This illustrates the influence of political context on policy processes and highlights the kinds of external factors which could influence the role played by the media.

Despite difficulties in the process and in ensuring participation of all stakeholders, the MSP "played a significant role in raising ICT policy issues in the DRC" (Adam et al, 2007, pg 25), but the media were highlighted as one of the key players in the creation of public and government awareness. The authors note that "despite the difficult situation the network has made substantial progress, particularly in articulating priorities...and working closely with the government...DMTIC was able to use the broadcast media extensively" (Adam et al, 2007, pg24). This would have been strongly influenced by the other stakeholders and partners in the MSP which actively used the media to achieve their goals.

While the role of the media can be inferred in this example, the researchers were not specifically examining the media's role in the awareness of ICT policy. Despite the obvious connection between public and political awareness through broadcast media and the media's role in this example, the research concentrated on the role of the MSP as a whole in this process. This is a trend amongst research (Thomas, 2006 & Raboy, 2004) in ICT policy development as they examine the role of entities which include the media, as part of MSPs or civil society, but do not single out the media as an influencing factor and provide evidence of the role of the media in those processes.

Perhaps the only studies conducted specifically examining the relationship between the media and communications policy have been conducted by the Highway Africa organisation, though these have focused specifically on ICT policy. Two studies were conducted two years apart to determine the coverage by media in six Africa countries of ICT policy and ICTs in general. While these studies provide some interesting evidence in relation to the coverage of ICTs by media organisations, they lack an in-depth discussion of this coverage in relation to the influence it had on the ICT policy process. Despite these shortcomings, it is useful to provide a brief description of the results as they could be used as an illustration of the kinds of influence the media *might* have on ICT policy development in Kenya as an agenda setting agent through its coverage of ICT policy.

The first study was conducted in 2005 by Highway Africa and examined the coverage of ICT policy and general ICT issues in six African countries, namely:

Mozambique, DRC, Nigeria, Ethiopia, Kenya and Senegal (Highway Africa, 2005). The greatest insight from the Highway Africa research for the purpose of this thesis is a general overview of the findings across the six countries as it illustrates general trends, but also illustrates the holes in the research in terms of media influence. The research examined what it calls "policy-influential media", defined as "those media that are consumed by opinion-makers, policy-makers and decision-makers, who would also need these media for information in order to conduct their business" (Highway Africa, 2005, pg14). Apart from the media monitoring, interviews were also conducted with stakeholders in the ICT policy process of each country. The objectives of the study, as defined by the researchers, were to:

- Gauge the quality of media coverage of (a) contemporary ICT policy issue(s) in policy-influential media
- Gauge the quality of coverage of ICT policy issues in policy-influential media (Highway Africa, 2005, pg13).

The research found that across the six countries there was a lack of interest shown by the media in ICTs, and what little coverage there was, provided "no analysis or critique of ICTs or the ICT sector, pointing to a lack of understanding in the media of ICT policy issues in general" (Highway Africa, 2005, pg13). The authors argue that the reason for this lack of analysis is because the media report on events rather than processes as a result of the newsroom culture of the media studied, which showed that "editors would rather use resources on issues directly relating to the socio-political reality of their readers" (Highway Africa, 2005, pg26). As a result of the lack of coverage and the lack of a real sense of understanding of the issues by the media, their influence on ICT policy is completely disregarded. While this study provides some data for further research, it lacks its own analysis of the media's real influence on the ICT policy processes in each country. Generally there were epistemological and methodological problems with the research, which highlights the importance of a well structured research project which is based on theoretical understandings of the media's influence on policy and provides insight into this in the ICT policy field. This is the aim of this thesis in which I am examining the relationship between the media and communications policies in Kenya.

The second study conducted by Highway Africa was carried out in 2006, with the same objectives as the first - to gauge the quality of reporting on ICT policy by policy-influential media in the same six countries (Highway Africa, 2006). The same

methodology as the first study was also used in that a content analysis of the media over a period of four weeks was conducted and followed up by interviews. In this study, however, the interviews were not with stakeholders of the ICT policy, but only with editors and journalists from the media sample. Generally the research found that while there were still glaring gaps in the coverage of ICT policy and ICTs in general, there was also an improvement from the study conducted in 2005. The study found that journalists were more knowledgeable about ICTs and ICT policy in their reporting of those issues, but also found that the media were more engaged with the ICT policy process, as "journalists are not only expressing consciousness of their role, but also actively engaging as stakeholders in processes – at least in Kenya and Nigeria" (Highway Africa, 2006, pg20).

Despite the positive results, this study also failed to create a direct link between the coverage of ICT policy and the influence of this on the policy process. The research did not examine the role of the media in setting the ICT policy agenda (despite arguing that coverage of ICT policy had increased) and although it provides some insight into how journalists are writing about ICTs and ICT policy, it lacks a real analysis of the influence of this on policy. In its concluding remarks, the author argues that coverage of ICT policy has to be improved and suggests some means of achieving this, but also points to the importance of the media as a stakeholder in ICT policy.

> ... without compromising their independence and role as credible mediators of all manner of information, journalists can – and arguably should – take forward their direct interests in ICT and ICT policy. This entails becoming active participants in policy processes – ensuring at minimum that rights to free expression and media freedom should be respected; and, at maximum, helping to promote a policy regime that ensures optimum access for society to means of communication (Highway Africa, 2006, pg109).

2.10 Conclusion

This literature review chapter has provided a discussion of some of the research conducted on relevant areas of media influence, namely agenda setting, framing and the role of the media in policy processes. The aim of this chapter is to provide an understanding of some of the roles the media can play in influencing policy, in

order to understand the roles the media did play in the communications policy processes in Kenya. This research aims to investigate whether and how the media were an integral part of the communications policy development in Kenya as a stakeholder, and agenda setting agent influencing both public opinion and policy maker's attitudes towards communications policy. Despite a plethora of research on the roles of the media on policy and an equally large amount of research on the development of media and communications policy at local, national and global levels, it seems that there is no research which brings these two areas together. There is a glaring gap in literature examining the role of the media (as either agenda setter or stakeholder) in media and communications policy at any level. It is the objective of this research to provide some means of filling the gap in the research by bringing together media effects research and communications policy research into a project which examines the influence of the media on Kenya's communications policy process.

The focus of this research is on the role of the media as an influencing factor on the communications policy process, it is however essential to the research to contextualise the policy processes within a social, economic and political space which would have influenced not only the role of the media in the process, but the policy development process itself. It is argued that too many studies have failed to consider the influence of social, political and economic factors in media effects, diminishing the impact of those studies on the field. This literature review chapter has argued that the relationship between the media and policy is not a simple, linear process of influence. These two elements (media and policy) are part of a larger web of factors which influence each other, all of which have to be considered when examining policy processes. The media are an especially complex element of society, filling a space as both commercial entities and civil society organisation with a responsibility to inform society. These factors will influence their role as stakeholders and agenda setters in the communications policy processes at any level, and will have to be taken into consideration.

3 Chapter 3: Globalization and communications policy development

3.1 Introduction

The assertion that the world is becoming smaller is best articulated by the notion of the "global village" coined by Marshall McLuhan. This is a concept best suited to describe the effects of globalization and the changes in information and communications technology (ICT) that this has allowed for. Globalization also provides a context within which to examine the role of the media in the process of communications policy development. It would perhaps be futile to examine communications policy and the media in today's age without acknowledging the role of globalization on both. ICTs are a global phenomenon by the very fact that they allow information to transcend physical boundaries and borders, and influence society at the global level. Their regulation at the local level is strongly influenced by global norms, therefore understanding globalization of information and communications policy and processes is essential for any research in this field.

Not only has globalization[5] influenced the content of and need for global communications policy, but it has influenced communications policy formation. It can be argued that perhaps the biggest influence of globalization on the communications policy processes was the establishment of Multi-stakeholder Partnerships (MSPs). This has happened as a result of the fact that there is a move away from exclusive government control over policy making. Padovani and Pavan argue that a diversity of actors are now engaged at the policy process including

> state-based independent agencies (such as regulatory bodies or
> independent authorities on privacy or telecommunication); intergovernmental
> institutionalized fora (e.g., ITU, the World Intellectual Property Organization
> (WIPO), the World Trade Organization (WTO), or, at the regional level, the
> European Commission and its Information Society and Media Directorate);
> nongovernmental actors (e.g., private entities including Microsoft or the
> International Chamber of Commerce, as well as civic-oriented organizations
> such as ARTICLE 19 or the Association for Progressive Communications);
> and global networks (such as the Global Alliance for Information and
> Communication Technologies and Development or the partnership behind

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[5] This will be comprehensively defined below.

the Global Communication Initiative). All these actors are engaged in exchanges (more or less formal) to produce governance outputs (Padovani & Pavan, 2011, pg546).

This chapter will examine globalization as an impacting factor on communications policy making at the global and local levels. In order to do this thoroughly it begins by discussing globalization and its effects on policy processes, both global and local. This then raises questions around policy participation which are examined through a discussion on multi-stakeholderism and other types of participatory policy structures. Whether these global processes and initiatives have led to increased participation of the media in communications policy as partners in MSPs within local policy processes is at the heart of this research.

3.2 Globalization

3.2.1 Defining globalization

While the term 'globalization' may be relatively new, scholars (Waters, 1995; Wallerstein, 1974 & Robertson, 1992) would argue that the process of globalization has been happening for many centuries.

> Many scholars point to sixteenth-century Europe as the original source of globalization. After all, the Europeans established worldwide trade connections on their own terms, brought their culture to different regions by settling vast areas, and defined the ways in which different people were to interact with each other (Lechner & Boli, 2008, pg1).

Robertson defines globalization as a dual process of the physical "compression of the world" and the awareness by societies of the global, as they are "situated within a globe wide system of global rules and regulations concerning economic trade and a consciousness of the global economy as a whole" (Robertson, 1992, 26). Robertson argues that there are political, economic and cultural processes resulting in this compression which lead to dependence amongst states on each other. This argument sees the closing of not only physical boundaries (for example trade agreements and military co-operation) but also cultural and social boundaries through the exchange of cultural practices, cultural imperialism and domination of some countries by others. The second dimension of Robertson's definition is the

consciousness of these processes of globalization – the acceptance and acknowledgment of the compression. While we may not always accept that the influences of globalization are positive, we have come to accept that they are present and that there is an impact on the way the world and the people in it operate.

One important element lacking from Robertson's definition, which is essential to this research and the reference to globalization in relation to policy, is addressed by Giddens' argument about what globalization is. Gidden's argues that globalization is "defined as the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa" (1990, pg64). The importance of this definition is that it acknowledges that not only is there global compression, but that this has an influence at the local level on social, political and economic processes. It can therefore be argued that globalization is a process of compression through political, social and economic forces which influence local processes. A political economy perspective will be used within this research to examine globalization and the forces which influence global and local policy processes. Political economic perspectives of globalization, whether negative or positive, contend that "the rapid integration of the world into one economic space" (Bergeron, 2001, 983) is the defining factor in influencing political structures and policy processes through the internationalization of capital, services and goods, resulting in the compression argued by Robertson. As evidence of this, global trends are being strongly influenced by transnational corporations (TNCs) whose influence is purely commercial. The work of TNCs goes beyond simply establishing an 'office' or base in different countries, these corporations work with each other and their lobbyists to influence policy and regulation at the global, regional and local levels. Rondinelli (2002) argues that "as transnational corporations grow in number, size and wealth, their influence is increasing around the world...They combine within and across industries to develop and implement codes of self-regulation and privately certify their compliance" (pg 391). The growing influence of TNCs and their influence on policy at the global level extend to their influence on nation states. It can be argued that their growing dominance will result in a loss of power by nations as TNCs "override national sovereignty and undermine democratic accountability" (Chakravartty & Sarikakis, 2006, pg6).

The commercialization and liberalization of markets in developing and developed countries can be seen to be promoting technological advancement and economic development at the global level, or promoting poor labour practices and "exploitation" across the globe (Robertson, 1992, pg 46). While many large transnational corporations provide aid, funding and social development projects in the poorer countries in which they operate, their motives are questionable. Not only are TNCs providing for the communities in which they operate, but their social responsibility initiatives are often in their own best interests. The NGO Business for Social Responsibility argues that TNCs contribute to local communities in order to expand and promote their own brands, promote employee loyalty, and enhance their image (Business for Social Responsibility 2001). As a result of their international economic power, they are able to play a greater role in global political structures, and global and national policy-making. Here again, the intersection between politics and economics comes to a head and whether we view the work done by TNCs to be positive or negative, their influence is undeniable.

The neoliberal perspective would argue that economic globalization (as promoted by TNCs) promotes economic development and growth, while critics would argue that this capitalization promotes hegemonic tendencies. Globalization should not be viewed as either wholly negative or positive, but should be analysed on the basis of its influence on specific nation-states and whether this has resulted in positive or negative outcomes for those governments and citizens. What is undeniable, however, is that there is an influence (see Hamelink, 1999). Globalization affects most governments in some way and as Dale notes "globalization does constitute a new and distinct form of relationship between nation states and the world economy, but it takes different forms" (1999, pg2). He goes on to argue that although it affects different nation states in different ways, globalization has and continues to affect some policy making procedures and outcomes of all states, "and this is one of its defining characteristics"(Dale, 1999, pg 2). Developing countries seem to be particularly vulnerable to the influences of globalization, often to their own detriment. Governance and power structures at the local level within developing countries play a vital role in influencing the effects of globalization (Prasad et al, 2003). Without strong governance structures and support from policy makers, governments are susceptible to the commercializing interests of TNCs and their own interest seeking advocacy.

Alongside these private firms, international agencies and development organisations also drive the capitalization of global trends. These international organizations include agencies such as the United Nations, the World Bank, the World Trade Organisation (WTO) and the International Monetary Fund (IMF) (Thomas, 2001, pg169). Often these development agencies are influenced in their work by private corporations and economic contexts, resulting in commercial decisions dominating political trends at the global and local levels. Hamelink (1999) for examples notes that within the global policy-making processes, there is very little scrutinisation of the major players and their vested interests. He argues that "current competition policies mainly address the dismantling of public services and the liberalization of markets, not the issue of oligopolization. For example, the World Telecommunications Agreement does not guarantee that there will be an effective, open competition between commercial actors, once markets have been liberalized" (pg 12).

3.2.2   The effect of globalization on policy processes

Changing global governance structures as a result of globalization have changed the political sphere of nations. The influence of globalization on governance and policy processes are varied, but its influence on policy will be examined in two major areas. The first is through the development of global organisations which institute global policies and procedures (such as the United Nations, its organisations, and its global summits) influencing policy at the global level and establishing a precedent for multi-stakeholderism. The second, which is influenced by these global organisations, takes place on a localized level within nations. These local processes and procedures, which are influenced by global policy decisions and actions, are located geographically within a nation and therefore do not take place on a global scale – but are still influenced by globalization. As Sassen notes "Studying the global, then, entails not only a focus on that which is explicitly global in scale, but also a focus on locally scaled practices and conditions articulated with global dynamics ..." (2003, pg3).

Global policy trends have for many years been dominated by the interaction between governments and international organisations such as the UN (and its agencies such as the International Telecommunications Union), the World Bank and the WTO. The importance of these interactions are the declarations and

commitments that governments make on global policy issues which influence not only global practices but also local policy practices of those governments (Dzidonu & Quaynor 2002). Dzidonu & Quaynor (2002) argue that the very success of local policies are "affected by such global policies as WTO decisions on trade in services or on intellectual property rights, similarly, national telecommunications policy is influenced more by decisions taken in global bodies like the ITU and the WTO than by purely national debates" (pg 4). The influence of the international organisations on local level processes can take many forms, from "policy assistance, institution building, private sector support and involvement in a multitude of ICT-related projects" (Nulens & Van Audenhove 1999, pg457).

Some researchers (Therborn 2000; Ohmae 1990; Gray 1998) have argued that the influence of globalization at this level (i.e. global policy affecting local policy and practices) has resulted in a loss of power for governments as they are not only influenced by global policies in adopting declarations, but by being forced to adopt policies and practices at local levels. The regulatory reforms instituted by the WTO on members ensure the liberalization of certain industries (such as the telecommunications industry) and countries are 'persuaded' to open these sectors in order to maximise investment (Guermazi & Satola 2005). The commercialization of different industries may not always be a positive step for social development in developing countries, though it may promote economic development in the short term. This illustrates the loss of power by governments, as developing countries are forced to formulate liberalizing policies which emerge at the global and which focus on economic development in order to promote investment.

Hirst & Thompson (1996) have argued that state power is as sturdy as it always was and that globalization has not changed governance at local levels. Instead, "the nation state, particularly in the advanced economies, is as robust and as integrated as it ever was" (Held 2000, pg397). While Therborn (2000) highlights the dangers of globalization on developing countries, the author also notes that global policies can positively influence local governments through their commitment to policy actions taken at the global level.

> The best prospect of global governance seems to reside in global norm formation. That is, in the development of rules and regulations of what is right and wrong that do not have the force of law backed by a quasi-monopoly of the means of violence (i.e. by a world state), but which are

something both more and more complex than the inspiration or the *Diktat*
of leadership (Therborn, 2000, pg174-175).

Therborn specifically cites the environment as one area of global norm formation, where global agencies have brought together governments committed to environmental change and which affect not only cross-border policies and practices, but local government practices. The same is true of communications policy – as a global phenomenon, it is influenced by and influences global policy processes brought about by global agencies - but is also governed at the local level and will be influenced locally by global processes and agencies. In order to effectively implement global resolutions and policies, national government and policy-making structures will have to be securely in place.

It could be argued that Therborn's notion of "global norm formation" extends not only to particular policies which influence local governments (but are global issues), but also influence the very nature of governance within nations. Meyer (2000) notes that globalization has resulted in common identities and forms of governance across states, where constitutions and the manner in which governments reign have become similar in different states due to globalization. "Essentially, all national states now define their fundamental purposes as having to do with socioeconomic development or welfare and individual justice, rights and equality" (Meyer, 2000, pg234). Without globalization and the influence of global organizations on nations, they may not have felt the need to change their governance patterns to a common practice. It can be argued then that globalization influences not only specific policies, but through its influence on governance patterns will influence all policies in states because it has influenced the very way in which governments operate, define themselves and relate to other policy players.

While research has been conducted on the influence of globalization on local policies and the role of global policies on local practices (see Dale 1999), it would be impossible to argue for a common result across nations in their interaction with global policy making. Globalization impacts on both global and local governance, but their influence at the local level is different for each state (Held 2000). Governments are no longer single entities governing their single states, they are part of wider bodies (whether regional or global) which shape each other and are influenced by wider policies. Held (2000) notes that while there will always be some elements of governance which are completely localized and will not be influenced

by regional or global processes or bodies (such as media ownership, and frequency allocation), others (such as the environment, health, global security and the Internet) will be strongly influenced by global policy which will impact on local practices. This is because these are global issues with global policy processes, but the manner in which they are dealt with at the national level in specific contexts will depend on individual countries and their local situations.

Environmental policy has for many years been a focus of the United Nations, and is one area of global policy which influences local policy practices and decision-making by nations. Governments have made commitments at a local level based on global policy decisions and issues, as for example with the Earth Summit in 1992, which "produced the United Nations Framework Convention on Climate Change that led to national commitments to cut greenhouse gas emissions" (Klein, 2004, pg3). Like environmental policy, communications and Information Society policy is also highly influenced by global politics and international organizations because it is a global phenomenon which works at the global, local and individual levels. Raboy (2004) argues that new trends in global governance will focus on information and communication issues, and this will be taken further to local governance and become a local priority.

Global communications policy trends provide a perspective on not only the kinds of policies being developed globally which influence local governments, but also the manner in which policies are being developed. Some of these global policies processes follow trends in global policy-making which took advantage of a multi-stakeholder approach to policy discussion and formulation. An examination of the establishment of multi-stakeholder policy processes and their influence at the global level provides insight into the manner in which globalization has influenced communications policy making (at the global and local level as MSPs are being filtered down into local policy making processes), but also the manner in which the media as part of MSPs can influence policy and play an active role in policy making.

3.3 Globalization and policy participation: Multi-stakeholder Partnerships (MSPs)

The interaction of global organisations and governments at the global level has not only influenced the kinds of policy being developed, but also the manner in which policies are being created. As the relationship between governments at the global level changes and policy processes change, so globalization influences participation in policy. As globalization leads to the 'compression' of governance at the global level, participation in policy making is opened up to different stakeholders. This is particularly true of information and communications policy where the technology itself transcends borders and is "supranational" (Padovani & Pavan, 2011, pg543). Today the governance of information and communications technologies are regarded as an example of "innovative features in the actual conduct of policy processes" (Padovani & Pavan, 2011, pg543) at the global level where participation in policy-making has moved beyond governments. These changes in policy participation are being initiated by global organizations such as the UN and IGF (Internet Governance Forum) which promote multi-stakeholderism and the inclusion of different policy stakeholders in policy processes.

This means policy making at the global level is being influenced by multi-stakeholderism and the use of multi-stakeholder partnerships to debate and formulate policy. The participation of a number of stakeholders in policy processes should not be viewed as inherently positive, but examined with a critical eye. While multi-stakeholderism does allow for the perspectives, skills and experiences of different stakeholders on policy, it also allows for their bias. In order to effectively examine the participation of different stakeholders as part of multi-stakeholder partnerships in communications policy, it is important to provide a historical context of MSPs and their role in global and local policy processes.

First, a working definition of MSPs for the purpose of this thesis will be developed. The United Nations defines the term as:

> Voluntary and collaborative relationships between various parties, both State and non-State, in which all participants agree to work together to achieve a common purpose or undertake a specific task and to share risks, responsibilities, resources, competencies and benefits (United Nations, 2003).

In detailing the formation of MSPs specifically for the development of ICT policy (as part of their experience in developing ICT policy in Kenya and other African countries), Adam, James and Wanjira (2007) provide a useful description of what it means to establish an MSP.

> In such partnerships the partners have a shared understanding that they play different roles and have different purposes, but that they can pursue collective goals through collaboration and common activities to achieve such goals...Such partnerships are increasingly being used to challenge and lobby for change in policy processes (pg5).

While it would be difficult to find a definition of the term which provides for all the circumstances and situations in which MSPs have and could be used, there are certain principles which should underlie all MSPs, regardless of whether global or local. They should be inclusive of stakeholders, and should go beyond "decision-finding" (Hemmati et al, 2002, pg19) to include the entire policy process, from policy decisions to actions, implementation and monitoring. "This term stresses the growing diversification of the actors involved in framing issues and problems, defining priorities, negotiating possible solutions, and taking relevant decisions in relation to any policy area" (Padovani & Pavan, 2011, pg544). The stakeholders in MSPs should share the responsibility for the policy process, as well as resources (which include not only monetary resources, but also knowledge, skills, experience, legitimacy, etc) in order to ensure effective policy decisions and actions. MSPs can therefore be defined for the purpose of this research as:

> The partnership between stakeholders in policy decisions, actions and processes, where all partners are equally responsible for ensuring effective policy through participation and the sharing of resources.

While this and most definitions and understandings of MSPs are broad, it would be impossible to generate a more definitive and specific understanding due to the fact that MSPs are used in different situations (global, regional, and local) and at different levels. They should, however, maintain the general principles upon which initial MSPs were established and work towards effective policy. Hemmati (2002) argues that MSPs emerged as a result of the need for more inclusive and effective policy processes, and that "a lack of inclusiveness has resulted in many good decisions for which there is no broad constituency, thus making implementation

difficult" (pg7). This is discussed by Kooiman who notes that "no single actor, public or private, has the knowledge and information required to solve complex, dynamic and diversified societal challenges, no governing actor has an overview sufficient to make the necessary instrument effective; no single actor has sufficient action potential to dominate unilaterally (Kooiman, 2003). It is thus important to hold onto the basic principles of participation, inclusion, responsibility, equality and resources when discussing and implementing MSPs, regardless of the situation.

Kooiman points to three key areas in his discussion on global governance practices which aim to provide a platform for multi-stakeholderism. These are diversity, dynamics and complexity (Kooiman, 2003). Diversity refers to the large number of actors involved, moving away from solely governance by governments, and rather the interaction of a range of stakeholders or policy actors in the process of policy making, ranging from international organisations, NGOs, private sector organisations, regional level organisations and global networks. Dynamics relates to the type of interaction between the diverse actors away from a closed information system, to a process of information exchange and interaction "which informs choices about change and conservation in policy discourses and action" (Padovani & Pavan, 2011, pg547). Finally, complexity refers to the fact that interactions between the diversity of actors may not always take place at organised events, but in a multitude of different places, "in different forms, at different levels, with different outputs" (Padovani & Pavan, 2011, pg547). Essentially, we are seeing governance in a very different way, open to participation by different policy actors or stakeholders through engagement in different spaces.

3.3.1   MSPs at the global level

The beginning of MSPs at the global policy level is difficult to pin down to one process or event, as authors credit different events for the establishment of MSPs. Martens (2007) for example, states that the beginning of MSPs can be traced to as far back as 1919 when the International Labour Organisation was established with the idea of being a 'multi-stakeholder' institution. Others credit more recent events for the establishment and rise in the trend of MSPs. Backstrand (2006) notes that the "multi-stakeholder partnership initiative, which is currently harbouring more than 300 public-private partnerships under the UN auspices, was announced at the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg" (pg 290).

Raboy (2004) credits the World Summit on the Information Society (WSIS) as being unique because of its MSPs and the official partnership between governments and civil society.

Regardless of where or when multi-stakeholderism emerged, the need to provide a space within governance structures for the inclusion of different stakeholders is what has driven the continued use of this form of decision making. Hemmati (2002) argues that as a result of the fact that governance in the modern era demands methods which adhere to the need for sustainability, there is a need for the inclusion of different stakeholders. The proliferation of MSPs within global, regional and local governance structures has resulted from a need to change the way policy is debated and formulated which is a product of globalization and its resultant effects. Globalization has changed the way that governments interact with each other and with global organizations and ensured that there is "recognition that stakeholders play an increasing role in implementing what has been agreed at international level" (Dodds, 2002, pg27).

The WSIS is perhaps the event that cemented the use of the term, and the use of the concept within global communications policy processes, particularly ICT policy processes. While previous global policy processes and events had some element of multi-stakeholderism, the WSIS "saw a greater official role for the private sector and civil society than any other global governance forum" (Gurumurthy & Singh, 2005, pg24). The Summit was 'marketed' as unique in the manner in which it promoted the participation of different stakeholders, most notably civil society (as the private sector had previously been active participants in many UN summits and events). In order to achieve this unique multi-stakeholder participation, the WSIS included the three divisions in the Secretariat (one for each stakeholder group – civil society, private sector and governmental) and "civil society and the private sector were to be integrally involved in the entire summit, from the preparatory process to the final outcomes" (O'Siochru, 2004, pg 333-334).

The significance of the WSIS for this research is not only its role in setting a precedent in the use of MSPs for policy debate and formulation, but is a means to evaluate whether the MSP is a good model for policy formulation. Padovani & Pavan argue that the WSIS was regarded by different stakeholders as a multi-

stakeholder process but for very different reasons. "It was put forward by governments to legitimize the WSIS process, adopted by NGOs and civil society organizations to support their requests for fuller participation in the process, and addressed critically by activists and scholars" (Padovani & Pavan, 2011, pg545). Researchers have both criticised and applauded the multi-stakeholder process at the WSIS and whether it was a successful process in debating, formulating and implementing policy.

The advantage of multi-stakeholderism in policy processes is that it aims to ensure the representation and participation of different groups, which may not have been represented by government alone. Raboy (2004) notes that not only did civil society participate in the preparation of the event, but through its official and unofficial lobbying and involvement it aimed to input directly into the documents which came out of the Summit. This experience at the WSIS could, however, extend beyond this Summit and in their declaration on the process, the Civil Society Bureau noted the positive outcome for multi-stakeholderism which resulted from the WSIS.

> WSIS has demonstrated beyond any doubt the benefits of interaction between all stakeholders. The innovative rules and practices of participation established in this process will be fully documented to provide a reference point and a benchmark for participants in UN organizations and processes in the future. (Civil Society Statement on the World Summit on the Information Society, 2005, pg7).

Has this influence at the global level translated into practical changes at the national level in the way communications policy is being developed? In a study on the influence of developing countries and civil society at the WSIS commissioned by the Association for Progressive Communication, the research found that civil society organisations which participated at the Summit felt it positively influenced their engagement in ICT policymaking at the national level. These changes resulted from a number of factors "notably the experience they have had of engaging during the WSIS process itself (in those countries where some multi-stakeholder participation did occur); the possibility that national government officials will respond more positively in future, given the emphasis on multi-stakeholderism in the WSIS outcome documents" (APC, 2007, pg88). These illustrate the potential for different stakeholders to participate at the global ICT policy level, which can be filtered down to regional and national policy processes where MSPs work to ensure

representation of all stakeholders, but which address issues which are solely national (e.g. cross-media ownership, and media pluralism).

Despite these positive assertions, other research and writing regarding MSPs at the World Summit (and particularly the influence of civil society on the event) are critical and negative in their discussions. While civil society itself asserted that the Summit was positive in its ability to bring together civil society as a 'unified'[6] group, it highlights the lack of real influence by different stakeholders (other than governments) on the final outcomes of the WSIS – the Plan of Action and the Declaration of Principles. There were a number of obstacles to the active participation of different stakeholders to the WSIS process. Language, financial and human resource barriers prevented better participation by civil society organisation in the process (Cammaerts & Carpentier, 2005). Governments were also responsible for directly inhibiting the presence of other stakeholders in the WSIS for fear of being portrayed in a negative light by these organizations. Brazil and Chile for example were responsible for expelling civil society organisations which were critical of their governments from one of the Preparatory Committees (Dany, 2004). The Summit was also strongly criticised for excluding certain organizations such as "Reporter without Borders" and "Human Rights China". It was noted that "a summit on the information society that allows the participation of governments that systematically sensor media and violates human rights but that doesn't allow the participation of some of the leading international groups defending those rights makes no sense" (WSIS civil society media & human rights caucus, 2003).

Private sector stakeholders, although less restricted by resources and resistance by governments, were also less active in the process of policy formation than positive assertions for MSPs would account for. Cammaerts & Carpentier (2005) argue that the reason for a lack of presence and participation by the private sector could be because of their means to lobby governments directly. "Individual companies were much more reluctant to express themselves or be present at the meetings with their senior executives, let alone commit themselves to anything" (Cammaerts &

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[6] This is a contested notion as some researchers (Raboy & Landry, 2005; & Chakravartty, 2006) will argue that civil society was represented by those from the North which could afford to be part of the process so this unified group was still not representative of global voices and perspectives and therefore not unifying of all civil society globally. While this is true, it is necessary for this thesis to bring to the fore the unification of those civil society organisations that were represented at WSIS and their ability to speak with one voice.

Carpentier, 2005, pg 31). Despite what appears to be an inactive and invisible role in the policy process, the private sector did influence the proceedings at the WSIS. Their influence, however, substantiate calls to view MSPs with caution. The power of TNCs to influence governments and therefore policy processes is highlighted at the WSIS where certain contentious issues were kept off the agenda. Chakravartty (2007) argues that

> the greater participation of the private sector ensured that the issue of intellectual property and the "shrinking public domain" was firmly kept off the WSIS agenda. The shift on this issue is evident when we track how in Geneva, open source software was recognized as important if not preferential from the perspective of development by most Southern nation states, but disappeared off the agenda by the Tunis summit (pg309).

This highlights the bias which each stakeholder brings to the policy making process in their role as partners within MSPs.

Although the WSIS may not be the catalyst for the establishment of MSPs at the local level with regards to all communications policy, the WSIS did open the way for discussions around MSPs and for a new way of thinking towards the development of communications policy. This has meant a re-examination of their role in policy by different stakeholders (including the media) and pressure from the global community through global organisations, funders and civil society organisation to ensure a more participative and representative process. As Raboy notes, "the WSIS exemplifies, therefore, the important trends emerging in global governance, encouraging civil society to participate more actively in defining a new global public sphere and to integrate more deeply to developing transnational public policy" (2004, pg357). This can be extended to include the role that civil society could play at the national level in communications and ICT policy development which has been awakened by the WSIS. Whether this role is being promoted and enacted by MSPs in order to formulate effective policy at the local level is questionable.

3.3.2   MSPs at the local level

While the UN had made commitments and declarations about the participation of all stakeholders in global policy issues being essential to the effectiveness of the policy process, it is only recently that governments have committed to the establishment and active promotion of MSPs at the global, regional and local levels. Governments,

civil society organisations and policy stakeholders (including private sector organisations) are beginning to realise that governments alone cannot effectively debate, formulate and implement complex policy issues, whether at the global or local levels, and that MSPs are one means of ensuring effective policy processes without disempowering governments (Dodds 2002). Global policy processes are now well equipped with experience from previous processes in establishing and fostering MSPs, the challenge now lies in taking these experiences to the local policy level. As Adam et al (2007) argue, "the key impact of multi-stakeholder processes is largely at the national level where the centre of gravity lies for ICT policy support" (pg 6). Despite the focus on communications policy, the argument can be carried to all local policy processes, where the establishment of MSPs may prove to have a significant impact. Global civil society organisations face incredible challenges in representing the interests of all those concerned with global policy issues and participating as equal partners within MSPs in policy processes, but local civil society organisations and other local stakeholders would be well suited to promote the interests of their constituencies and make real change at the local level through well managed MSPs.

Adam et al (2007) argue that the benefit of entering into MSPs for the private sector and civil society include the ability to mobilise citizen participation, good governance within organisations, promoting trust, monitoring policy and leveraging financial resources. The question which may arise from the value of MSPs, is what benefit would government's get from entering into MSPs with stakeholders who may change the way they are making and implementing policy? As discussed, the influence of globalization and global policy processes will promote the establishment of MSPs at the local level, but governments will also benefit in other ways from partnerships with stakeholders in policy processes. These include: using the skills of stakeholders to analyse policy issues; sharing skills and innovation amongst stakeholders and drawing on the skills of others to ensure effective policy; and encouraging good governance (Adam et al, 2007). These are important elements of any policy process, but perhaps one of the most important benefits to national governments is that of legitimacy of policy decisions and actions. Governments are accountable to their citizens for the actions and policy decisions that need to be carried out in the interests of their citizens. MSPs are one means of institutionalizing accountability through the participation of different stakeholders (government, civil society and business) which are accountable to their constituencies (Backstrand,

2006).

While the establishment of MSPs was intended to be a positive influence on policy-making, they are not without their problems and criticisms. Critics point to problems of representation and accountability of partnerships as they consolidate the privatization of governance and reinforce dominant neoliberal modes of globalization. Commentators (Padovani & Tuzzi, 2006; Cammaerts & Carpentier, 2006) have cautioned against seeing MSPs as a panacea for global and local governance. Perhaps the biggest challenge faced by MSPs is the difficulty in ensuring all stakeholder interests are met. This means not only overcoming the issue of trust, but of balancing the real interests and campaigns of different stakeholders while ensuring that processes are influenced in a positive and effective manner. Stakeholders in the policy making process must ensure they participate equally in the process and ensure that other stakeholders are not dominating the process for their own interests. At the local governance level this means ensuring that the private sector, civil society and government work in partnership to ensure the most effective local policy. The stakeholders must be partners in the process in order to ensure its success.

The kinds of stakeholders in the policy process, however, will vary and although most literature referring to MSPs points to the tripartite partnership between government, the private sector and civil society, this can be extended to include other stakeholders. In communications and media policy for example, the media are certainly stakeholders in the policy being formulated and could be partners in the formulation process. This will be examined in more depth through an examination of the role that the media play in policy making with specific reference to their role at the WSIS.

3.4 Policy networks and MSPs in policy-making

> The state is an active agent, moulding society and serving the interests of office-holders sometimes as much as, or more than, the interests of citizens (Atkinson & Coleman, 1992, pg154)

This is the kind of attitude that began to change in the 1990s, especially with

regards to communications policy, where there was recognition that context must be considered and policy must move beyond the state. Issues of sustainability, accountability, resources and knowledge meant that the state as the only active agent in policy-making was not a long term solution because of the introduction of the internet, issues of convergence, intellectual property, the information society and the role of the greater society within these.

Multi-stakeholder partnerships can be regarded within a broader theoretical space which has been used to examine policy-making and changes in policy-making. Sabatier (1993) first introduced the notion of the advocacy coalition framework to understand policy change and which provides a useful context within which to examine MSPs and other policy structures which may be helpful in understanding the interaction of different stakeholders at the policy level. What is most pertinent to this research is not the focus on policy change, but the fact that Sabatier examines change through the notion of 'policy subsystems', which he regards as "the interaction of actors from different institutions who follow and seek to influence governmental decisions in a policy area" (Sabatier, 1993). Sabatier seemed to be ahead of his time in arguing that policy-making should not be the sole responsibility of governments, but go beyond governments to include "journalists, researchers, and policy analysts who play important roles in the generation, dissemination, and evaluation of policy ideas" (Sabatier, 1993, pg24). While he does not point to the role of civil society or the private sector, the very notion of moving beyond a government led policy process allowing for the inclusion of different stakeholders at different points of policy-making is progressive.

MSPs may be one kind of policy subsystem or may work within a subsystem with other kinds of policy structures. Atkinson & Coleman identify the notions of the policy network and policy community, which are able to cross different contexts, policies and situations. Policy communities refer to the actors and the policy network refers to the relationship amongst those actors, which "allow that the world of state-society relations is richly varied and deny that there is any advantage in working toward a single model" (Atkinson & Coleman, 1992, pg155). The value of these terms is that they answer two key questions about the policy process (which perhaps MSPs do not):

1. Who participates in policy

2. Who wields power in policy-making

The problem is that terms such as community, network and perhaps even partnership (from MSP) denote a sense of order, cohesion and agreement – though the reality of policy-making is very different. In order to recognise the fact that networks will differ depending on their context, they have been categorised based on patterns of power and dependency into: corporatist, state-directed, collaborative or pluralist. This allows for the fact that although they have open structures and allow for inclusive subscription, "some members will be closer to the core of the system than others" (Atkinson & Coleman, 1992, pg157) and that there never will be an equal balance of power. MSPs can therefore be regarded as bringing together the notion of policy networks and policy communities as one is able to understand both who the actors are and the relationship amongst the actors. If one then anticipates that the media can be one of the stakeholders within the partnership, it begins to give an idea of the challenges and benefits faced by the media in policy-making. Within these, the role of the media will vary depending on the kind of policy being developed, the other stakeholders and the context within which the policy-process is taking place.

As part of an examination of different kinds of policy-making structures, the media can move to a more specific role in media and communications policy reform through their membership of Transnational Advocacy Networks (TANs). These are networks of actors which are brought together by a common issue, who share "values, a common discourse, and dense exchanges of information and services" (Keck & Sikkink, 1998, pg 217). TANs are in many ways similar to social movements, and draw many similarities in their characteristics. These include the makeup through membership by civil society organizations, the shared values of members, and the emphasis on change. Perhaps the biggest difference is the use of information as they key weapon of change in order to influence policy outcomes and "to transform the terms and nature of the [policy] debate" (Keck & Sikkink 1998, pg 90). Some of the main actors in TANs usually include local social movements, international and domestic non-governmental organizations (NGOs) and the media. While these may not always be part of TANs, the actors that are involved in TANs are part of a communication web, sharing information, generating information and distributing information in order to influence policy and policy debates. This illustrates the influence the media can have within TANs, as part of the network of communicators, working to change policy as part of a group of transnational

advocates. One can also clearly see the role the media can play as an outside messenger of the information being conveyed by and within TANs.

Closely related to TANs are transnational policy networks, "in which contentious political actors of all types cluster around authoritative institutions seeking influence" (Mueller et al, 2007, pg 269). While Mueller et al make a strong distinction between the two, arguing that TANs are structures or processes within TPNs, I would argue that they both work together in a broader global context towards policy change and debate. Regardless of whether one sees them as policy networks or advocacy networks, their aim is to use information to influence the kinds of policy being debated and influence policy while it is being debated. As Stone notes, the organizations, individuals and actors involved in these networks "interact in a complex, overlapping social mosaic and form a rich ecology of 'knowledge networks'" (2002, pg8). The media's role within these networks is as part of civil society organisations which use information and human resources to mobilize for policy change and to influence the kinds of debates taking place around media and communications policy.

3.4.1 Media advocates for ICT policy: A case study of the media's role at the WSIS

One avenue through which this research is able to examine the potential for the media to participate in communications policy through networks, communities or MSPs is the role of the media in lobbying for their interests in the WSIS process, where global, transnational civil society media organisations were involved in the global Summit in order to ensure a process which addressed communication rights, access to information, information equality and information communication technology for development (ICT4D). The opening up of media boundaries through the advancement of technology, production, markets and politics has meant that one cannot discuss communications policy at the national level only, but must look at global communications policy in order to grasp the current issues in communications policy processes. Organisations such as the World Association of Community Radio Broadcasters (AMARC), the Association for Progressive Communication (APC), Communication Rights in the Information Society (CRIS), and the African Information Society Initiative (AISI) have influenced policy at the local and global levels as TANs and part of MSPs and illustrate the role that the media can play in ICT and communications policy.

The media play a vital role in the shaping of political, economic and social processes both globally and locally through their "shaping public issues and consciousness" (Hackett & Carroll, 2004, pg1). Despite this, there is a lack of research into the role of media reform movements and networks, and the role of these in communications policy. "In fact, social movement theory is yet to be systematically applied to an understanding of media reform movements" (Thomas 2006, pg291). Their importance, however, cannot be denied and will be examined in the context of WSIS and the role that the media played as part of the multi-stakeholder process at WSIS. The WSIS provided the first opportunity for the gathering of media reform organisations and activists at the global level (Thomas, 2006). It also provides a useful platform from which to examine the role that media can play in communications policy processes and policy reform. The media are able to influence policy in many ways (through for example the coverage and framing of policy issues and processes), but their role as lobbyists or activists as part of civil society organisations will be examined here. At the WSIS the media were able to act within TANs which operated at the Summit, as well as within wider MSPs (as part of the TAN) where civil society, the government and private sector engaged in policy debates.

The role that the media played in the development of processes and actions within WSIS is integrally related to discussions around the role of civil society at WSIS. The media as messengers of the process and event played a minimal role in highlighting the importance of the event to their readers. Although there was some media coverage of the event (particularly the final summit in Tunis – where coverage centred around human rights issues within Tunisia and the fact that a UN conference was being held in the country), it tended not to focus on the issues which affect the work the media does – i.e. the policy and debates around ICTs and the Information Society (Sreberny, 2004). Whereas the media actively promote and support movements in other areas (such as environmentalism, gender, peace and human rights movements), their lack of support for media reform is glaring. Thomas (2006) argues that this stems from the "media's historical antagonism to projects related to communication rights and to anything even remotely linked to agendas emerging from struggles related to the New World Information and Communication Order (NWICO)" (pg293-294).

Rather than acting as messengers for the reform of communications policy at WSIS, the media were influential participants in the process, where they were members of TANs which participated in the Summit. One such TAN is the campaign Communication Rights for the Information Society (CRIS) which was formed by civil society organisations promoting communications policy reform at the global level in order to collaboratively influence the WSIS process as a unified organisation. Organisations which made up CRIS included AMARC, WACC (World Association for Christian Communication), and APC, whose original purpose was to "ensure that communication rights are central to the information society and to the upcoming World Summit to the Information Society" (Hintz, 2009, pg80). An investigation of the work done by CRIS at the Summit provides an example of the kind of role that the media can play as stakeholders in MSPs as participants in policy, and advocates for policy change and reform.

While the history of media reform does not begin with an investigation of the WSIS, its importance is its inclusion of the media and civil society as participants in communications policy reform through the inclusion of civil society as part of the MSP which epitomised the WSIS. Other major movements around media reform cannot be ignored however, as they provide a lens through which to examine current media policy actions and participation. The New World Information and Communication Order (NWICO) was established in 1976 by African and Asian governments aiming to step outside the Cold War mentality in examining their own social, political and economic development (Chakravartty & Sarikakis, 2006). The initial intentions of NWICO participants may have been noble, but the movement has been criticised for its lack of real action and rhetoric on the part of member governments. The contradiction between their commitment to development and their actions in order to achieve that development (through suppression) meant that little came out of what should have been a new era in development (Servaes, 1999).

The failure of NWICO may have provided a platform for later debates and activism in communications policy reform. As Calabrase notes "in the wake of the defeat of the NWICO, the path has begun to be cleared for the unobstructed rollout of a neoliberal model of global media development" (2004, pg324), where the period of media capitalization and commercialization took place. Despite the publishing of the MacBride Report in 1980, which strongly promoted the idea of using the mass media for national development and the development of Third World countries

particularly, the Report failed to make an impact at the global level. "When the time came for the work of the MacBride Commission to be debated at UNESCO's General Conference in 1980, it became apparent that Director General M'Bow had changed his position...The recommendations of the MacBride Commission were conspicuously absent from the agenda" (Carlsson, 2005, pg200)

The 1990s' saw media debates and policy actions focused on the media as a commodity resulting in, for example, the General Agreement on Tariffs and Trade (GATT) and the establishment of the WTO (Calabrese & Redal, 1995). Since then there have been a number of initiatives in media and communication reform[7] which aim to move away from the neoliberal initiatives spurned by the WTO, global capitalism and the 'marketization' of mass media. The MacBride Roundtables held since 1989 aimed at moving towards furthering communications reform and included membership by journalists, activists and academics. It was initiatives such as these that have lead to the promotion of media reform movements today. Voices 21, for example, was launched on the momentum of the Platform for Communication Rights and the People's Communication Charter – both which were born out of the MacBride Roundtables and the strides it made for communication and media policy reform. Voices 21 could be said to be the precursor to CRIS as it was a movement started by media organisations such as AMARC, WACC, APC aimed at changing communication governance.

More recently, the WSIS provided a space through which CRIS and other media policy and communications advocacy networks could work towards placing media reform at the same level as other reform movements. While NWICO should not be forgotten, it should be remembered in order to better understand current media reform movements. The WSIS already took a step forward from previous initiatives by promoting multi-stakeholderism and including civil society and the private sector in its debates. As Raboy (2003, pg111) notes

> the NWICO debates was strictly between states, and the interests
> represented by their respective governments, while today's information
> society debate (at least as it is being played out in WSIS) is significantly
> broader, not only in the themes and issues it covers, but in the range of

[7] Though media and communications reform issues have never become as established as other social movements such as those in environmental issues, gender issues or human rights issues (Raboy 2003).

actors who are trying to take part.

Whether the inclusion of these stakeholders in the process had any real influence on the actions and debates which took place is questionable.

A critical analysis of the work done by CRIS at the WSIS must start with a historical view of the organization. CRIS was started in direct response to the announcement of the WSIS by the ITU in 2001. Its formation was a result of the fact that the Summit was promoted as a multi-stakeholder event which would be open to civil society involvement and participation. The WSIS therefore provided the platform from which CRIS operated and the civil society arm of the Summit became the means through which CRIS was able to advance its campaign and gain support. Mueller et al (2007) argues that CRIS not only used the civil society structure, but was responsible for the form it took and its role at the WSIS. "The campaign's principal actors played an important role in proposing, defining and operating the very structures through which civil society participated in WSIS; these structures then became an effective method for reaching and mobilizing larger numbers of people and gaining support for their ideas and their organization" (Mueller et al 2007, pg 281). The involvement of CRIS in the organization of civil society went beyond simple logistics, but meant that their lobbying and advocacy role was actively promoted.

3.4.2 Media influence in policy questioned

The question remains whether CRIS and the media's involvement in both the organizing of civil society and its active lobbying and advocacy for communications policy reform had any influence on the processes and final outcome of the summit. CRIS and the civil society caucus agree that civil society were not able to have any real influence on the outcome of the WSIS.

> The WSIS provided the very first opportunity for the media reform/communication rights movement to engage with inter-governmental agencies, states and the private sector on a one on one basis at a global level. However, the failure of WSIS to take up substantive issues identified by CRIS and other civil society groups was a salutary reminder of the real limits to lobbying, despite substantive civil society outlays and commitments to the WSIS process – financial, personal, political. (Thomas, 2005, pg 5)

Sean O'Siochru, one of the founding members of CRIS and its director, wrote in response to a research paper on the CRIS campaign, that while the campaign did not fail in principle, it has failed in practice. Mueller et al add that "the CRIS-inspired plan for civil society participation in WSIS did not come to grips with the structural and political problems posed by the need to institutionalize participation by non-state actors in international policy making"(Mueller et al, 2007, pg286). As a result of its inability to directly influence the Declaration of Principles, CRIS withdrew from active involvement in the second phase of the Summit. Instead, it organised and lobbied almost at a parallel to the WSIS and in this way continued to advocate for communication rights in the Information Society (Thomas, 2006).

There were a number of factors which resulted in the fact that CRIS and other media/communication lobbyists had little impact on the outcome of the WSIS, despite their participation as MSPs. Although WSIS was heralded as a space for multi-stakeholderism which embraced the input of civil society and the private sector in the debates and outcomes of the Summit, civil society organisations involved in the process were critical of its real openness and acceptance of civil society input. "Despite repeated claims of the openness and 'inclusivity' of this 'new' type of Summit, limits have again been imposed on civil society participation" (Heinrich Boll Foundation, 2003). The 'limits' on civil society came mostly from one of the three tiers of the multi-stakeholder triangle – governments. Not only were governments generally unwilling to take civil society input onboard, but some governments were openly restrictive of civil society organisations. Selian notes that "some nations have simply proven themselves blatantly hostile to CSO participation. At the Asia-Pacific WSIS regional Conference, this became abundantly clear when China objected to the presence of Taiwanese NGOs…Governments such as Pakistan have also been notably intransigent regarding the promotion for a greater role for civil society at WSIS." (2004, pg 207).

Apart from resistance from governments, civil society had very few mechanisms at WSIS to influence the decisions made. According to UN resolutions (ECOSOC 1996/31 resolution), civil society cannot vote on resolutions made at either the PrepComms or the Summits (Cammaerts & Carpentier, 2005). While they may observe the processes, and submit contributions and suggestions to resolutions,

they have no power to influence them directly. Their strongest means of influence lies in working with governments which are then able to vote on resolutions and influence policy and processes.

While the media were part of the WSIS as members of civil society organisations and as members of media organisations[8], the lack of coverage of WSIS played a role in hampering the efforts by civil society and their ability to meaningfully influence the outcome of WSIS. "Earth's huddled masses missed out on noticing that the WSIS was happening in Geneva last December. That's because the event became a specialist, minority interest affair – and because the media by and large missed the story" (Berger, 2004, pg 12). Social movements have relied on the support and coverage of the media to ensure the success of policy reform in their interest areas (Thomas, 2006).

> Movements need the news media for three major purposes: mobilisation, validation and scope enlargement…media discourse remains indispensable for most movements because most of the people they wish to reach are part of the mass media gallery, while many are missed by movement-orientated outlets. Beyond needing media to convey a message to their constituency, movements need media for validation…a demonstration with no media coverage at all is a non-event, unlikely to have any positive influence either on mobilising followers or influencing the target. (Gamson & Wolfsfeld, 1993, pg116)

3.4.3   Media successes in influencing policy

Despite a general sense of failure in influencing the outcome of WSIS, which illustrates the difficulty the media face in influencing policy as stakeholders in policy processes even as part of an MSP, there were some notable successes made by civil society in their role within MSPs at the WSIS. Perhaps the greatest achievement of civil society was the creation of the Civil Society Declaration, "an alternative vision of an information society that truly puts people first, that holds the information and communication are inseparable, and that points to alternative ways of getting there" (O'Siochru, 2004). The Declaration was adopted by all civil society organisations present at the Civil Society Plenary in December 2003. The

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[8] For example, numerous British journalists were present, the Director-General of the BBC was a participant and another BBC member chaired a session (Sreberny 2004, pg199).

Declaration was not officially recognised by the organisers of WSIS and had little input into the final Declaration of Principles adopted by the countries present at the final phase in Tunis. Despite this, for civil society, the Civil Society Declaration illustrated the power of civil society to organise itself and to stand firm on the issues they raised as important to ensure an information society (O'Siochru, 2004).

On a more cognitive level, it has been suggested that the participation and active lobbying of civil society at WSIS resulted in a change of attitude towards the notion of the Information Society from a technocratic perspective, to a more humanistic view. Issues which had not been on the agenda at the start of the Summit were soon being debated and brought into discussions about ICTs and their role in the Information Society. Issues such as

> human rights, access to knowledge, the crucial role of education, possible market failures, the principle of universal service, and the need for regulatory mechanisms within a deregulated context all found their way into the discourse. The dialogue is now turning to even more controversial issues of security versus surveillance, communication rights versus concentration of ownership and power. Opening the agenda was one of the aims of advocacy groups such as the CRIS Campaign (Communication Rights in the Information Society) from the early stages of WSIS (Padovani, 2004, pg125).

Beyond the success which directly influenced the WSIS, much of civil society agree that one of its most successful aspects was the space it provided for networking and bringing together different civil society organisations. In research conducted on civil society engagement at the WSIS, Cammaerts (2005a) found that much of civil society used the Summit to network with other organisations and that "through meetings and opportunity to engage in face to face discussions as well as agree on a lot of points, we developed our contacts and had a more insightful view on the international politics and networks of civil society organisations" (pg8).

The media can therefore play a powerful role as part of advocacy and policy networks in influencing policy. Perhaps not as directly as some of the writing on MSPs may propose, but by lobbying government, networking with other civil society organisations and creating a space for debate about issues which influence the policy being discussed.

3.5 Conclusion

Globalization has influenced policy at the global and local level in numerous ways. What has been highlighted here are some of the changes brought about by globalization in local and global governance, policy participation and the establishment of MSPs in policy making. The multi-stakeholder approach has not only influenced governance structures and processes in policy decisions and actions, but has also influenced participation in policy, representation and most importantly has influenced the structure, implementation and very nature of the policy being developed.

These wider issues have been examined in order to better understand the role that the media can play in influencing policy processes. As a result of globalization, through their participation as stakeholders and advocates for policy in MSPs, the media can directly and indirectly influence communications and ICT policy in order to ensure their interests and the interests of their constituents are met. The role of the media at the World Summit on the Information Society was examined in order to provide some insight into the role the media can play in policy processes, but highlights a very global process with global participants. It also clearly highlights the difficulties and challenges faced in using MSPs in policy making. The power structures, representation and influence of the partners in the policy process need to be well balanced and well managed in order to ensure effective stakeholder influence.

The question is whether the media can influence local policy processes as part of a multi-stakeholder policy making structure i.e. in distinction to the problematic global policy as exemplified above. Also in question is how the influence of the media influences the policy being debated and formulated. MSPs may provide an avenue for policy reform and advocacy by the media, but the media's real influence requires further examination. This research aims to examine the role that the media played as stakeholders in the MSP at the local level in the development of ICT policy in Kenya.

4 Chapter 4: Political and historical context of the current Kenyan environment

4.1 Introduction

This chapter provides some contextual background to the history of Kenya's independence from colonial rule, the origins of its tribal and ethnic divisions which continue to dominate the political climate today and aims to place these within the context of wider global influences. This research is situated within wider globalization theories and it is therefore important to understand the way in which global forces influenced the history of Kenya's economic and political changes from the start of independence in the early 1960s. The Kenya we see today in terms of economic, media and political climate has not existed within a vacuum and although local changes are intrinsic to the manner in which the country operates today, these local transitions have been strongly influenced by global forces and trends. In addition to providing the context of the historical and current political climate in Kenya, this chapter will provide a historical and contextual examination of the media landscape in Kenya. This chapter will also highlight two significant milestones which infuenced the political, economic and regulatory environments in Kenya and which integrally shaped the two case studies being examined. In order to provide a holistic perspective on the role of the press in communications policy, the political context within Kenya is supplemented with an examination of the media industry locally. This chapter provides an examination of both the print and broadcasting industry and the regulatory environment which govern the industry as a whole.

The first political milestone which has integrally influenced the case studies was the end of the autocratic regime led by Daniel Arap Moi of the KANU party, and the emergence of a mulit-party democracy during the Kibaki era of governance. Although Moi officially legalised multi-party politics in the country in 1991, it was not until 2002 when he was removed from power, that a more democratic process began to take place in the country. The general elections of 2002 saw the culmination of 11 years of struggle by opposition parties and politicians to be able to unite with sufficient power to bring an end to the Moi regime (Steeves, 2006). This milestone in the political history of Kenya permeated all aspects of Kenyan political,

economic and social life. This signficant event integrally influenced the policies being studied and the role of the media within those. As a result of the vast changes the elections brought to the government, and the way in which the government now relates to the media and other stakeholders.

The second milestone being examined as a result of its great political significance are the general elections of 2007, which played out in a very different way to the 2002 elections because of irregularities with voting. While the 2002 democratic elections heralded a start to governance which emphasised open dialogue in the country, the 2007 elections were followed by inter-tribe violence, clashes between government officials and protesters, and general unrest within the country. A large part of the blame for the violence was put on the country's media, especially the vernacular language radio stations (Ismail & Deane, 2008). The radio stations were accused of fanning violence by encouraging listeners to react against those with opposing views. Handa (cited in Ismail & Dean, 2008, pg323), writes that

> after the elections when the results had been disputed, we saw a very clear turn of events, we saw clear positions taken against particular ethnic communities...and some of these stations clearly presented the position that certain communities were against their communities – and many of these bordered on hate and incitement by the local language stations.

This incident within the country's larger political landscape strongly affected the way the media and the government, as well as other stakeholders, relate to each other at the political level.

4.2   Roots of tribalism in Kenya

Kenya gained independence from Britain in December 1963, following many other African states (and previously colonised countries around the world) which began to reject and rebel against their colonial rulers. The 1960s has come to be widely regarded as the height of African nationalism "as dozens of African states gained their independence in the late 1950s and early 1960s" (Irwin, 2009, pg898). The process of gaining independence on the African continent was spearheaded by Ghana's president, Kwame Nkrumah, who purported that "Ghana's independence had of course to be linked to the total liberation of Africa or else it would be

meaningless" (Maloba, 1995, pg8). This notion and sentiment was shared by many African countries and meant that the early 1960s saw the majority of African countries gain independence from colonial rule[9]. The establishment of the Organization of African Unity (OAU) in 1963 further illustrates the prevalent mood in Africa at the time, where the drive for independence brought together African nations and fuelled the promotion of further independence. Kenya mirrored the political atmosphere of most other African countries which were rebelling against the imposed colonial system, though Sanger & Nottingham (1964) argue that Kenya's process of independence is significant in the African context because it was "perhaps the longest drawn-out campaign between nationalism and immigrant interests yet seen in British colonial history in Africa" (pg1). This can be attributed in part to the manner in which the British were able to hinder the nationalist aspirations of the local communities, while at the same time supporting local politics (Anderson, 2005, pg549).

The difficulty faced within Kenya was that the people were not only in a battle to gain independence from the colonising power, but also in the process of negotiating an internal struggle amongst its own people, based on tribal difference. As with many other countries colonised by the British, tribal issues only began to surface once the colonising power actualised the differences between different tribes and used this to ensure its own power and position within the country. Spear argues that issues of tribalism are rooted in the manner in which colonialists used African chiefs to rule different territories indirectly. He notes that "far from existing since time immemorial, then, tribalism was a specifically modern phenomenon" (Spear, 2003, pg 17). The 1920s in Kenya saw the emergence of tribal and provincial bodies which were encouraged by the British to ensure division amongst local people. Although there were differences amongst the many tribes in Kenya based on language or geography, they had not played a role in dividing them until the British began to promote the notion of difference. This was further enhanced by the realities of modernity and globalization where economic prosperity and the movement of people for economic development led to urbanisation and changes in the way people lived. As Leys posits,

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[9] These included Algeria, Mauritania, Mali, Niger, Chad, Senegal, Sierra Leone, Ivory Coast, Togo, Nigeria, Cameroon, Uganda, Somalia, Rwanda, Burundi, Zambia, Malawi, Gambia, Botswana, and Madagascar.

The foundations of modern tribalism were laid when the various tribal modes and relations of production began to be displaced by capitalist ones, giving rise to new forms of insecurity, and obliging people to compete with each other on a national plane for work, land and ... other services seen as necessary for security (Leys, 1974, pg199).

During colonial Kenya the push for modernisation and increased security, saw some ethnic groups marginalised when they were seen as inhibiting the colonial governments efforts for modernisation and capitalist development. Others, like the Kikuyu, Luo and Luhya benefitted and prospered within the colonial system, causing resentment by other tribes which were less prosperous.

In brief, the tribes of Kenya are generally divided into three large groups based on language, these being the Bantu linguisitic family, the Nilotic linguistic family and the Cushitic speaking tribes. Within each of these are a number of smaller tribes can be categorised based on their geography and the land they traditionally inhabit (Oucho, 2002).

Bantu Tribes	Tribe names	Geographical location
Central Bantu	Kikuyu, Embu, Meru, Kamba Other smaller tribes	Slopes of Aberdares and Mount Kenya
Coastal Bantu	Mijikenda, Pokomoo, Taveta, Taita, Swahili/Shirazi, Bahun, Boni	Coast bordering Indian Ocean
Western/Lacustrine Bantu	Luhuya, Kisii/Gusii, Kuari	Lake Victoria Basin
Nilotic Tribes	Tribe names	Geographical location
Lake Victoria/Lacustrine Nilotic	Luo	Lake Victoria Basin
Highland Nilotic	Nandi, Kipsigis, Elgeyo-Cherangani, Marakwet, Saboat/Sebei	Rift Valley Province
Plain Nilotic	Maasai, Turkana, Pokot, Sumbura, Tugen, Kony, Pok, Bungomek, Tiriki, Okiek	Plains bordering Tanzania in Southern Kenya
Cushitic Tribes	Tribe names	Geographical location
Eastern Cushitic	Rendille, Somali, Boran, Gabbra, Orma	Eastern Kenya bordering Somalia, though these are generally nomadic people which move across Eastern and North Eastern Kenya

Table 1: Tribes and geographic location. Based on description by Oucho, 2002.

The rise of nationalism and defiance by local communities against colonialism was of course not just a phenomenon active in Africa. It was a global trend during this period (1950s and 1960s), and one that was promoted and pursued by the Non-Aligned Movement (NAM). In an effort to ensure Kenya did not become a satellite to either of the two power blocs during the Cold War period (NATO with its capitalist ideals and the Soviet Union with its communist ideology), Kenya identified instead with the non-aligned countries. The Kenyan government published a White Paper in 1965 called 'African Socialism and its Application to Planning in Kenya' (Kenya Government, 1965, pg2), in which it stated that the priority for the Kenyan government was to ensure that the political, economic and social structures in its society were Kenyan-led rather than being dependent on outside forces (Mohiddin, 1981)."We rejected both Western Capitalism and Eastern Communism and chose for ourselves a policy of positive non-alignment" (Kenya Government, 1965). By rejecting both the Eastern and Western forces, and chosing non-alignment, Kenya was actively a part of the NAM. Kenyan organisations such as the Kenyan African Union, trade unions and the Kavirondo taxpayers Welfare Assocation were all strongly influenced by the non-aligned ideology and all lobbied and were even involved in violent protests to ensure the Africanisation (the process of making something African) of Kenya. The writers of the Journal of African Marxists (Anonymous, 1982, pg10) argue that nationalist feeling nurtured by such bodies…must be seen as part of a general world-wide Afro-Asian movement against colonial domination". So even at the local level, where local organisations were promoting a Kenyan way forward, in many ways they were simply following the wider, regional trend in 'Africanisation'.

The move towards Africanisation was not only evident within the political sphere, but was also reflected in the communications industry, where the local Kenyan environment was strongly influenced by global developments and processes. Global debates on the flow of information and rights to communication in the 1970s and 1980s followed the general trend in debates on economic policies and processes. As developing countries, particularly those within the NAM, were exerting greater influence at the global level in debates on economic dominance and capitalist development, so they began to influence global debates on communication and information flows. As with the NAM, the trend was away from colonial or Western

powers and towards national empowerment of the means and products of communications. In 1975 the notion of the New World Economic Order was coined within UNESCO, and "called for a redistribution of economic resources as a matter of reparation for the exploitation of much of the Third World by colonial powers in earlier centuries" (Stevenson, 1988, pg43). As an extension of this, the New World Information and Communication Order (NWICO) called for the same efforts to be made for information and communication resources, which the Third World felt had been exposed to the same type of exploitation and dominance by Western forces.

Perhaps as a symbol of its support for NWICO and the debates within UNESCO at the time, Kenya hosted the 19th General Conference of UNESCO in 1976. The conference was the first place to adopt the NWICO resolution, which eventually lead to it being adopted by the UN at its 31st General Assembly. Kenya was part of the African contingent which encouraged the representation of all regions within the global communications system which had until that time been heavily dominated by developed countries. Regional cooperation among Africa countries regarding communications policy had been initiated by the Organization of African Unity (OAU) through its establishment of the Union of African News Agencies in 1963. This was perhaps a precursor to the debates which drove NWICO, and aimed to ensure that African countries used regional forces to ensure less dependency on the major powers (Mutere, 1988). The initiative encountered difficulty, however, because of the lack of national news agencies, poor training and a lack of infrastructure to support its development. Despite a lack of staying power, the influence of NWICO on the Kenyan political and economic environment at the time played a large part in the manner in which communications and other policies were developed. It also played a large part in the process of decolonization which was still taking place in Kenya for many years as a result of the deep entrenchment of British influence on the Kenyan society at all levels – specifically economic, political and social.

4.3   The Kenyatta and Moi presidencies

The first multi-party elections held in Kenya, which were created to ensure African majority rule, were dominated by ethnic loyalties rather than political ideology (Throup & Hornsby, 1998). The first Lancaster House conference held in 1960

legalised the formation of political parties (which had until 1953 been banned) and saw the establishment of the Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU) (Asingo, 2003). Jomo Kenyatta became head of KANU and led it to victory in the national elections in 1963 when he became first Prime Minister, and later President in 1964 when Kenya was declared a Republic. Kenyan politics was dominated for more than 20 years by a single party (KANU). Between 1964 and 1969 the ruling party lacked any real opposition as KADU collapsed and all opposition members joined KANU. During this period, state control was rigid and a one party state was formally legislated in 1969 when opposition parties were banned and Kenya became a single-party state for more than 20 years.

During the period of Kenyatta's reign in Kenya, one clearly sees the integral links between politics and economics when examining the prosperity of some tribes within the country over others. It is noticeable that during the period of Kenyatta's Presidency, the Kikuyu tribes within Kenya prospered significantly at the economic level through their links with their Kikuyu President. Throup and Hornsby note that "under Kenyatta, the Kikuyu had come to dominate business and commerce, the civil service, many of the professions and, of course, politics" (Throup & Hornsby, 1998, pg26). Despite, or indeed perhaps as a result of, stringent control and tight regulations within the political environment, Kenya was regarded as a stable country with little political upheavel and as Schmitz notes, "until Kenyatta's death in 1978, the country's political system was stable compared with those of most of its neighbours" (Schmitz, 2001, pg152). This changed significantly once Kenyatta's reign ended with his death in 1978.

As Kenyatta grew older, the KANU party began to look for a successor to lead the party and the country. Vice President of the party, Daniel Arap Moi, was regarded by the Kikuyu elite – who had gained vast economic wealth – as a candidate who would not stand in the way of their continued prosperity and therefore a suitable candidate. Despite the fact that he was Kalenjin rathern than a Kikuyu, Moi was able to align himself with powerful Kikuyu's within the party, most notably the Finance Minister Mwai Kibaki, and the Attourney General Charles Njonjo. When Kenyatta died in August 1978, Moi became President of the party and country.

During his first twelve months in office, the new President made few mistakes, drawing universal praise for the smoothness of the transfer of power...The political restraints of the Kenyatta era seemed to have been lifted...Kenyans praised themselves as the first black African state peacefully to transfer power under the consitution from one President to another (Throup & Hornsby, 1998, pg28), but this "honeymoon" did not last long.

Things began to change once Moi had entrenched himself in his position as President and had created a smooth transition from the Kenyatta era. Although Kenya held regular elections, they lacked both a strong opposition and an enabling environment to ensure any kind of legitimacy. Moi's need to secure his continued presidency meant opposition leaders, activists and democracy advocates were detained and arrested for their views ensuring no opposition to the President during elections. Moi also began to strictly dominate the economy and change the tribal nature of economic prosperity. Kikuyu businessmen who opposed the new KANU government were denied opportunities to prosper further, while Moi's Kalenjin tribesmen and Asian businessmen were strongly supported. For example, "Moi's agricultural policies also favored the interests of his own grain-growing constituency (especially largescale farmers) over wealthy central Kenyan export crop interests...there are wide perceptions that under the Moi regime, groups such as the Gikuyu and Luo...have been losing ground to the Kalenjin" (Haugerud, 1995, pg39-40). Through economic manipulation, tribal favouritism, and the continued amendment of the constitution, Moi enjoyed a lengthy Presidency of Kenya. Political participation was restricted by opposition members, while continued success for the ruling party was ensured through changes to the consitution, which were aimed at ensuring the continued success of the ruling party, and often meant that amendments were made retrospectively in order to best serve those in power (Ghai, 2002).

4.4 Democracy in Kenya

The democratic process began in Kenya in the early 1990s when multi-party politics was legalised by Moi's government. The changes in the attitude of the President and the government at the time in the manner in which the country should be governed came as a result of a combination of forces and events. Throup and

Hornsby (1998) argue that the changes were the result of pressure from outside the country, a difficult economic climate locally, and an opposition who – although not strong enough to oppose Moi – were alert to the fact that things were not all running smoothly within KANU. In August 1992 the Moi government repealed Section 2(A) of the Kenya Constitution which had made it illegal to form a political party. This meant that opposition parties could now contest the elections (which were held in December of that year) (Steeves, 2006). While the process for enabling democracy began at this point, it was only in the early 2000s' that one got a real sense of multi-party engagement and a real opposition to the ruling party. Multi-party elections were held in 1992 and 1997, but the opposition was divided, had internal conflict and lacked real political strength both as a result of its political in-fighting and the lack of an enabling political environment in Kenya (Elischer, 2010). As a result of the fact that voting still occurred largely along ethnic lines, this fractured opposition meant another win for the Moi's KANU party in both the 1992 and 1997 elections. Although the Forum for the Restoration of Democracy (FORD) had been established immediately after the announcement of the repeal of Section 2(A) of the Constitution, the party did not last long. Within a few months of FORD's formation, it had split along ethnic lines. FORD had initially been created to ensure the downfall of Moi by bringing together some of the largest ethnic communities in one party. It was started by Oginga Odinga and Kenneth Matiba. Matiba belonged to the largest ethnic group, the Kikuyu, while Odinga belonged to the Luo (the second largest ethnic group in Kenya). Internal division soon fractured the party and it was split into FORD-Asili led by Matiba and FORD-Kenya led by Odinga. The ethnic divide which had been engendered by the colonial system continued to dominate the practice and discourse of politics in Kenya. "With the introduction of multi-party politics in Kenya, political leaders continued to draw heavily on their ethnic communities as the core basis of their political support" (Steeves, 2006, pg215). Without a combined force against him, Moi succeeded in winning the 1992 and 1997 elections.

Pressure from international donors, organisations and other governments began to mount on Kenya's opposition to form a united front in order to ensure the defeat of Moi in the 2002 elections (Brown, 2004). Equally, pressure was mounting from within Kenya for an end to the Moi regime. Civil society organisations, the church and the media set "the clear expectation that the time had come for Kenyans to exercise their democratic right to assert their claims to a better future" (Steeves, 2006, pg223). As a result of this, the 2002 elections played out differently to the

previous multi-party elections, though still based on the same kind of ethnic conditions. The National Alliance Rainbow Coalition (NARC) headed by Mwai Kibaki secured power through a strong campaign of constitutional reform and the promise to devolve presidential powers (Njogu, 2005).

> The electoral victory of NARC over KANU in Kenya's December 2002 general elections was historic in more ways than one. First, it marked the first time that the ruling party, KANU, was bundled out of power after close to four decades at the helm. Second, for the first time in the country's history, an incumbent president retired from office to honour a constitutional provision for a maximum two five-year-term limits. Third, the change of regime was achieved against the backdrop of a united opposition that coalesced into a grand alliance to provide a united front against the incumbent. (Murunga & Nsong'o, 2006, pg2)

In order to ensure success, Kibaki promised to address corruption and create a transparent and accountable government. Beyond that, and in order to secure votes on the day, he created space for representatives of some of the larger ethnic tribes in positions of power within the new government (Vice President and Prime Minister) which ensured success (Njogu, 2005).

> Exercising their hard-won democratic rights in the third multi-party elections since 1992, Kenyans therefore overwhelmingly rejected the party that had ruled over them for 40 years. In doing so they showed contempt for the wishes of former President Moi, and they refused to be cowed by the powerful political lineage of the Kenyatta family. It is hardly surprising, therefore, that commentators within Kenya have heralded this as the dawning of a new political era (Anderson, 2003, pg331).

The change to multi-party democracy and a coalition government in 2002 brought about not only a change in the way Kenyans viewed themselves, but also the perceptions by others on Kenya. Mutahi argues that Kenya was often regarded as a model for other African countries to follow in the manner in which they had transitioned peacefully between regimes (Mutahi, 2005). The campaign promises made by Kibaki of anti-corruption, transparency and accountability was not forgotten and the coalition government was put under pressure to ensure this was upheld. Perhaps the biggest challenge for the new government was the need to ensure cohesiveness and unity in a country still strongly influenced by tribal alliances. As a

coalition government, it would be important to ensure that ethnic divisions were not at the forefront of policy decisions. "The fact that the two main presidential contenders belong to the same ethnic group does not mean that Kenyan politics has been meaningfully 'detribalised'" (Brown, 2004, pg334).

Although politically stable and regarded as an example of democratic stability and success in Africa, the years between 2002 and the general elections in 2007 were not without challenges to the democracy so recently established. The continued alignment along ethnic and tribal lines marked political and economic development in the country and would ultimately play a destabilising influence on the political landscape. The constitutional review process, which had been one of the pillars of Kibaki's campaign for Presidency, had collapsed and had "provided Kibaki with executive control over coercive institutions" (Branch & Cheeseman, 2009, pg17). Although his government had made extensive promises about regulatory reform and changes to flawed policies, the Kibaki regime failed to live up to these promises and in an environment of economic negative growth and a global recession (Mbeke, 2008), Kibaki faced a difficult campaign to regain his leadership of Kenya in the 2007 elections.

4.4.1 A slow transition: Media-government relations in the transition to democracy

Ethnic tensions, autocratic rule, economic difficulties and global forces have strongly influenced the relationship between the media and the government in Kenya's recent political history. During the era of President Moi leading up until 1992, dissent amongst the media was strongly discouraged, and journalists were often imprisoned for sedition or any kind of opposition to the government, and between 1988 and 1990 more than 20 publications were banned (Mbeke, 2008). Wanyande suggests that the media were regarded by the government as an extension of the government, and required to promote the positive aspects within Kenya and its government, and to ignore those which were deemed less acceptable (Wanyande, 1995). Although seen by the government as efforts of nation building, these restrictions on the media simply engendered a feeling of distrust and suspicion by the media on the government. Part of the reason that Moi was able to control the media in this way was the lack of protection for the media sector through freedom of expression policies, as well as an abundance of restrictions on the media carried from colonial times. "Many Acts, mainly referring to English Statutes of the

nineteenth century, were inherited from the colonial government, and still provide for tight government control on information and mass media" (Moggi & Tessier, 2001, pg 4). When looking specifically at the two biggest daily newspapers in Kenya, *The Daily Nation* and *The Standard*, we can see that they both showed strong support for the government up until the slow transition to democracy began in 1991 (Winsbury, 2000). This could be regarded as a result of either genuine political alignment or pragmatic self preservation.

With the transition to multi-party politics from 1992, the Moi government began to find it strenuous to continue its grip on the media. Apart from the government broadcaster, The Kenya Broadcasting Corporation, media began to exercise more freedom of expression and more publications emerged as a result of the political processes underway. Ochilo (1993) argues that at this time, reporting went beyond simply addressing the shortcomings of the present government, but began to prepare the public for multi-party elections.

> Political education by the print media especially after the repeal of section (2A) of the Kenyan constitution in 1991 that made Kenya once again a multi-party democracy, went a long way in preparing the Kenyan population on what it means to belong to different parties in one country and the significance of the individual's right to vote (Ochilo, 1993, pg25).

The media had to move away from acting as a government mouthpiece to acting as a public tool for expression, information and education. The media sector was grappling with finding its place in society because it had for so long simply been an extension of the voice of government. It now had to find its own voice and began to express itself as watchdog, educator and entertainer.

Though conditions did improve for journalists and the media in Kenya, it was a slow transition and today the media consider themselves hampered by regulatory, infrastructure and political constraints. Wanyande notes that

> one can say there is relatively more freedom now than prior to the multi-party era. It needs to be pointed out however, that press freedom involves much more than just criticism of government by the press. Such freedom must of necessity to be supported by specific constitutional provisions guaranteeing it (Wanyande, 1995, pg69).

Although the Kenyan constitution did touch on the right to freedom of expression, there was no specific reference to the media's freedom of expression and its role in

society. Once multi-party democracy began in Kenya in 1992 there was strong demand for laws to be set in place to protect the media, but also regulate the industry. "The proliferation of mass media, economic demands and pressure from donors and civil society forced the government to review the laws governing the media with a view to liberalizing the airwaves, abolishing of restrictive media laws, and harmonization of Kenya Post and Telecommunication and Kenya Broadcasting Acts" (Mbeke, 2008, pg5)

Once it became clear that the government intended to address the lack of policy within the media sector, the media – represented by different associations such as the Media Owners Association, the Kenya Union of Journalists and the Kenya Editors Guild - submitted their own recommendations to government for media regulation. Efforts from both sides (media and government) to put some kind of regulation in place failed and "due to persistent lack of clear legislation, media activities and outlets have been mushrooming in an uncoordinated, politically partial and urban-biased way" (Moggi & Tessier, 2001, pg4). With the pressure of economic growth and political demands (mostly in relation to the constitution and policy reform), and the promises made by Kibaki to change policy irregularities, media liberalisation became the dominant theme in the communications sector in post-Moi Kenya. However, this was done without a regulatory structure in place because the government and the media could not agree on how it should be administered. This meant that liberalisation continued to take place in a haphazard and unstructured way, allowing a proliferation of new media outlets to emerge with a lack of professionalism, ethics or organisation. During an interview conducted during fieldwork for this thesis with the Permanent Secretary for the Ministry of Information and Communication, Bitange Ndemo, he notes *vis a vis* the lack of a regulatory framework for the media that "the major problem which people don't know is that we liberalised the sector without the laws, so it's very difficult to bring in the laws after they [the media] are used to no legal framework" (for a full list of all interviews conducted, see Appendix 1).

The media in Kenya began to take advantage of the lack of regulation to voice subjective views (whether in line with or against government interests) and began to feel wary when faced with government regulation or policy aimed at structuring the industry. They became a loud, open and strong voice for exposing corruption in the government. But the lack of regulation also meant that some media neglected

objective reporting on political, economic and social issues. This coupled with the fact that freedom of expression and constitutional reform continued to be neglected and overlooked by the Kibaki government meant that relations between the media and government were strained in the new millennium. Prior to multi-party politics in Kenya, the role of the media was to support the government, ensure a positive attitude by citizens and as Ochilo argues when discussing media in Kenya and Africa that they were used by governments "as channels for the propagation of the countries ideological stand on particular matters as well as being used as channels to disseminate the ruling party matters" (Ochilo, 1993, pg25). Once the political structure in Kenya changed, so the role of the media in society began to diversify and change. Global, regional and domestic organisations (such as the UN, OAU, and local civil society) were increasingly demanding greater accountability of the government through the media who could play a role in "political and economic justice and peace at both national and international levels" (Ochilo, 1993, pg25-26). Pressure to act as a watchdog for society in order to ensure a politically democratic system was immense, while equally demanding was the need to sell news in order to ensure profitability. In Kenya, Wanyande argues that the media chose a number of different avenues to pursue different roles within the changing political system.

> Some of the newspapers appear to have chosen to champion the interests of the pubic by reporting fearlessly on the shortcomings of the government while also pointing out the shortcomings and failures of the opposition...Others have chosen to support the government at all costs...A third group has chosen to support the opposition and vilify the government" (Wanyande, 1995, pg60).

This illustrates the fact that even in a new era where the media have the opportunity to act outside political alignment, some continued to act along party lines rather than in a traditional watchdog role.

4.5   2007 general elections

The 2007 election campaign was a strongly contested fight between Mwai Kibaki's Party of National Unity (PNU) and Raila Odinga's Orange Democratic Movement (ODM). As a result of the fact that Kibaki had failed to deliver on a number of previous election promises (including the redrafting of the constitution), Odinga was soon regarded as the front runner. As with all political events and processes in Kenya, the election was fought along ethnic lines which meant it was divided regionally. In order to capitalise on this, Odinga promoted the notion of *majimbo*, a

form of regionalised government which would allow for the "decentralization of political power to Kenya's outlying provinces from the capital city of Nairobi (and by implication, from the Kikuyu dominated highlands of the Central Province)" (Bratton & Kimenyi, 2008, pg10). This was a popular notion amongst citizens who were still voting along tribal lines and favoured the idea of regional power bases.

On the 27th December 2007 Kibaki was declared the victor of the elctions held across Kenya. The result came as a surprise to local and international election monitors as a result of the fact that Odinga had led a strong and popular campaign, and early results from consituencies had indicated that he was in the lead. The opposition, local civil society groups, international organisations, donors, election observers and western nations all disputed the results and failed to show support for the election of Kibaki. When victory for Kibaki was announced, it was clear that the results were predominantly regionalised with Kibaki dominating in Central Kenya and Odinga dominating in the West and Rift Valley. The results were so close however (Kibaki said to have secured 4.58 million votes against Odinga's 4.35 million votes) that the Electorial Commission of Kenya (ECK) chairman Samuel Kivuito declared that he could no longer be sure of who actually won the election (Harneit-Siever & Peters, 2008).

Harneit-Siever and Peters (2008) provide an excellent summary of the election results based on their research on the elections and the violence which followed. They conclude that:

> First, in all likelihood, the result was very narrow – in both directions, and quite consistent with the last pre-election opinion polls. Second, results were rigged to a considerable extent – the number of doubtful votes may well have been considerably higher than a realistically imaginable margin of victory for either candidate; this made the legitimacy of the election results undamentally questionable. Third, it is likely that, while both sides rigged the elections, the government, using its administrative power, rigged more successfully and on a larger scale. Finally, and most important, the election showed Kenya's political landscape to be deeply divided along ethno-political and social lines into two different camps of almost equal strength, setting the stage for the major eruption of violence that followed. (Harneit-Siever & Peters, 2008, pg138)

4.5.1 Election consequences: a strainted relationship between the media and government

Relations between the media and the government during the period leading up to the 2007 elections were strained, with both sides mutually suspicious of each other. The media were determined to pursue any opportunity for growth and profit-making (taking advantage of the unregulated, liberalised market which opened up in 2002), while insisting they could self-regulate their content. The government on the other hand was wary of the power the media held within society and felt the need to keep the media 'on their side'. In order to aid the process of self-regulation, while also ensuring the media were to some degree accountable to government, the Media Act was passed in 2007. The Act was established to create and establish guidelines for the Media Council, which "is comprised of government and media representatives and is expected to receive public complaints and conduct hearings. It is supposed to play the role of arbiter" (Wanjiku, 2009, pg10). The problem with the Media Council was that it was established to appease the media, but lacked funding in order to fulfil its mandate. The media would not allow the government to fund the organisation in order to ensure independence from government forces. The government would not allow international funding and the media did not want to provide registration fees for it to sustain itself[10]. The most important issue with regards to enforcement by the Media Council is that it lacks real power to penalise transgressions.

Tension between the media and the government came to a head during the campaigning and results of the 2007 General Elections in Kenya. Commentators on the events of the 2007 General Elections have noted that the media played a key role in the manner in which the elections played out. The media face an immense responsibility in a country like Kenya where they can play an important role in democratic growth and have been regarded as a force in the transition to multi-party democracy in the country's post-colonial history. Ismail and Deane contend that

> the media has been seen nationally and internationally as a principal indicator of the democratic vitality of Kenya. The media has been at the forefront of moves to transform Kenya from a one-party state to a multiparty democracy, it has gained a reputation for exposing corruption and acting as a vigorous forum for public debate, and it is seen as a guardian of the public

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[10] This has changed in the interim with the Media Council now receiving funding from the government and most media organisations paying accreditation fees.

interest against state power (Ismail & Deane, 2008, pg320).
Therefore, the media's positioning in relation to the government and within society during the elections and its aftermath was a critical factor in how events played out and how they were portrayed.

The media have been accused of inciting violence and playing a role in the post-election violence through direct and indirect means. At a more indirect level of influence on the election proceedings and the violence which erupted after the results, the media have been accused of bias reporting of the election campaigns. Prior to the violence which errupted, the media had already been in trouble with the govenrment for reporting on the election results. Due to the fact that the results were highly contested, and that election rigging had allegedly taken place, the Electoral Commission of Kenya (ECK) had disputed the results as they were being announced. This caused disagreement between the government, ECK officials, and members of different poltiical parties, which were quickly broadcast and reported live by the local media. This became a cause for embarrassment by the government because the confusion and dissatisfaction with the official results were being displayed to the public by the media. In order to avoid further embarrassment, the government banned all live broadcasting by the local media from the 30th December 2007 for one month, though it justified the move by stating the measure had been put in place to ensure that FM stations did not incite communities to violently oppose other communities (Rambaud, 2008).

The more direct means of influencing the public was through radio broadcasts and using these broadcasts to "propogate and spread ethnic hate" (Makinen & Kuira, 2008, pg330). Accusations have been levelled against community radio stations which began to broadcast messages with strong ethnic alignment, even propogating hate and violence against other ethnic tribes. Although Handa (in Abdi & Deane, 2008) explains that most of the messages transmitted over the radio were implicit in their messages of violence and hatred, the very fact that they were broadcast calls the media's role into question. He notes that "people would have positions...on whether certain communities were [to blame for their problems] but when aired on the radio the believability of those positions is strengthened and it galvanises people into action" (in Abdi & Deane, 2008, pg4). The conduct of the media during this difficult period was not homogenised and was not the same for all the media. Many commercial media houses condemned the violence and reported the situation with

objectivity and with the public good in mind. The problem arose particularly in local language radio stations which lacked training and some of which were owned by politicians and which were overtly biased towards the interests of the owner. "So the editorial policies of certain media houses tend to reflect the interest of the station owner who happened to be politicians" (Ismail & Deane, 2008, pg324). Mbeke adds that "during the conflict FM radio stations broadcasting in ethnic languages urged their tribesmen and women to support positions taken by politicians from their ethnic communities. They acted as the mouthpieces of politicians calling for mass action against the government and other communities" (Mbeke, 2009, pg14). Despite calls that they acted credibly, the ramifications of the broadcasting by these stations is currently being felt with the summons by the International Criminal Court on Joshua arap Sang, a journalist with a local vernacular radio station (Kass FM). He, along with five other Kenyans (three politicians, a former police commissioner and a civil servant) have been accused of crimes against humanity and playing a role in the death of some of the 1500 people who were killed during the post-election violence (AFP, 2010).

The data findings and analysis chapters will provide insight into whether and how the relationship between the media and the government (and other stakeholders) has been influenced by the elections of 2007 and the violence which errupted post the election's results. There is significant historical tension between the media and the government as a result of the actions of both sides during the 2007 elections (the government banning the media and the media insighting violence), and my hypothesis is that these tensions have irrevocably influenced the manner in which the media report about media regulation, legislation and interactions with the government. I would argue with regards to media legislation and regulation not only will the print media change their reporting regarding media issues, but the 2007 elections have altered the manner in which the media engages with the government and other stakeholders on policy issues.

4.6 The Media in Kenya

The media in Kenya have historically been strongly aligned with the political patterns and trends which have dominated the country. During its colonial, authoritarian and democratic phases of political domination, the media (both printed and broadcasting) have been a mirror of the powerful elites and the ideology of

those in power. What follows is a brief description of the historical development of the press in particular in Kenya and the manner in which it has transformed through the key historical milestones discussed above. Although the two case study newspapers (*The Daily Nation* and *The Standard*) will be the major focus of this historical account, other key stakeholders and organisations will be examined to provide a holistic description of the Kenyan media system.

The first printed press in Kenya was started by the missionaries and British settlers and aimed directly at the settler population. At this time the media was used for a number of political reasons. Firstly, to provide the settlers with news from England (rather than news regarding Kenya itself). Secondly, as with much colonial press, it was used to maintain the status quo and legitimise the status of the colonisers. Coleman argues that "during the period of stabilized colonial ruse, the key structure in socialization process – schools, religious organizations, media of communication and governmental institutions – were concerned in various ways with rationalizing, perpetuating, and fostering loyalty or conformity to the colonial regime" (in Wilcox, 1975: 3). Finally, the media allowed for communication beyond the political environment, by providing a space for social communication among the settler population (Ochilo, 1993).

Once independence was established in Kenya, Ochilo (1993) argues that the reigns of control on the press and media in Kenya changed very little. He notes that

> similar patterns of media ownership and development continued as they were under the colonial rule. For example, the independent African government entered the shoes of the colonial rulers. These governments had full control of the electronic media run under the Ministry of Information and Broadcasting headed by a Minister appointed by the President. Its other departments were The Kenya Broadcasting Corporation and the Kenya News Agency (Ochilo, 1993, pg24).

So it was during the rule of Kenyatta and Moi that the media were aligned with ruling parties and there was very little scope for criticism or critique of the authoritarian rule in Kenya. This was especially true of the broadcasting media in the country, which was regarded as a powerful tool of communication to the majority of Kenyans (as a result of the fact that illiteracy is a reality for the majority of Kenyans). "As the only real mass medium, radio has the potential to be a principle vehicle for national integration…that potential has been regularly subverted by the tendency of the state to subordinate the interests and needs of the popular class to those of the ruling

class" (Heath, 1997, pg36). The printed press, however, also faced harsh restrictions and were regarded by the state as a means of championing the achievements of the state and "overlooking the government's shortcomings and excesses" (Wanyande, 1995, pg59).

With the movement in the 21st Century to a more democratic government in Kenya, the relationship between the media and the state began to change again. This has been described in Section 4.4.1 and details the conflict within the media themselves, particularly the press, in fulfilling a number of different roles within Kenyan society. These include as watchdog of the government, while still being influenced by the historic political alignment with political parties; the commercialisation of the media which has resulted in a strong drive for profits and a move towards sensationalist content; and a developmental role which sees the media as a tool for social and economic development.

4.6.1   The Kenyan Press

The Standard newspaper as we see it today is a direct decendent of the colonial era newspaper, the African Standard, which was established for political, commercial and social interests (Heath, 1997). *The Standard* newspaper is regarded as critical of the current government and supportive of the opposition because of its alignment with the previous Moi regime (Maina 2006). *The Standard* is the oldest newspaper in Kenya and was started in 1902 by an Indian merchant who sold the newspaper to two British owners in 1905. It is claimed that for many years the newspaper was supportive of colonialism[11], but was bought by the Lonrho company in the 1980s. This was a multi-national company with many business interests in Africa and so like the NMG the running of *The Standard* is integrally linked with economic factors in Kenya (and globally). "Lonhro clearly had plenty of non-newspaper commercial interests to protect – interests that, in their turn, served to protect the newspaper" (Winsbury, 2000, pg 252). Although the company owning *The Standard* has since changed (it was bought by a group of Kenyan businessmen in 2005), its connections with the business world continue to influence the political alignment and daily running of the newspaper. Today, *The Standard* is owned by the Standard Group LTD, which owns a number of other newspapers, a television station called

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[11] "In its early years the paper defended the interests of Kenya's white settlers", as cited by the Encyclopaedia Britannica, 2010).

Kenya Television Network (KTN) and distributes national and international newspapers and magazines within Kenya. Perhaps because of its critical stance towards the government and thus balancing the reporting of the *Daily Nation*, *The Standard* is the strongest competition for the *Daily Nation* today.

The Daily Nation was established in 1958 as a Swahili newspaper called Taifa, which was then bought in 1959 by the Aga Khan[12] and is still owned by the Aga Khan through the Nation Media Group (NMG). The NMG is one of the country's biggest media organisations, owning media across different platforms (radio, television, newspaper, Internet) and therefore strongly influenced by issues and policies around cross-media ownership, concentration and press freedom. Apart from media interests, the owners of the NMG also have substantial interests in other sectors such as tourism, banking and insurance, health and rural development. The influence of economic and corporate factors on the daily running of the newspaper has been questioned by Winsbury (2000) as he notes that "the founding of The Nation was also said by many…to have been a shrewd move to protect these interests ["hotels, manufacturing enterprises, hospitals, schools, banking and insurance"]" (pg 252). Although the political economy of the newspaper industry in Kenya is not under examination here, it is something that will need to be taken into consideration during the analysis of the results by ensuring that the context is accounted for and is given space to influence data from the content analysis. Today, the *Daily Nation* is seen as supportive of the current government, although Maina (2006) argues that "it remains the paper with the most balanced reporting in Kenya" (pg31).

The eight biggest/most read newspapers in Kenya, both daily and weekly are the *Daily Nation, The Standard, The Kenya Times, The People*, *the Sunday Nation, the Sunday Standard, the East African* and *The People on Sunday*.

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[12] The Aga Khan is formally known as Prince Karim Aga Khan IV and is the spiritual leader of Ismaili Muslims around the world. He is the 49th hereditary imam and believed by followers to have direct lineage to the Prophet Muhammad.

Table 8: Most-read Newspapers

Newspaper	% readership	Year
Daily Nation	74.2	2006
Standard	23.4	2006
The Kenya Times	0.8	2006
The People	1.6	2006
Sunday Nation	74.6	2006
Sunday Standard	23.4	2006
East African	no figure available	2006
The People on Sunday	1.6	2006

Source: NMG, 2006

Figure 6: Most-read newspapers in Kenya, 2006

Readers are also exposed to newspapers from within East Africa for example there are two pan-regional newspapers which are published in Kenya – the East African Business and the East African, as well as a number of daily newspapers which are published in both Uganda and Tanzania which are read in Kenya. Despite what seems to a thriving newspaper market, with a diversity of options, it is clear that the two main media groups in the country – the Nation Media Group and The Standard Group – dominate the newspaper sector. It is also particularly difficult for new entries into the market as a result of the large bond (Kshs1 Million) required by the government of publishers before they can begin distributing or publishing a material. Maina (2006) argues that this has hampered any growth in the market since 2000.

4.6.2 Broadcasting in Kenya

In direct contrast to the printed press, broadcasting and specifically radio have seen tremendous growth since 2000 in Kenya. As of 2005 there were 49 radio stations (of which 34 had been launched since 2000), and this had grown to more than 60 radio stations in 2012 (Deloitte & Touche, 2012). Maina notes that "there has been an increase in vernacular-language stations, and the proliferation of these stations reflects a push towards addressing the various interest groups in the country (2006, pg18). What is significant about the radio industry in Kenya is the moderate level of concentration of ownership within the broadcasting sector. Of the more than 60 radio stations broadcasting in Kenya (whether at national or regional level), they are owned by five main companies, which include Royal Media Services, Radio Africa, Kenya Broadcasting Corporation, Nation Media Group and Digitopia (Deloitte & Touche, 2012).

While the state broadcaster, the Kenya Broadcasting Corporation (KBC), had until recently been the dominant player in the radio and broadcasting market, it has since 2000 been largely overtaken by private radio stations. While the KBC established 5 new radio stations between 2000 and 2006, during the same period 29 new, non-state radio stations were established (Maina, 2006).

This pattern of strong private ownership and marginal state ownership is mirrored in the television broadcasting sector, where the state owned channels – KBC Channel and KBC-Metro – have strong competition from private owned channels – KTN-TV, Nation TV, Family TV, Citizen TV and Sayare TV (Maina, 2006). There are also two satellite channels – MultiChoice and STV/TV – which cater to a higher profile viewer because they are pay channels with a monthly subscription. While radio listenership falls at around 91%, television ownership is difficult to determine with figures falling between 17% and 32% (of Kenyans that own a television set) (Maina, 2006). It is interesting to note that the two largest television channels (Nation TV and KTN-TV) are owned by the Nation Media Group and the Standard Group respectively and that these two groups "by virtue of their cross-media holdings, are seen as wielding significant political power" (Maina, 2006, pg28).

4.6.3 Media regulation in Kenya

The printed media in Kenya is largely unregulated, with "no single law regulating" the sector (Moggi & Tessier, 2001, pg4), but instead being regulated by the Constitution and a number of civil and criminal laws (such as the Public Order Act, the Defamation Act and Preservation of Public Security Act)– many of which have been inherited from the British colonial government. The Kenyan Constitution does make provision for the right to Freedom of Expression in Section 79(1), stating that

> except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence (Republic of Kenya, 2008, pg61).

The broadcasting sector has been much more heavily regulated than the printed

press and laws which govern broadcasting include the Kenya Broadcasting Corporation (KBC) Act, 1989 which established the KBC and provided guidelines for its functioning in relation to the state; the Kenya Communications Act of 1998; and the Kenya Communications Amendment Act 2009 (which is being investigated within this research). The sector is also regulated and guided by the Communications Commission of Kenya (CCK) which is tasked with licensing the communications industry, managing frequency spectrum and allocation, "protecting consumer rights within the communications environment", and enforcing licence conditions within the communications industry (Communications Commission of Kenya, 2011).

Another key law which was recently passed was the Media Act of 2007, which established the Media Council of Kenya, an independent organisation established to regulate the media, and monitor the conduct and discipline of journalists within the Kenyan media industry. The Council is made up of members from a range of independent organisations within the media sector, namely: the Media Owners Association, The Kenya Union of Journalists, the Editor's Guild of Kenya, the Public Relations Society of Kenya, the Kenya Correspondents' Association, the Law Society of Kenya, the Kenya News Agency, the Kenya Institute of Mass Communications and the Public and Private Universities (Media Council of Kenya, 2012).

The Media Council of Kenya and other bodies (such as the Kenya Union of Journalists) which monitor the conduct of journalists within Kenya face a difficult task because of the governments tendency towards ignoring the role of these organisations in regulating the media. Maina notes that "when journalists allegedly overstep the mark, the government often tends to ignore the role of these bodies in regulating the conduct of journalists, and attempts to apply direct legal sanctions in terms of some of the public order laws" (2006, pg11). The Media Council of Kenya and representative organisations work within a difficult environment where they seem to lack real course of action against practitioners and lack respect from the government.

4.7 Conclusion

The political context within which Kenya operated after the Second World War strongly influenced its relations with regional and global forces. Its alignment with NAM and NWICO showed its support for the ideas of decolonization and opposition to dominance by the West. At the local level, politics and economics in Kenya have been strongly influenced by tribal differences (or perceived differences) and the exploitation by politicians (both local and colonial) of these divides. Local political processes and the introduction of democratic processes within the country have not necessarily resulted in a democratic government. Today, the government is racked with corruption and the continuing legacy of colonialism and authoritarianism. Despite being regarded at different points in its history as an example of a stable and democratic African country, Kenya has had very few moments of real stablity and true democracy. Today, efforts to reform corruption, poor policy and regulation, and constitutional development have redeemed it somewhat, but the case studies being examined provide a closer examination of the more intimate workings of policy development in the country and the changes it has gone through in recent years.

5   Chapter 5: Methodology

5.1   Introduction

In order to investigate the role of the press in the communications policy processes in Kenya it was important to use a range of methodologies which would examine the press' involvement at different levels. The research aims to investigate the role and influence of the press on the policy processes and thus requires methodologies that are able to determine patterns and processes of influence. The overarching methodology is a case study of policy making in Kenya. The use of the case study as a means of investigating policy processes is based on its ability and emphasis on identifying the patterns of events (Stake, 1995). Although Stake (1995) also points to the singularity of case study research, arguing that it should focus on the "particularity and complexity of a single case" (pg xi), the use of two cases in this research provides an opportunity to compare the results and better understand the relationship between the case studies and the stakeholders involved. The value of qualitative research, and case studies in particular is the ability to understand phenomena (cases) in their "natural setting and cultural context" (Darke et al, 1998, pg273). The benefit of using the case study method to investigate these two policy processes is being able to contextualise the cases and to then be able to use methods to establish a relationship between the outcome of the policy process and the media's involvement in the policy process.

The research examines two Kenyan policy processes in an attempt to answer the question about the media's involvement in policy development, and better understand the role of the press in communications policy-making. The first policy process was the development of the National Information and Communications Technology Policy (NICTP) of 2006, and the second was the amendment of the Communications Act of 1998 which formed the Kenya Communications Amendment Act (KCAA) of 2009. These two policy processes have been chosen because they provide insight into policy making at two very different times in Kenya's political history. The first was developed in an atmosphere of democratic stability and political inclusion, while the second was undertaken during a period of political turmoil and uncertainty. These two very different socio-economic and political environments provide contrasting contexts within which to investigate the role of the

press in communications policy as a result of the fact that they occurred at very different times in Kenya's history. They also allow the research to question the influence of the environment and globalization within these contexts on the role of the media.

5.2 Research questions and hypothesis

This research asks: What role did the media play in communications policy processes in Kenya in the period 2002 - 2009?

In order to answer this question, there are a number of sub-questions which will need to be asked and interrogated. My initial hypothesis is based on the assumption that the policy documents were debated and drafted in an environment of inclusion, participation and multi-stakeholderism. This means that my initial interest in the subject was raised as a result of what I saw (as an outsider) as a multi-stakeholder policy process. From this the following sub-questions emerged:

- Was the process for developing the two policies a multi-stakeholder process?
- Were the media active stakeholders within that multi-stakeholder process?
- Were the media given the space and opportunity to engage with other stakeholders to express their views about the policy?
- How, if any, did the media influence the process of developing and drafting these two policies?

The form of participation and involvement of the press in the policy process will have to be examined, as well as the broader media's relationship with the other stakeholders. This will give insight into the formal and informal processes which the media were involved in and how these related to other policy actors. In relation to this, it would also be important to find out what conditions restricted the media's involvement in the policy process. While these research questions examine the wider media industry, the focus in the data gathering and analysis process are on the printed press. The press in Kenya play a key role in the political landscape and as such provide an interesting perspective on the wider relationship between the media and policy within the Kenyan context.

In order to investigate these questions, the research aims to examine the media's performance in a number of areas of influence. The first is its influence on the public and policy-makers through press coverage of the policy processes. This tests the

agenda setting element of the research and aims to find out what kind of coverage the press gave these two processes and how this could have influenced the outcome. It is beyond the scope of this study to examine the media's influence on the public's perception and any change in issue salience by the public, but through interviews and document analysis it will be able to investigate the influence of press coverage on policy makers and any resultant changes in policy. The KICTANet mailing list will also be a source of data to further investigate whether media coverage had any influence on policy stakeholders as they may have written about the coverage with other list subscribers. The second influence of the media is through potential direct engagement with other stakeholders on an open mailing list. This is done to investigate whether there was direct activity of individual journalists, editors and media practitioners in the debates and discussions about the policies on a forum which has been regarded as directly influencing policy and policy-makers in the ICT sector. In this case, even the absence of media involvement in the mailing list is also significant because it illustrates a lack of engagement and involvement in the policy process. Finally there is the media's influence through face to face contact with other stakeholders, whether through formal meetings, workshops or forums or through informal relationship with policy makers or policy stakeholders, which will be investigated through interviews with both media practitioners and policy stakeholders.

5.3   Research methods

5.3.1   Case study

This research is not only a case study of two policy processes, but also a case study of a unique African country with its own political, economic and social context, which strongly influences any policy making process, and would also influence the work done by the media and their relationship with other stakeholders. Together with local influences, the country is also highly influenced by outside forces such as the work of global organisations (through donor funding and the presence of multi-national corporations), as well as by benchmarking against the strides made by other countries[13]. By investigating the particularity of this country, the aim is to also illustrate the connectedness of the current global world where countries,

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[13] Mention of this was made by a number of interviewees who noted that Kenya benchmark against other countries. Permanent Secretary of the Ministry of Information and Communications, Bitange Ndemo, for example, noted in discussion of the ICT Policy of 2006 that the process included discussions with stakeholders, but also being able to "benchmark best practices elsewhere".

organisations and processes are integrally linked to others from around the world. So, although Kenya has a unique political system which is highly influenced by a unique social context, it also draws on experiences from countries and processes vastly different from itself and is subject to international pressure to conform and adopt international standards and policy. This is the impact that globalization is having on the world, whether positive or negative.

Within this macro level case study is another case study of two particular policy making processes which can be compared and contrasted. Each of these policy processes provides a unique insight into a particular time in Kenyan history. As Yin (2003) notes, "you would use the case study method because you deliberately wanted to cover contextual conditions" (pg 13). This means examining the broader political context within which each case study is situated because this provides a glimpse of the greater influences on policy debates, the media and policy stakeholders. But one must also take into account the ICT sector environment at the time, the conditions within which the media were working at the time and how these influence the relationships between the stakeholders. This means, for example, that one must consider that during the process of developing the NICTP in 2006, there was a sense of optimism about the government and its relationships with policy stakeholders. In contrast, the process of developing the KCAA came at a difficult time for the media in Kenya, during which the government had raided newspaper offices, confiscated computers and equipment, and blamed the media for post-election violence in 2008. These contexts are what make a case study unique and make it possible to investigate the particular.

The advantage in this study is being able to take the case study of Kenya and use two case studies within that to examine change, context, and the influence of global forces at different points in Kenya's history. The use of multiple-case design in social science research has increased over the last few years and is generally used in two specific instances. Firstly, to compare cases that "predict similar results" (Yin, 2003, pg 47) or secondly, a case that "predicts contrasting results but for predictable reasons" (Yin, 2003). In the case of my research, I had hypothesised that the cases would provide contrasting results across the two policy processes as a *result* of context, but it emerged that similar results came out *despite* the different contexts.

5.3.2   Content analysis: Newspapers

As mentioned previously, this study examines the impact of the media at different levels. These are:

- Influence of the press on policy makers and policy stakeholders through their coverage
- The media's influence on the policy process through their participation in debates and interaction in policy discussions
- Through the media's informal relationships with policy makers

A content analysis study of newspaper coverage was conducted for each of the two case study policies being examined. The aim was to examine the kinds of stories and coverage of the events in order to provide an insight into the attitude of the media towards the processes and their engagement with the processes. It would have been beyond the scope of this research to undertake a study into the impact of coverage on public opinion, but the content analysis of the newspapers would provide insight into the way in which the media perceived the policies, the policy processes and the policy makers. This content analysis is then analysed in conjunction with interviews undertaken with policy stakeholders to investigate the influence of coverage of the policy process. Although there are numerous, varied definitions of content analysis, the definition quoted by Paisley (cited in Holsti, 1969) is relevant for the content analysis undertaken in this research. It is described as "a phase of information-processing in which communication content is transformed, through objective and systematic application of categorization rules, into data that can be summarized and compared" (pg3).

Content analysis of the two largest daily newspapers in Kenya was undertaken during the period of each of the policy making processes. The two newspapers examined were *The Standard* and the *Daily Nation*. *The Daily Nation* is by far the largest selling newspaper in the country with the largest share in readership (74%). While *The Standard* can claim only 23% of readership, it is the *Daily Nation's* biggest competitor and closest rival and these two newspapers together account for almost all daily newspaper sales in Kenya (Maina, 2006). Although it does not form part of this study, it is important to understand the history and political affiliation of each of these newspapers in order to better understand their coverage and the results of the content analysis.

Having chosen the two biggest daily newspapers, it was then a matter of deciding the time period for which the content analysis would take place – considering that two separate policy processes were being looked at. The NICTP was published in January 2006, while the KCAA was published in January 2009. Although these are very specific dates, it is important to remember that policy is not published in a vacuum and comes from a long and often drawn-out process which can sometimes take several years. The NICTP, for example, was in draft form since early 2000, but then only published many years later. The process around the KCA was similarly drawn out. In order to ensure reliability and validity in the study, I chose to examine the same amount of time for each policy. I began collecting newspaper articles related to each policy process from January of the year before it was published until December of the year it was published (exactly two years for each policy). The data collection periods are therefore January 2005 until December 2006, and January 2008 until December 2009. As a result of the fact that I searched across these dates, without disregarding articles published on the weekend, some of the articles found which were coded were published in these newspaper's weekend editions (The Saturday Standard, The Sunday Standard, The Saturday Nation and The Sunday Nation). Each of these groups have been coded under the broader name of their weekly 'parent' newspaper in order to avoid over complexity of the content analysis.

In order to keep the content analysis of the newspaper to a manageable size, it would not have been possible to code every article published during the periods mentioned above. Instead, I chose specific search criteria and terms to find articles that related to the policies, the policy processes or any events around these. The research was not intended to quantify the articles written in these two newspapers about the policies in relation to all others written, but instead aimed at providing a more qualitative analysis of those articles that were written about the policy processes by only coding those. I searched for articles within the newspapers during the periods detailed above using the following search terms:

ICT	COMMUNICATIONS
ICT POLICY	COMMUNICATIONS AMENDMENT BILL
CIVIL SOCIETY	MEDIA OWNERSHIP
NDEMO	MEDIA PROTESTS
TUJU	JOURNALISTS
IDRC	PROTEST

DFID	KENYA EDITORS GUILD OR KEG
CATIA	KENTA UNION OF JOURNALISTS OR KUJ
KICTANET	MEDIA OWNERS ASSOCIATION OR MOA

These articles were then read and any which related to or made mention of the two specific policies or processes of debating, developing, drafting or publishing the policies were coded. The search terms used were chosen to be broad enough that most articles related to the policies will be picked up. It would be difficult (if not impossible) to write about the policies without using terms like 'ICT' or 'Communications' and thus one would expect that all articles related to the policy process would have been coded. One limitation of this method was not in the method itself but in the practicalities of searching for the articles. Although one would expect that most newspapers would have electronic archives, that is not the case with *The Standard* newspaper. This meant having to work with archive librarians at the newspaper to find hardcopy paper articles (or copies of articles) which were filed according to their categorisation system. Despite many hours going through the paper archives, I was unable to find any articles from *The Standard* which related to the National ICT Policy or the process which developed it. Even an internet search on the newspaper's website for archived articles is unsuccessful as that element of the website is still under development. This means that it is likely that some articles which were published in *The Standard* have not been coded because they were not found. Despite this limitation, it is unlikely that this was a very large number of articles, as only a very small number of articles were found during data gathering at the *Daily Nation* for the same period which means it was likely that the NICTP was not on the Kenyan news agenda at the time. Data gathering at the *Daily Nation* newspaper was much easier as they had an electronic library of archives in place. It was simply a matter of typing my search terms into the system to find articles which included the terms.

Overall the number of articles collected for each period are as follows:
2005-2006: 7 articles
2008-2009: 110 articles
There is a vast difference between these two numbers which can be attributed to a number of factors. Firstly, as a result of the archive system at *The Standard* newspaper, it is possible that some articles were not found which related to the National ICT Policy (though the number missed would not have brought the total

number of articles for that period up significantly). Secondly, ICTs were not a commonly understood notion and therefore not widely written about in Kenya at the time. ICTs were more closely associated with business reporting and would most likely have been written about in the business or specialist newspapers. Many of the editors and journalists of mainstream daily newspapers would not have considered news about ICT policy, or processes for developing this policy, as newsworthy because it was aimed at the business sector or development sector at the time.[14] Thirdly, another reason that there would have been few articles related to ICTs during the first case study period was the fact that policy makers and others in the ICT sector had little understanding of how to make ICT issues relevant to the public and therefore to the media. As noted in a workshop report aimed at media practitioners,

> amongst other barriers that restricted ICT coverage, it was found that ICT practitioners often communicate excessively in ICT terminologies with little or no attempt to elaborate on the same. This in turn made the reporting aspect difficult in terms of creating a newsworthy article, particularly for the consumption of the common or wider public" (Unknown, 2006, pg3).

Lastly, the press were perhaps not aware of the impact of the policy on their own practices. With two large sections of the policy devoted to media issues (broadcasting regulation which included cross-media ownership legislation and radio frequency spectrum management), one might have anticipated a greater sense of interest in the policy from the press, though perhaps because there were broadcasting related they were of less interest to the printed press which were examined. My initial hypothesis is that the last two of these four reasons have most likely contributed the most to the vast difference in numbers. This will be discussed further in the data analysis chapter which examines the newspaper content, mailing list content and interviews in relation to each other in order to reveal more about the policy processes, and the newspapers coverage of these processes.

This limited number of articles does raise issues around validity with regards to the use of the data from that period and whether it is reliable. In order to overcome this problem, the use of triangulation allows the researcher to examine the policy process from different sources beyond just the limited number of newspaper articles. By bringing in the newspaper articles and analysing them in conjunction

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[14] There was in fact a workshop aimed at journalists, editors and media practitioners in March 2006 aimed at looking at "ways in which ICT issues could be made more relevant, particularly from an Editorial perspective" (Unknown, 2006, pg 3).

with the content analysis of the mailing list, as well as the interviews conducted, a broader picture is obtained and the lack of data is compensated for, though not all together negated. Although Silverman (1993) questions the use of triangulation in qualitative research, he does so on the basis of not allowing for context within each method, and across different methods. He argues that "the major problem with triangulation as a test of validity is that, by counterposing different contexts, it ignores the context-bound and skilful character of social interaction" (pg158). I believe I have avoided this problem by being distinctly aware of context, understanding the context during each period of investigation and allowing the context to permeate through each method and the data gathered. And Yin (2003) argues that triangulation is an essential element of case study research as it allows the researcher to use different data sources as well as ensuring that "any finding or conclusion in a case study is likely to be much more convincing and accurate if it is based on several different sources of information" (pg 98).

Defining analytical categories

For all of the newspaper articles a standard coding sheet[15] was designed to analyse different aspects of the article. In total, 16 categories were coded for each article which supplied different types of information. Although not all the information is directly related to answering the research questions, it does provide some further evidence of the media's attitude and perception of the policy processes, those involved and the media's own involvement during the policy processes. It is possible therefore to group the categories into the following areas:

1. *Newspaper details* which included the name of the newspaper, the date of the article, and the page number

2. *Article layout details* which included the headline, the size of the article, the author of the article (which indicates whether the article is written by an in-house reporter or independent contributor), which section of the newspaper the article would be found (as one could determine that articles placed on the front page are more relevant, important and dominant than articles found in other sections. Newspaper layout is a key pointer of "importance as prominence" (Newhagen, 2005, pg78-79)).

3. *Article content details* such as the genre of the story, subject of the story (based on predefined categories which were tested in a pilot study), the

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[15] See Appendix 2 for a copy of the coding sheet used for the newspaper analysis.

tone[16] of the report in relation to six key areas of interest and of which most stories touch on at least one. These were: ICT or communications policy, policy process, media regulation, media involvement in the policy process, government processes, and non-govt processes.

4. *The actors involved* in the story was a key element of the coding as it allowed for an analysis of who stories were written about and what attitude the media had towards those actors. In order to do this the following categories were coded: main actor sector (this would determine whether they were from the government, media, civil society or private sector), was the main actor the author (this would allow for correlation between the tone of the report and author of the report), actor category (was a more specific account of the actors place in society and included for example options for the president, the prime minister, the minister of information, a journalist etc), portrayal of the actor was also coded and allowed a glimpse of the kind of reporting towards, for example, government officials as opposed to media practitioners, as well as a correlation between the tone of the report and the portrayal of the actor. Finally, a category was coded for the actor's attitude towards different aspects of the policy process (the same as those used in the tone of the report – see footnote below) – the rationale for this was that by gaining some insight into the way actor's were quoted as talking about particular elements of the policy process, one could separate that from the overall tone of the article. An article, for example, could have an overly negative tone towards the communications policy, but a government actor quoted in the report could have a positive attitude towards the policy. This illustrates the way in which the media can use their writing to influence perception about a political process through negative reporting and bias.

While some of the categories provide only peripheral information which may not be directly relevant to the research (such as article size or page), having conducted a pilot study based on these categories showed that they were useful in providing a bigger picture of the manner in which the media reported on these issues. Without these categories one could perhaps have a skewed picture of the newspaper coverage of these events. What this data provides is more layered detail about each article and could therefore be used to situate more directly relevant data such as the

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[16] Those categories which coded tone or attitude were done on a scale from mostly negative, slightly negative, neutral, slightly positive to mostly positive.

tone of the report or subject of the article. This more peripheral information can also be used collectively to provide some additional data to substantiate findings. For example, the fact that 28.2% of stories about the KCA were written as part of a special feature on media regulation may not be immediately relevant, but upon closer inspection and in conjunction with other data may provide further evidence of the media's attitude towards the policy and how it reported on the issues.

5.3.3   Content analysis: KICTANet mailing list

The online mailing list discussions was the *first time ever that a policy process has been conducted using online community methodology in Kenya*. The discussion lists, open to all members of the public who could access the Internet, created ICT policy and legislative drafting (Munyua, 2005, pg6).

Part of the reason to undertake a content analysis of the KICTANet mailing list was the fact that it was heralded by those involved in its establishment, and those who used it, as a means of engagement, as a platform for multi-stakeholderism and a unique space for stakeholder participation. Documents which relate to the process of developing the NICTP of 2006 continually point to the fact that the mailing list allowed members from a variety of different sectors (government, civil society, media, private sector, academia) to debate and engage on issues. Munyua (2005) notes that a facilitation workshop was held, "bringing together participants from the private sector, the media, various civil society groups, academia and government" to provide training on the use of mailing list discussions (pg6). An indepth investigation of the users and topics on the mailing list could, therefore, provide a means to investigate whether media practitioners (including journalists, editors, managers, leaders of media associations, media activists or freelance reporters) engaged in either of the policy processes by contributing to the discussions on the list and using the mailing list to get their opinions and perspectives heard. In the same way that an absence of media involvement would point to a lack of engagement, which is equally significant.

The mailing list was established in 2005 and the searchable archive dated back to March 2005, which determined the start date for the content analysis. It was decided to conduct content analysis in two periods based on the dates of the two

policy case studies (much the same as the newspaper content analysis). The first period was March 2005 to December 2006 and the second period was January 2007 to December 2009. The reason to include an extra year for the second case study is that documents which relate to the development of the KCAA note 2007 as a key year for the policy process as a result of numerous workshops and forums which were held in that year. I thus decided to examine the mailing list in that year to determine whether it was an additional avenue for discussion and debate between the stakeholders (including the media) on the KCAA. (Unfortunately, the decision to include this year was taken after returning from my fieldwork in Kenya, and meant that I did not have the same timeframe for the newspapers as I did for the mailing list which was available online). As a result of the volume of emails generated during these two periods, it was decided to select a sample from the search periods. In order to avoid bias or the possibility of drawing conclusions from one period and not another (as a result of incorrect sample allocation), emails from every second month of each period was used. This means that for the two periods the following months were coded for each year: January, March, May, July, September and November (except 2005 which only started in March). From this sample the following number of emails were gathered for each year:

2005: 312
2006: 422
2007: 976
2008: 1162
2009: 948

Coding sheets[17] were used to code the KICTANet mailing list. Coding of the mailing list took place not of email content, but of the following categories:

Who sent the email, what sector they are from (government, civil society, media, academia, private sector), and the subject of the emails[18]. This enabled the researcher to gain an understanding of not only how much participation the media engaged in on the mailing list in relation to ICT and communications policy during the period of the two policies under study, but also allowed for some insight into the truly multi-stakeholder nature of the mailing list by examining how much

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[17] See Appendix 3 for a copy of the coding sheet used for the mailing list content analysis.

[18] These were coded according to a set of 15 general topics which were tested in a pilot study. Those topics are: best practice, civil society initiative, government initiative, ICT or communications policy, ICT or communications conferences, ICT or communications infrastructure, ICT4D, jobs or services advertised in the ICT or communications sector, Kenyan politics, kictanet news, list logistics, media issues, miscellaneous, other policies, and private sector initiatives

engagement there was by other sectors around the policies. The process of determining which category each sender was from emerged from a mixture of knowing the subscriber personally or on a professional basis, and undertaking internet research on the subscriber to determine their profession or affiliation. If all avenues of research failed the subscriber was categorised as 'can't determine'. The mailing list moderator and the KICTANet organisation are both aware of the research being undertaken, and it is with their consent that I searched the archives of the mailing list. I also decided to keep the emails anonymous and to only categorise the sender/subscriber within a sector rather than identify the person because I felt it was unnecessary to identify each person rather than simply categorise them. The mailing list is open to any subscriber (anyone who has internet access and an email address can register on the website and is then sent confirmation by the mailing list moderator), however access to the archives is even easier. The archives are open to anyone who can access the internet, without having to be a subscriber or have an email address themselves, and therefore any emails referred to in the research can be tracked to a person (through a simple internet search), I felt it was beyond the scope of this research to include individuals and to promote some sense of anonymity.

As a result of the fact that there was such a vast number of emails from the sample, it was decided not to code the content of each email. In addition to this, the fact that the mailing list was being used to evaluate whether the media used the online forum as a tool for engagement (as well as a tool for other stakeholders), meant that it was not necessary to delve into the content of all the emails to determine this, but simply examine who sent the emails and to categorise the subject of the emails during the sample period. Some emails which related to the two policies were examined in more detail by examining the content of the emails themselves, to provide some evidence about the kind of engagement being carried out by the media and other stakeholders, but this was done purely on an ad hoc basic when the researcher felt that a group of emails related to the policies were worth further examination.

5.3.4   Interviews

In order to go beyond what was portrayed in the newspapers and mailing list about the policy processes being examined, it was important to talk to the policy stakeholders, as well as media practitioners, about their perception of different

aspects related to the research. In depth, semi-structured interviews were conducted with a total of 26 individuals. As Lofland (1993:137) notes, non-standardised (focused) interviews are used to provide "rich, detailed materials that can be used in qualitative analysis. Its object is to find out what kinds of things are happening rather than to determine the frequency of predetermined kinds of things". The aim of the interviews was to examine a number of elements within the policy dynamic including the perception of policy makers and policy stakeholders on the way the media acted during the policy processes; the perception of media practitioners on their own behaviour; the perception of different stakeholders on the policy processes; the way in which the newspaper coverage influenced policy makers, stakeholders and policy decisions; and the general attitudes towards relationships between stakeholders in Kenya during the periods of investigation. While the content analysis provides some indication of these perceptions and attitudes, it cannot provide a comprehensive view of events, attitudes and relationships. The value of interviews is that it provides a glimpse of what different stakeholders think of each other, of the policy process and of their own actions. As Stake (1995) notes "much of what we cannot observe for ourselves has been or is being observed by others" (pg 64) and will then be articulated by others during the interview process.

While the interviews have been used to provide qualitative data about the different aspects mentioned above, they have also been analysed in a more quantitative manner in order to provide a general picture about the elements above. This has ensured that aspects which were drawn out in interviews across different respondents (such as the perception of media coverage, the perception of the media's 'blackout' of policy supporters, the reality of whether the policy processes were MSPs, the interviewees perception of whether press coverage influenced the policy process and what kind of role the interviewees thought the media played in each case study) provide an overall picture of all the interviewees which were asked these questions. This not only provides a wider perspective, but also provides quantitative data to substantiate the quotes used within the findings chapter, as well as the data gathered from the content analysis of the KICTANet mailing list and the newspapers.

In order to achieve a multi-dimensional perspective from the use of interviews and gain as much from the method as possible, it was important to conduct interviews

with different stakeholders and policy makers in Kenya. This meant conducting interviews with members from four key sectors under investigations: the government, civil society, academic and the media. Interviews were conducted in a number of ways, primarily during field work in Kenya in face to face interactions with interviewees. However, on return from the field, it was decided to conduct further interviews by email in order to ensure a large enough data base of interviewees. In total 27 interviews were conducted, 21 were face to face interviews and 6 were conducted by email. The pragmatic nature of fieldwork research meant that although I had attempted to conduct all my interviews during my three week fieldwork in Kenya, not all respondents were available, some changed their minds when it came to being interviewed, and others had a change in schedule which would not allow me to interview them while in the country. Although I had tried to conduct telephonic interviews with a number of the respondents on my return from Kenya, as a result of the poor telecommunications connectivity, it was not possible to do this and email became the only viable method of conducting further interviews.

The process of selecting respondents took different forms including conducting internet research on prominent ICT and communications policy advocates and using workshop reports for lists of participants as people who take an interest in the policies. In addition, as a member of the KICTANet mailing list, I have some insight into the regular contributors to the mailing list and those who take an interest and seem to have a stake in the ICT and communications sectors in Kenya. This meant that I was able to easily identify who would be valuable to interview, who had been active in the sector and it also gave me an avenue for contacting the respondents. Although I tried as much as possible to provide a balance in the people I interviewed by trying to vary their positions, organisations they worked for and the kind of work they did, the practical nature of field research meant that it was not always possible to gain access to people across many different sectors. I had hoped to secure interviews with journalists from both the major newspapers, but this was not possible because of a lack of response from journalists who worked for the *Daily Nation*. This is balanced however by the fact that I was able to secure interviews with more senior members of this organisation (Linus Gitahi, Group Chief Executive of the Nation Media Group which owns the *Daily Nation*; and Macharia Gaitho, Managing Editor of Special projects at the *Daily Nation*). Journalists from *The Standard* newspaper were much more willing to provide interviews and I was able to interview different levels of reporters within this organisation (an editor and

journalist). As a result of the political nature of the media sector in Kenya and the political affiliation of the press in the country which meant that journalists were wary of being interviewed and airing their perspectives, I was able to more easily secure interviews with freelance journalists. In total, four freelance journalists were interviewed for the research and were able to provide a less partisan perspective as a result of not being affiliated with any one newspaper company, and having a wider perspective on the media sector in Kenya.

All respondents were asked if they were willing to answer the questions with their names and designations being quoted. Of all the interviews conducted, only one respondent requested that his name and designation be anonymous which has been taken into consideration throughout this thesis. All the other interviewees were happy to have their names and designation assigned to their responses for this research[19].

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[19] Titles and designations of those interviews are those which were correct at time of interviewing, though may have changed since that period in March 2010.

Name	Sector	Position	Organisation	Type of Interview
Alice Munyua	Government	Director	Communications Commission of Kenya (CCK)	Face to Face
Dr Bitange Ndemo	Government	Permanent Secretary	Ministry of Information & Communications	Face to Face
Charles Njoroge	Government	Director General	CCK	Face to Face
John Kariuki	Government	Communications Technology Expert	National Communications Secretariat	Email
Dr Moses Ikiara	Government	Executive Director	Kenya Institute for Public Policy Research and Analysis (KIPPRA)	Face to Face
Paul Kukubo	Government	CEO	Kenya ICT Board	Face to Face
Anonymous	Civil Society	Consultant	AfriNIC (African Network Information Centre)	Email
Brian Longwe	Civil Society	Chairman	Kenya ICT Action Network (KICTANet)	Face to Face
Marcel Werner	Civil Society	Chairman	Kenya ICT Federation (KIF)	Face to Face
Muriuki Mureithi	Civil Society	CEO	Summit Strategies	Face to Face
Victor Gathara	Civil Society	IS Regional Manager	DFID East Africa	Face to Face
Willie Currie	Civil Society	Communications & Information Policy Manager	Association for Progressive Communication (APC)	Face to Face
Dr Peter Mbeke	Academic	Lecturer	School of Journalism, University of Nairobi	Face to Face
Prof Tim Waema	Academic	Associate Professor	School of Computing and Informatics, University of Nairobi	Face to Face
David Matende	Media	Chairman	Kenya Union of Journalists and Allied Workers	Face to Face
Esther Kamweru	Media	Executive Director	Media Council of Kenya	Face to Face
Grace Githaiga	Media	Radio Journalist Co-ordinator	Kenya Community Media Network	Face to Face
James Ratemo	Media	Print Journalist	Standard Newspaper	Face to Face

		President	Kenya ICT Reporters Association	
Joyce Lukwiya	Media	Print and online journalist	Freelance	Face to Face
Larry Madowo	Media	Business journalist	Standard Group	Face to Face
Linus Gitahi	Media	Chairman Group CE	Media Owners Association Nation Media Group	Face to Face
Macharia Gaitho	Media	Managing Editor of Special Projects Chairman	Daily Nation Kenya Editors Guild	Face to Face
Michael Murungi	Media	Print and online journalist ICT expert	Freelance	Email
Michael Ouma	Media	Print journalist	East African	Email
Rebecca Wanjiku	Media	Print and online journalist	Freelance	Face to Face
Rose Nzioka	Media	Editor	Standard Newspaper	Email
Solomon Mburu	Media	Print and online journalist	Freelance	Email

Table 2: Details of interviews conducted

Interviews with government officials

Having reviewed the newspaper reports, mailing list messages and research written during the policy processes it was easy to identify the influential government officials in the policy making processes. I decided not to interview the Minister of Information and Communication, but rather to interview the Permanent Secretary of the Ministry of Information and Communication Dr Bitange Ndemo. The Communications Commission of Kenya (CCK) is the country's communications and ICT regulator and it plays a central role in monitoring, regulating and administering the communications infrastructure and sector in Kenya. The Director General of the CCK (Charles Njoroge) was interviewed, as well as one of its Directors – Alice Munyua (who was also a founding member of KICTANet and seems to move easily between her role in the government and civil society sectors). The Kenya ICT Board is a state corporation which is targeted with marketing Kenya as an ICT destination, advising the government on matters related to ICTs, project managing ICT development projects, and "providing government and other stakeholders with skills, capacity and funding for anchor implementation of ICT projects for development" (Kenya ICT Board, 2010). As a key corporation involved with ICT infrastructure and development it was essential to secure an interview with an influential person within the board, and thus the CEO (Paul Kukubo) of the Kenya ICT Board was interviewed. In the hope of gaining some understanding of the way in which policy is debated and developed in Kenya, I interviewed the Executive Director (Dr Moses Ikiara) of the Kenya Institute for Public Policy Research and Analysis (KIPPRA). Although the interview was useful, it did not provide as much insight at I would have hoped because the Institute had not done any research on ICT or Communications policy in Kenya.

Although not an ideal medium for conducting interviews, I also obtained answers by email to some interview questions from Eng J. Kariuki, who is a communications technology expert for the National Communications Secretariat[20] in Kenya, an ICT policy advisor. He told me in our interview that his involvement entailed being "team leader of all final preparations of the [ICT] policy...[and] team leader for the subsequent legal drafting lading to the legislation – The Kenya Communications (Amendment) Act". He is also a regular contributor to the KICTANet mailing list.

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[20] Which fulfils the role as the government's policy advisory arm on matters related to the ICT sector in Kenya.

Interviews with civil society individuals

As a result of the fact that the research aims to investigate the multi-stakeholder nature of the policy making process, it was vital to interview members with different levels of involvement and engagement in the policy processes, and in the communications and ICT sectors. Civil society[21] in Kenya has played a central role in democratisation, and as discussed by Ndegwa (1996) have a long history of working with and against the government to achieve what they believe are democratic aims. In a discussion of the role of civil society in Kenya in relation to a specific piece of legislation passed in 1990, Ndegwa (1996) argues "this incident provides sound support for the civil society – democratization thesis: it shows civil society actors opposing the repressive state and pursing actions that have important bearings on political reform in Kenya" (pg 31). Even during colonial times, civil society worked towards democratisation in Kenya – whether that meant working with the government or working against it. Churches, farmers associations and welfare associations all have a long history of working outside of government to foster change (Maina, 1998).

With the aim of gaining a balanced perspective of the work done by civil society organisations in Kenya, interviews were conducted with both local non-governmental organisations and individuals from international civil society organisations who had worked in Kenya and had some knowledge of either of these policies (though preferably both). Of key importance was an interview with a representative of the Association of Progressive Communication, which has worked extensively in Kenya, and which was responsible for undertaking the CATIA programme (Catalysing Access to ICTs in Africa) on behalf of the UK Department for International Development (DFID). "CATIA, in partnership with the Association for Progressive Communications (APC), has brought together stakeholders in a range of countries – creating and supporting multi-stakeholder advocacy processes and building the capacity of these stakeholders to engage in policy advocacy" (Atos Consulting, 2005, pg5). The CATIA programme identified Alice Munyua as the ICT

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[21] (Cohen & Arato, 1994) provide a useful definition of civil society where they regard civil society as "a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements and forms of public communication" (pg ix). Although not all of these spheres are related to this research (such as the family and voluntary associations), it does include communication (the media) and social movements which would include development oragnisations, lobbyists and policy advocates.

policy champion or animator in Kenya and it was through this initiative that KICTANet and the National ICT policy of 2006 were finally developed. An interview was conducted with Willie Currie who at the time of interviewing was the APC Communication and Information Policy Programme Manager and was also the Kenya country co-ordinator for the CATIA programme, working closely with Alice Munyua and other stakeholders during the process of developing the National ICT policy. With the aim of gaining perspective on the policy processes from a global organisation, an interview was conducted with a member of the DFID East Africa team, Victor Gathara, though very little insight was gained through that interview because he had very little knowledge of and had done no work on either of the two policies.

The Chairman on the Kenya ICT Action Network, Brian Longwe, has been involved with the organisation since its inception and has been integral to its continuation throughout the years. He is an IT businessman with strong involvement in ICT and communications advocacy and therefore had insight into the policy development of both policies from a range of different perspectives (civil society and private sector). Another interviewee with experience of working in different sectors (government, civil society and private sector) was Muriuki Mureithi who is CEO of a private research organisation called Summit Strategies, but has been appointed by government and civil society to lead and chair working groups tasked with drafting and debating both the ICT and Communications policies. His extensive experience and frank perspective provided unique insight into both policy processes. The Kenya ICT Federation (KIF) provides a private sector perspective, but works within the non-governmental sector, and works to represent private sector ICT bodies and trade associations with government. The chairman, Marcel Werner, was interviewed for the purpose of the research and provided the perspective of the private sector on the policy processes and was thus able to comment on the relationship with government as well as the media from another perspective. One interview was also conducted with an independent consultant who has worked throughout Eastern Africa and is currently a consultant for the African Network Information Centre (AfriNIC) who wished to remain anonymous.

Interviews with academics

Two academics from the University of Nairobi were interviewed in order to gain another perspective of the policy processes. Although they are both academics,

they had quite different insights because they were addressing the subject from different fields. Prof Tim Waema is Associate Professor in the School of Computing and Informatics and had been heavily involved in the process of developing the National ICT policy in 2006. He had not only a technical understanding of the policy requirements and infrastructural developments in the sector, but also a historical understanding of the ICT sector in Kenya generally[22]. From a less technical perspective, an interview was conducted with Dr Peter Mbeke, a Lecturer in the School of Journalism at the University of Nairobi. He had also participated in the policy processes when the government asked Dr Mbeke to review the KCA when it was being debated. Dr Mbeke has written two seminal works which contribute greatly to this research[23].

Interviews with media practitioners

Interviews with media practitioners were conducted with the aim of understanding not only how the media perceived their relationship with other stakeholders, but also in the hope of hearing first hand about the way in which the media perceived, wrote about and acted with regards to the two policy processes. My own perception of the media's involvement in the policies was informed by two events. The first was working with the media (through APC), during the process of developing the National ICT Policy between 2004 and 2005, training them to work with other stakeholders and to understand the scope of the policy. The second was reading the local Kenyan and international news reports about the KCAA being published in 2008 and 2009, mostly from the perspective of media control and censorship by the government. However, on arrival in Kenya, I soon became aware of another aspect of the media's involvement through their practice of negative and biased reporting and their practice of 'blacking out'[24] policy makers or stakeholders that supported the Bill.

The interviewees were chosen on the basis of trying to interview a range of different

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[22] He contributed a chapter titled: A brief history of the development of an ICT Policy in Kenya in the book At the Crossroads: ICT Policymaking in East Africa (Etta & Elder, 2005)

[23] Mbeke, P. O. 2010. "Trends in the Relationship between Civil Society and the Media in Kenya's Democratic Transition" in Civil Society and Governance in Kenya since 2002. Nairobi: African Research and Resource Foundation.
Mbeke, P. O. 2010. Mass Media in Kenya: Systems and Practice. Nairobi: The Jomo Kenyatta Foundation.

[24] This was described to me during my interviews as the process of actively not publishing or writing stories about any supporters of the KCA. Even stories which weren't related to the KCA, but which featured actors in favour of the bill would not be published.

practitioners, from owners, unionists, editors, freelance journalists, and newspaper and broadcasting reporters. This was done in order to provide a wide perspective of the kind of work done by the media and different insights into the relationship between the media and stakeholders. Additionally this was done to gain insight from those within media organisations and those managing media organisations (such as executives and editors) on the conduct of the media during the policy processes. There are a number of journalist and media trade union organisations in Kenya, though not all are formally run or well structured (making it difficult to contact the relevant person). This may be a result of, or result in, the fact that being a member of a trade union is undertaken with caution in Kenya. The Kenya Advisor (promoted as being an "independent travel guide") has written that

> in January 2007 seven journalists from the Nation Media Group (which owns the *Daily Nation* newspaper and the Nation TV station and Nation FM radio station) were fired because of their involvement with the Kenya Union of Journalists. The Nation Media Group has banned union membership for their employees (Kenya-Advisor, 2007-2010).

The difficulty of being a union member was substantiated by the Chairman of the Kenya Union of Journalists during our interview.

Despite this, I believe that members of the trade union organisations which were interviewed provided a wide enough perspective to ensure insight from the journalists, editors and owners. To this end, David Matende, Chairman of the Kenya Union of Journalists and Allied Workers' was interviewed. The organisation had gone through some changes and difficulties over the last few years with a drop in membership and leadership struggle, but provided an 'independent' perspective as it was not connected with any media house or senior media practitioners. Although some bias was evident in the way the chairman spoke about the big media houses, namely the Nation Media Group and Standard Media Group, this is based on their history of suing each other and distrust, and will be taken into account during analysis of the findings. Providing a less confrontational perspective was the Chairman of the Kenya Editors Guild, Macharia Gaitho, who is also Managing Editor of Special Projects at the *Daily Nation* and a regular contributor to political opinion columns in the *Daily Nation* newspaper. Finally, the Chairman of the Media Owners Association, who also happened to be Group Chief Executive of the Nation Media Group, Linus Gitahi, was also interviewed. All three of these interviewees posed difficulties in the nature of the interview because of their roles as trade unionists, but

also because of their bias towards or against particular publications. These were taken into account when interviewing the participants, and in analysis of their responses.

The Media Council of Kenya is an institution tasked with regulating the media, training journalists and ensuring good practice by the media in Kenya. Although it is regarded as an independent organisation, it was created by the government, but publically funded and thus there is currently much debate in Kenya about its role *vis-a-vis* the CCK. For the purpose of this research, I interviewed the Executive Director of the Media Council, Esther Kamweru, who provided insight from the perspective of a government organisation, but with public obligations and non-governmental objectives with regards to the media.

Although two of the three union chairman were from the NMG, their journalists were more difficult to interview. This resulted in the fact that I didn't interview any journalists from the *Daily Nation* (or any other NMG outputs), but managed to secure interviews with the following journalists from other publications: Larry Madowo (Business reporter for the Standard Media Group); James Ratemo (ICT reporter for T*he Standard* Newspaper and President of the Kenya ICT Reporters Association); and Michael Ouma (journalist for the *East African*, who was interviewed by email). Experienced radio journalist and media lobbyist, Grace Githaiga, who is also co-ordinator for the Kenya Community Media Network provided a more focused insight into the work of community and radio media in Kenya and their relationship with government and other stakeholders. Despite having secured an interview with editor for *The Standard*, Rose Nzioka, I was unable to meet her during my time in Kenya (due to unforeseen circumstances), but was able to email her questions on my return from Kenya.

Two freelance journalists were interviewed face to face for the research – Joyce Lukwiya and Rebecca Wanjiku, both with experience in ICT reporting and with experience of working for established media organisations in Kenya. I was also able to secure email interviews with two further freelance journalists, Solomon Mburu and Michael Murungi (who is also an ICT legal expert and law reporter).

5.4 Conclusion

This chapter has provided insight into the methodologies being employed in order to answer the research question and sub-questions. These methodologies have been carefully chosen for their ability to answer these questions, but also to work together to substantiate, elaborate and cross-check each other. At the heart of this research is the desire to understand whether the press and broader media played a role in communications policy processes as a stakeholder in the policy. In order to better understand this, it was decided to examine the avenues that would be open to the media for engagement. This meant examining their ability to influence policy through press coverage and reporting, their ability to use an online forum for engagement with other stakeholders and their engagement in formal processes with other stakeholders such as workshops or meetings. The best means to examine all of these – content analysis of two daily newspapers, content analysis of a mailing list and interviews – have been chosen in order to examine each individually, but also examine them in relation to each other in order to triangulate the data and generate better analysis from this data.

The data related to each of these two policy processes will be examined individually in the next chapter, providing a breakdown of the media coverage through newspaper reports, media and stakeholder engagement via the mailing list and interviews with policy stakeholders to understand perceptions, decisions and processes at a more detailed level. Once this data has been presented, an analysis chapter will detail the trends which emerged, as well as comparing and contrasting the results for these two policy processes. This will be done within the context of the political and economic climate during the periods of examination, as well as within the broader theoretical context of globalization which allows for a deeper understanding of the media's response to each policy and the role that it played in the development of each policy process.

6 Chapter 6: Findings

6.1 Introduction

The case studies in this research have been strongly influenced by two major milestones in Kenya's post-colonial history. The first is the emergence in the 1990s' of multi-party politics in Kenya which began the process of democratisation within the country. The second were the elections which took place in 2007 which were underscored by violence and a strong push toward constitutional change in the country. These have influenced the relationship between the media and the government, as well as the way in which the media operate generally in Kenya. To examine the nature of the role that the media, and the press in particular, played during the process of developing the two policies being studied, a political economic perspective will be used. This sees the interaction and co-relation between the economic sphere and the political sphere so that economics and the means of production are at the core of political life (Gilpin, 1987). This allows the researcher to examine the political and economic interactions which relate to the press and how it engages with the policy process. This chapter will focus on the relationship between the press and the policy stakeholders in Kenya using the data gathered from the content analysis and interviews undertaken. The relationships at play during the policy-making process will be examined to see how they have changed, and the way these relationships influence and are influenced by the role the media at large can play in communications policy in the country.

In order to present the data gathered during this research, the two case studies will be examined individually and then compared in a final analysis in the next chapter. The data being presented here results from interview material with policy stakeholders from government, civil society, media, and academia (for a full list of interviewees see Appendix 1); a content analysis of the two biggest daily newspapers in Kenya – *The Daily Nation* and *The Standard*; and a content analysis of the KICTANet mailing list – established as an online forum for debate. The purpose of the content analysis of the newspapers was to examine the extent of press coverage related to the two policies and evaluate the kind of reporting which was done in relation to these policies, the stakeholders involved and the perception of the press to the policy processes. In conjunction with this, a content analysis of

the KICTANet mailing list was conducted in order to determine the level of participation by the policy stakeholders in an online forum. This particular mailing list was chosen because it was established for the very purpose of being an avenue for multi-stakeholder debate and discussion around ICT policy issues and is heralded amongst the ICT sector community in Kenya as a key channel for initiating change in policy, regulation, services and attitudes in the ICT sector (see Chapter 5 for a history of KICTANet and the mailing list). Together with this quantitative data, interviews with key policy stakeholders from both policy processes (who often overlapped in their contribution to both) will be used to analyse the development of the policies and the role of the media in both.

Having analysed the data, this chapter provides an opportunity to present the major trends and themes which emerged from the data and which provide insight into the kinds of roles the media played during the development of the two policy case studies. This chapter draws heavily on the previous chapters which contextualise the political, social and economic landscape, as well as providing a theoretical basis from which to draw conclusions about the nature of the media's influence on the policy processes.

6.2 National ICT Policy (NICTP)

The NARC government came to power in 2002 promoting a strong emphasis on economic development and poverty reduction (Mbeke, 2008). Part of this meant launching the Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC) in 2003, which is known as the ERS. The strategy should be seen within the wider global context, as Kenya had subscribed to the World Bank's Poverty Reduction and Growth Facility programme (PRGF) in 2000 (Nyong'o, 2005). With the backing of global institutions and local civil society, the government instituted the ERS as a programme that was meant to guide government planning towards economic development and aimed to ensure growth and prosperity for Kenyans through economic investment. One of the key sectors identified by the government as an area for growth with the aim of attracting investment was ICTs and it was thus one of the key agendas' of the new government. The government believed that the ICT sector was

> expected to conbribute significantly to the overall growth, increasing by
> annual average growth rate of 5 per cent. ICT has the potential and capacity

to grow even faster as other sectors begin to adopt IT solutions and management techniques. The strategy therefore is to make Kenya a less agricultural-dependent country by diversifying to other sectors such as ICTs (Ministry of Planning, 2003, pg4).

As a result, the National Communications Secretariat in the Ministry of Information, Transport and Communications began the process of creating a national ICT policy in 2002. Part of this process involved organising what was purported by the government to be a vision of the future – a multi-stakeholder workshop which was intended to bring together interested parties to discuss the needs and way forward for the policy. The conference communiqué claimed that "the conference draws a very broad participation from government Ministries and other stakeholders from both the public and private sectors. The heavy presence of diverse interest groups underscores the importance and urgency of a National ICT Policy for Kenya" (Waema, 2005, pg36). However, the workshop, held in March 2003, turned out to be little more than a meeting of government officials who presented papers on their ideas for the ICT policy. Participants were invited (by the government) from government departments or organisations[25], but not from civil society or the private sector who were therefore unable to engage in policy content discussions. It was from these presentations that a small committee (formed from attendees of the workshop) formulated the draft ICT policy which was then released in June 2004.

Perhaps as a result of the fact that the conference out of which it was borne was solely attended by government officials, the draft ICT policy was never circulated beyond government ministries. Other interested stakeholders were denied access to the document, and it eventually went no further than a draft seen only within government offices. In his account of the role of the private sector in the early policy drafting process, Eldon notes that "meetings with senior ministry officials, whether at the ministerial or permanent secretary level, were almost impossible to arrange, and *formal access to the evolving draft policy paper continued to be denied*" (emphasis my own) (Eldon, 2005, pg52). As a result of a government re-organisation, the Ministry of Information, Transport and Communications became the Ministry of

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[25] Participants were invited from the following: Office of the Attorney-General, Ministry of Education, Science and Technology, Public universities, Kenya Institute of Education and the National Council for Science and Technology, Ministries of: Transport and communications, labour and human resource development, agriculture, energy, environment and natural resources, foreign affairs, home affairs, heritage and sports, lands and settlement, local government, roads and public works, tourism and information, the Provincial Commissioner's office, Kenya Community Broadcasting Network and the African Centre for Women, information and Communication Technologies. (Waema, 2005).

Information and Communications in 2004. In October 2004 it released another draft national ICT policy, though Waema argues that it "appears to be not much different from the June 2004 version, which had been rejected" (2005, pg39). The biggest difference (even if there was little difference in the wording of the policy itself) was the manner in which it was dealt with. Not only was it unveiled at a national workshop, it was also open to the public who were invited to make comments on the policy. In an advertisement placed in a national daily newspaper in February 2005, the Ministry of Information and Communications detailed the objectives of the policy and invited "all ICT Stakeholders" to send comments to the ministry (Rege, 2005).

When the NICTP was published in January 2006, it was said to be based on international best practice and modelled on policy adopted by COMESA (The Common Market for Eastern and Southern Africa) – a body tasked with promoting regional economic cooperation and which had published its ICT Policy and Model Bill in March 2003. The aim of the initiative by COMESA was to provide a "framework for institutional, regulatory and policy changes…through the liberalization of markets and other forms of investment" (ECA, 2003). It is on the basis of such a political economic perspective and the aim of liberalising the ICT market that the NICTP was formulated. One of the key aims of the policy is to facilitate economic growth and grow ICTs in order to stimulate investment and innovation in the sector. In addition to this, the policy is also generally aligned with development goals and aims to "promote social justice and equality; mainstream gender in national development; empower the youth and disadvantaged groups…and achieve universal access" (Ministry of Information and Communications, 2006, pg2).

The policy addresses strategies for regulating and growing a number of sectors within the ICT industry. These are: Information technology, broadcasting, telecommunications, postal services, radio frequency spectrum, and achieving universal access. Within each of these sectors, the policy focuses on principles for achieving its overall goals. These principles are: "infrastructure development, human resource development, stakeholder participation and appropriate policy and regulatory framework" (Ministry of Information and Communications, 2006, pg2). The NICTP is generally a vision document, aimed at providing the regulators, government and "stakeholders" an idea of the ideal vision for the ICT industry in Kenya. It stipulates what should be in place and how things should happen but is not a legislative document with specific statutory powers.

Of particular interest to this thesis is the mention of "stakeholder participation" in the introduction of the policy document. While this may seem to be aligned with the efforts of civil society which had for so long been promoting the need for the policy, on closer inspection of the policy itself, the reference to stakeholders is vague and lacks clear direction for how to ensure participation by different stakeholders. The policy uses phrases such as "Rallying all stakeholders" (pg7), "increasing awareness among stakeholders" (pg11), "process will involve all stakeholders" (pg12), "allow stakeholders to provide inputs" (pg43). The document only once mentions specific stakeholders and then only mentions a partnership between "public and private sector stakeholders" (pg33), which points to a further lack of acknowledgement of the place of civil society as stakeholders.

The NICTP has been under review as a result of the enormous infrastructural and economic changes taking place in the ICT sector in Kenya. Technological changes such as convergence and the movement of transactions to an online environment, as well as the landing of a number of undersea cables in Kenya including the Seacom, The East African Marine System (TEAMS) and the Eastern Africa Submarine Cable System (EASSy) have changed the sector and the scope of the NICTP is no longer adequate. Waema et al (2010) note that "there is an economic blueprint (GOK, 2008a) that the policy needs to align to, and there have been and will be many other national, regional and global changes" (pg8).

6.2.1 Formal interaction between stakeholders

The first process of formal interaction between stakeholders to debate the ICT policy took place in November 2004 when the draft ICT policy was released at a National ICT Visioning Workshop organised by the Kenya ICT Federation (KIF), KICTANet and international donor IDRC. This was a real turn around in the attitude by government towards the ICT policy and promoted credibility of government within the ICT sector. This change in perspective can be attributed largely to the fact that the government had re-organised some of the ministries and that a new Ministry of Information and Communication was established in June 2004. With it came a new Minister of Information and Communication and a new Permanent Secretary for the Ministry, and an attitude that focused more on understanding technology and its place in Kenyan society rather than scoring political points (Bowman, 2010). "This

seemed to herald the beginning of a truly new regime in public participation in policy making" (Waema 2005, pg39). Another factor which played a role in the change in attitude by the government was the impact of the WSIS on the ICT sector in Kenya.

Interviewees also discuss the importance of this initial consultation and the fact that it was a significant change from the previous manner of ICT policy development. Community media co-ordinator and journalist Grace Githaiga, although vague in her description, notes that the process followed an announcement by government saying "there is a document here that has been produced, it's a draft, can we have your views' and therefore you know we did our position". Prof Tim Waema (of the IT department at the University of Nairobi) has been extensively involved in the ICT sector and contributed towards numerous policy processes, including the final development of the NICTP, and noted that he participated in several workshops organised for the purpose of providing feedback about the policy. As a result of the fact that the KICTANet mailing list was only established in March 2005, there is no discussion on the list relating to this workshop. It has however been referred to in journal articles and books which discuss the development of the ICT policy, including Bowman (2010), and Waema (2005).

In an attempt to adequately evaluate the draft ICT policy, a national convention was held in March 2005 which brought together members from civil society, academia, the media, the private sector and donor funders (as invited by the Ministry of Information and Communications) to analyse, critique and provide public input "with an eye to finalising the policy and pursuing future legislative action for implementation" (Kandiri, 2006, pg15). In contrast to earlier consultations, this process drew on a diverse stakeholder group from a range of sectors. "Participants included representatives from civil society, the media, academia, and the private sector as well as development partners. The heavy presence of diverse interest groups underscored the participatory multi stakeholder nature of the national ICT policy process" (Kandiri, 2006, pg15). This further illustrates the vast change in government attitude towards the nature of policy making in relation to this policy and its willingness to engage with other stakeholders at the drafting stage. The question which then needs to be asked is whether these stakeholders took advantage, and specifically in the case of this research, whether the media used this opportunity to engage with other stakeholders in the policy process.

The difficulty with conducting a case study of an event which started in earnest in 2004 (six years prior to the interviews conducted with participants) and ended in 2006 (four years prior to the interviews) is that many of the interviewes could not recount specific details about dates of workshops and formal meetings which took place to discuss and debate the policy. However, there is no doubt that they did take place: electronic records have shown that beyond the meetings mentioned above, two other workshops had been organised to debate the ICT policy. The first was a national convention held in March 2004 to discuss the policy and its implementation strategy. The convention was organised by KIF, KEPSA (the Kenya Private Sector Aliiance) and the Kenya ICT Board, and funded by the IDRC. The convention brought together civil society, the private sector and the government – though representation from all sectors was not consistent across the board and civil society was poorly represented (APC, 2004). The second documented workshop organised to debate the ICT policy was held in July 2004 and organised by APC through its involvement in the CATIA project. This was a regional ICT policy advocacy workshop which brought together stakeholders from the media, civil society and the private sector (APC, 2005). Conspicuous in their absence is the government as stakeholders, although the Minister of the Department of Information and Communication presented the keynote address, the statement by the organisers clearly omits the government from the list of attendees/participants.

A range of interviewees made reference to meetings from across the sectors, these include from Esther Kamweru (Director of the Media Council of Kenya) who remembers that "we invited for example we got together stakeholders of the Media Council who are actually stakeholders of the media industry to discuss what are some of the issues." Muriuki Mureithi (one of the founders of KICTANet, a champion of ICT issues in Kenya and researcher in the sector) adds that

> [the permanent secretary] said 'this policy is being discussed in government as confidential, today I'm releasing it'...and immediately that was done, the next thing is we are ready for public discussion, so we split into various components, using online tools, workshops and so forth, we mounted a lot of discussion in various areas.

Community media co-ordinator and journalist Grace Githaira points vaguely to her involvement stating "we did our position again as a sector and just made recommendations on what we think should go into the policy.. the Ministry [of Information and Communication] invited stakeholders and we gave our positions,

we were invited into the meeting to discuss the nitty gritty". Finally, Eng John Kariuki (who is a member of parliament and head of the committee tasked with gathering stakeholder comments for the NICTP) clearly states that the process involved "structured open consultations with all stakeholders where competition of ideas and reasoning helped to reach consensus and broad ownership of the process".

Despite a lack of certainty about dates of workshops and formal gatherings around the policy, interviewees agree that the process was participatory and drew on a range of stakholders for input. Of the interviews conducted, 14 respondents were asked directly whether the process of developing the NICTP was a multi-stakeholder process. Ten of these interviews responded that is was a multi-stakeholder process. Of the remaining respondents, one noted that it was multi-stakeholder except for the absence of the media and another said that it was to some extent. The remaining two respondents did not know whether it was or not, or had no response to the question. This shows that the process of developing the NICTP was regarded by those interviewed as multi-stakeholder and participatory.

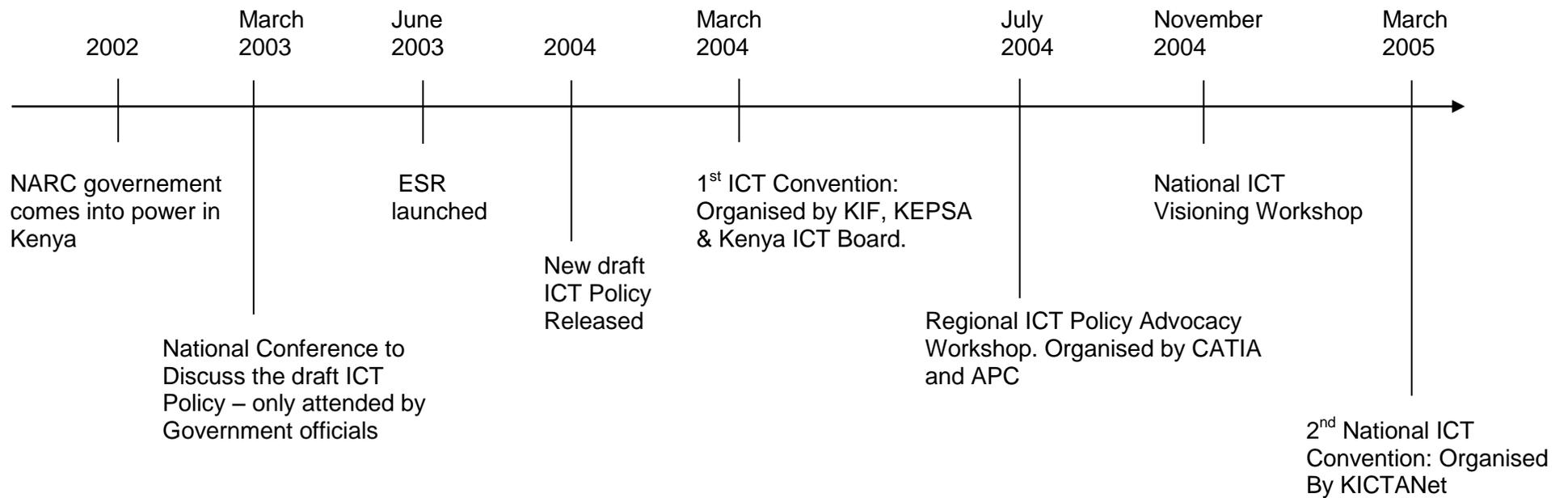| Respondent	Sector	Position & Organisation	Response
Charles Njoroge	Government	Director General – CCK	*Yes*
Bitange Ndemo	Government	PS – Ministry of Information & Communications	*Yes*
Moses Ikiara	Government	Executive Dir – KIPPRA	*Yes*
John Kariuki	Government	Telecommunications expert – NCS	*Yes*
Paul Kukubo	Government	CEO – Kenya ICT Board	*Yes*
Michael Murungi	Media	Freelance reporter (print & online)	Dont know
Michael Ouma	Media	Journalist – East Africa	Didn't answer
Rebecca Wanjiku	Media	Freelance reporter (print & online)	*Yes, except media*
Rose Nzioka	Media	Editor – The Standard	*Yes*
Tim Waema	Academic	Professor – School of Computing & Informatics	*Yes*
Marcel Werner	Civil Society	Chairman – KIF	*Yes, to some extent*
Muriuki Mureithi	Civil Society	CEO – Summit Strategies	*Yes*
Willie Currie	Civil Society	Manager – APC	*Yes*
Brian Longwe	Civil Society	Chairman - KICTANet	*Yes*

Table 3: Interview responses to whether the NICTP was a multi-stakeholder process

Although many could not recall specific dates, they do remember the events themselves and the pariticpants at those events. The fact that my interviewees from a range of sectors (including academia, civil society, government and the private sector) all mentioned attending an event or participating in the process related to the ICT policy meant that such events were by their very nature multi-stakeholder. Dr Moses Ikiara (the Executive Director of the Kenya Institute for Public Policy Research and Analysis) strongly argued that

> preparing the draft itself involved a lot of groups, like actually stakeholders coming together to form a task force and group...consulting, having workshops to produce the draft...I think the permanent secretary of the ministry [of Information and Communication] then went out of the way to get a lot of feedback from the stakeholders. I would say that if you are ranking many policies, it would be one of the policies where you could say stakeholders actually more or less did the bulk within.

Online editor of *The Standard* newspaper, Rose Nzioka, adds that the inclusion of many stakeholders "brought on board many voices that would be directly or indirectly affected by the ICT policy [NICTP]. This ensured that the government did not monopolise or dictate policy issues to suit itself." Other interviewees which also noted either particpating in workshops or being asked to submit comments on the draft include Willie Currie, Moses Ikiara, Bitange Ndemo and Muriuki Mureithi. It is clear that even amongst the small sample of interviewees, a diverse sector of them were directly or indirectly involved in the NICTP, which points to the fact that the process of drafting the NICTP did include a range of stakeholders within the ICT sector.

TIMELINE OF EVENTS SURROUNDING THE NATIONAL ICT POLICY IN KENYA

2002	March 2003	June 2003	2004	March 2004	July 2004	November 2004	March 2005

NARC governement comes into power in Kenya

ESR launched

New draft ICT Policy Released

1st ICT Convention: Organised by KIF, KEPSA & Kenya ICT Board.

National ICT Visioning Workshop

National Conference to Discuss the draft ICT Policy – only attended by Government officials

Regional ICT Policy Advocacy Workshop. Organised by CATIA and APC

2nd National ICT Convention: Organised By KICTANet

6.2.2   Media as stakeholders in the NICTP

While it seems clear that forums were established for stakeholders of the policy which included the government, civil society and the private sector, the question being asked here is whether the media participated in such forums and were engaged in and with the policy process. This will be examined from a number of different avenues. The first is formal workshops or forums which were targetted at the media and their participation in these. Second will be coverage by the two biggest daily newspapers on the NICTP, and finally will be engagement by media practitioners on the KICTANet mailing list on issues around the NICTP.

Respondents of the interviews provided mixed results with regards to their perception of the media's engagement with other stakeholders during the process of developing the NICTP. In total, thirteen respondents were asked what role the media played, if any, in the process of developing the NICTP. The responses can be categorised into three broad areas of participation:

1. No participation,

2. Participation as stakeholders, and

3. Participation through media coverage or reporting.

Only three respondents felt the media did not participate at all (23%), five participants felt that the media were represented as participants and played a role in the policy process as stakeholders (38%); while the largest proportion of respondents (N=6) felt that the media provided either limited or adequate coverage and reporting on the process of developing the NICTP and participated in that way (46%).

Respondent	Sector	Position & Organisation	Response
Alice Munyua	Civil Society	Director - CCK	No influence by media
Muriuki Mureithi	Civil Society	CEO – Summit Strategies	No influence by media
Brian Llongwe	Civil Society	Chairman - KICTANet	Influence as stakeholder
Charles Njoroge	Government	Director General – CCK	Influence as stakeholder
John Kariuki	Government	Telecommunications expert – NCS	Influence as stakeholder
John Kariuki	Government	Telecommunications expert – NCS	Influence through coverage
Paul Kukubo	Government	CEO – Kenya ICT Board	Influence through coverage
Grace Githaiga	Media	Radio journalist	Influence as stakeholder
Rose Nzioka	Media	Editor – The Standard	Influence as stakeholder
Rebecca Wanjiku	Media	Freelance reporter (print & online)	No influence by media
Michael Murungi	Media	Freelance reporter (print & online)	Influence through coverage
Michael Ouma	Media	Journalist – East Africa	Influence through coverage
Solomon Kamau	Media	Freelance reporter (print & online)	Influence through coverage
Tim Waema	Academic	Professor – School of Computing & Informatics	Influence through coverage

Table 4: Interview responses to the kind of influence or role the media played during the process of developing the NICTP

Some of the comments made by respondents provide insight into their perception of media participation. Journalist, Michael Ouma, for example states that "I doubt the media, as I know it, played any influential role in the ICT Policy formulation process apart from providing coverage." This sentiment is shared by freelance ICT reporter Rebecca Wanjiku, who notes that "by the time the media came into the process to protest it was already too late and what they were saying was technically skewed and not true." These views illustrate a less positive interpretation of the way in which

the NICTP was developed. This is further reiterated by Prof Tim Waema who recalled during our interview that "the media was not involved strongly, other than covering events, just like they would cover anything else. They were not quite involved because the media was outside the ICT." Alice Munyua, who was identified as the national animator for the CATIA project which aimed at developing a national ICT policy and tasked with identifying and bringing together stakeholders, pointed out that "the media was the most difficult stakeholder to get to".

Some other interview respondents note partial involvement by the media (over and above coverage of the policy) through representation by the Media Owners Association and other media associations. This is reiterated by Muriuki Mureithi who points to the media's involvement in the process, but only to a point. Mureithi argues that "I would like to say that before that event the media was a key player...by the time we were coming to the Mombasa meeting[26], if we have to look at it from their [the media's] perspective, they may not clearly understand what is in there for them". The media thus limited their involvement because they felt the policy would not influence them or their continued success. When asked what role the media played in the process of developing the NICTP, KICTANet chairperson Brian Longwe states

> The media played a major role. You know with the establishment or discovery so to speak of the multi-stakeholder process and the establishment of the KICTANet mailing list which had a lot of media actors, media players on it – all the way from editors to media owners to journalists – they then had visibility of the wide range of topics being discussed and the divergent views and through the different face to face sessions were able to establish relationships with all the different players...media were a key stakeholder.

While perceptions of those interviewed differed, it is useful to examine formal processes aimed at the media to gain some perspective on their participation in the policy process. The first is a workshop held between the media and KICTANet on the NICTP. The aim of the workshop (as noted in the workshop report published after the event) was "to get senior editors from the Broadcast, Print and Electronic

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[26] Meeting/workshop held in the coastal town with stakeholders to debate and provide feedback on the draft policy, held in June 2005 organised by KICTANet and the Ministry of Information and Communication.

Media to appreciate their role in promoting the use of ICTs as a tool for socio-economic development" (KICTANet, 2006). Participants were drawn from the major media outlets in the country (both print and broadcasting) and KICTANet members (civil society), but failed to include participants from the government or the ICT private sector who were not invited to participate. The workshop was a major step towards engaging the media in policy debates by trying to provide some information and understanding on ICTs, their usage, their impact on society and the regulatory framework within the ICT sector. Over and above sessions on general ICT issues, technologies and developments, the participants were also introduced to the ICT Bill – which was being developed to provide a regulatory framework for the NICTP (which was more of a guideline and vision document). Beyond simply presenting the Bill as a piece of newsworthy information for editorial consideration, the workshop "expected that participants would be in a position to give recommendations that could lead to the enrichment of the document prior to its presentation to parliament for the First reading" (Workshop report, KICTANet, 2006). Discussion was raised by KICTANet members about areas within the ICT Bill which might be of concern to the media including issues around cross media ownership, regulation and funding issues. The media participants of the workshop were recorded as noting the "fact that many of them had never heard of the proposed bill prior to attending the workshop" (KICTANet, 2006). I would suggest that this points to a particular problem within the Kenyan media, specifically the newspapers examined in the case study (*Daily Nation* and *The Standard*), which is that journalists are often unrepresented by any organisation such as the Media Owners Association or the Kenya Editors Guild when discussing issues which relate to media regulation or the communications sector. This issue will be discussed further in the chapter which follows.

Another area of examination with regards to determining whether the media played any role during the process of establishing the NICTP is to look at the KICTANet mailing list. Part of the process of establishing a forum online for discussion and debate in the form of the KICTANet mailing list was to also establish sector specific lists including the following: media, academia, civil society, gender, private sector, women and cybercrime. These theme-based lists were established by KICTANet to allow for sector specific comments to be posted. The media specific mailing list will be examined briefly as an avenue for engagement by the media, more specifically than the general KICTANet mailling list – which will be looked at in more detail later in the chapter because it includes an analysis of of engagement by different

stakeholders beyond the media.

Although I considered conducting an in-depth content analysis of the media specific mailing list, having quantitatively coded the emails for the list between 2005 and 2006, and between 2008 and 2009, it was established that the mailing list was used almost entirely for announcements and not debate or discussion. Over the period coded (2005 – 2006 and 2008 – 2009) only a total of 119 emails were sent to the mailing list, a vast difference to the KICTANet mailing list of which I coded 2844 emails covering every second month over the same period, while for the media mailing list I coded every email during that period (because it was so sparsely contributed to). Of all the emails sent over these four years which were coded as relating to ICT or Communcations policy (N=36 of 119) only 2 provided an actual response to or feedback on the ICT policy. So, while 30.3% of emails sent related to the ICT or communications policy over the 4 year period, only 5% of these (or 1% of the total) show evidence of engagement and debate on the policy itself. The others were either invitations to attend meetings, reports on meetings or agenda's for meetings to be held. This illustrates that while efforts were made to create a space which was targetted towards generating discussion specific to media policy debates and issues around ICT regulation by creating a sector-specific mailing list, the media fraternity failed to engage or participate in the mailing list. This is further illustrated by a brief look at the basic content analysis conducted of the KICTANet Media mailing list.
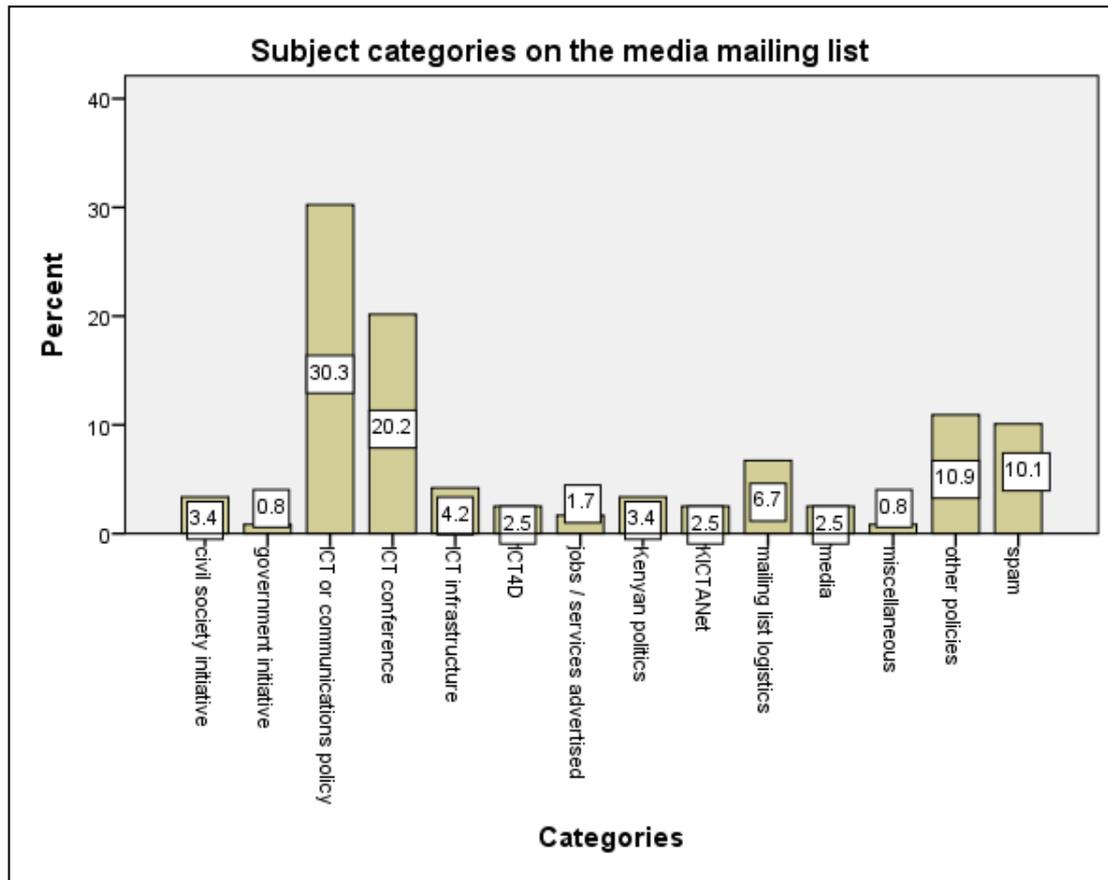
Figure 7: KICTANet media mailing list subject categories for 2005-2009

Within the first month of the establishment of the Media mailing list, a total of 9 emails (N=31, 29%) were sent by members wishing to unsubscribe or informing members of how to unsubscribe from the mailing list. Despite calls by the mailing list moderator and other subsribers to encourage debate, there was very little real engagement on the list. One user, for example, sent an email stating "we have noted that discussions in your sector have not quite picked up. Are you experiencing any problems? Please remember that your contributions on this policy are very important as you are best versed with issues affecting your sector. Could you discuss week one questions and send a summary?" (Annonymous, 2005). It would seem that the media - media owners, manager, editors, associations and journalists – all failed to come forward to participate in a forum which was established specifically for them to engage with each other and with other stakeholders. There could be a number of reasons for the lack of engagement on this mailing list, but the question to be posed is whether the media continued this lack of engagement on the wider KICTANet mailing list which saw thousands of emails being exchanged and covered issues beyond those only related to the media and which may have interested media practitioners.

When looking beyond the media-specific mailing list at the general KICTANet mailing list, the contribution by media practitioners is not much greater and still represents only a small percentage of emails sent. In the two years which relate directly to the establishment of the NICTP (2005 and 2006) 734 emails were sent and coded. Of those, only 19 (2.6%) were sent by media practitioners. Despite the issues which would have integrally influenced the media and the work they did, such as the NICTP and the closure of a major daily newspaper by the government, there was limited engagement and participation by the media.
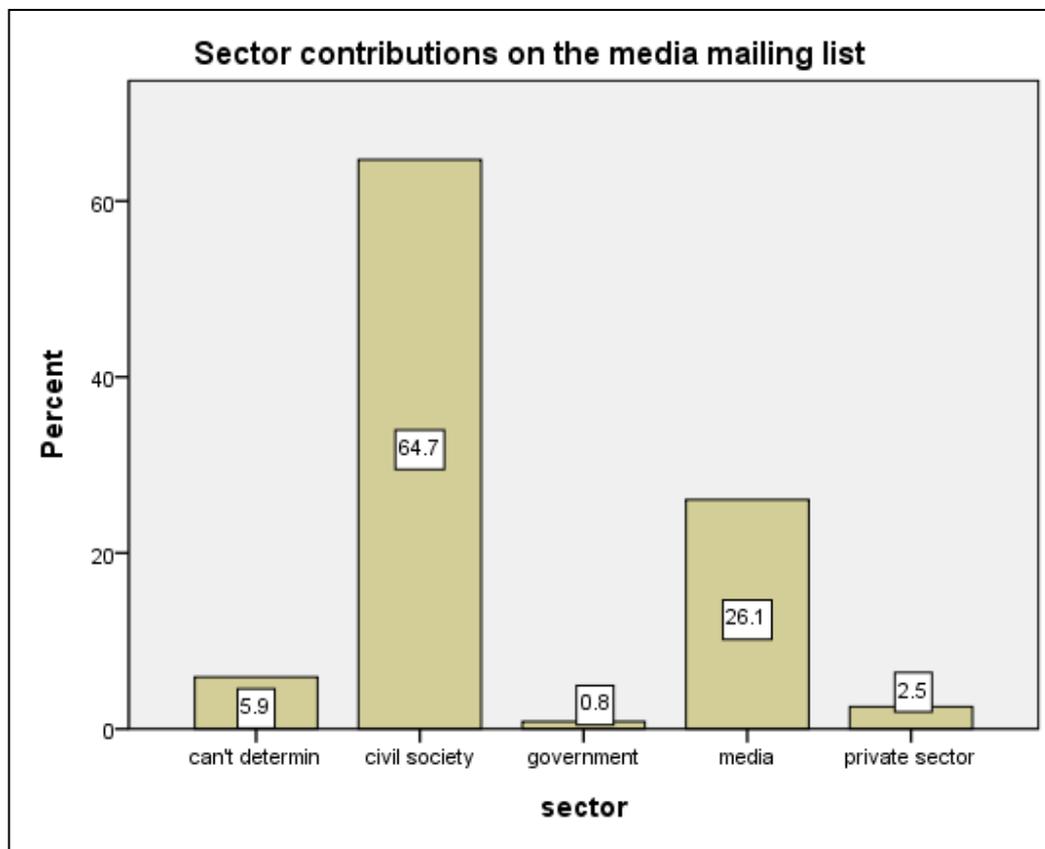
Figure 8: Sector contributions to the KICTANet media mailing list 2005 - 2009

6.2.3 Newspaper coverage of the NICTP

In terms of coverage of the NICTP and whether the press reported on the policy or the process which developed the policy, a content analysis of the two biggest daily newspapers was carried out over a two year period between 2005 and 2006. This period was chosen as the sample to cover one year prior to the NICTP being

published and one year after its publishing. The NICTP was published in January 2006 and the sample period for the content analysis was therefore January to December 2005 and January to December 2006. This was anticipated as a strong focus period for the NICTP because it included the period prior to it being published and therefore period of debate over the draft, as well as the official publishing of the Policy and the aftermath of that including issues around implementation and accountability. Despite regarding this period as a perceived focal point in the NICTP, press coverage of the policy process was limited. A search of the two largest daily newspapers (*Daily Nation* and *The Standard*) revealed only 8 articles between January 2005 and December 2006 which related directly to any ICT or communications policy. Within these, only 5 articles related directly to the NICTP or had any mention of the NICTP ('City workshop faults ICT draft policy paper' – *Daily Nation*, 13 April 2005; 'ICT workshop calls for change in information laws' – *Daily Nation,* 22 April 2005; 'Message from the Minister of Information and Communications – *Daily Nation*, 9 October 2005; 'ICT plays major role in enhancing development' – *Daily Nation*, 28 February 2006; 'Draft ICT Policy' – *The Standard*, 18 February 2005). Of these listed, the last three were advertisements published within the newspapers paid by the government or Ministry of Information and Communications.
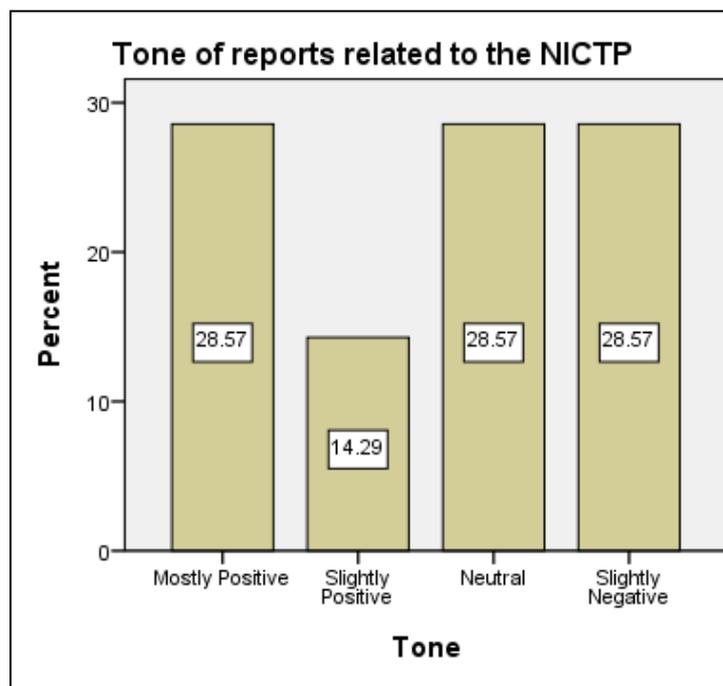

Figure 9: Tone of newspaper stories which related to the NICTP during 2005 and 2006

While a number of interviewees point to the fact that the press did report on events surrounding the NICTP, the evidence points to a lack of coverage. Prof Tim Waema remembers that "the media was not involved strongly, other than covering events"; Eng John Kariuki noted that although the media were participants (in events around the NICTP), "it was up to them to report in whichever manner they wished"; and journalist Michael Ouma says that the media did not play a direct role in development of the policy "apart from providing coverage". It would seem their comments are more in a 'taken for granted' attitude, that the press would have covered the events in the course of their day to day reporting rather than being able to cite specific articles or awareness raising events.

6.2.4   The role of media owners in the NICTP

Having interviewed and analysed the responses of journalists, editors and representatives of the Media Owners Association (MOA), and having an understanding of the media landscape in Kenya, I would argue that as in many parts of the world, both developed and developing, much of the control within the media field is held by media owners and their representatives within their companies – managers and chairpersons. Not only does the data gathered here confirm the work of Gilens and Hertzman (2000), which shows that media ownership influences media content, it goes a step further in highlighting the dominance of the media owners in all aspects of media control. Reference to media owners as 'the media' was a constant theme in the interviews and I would argue that the real power within the media, particularly the press, lies in their hands. Media owners are represented by the Media Owners Association (MOA).

While it may not be direct control from the media owners themselves, their editorial ideology is pervasive in the outputs of the media they own. I would argue that not only do they control content, but they also control the means through which the industry negotiates with the government and other stakeholders. Rose Nzioka, who is a seasoned journalists and editor at one of the largest newspapers in Kenya, argued in her interview that "media owners are very influential when engaging with government over policy issues, since they have the platforms through which to disseminate not only the outcome of negotiations but also the actual process". Dr Peter Mbeke, an academic who studies the media industry in Kenya, clearly stated in his interview that "*the media is the media owner*, the editors are workers. So

when the government wants to negotiate it needs to negotiate with the media owners". Muriuki Mureithi, who was one of the first members of KICTANet, and chairman of the Telecom working group formed to discuss the NICTP, expressed his perspective regarding the media by noting that "the media has a lot of power and is using it, although I wouldn't call it really 'the media', I would call it the owners. They take advantage of their capacity to influence public opinion to safeguard their own interests, so anything that does not pay for them, they are not given media coverage."

The distinction between working journalists and owners or management was clearly articulated by David Matende, chairman of the Kenya Union of Journalists, during our interview when he said that "journalists are willing to dialogue [with government on policy issues], but the MOA doesn't want to negotiate and once business interests are at risk, they come out fighting". In the same vein, *Standard* newspaper journalist James Ratemo pointed out in his interview that "when some of these policies touch on media ownership – you know these are businessmen – they even want to use the writers [and] journalists to push for their agenda...when it touches their [media owners] interests, they fight very hard and they even use us [journalists] to fight because we are the ones who convey this information". The influence of the media owners is unquestionable when one considers the view of Michael Ouma who stated during our interview that "media owners in Kenya still have significant control regarding content and what goes on air or in print. When it comes to media owners' level of influence while engaging government over policy, I think it always depends on the policy issue being debated and how it is set to affect the operations of media owners' outfits".

It is clear from these perspectives – which bring together views from both working journalists and civil society in Kenya – that the lack of print media coverage during the process of developing the NICTP was as a result of the fact that the policy would not negatively impact on the work done by the press in Kenya. The policy was not impacting on the business of producing journalism and therefore not of editorial concern to the owners or managers, which meant it was not of editorial concern to the editors or journalists. ICTs were as yet under-reported throughout Africa at the time, and an understanding of the news value of regulating the ICT sector was lacking, which meant that without an agenda to push either in favour or in opposition to the policy, very little would have been written about it (as is evident

in the two major daily newspapers which were reviewed for this research).

6.2.5   The KICTANet mailing list

The KICTANet mailing list was established in March 2005 as one of the tools for advocacy, engagement and monitoring by KICTANet members. The mailing list operates an open policy, where anyone with an email address can subscribe and receive the emails. The archives are also open for examination without having to have subscribed to the mailing list or be a member of KICTANet. The list is moderated by a KICTANet member to ensure appropriate netiquette is adhered to, but is otherwise open to anyone who can access email. The reason the KICTANet mailing list was specifically chosen as a research tool was because it was regarded by those who have written and been interviewed about the ICT sector in Kenya as a successful output of the work done by KICTANet. The initial interest in the mailing list came from an article written by Alice Munyua on the KICTANet experience during the development of the NICTP, in which she notes that "the online mailing list discussions was the first time ever that a policy process had been conducted using online community methodology in Kenya" (Munyua, 2005). In her views, the mailing list was not only one means through which the policy was debated, but it was the central driver of the policy process itself.

During the interviews conducted for the research, the mailing list was often seen as synonymous with KICTANet itself, and was regarded in the same kind of light as previously mentioned by Munyua – extremely positively and as an avenue for driving multistakeholder engagement. One of the KICTANet founders, Brian Longwe adds that one of the achievements of KICTANet is that it is a "medium that allows dialogue between the different actors in the sector. This happens primarily through the KICTANet mailing lists which are very vibrant, very dynamic, issues of the day come up and there is a lot of different actors who subscribe to these mailing lists". Willie Currie, who worked for APC in collaboration with the Kenya animator during the CATIA project, was encouraging in his praise of the work done, noting that the online forum was "a very successful mailing list that was very well moderated and which drew in not just civil society groupings related to this but private sector and engaged with government so that they effectively created a multistakeholder process which was highly participatory and which all the players felt a kind of buy-in". In addition, freelance journalist Rebecca Wanjika commented that the mailing list was "the ultimate multi-stakeholder forum. People actively participate and when

they are commenting online people tend to be more open to discuss their opinions more freely". It is clear from this diverse group that the mailing list is perceived as an avenue of engagement and a valid avenue of researching participation in the ICT sector.

When examining the emails sent to the mailing list in relation to the policy throughout 2005 only 12 (N=312; 3.8%) of the emails were about the NICTP. None of these emails related to policy content, the majority related to meetings to be held for the policy. I would argue that this highlights the very nature of mailing lists discussed by Cammaerts (2005) where he argues that while they may not always be an online tool for engagement, they are a tool which facilitate face-to-face interaction. What is even more striking about the posts sent regarding the policy is the lack of different kinds of stakeholders posting these emails. Of those 12 emails, only 2 weren't posted by members of civil society – one was from an academic and the other could not be identified. This is a common trend running through most of the posts in 2005 where the vast majority are posted by members of civil society with very little engagement from other sectors – despite the assertions made by inteview respondents that it is a mulit-stakeholder network.

Of the posts emailed in 2005 (N=312), 273 were from civil society (87.8%). While certainly the term 'civil society' does not define a homogenous and like-minded group of individuals working in one sector, the experience of the KICTANet mailing list does seem to point to a lack of diversity within the civil society group. For example, only 19 individuals contributed to the 273 emails sent by members of civil society in 2005. This lack of diversity is highlighted further by the fact that those who contributed more than 10 emails each to the list, of which there were only 9 civil society members, accounted for 81.6% of the 273 emails sent in 2005 by civil society. If the KICTANet mailing list was the organ for multi-stakeholder participation and engagement heralded by the interviewees and its members, it would be expected that the debates on the NICTP would have included members of government, the private sector and the media. Instead, it was dominated by a small sector of civil society and lacked real *multi*-stakeholderism.
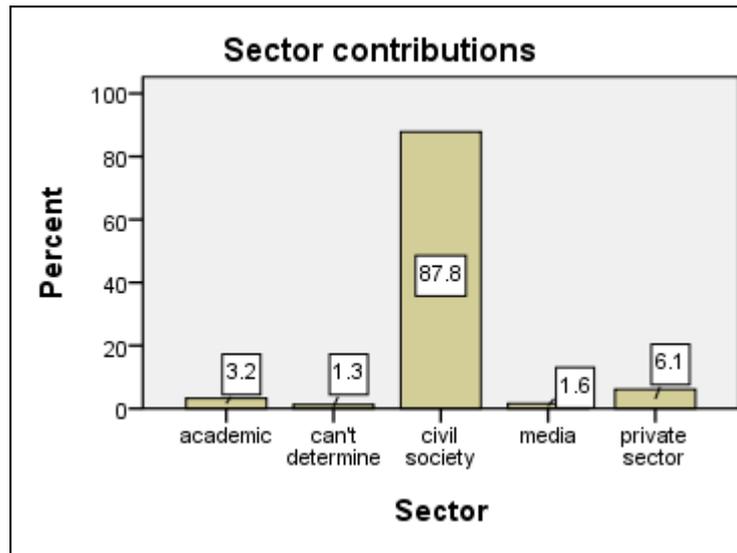
Figure 10: Sector contributions to the KICTANet mailing list in 2005

This does show a limited diversity and supports the notion that people who are active offline, are active online, but if a person is unlikely to be active in face-to-face situations as argued by Cammaerts (2005), they will not be active in the online forums. It could also point to the fact that this was the first year of its establishment and that influential people within the ICT industry (from all sectors) may not have been familiar with the forum. As with the newspaper coverage, awareness about ICTs and their imporance in Kenyan society could also be a factor in the low number of emails. Although this mailing list is targetted specifically at the ICT sector, in 2005 this would have been a comparatively small sector within the economy and would therefore have attracted a smaller number of contributors than the years which followed when the ICT sector grew and was targetted as a sector for deveopment. The number of emails on the mailing list has grown substantially over the years, with 442 emails in 2006, 1162 in 2008 and then a slight decrease in 2009 to 948 emails. This does show a vast growth in the number of emails which were contributed to the mailing list from the year of its inception, but the question is whether there were more contributors and a diverse participation within the emails.

The trend in contributors in 2006 was not much different from that of 2005 discussed above. Although there was a greater contribution by private sector subsribers to the list (16.8%, up from 6.1% in 2005) , the vast majority of emails were still sent by civil society with 72% (304 of 442 emails). There was however a marked improvement in the number of different individuals from civil society contributing to the mailing list, which increased to 35. Although the number of

different people contributing had improved, the core number of emails were still being sent by a small contributing group of only 9 people who had sent 10 emails or more to the list. Between them, these 9 people contributed 76.3% (N=232) of all the emails sent by civil society for 2006. What is even more significant is that one member specificially contributed 30.9% of emails sent by civil society. This means that while there were more individuals contributing in 2006 to the previous year, their contributions were quite small, perhaps even single emails, while the vast majority of emails were still being sent by the same people. Of the other sectors coded, academics made up the smallest portion of contributions with only 5 emails sent by academics (1.2% of total in 2006). The private sector contributions accounted for 16.8% of all contributions (N=71), making the private sector the second biggest group of contributors after civil society. The government and the media were fairly even in their contributions, but much lower than both the private sector and civil society with the government only contributing 4% of emails and the media even less at 3.3% (N=17 and 14 respectively).
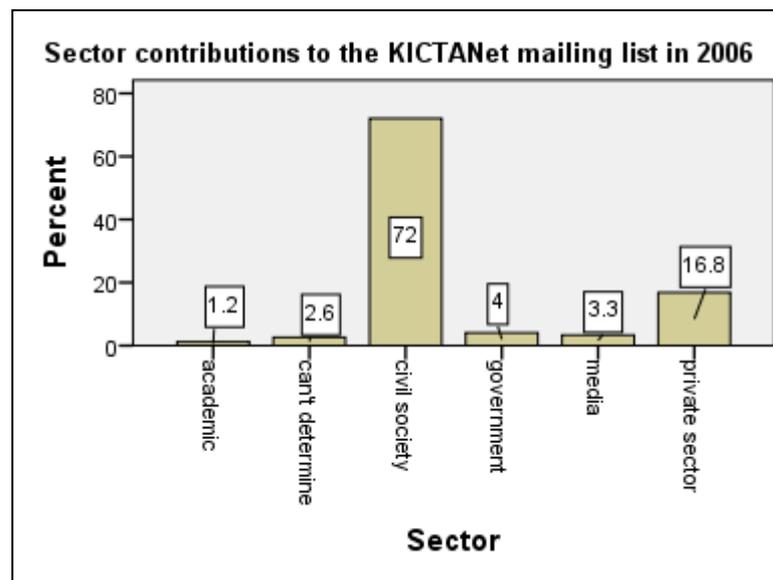
Figure 11: Sector contributions to the KICTANet mailing list in 2006

Emails which were coded in 2006 as broadly related to an ICT or communications policy, were examined and found to cover a few different policies, namely: the government's ICT Strategy Paper, the NICTP, the ICT Bill and a workshop held for media practitioners. Although there was little diversity in terms of who contributed to these posts (only 4 of the 29 emails coded in this category were not written by civil society subsribers), and although few of the emails related to actual debate about content or positions and were instead about informing subscribers about events or

issues, the documents which accompanied a small number of the emails point to more active offline engagement amongst different stakeholders. The fact that documents are being distributed which either provide an agenda to an offline meeting or a report back on an offline meeting further supports the argument that the mailing list is an avenue for offline discussion and engagement and less of a multi-stakeholder online forum for debate in relation to the policy and regulation.
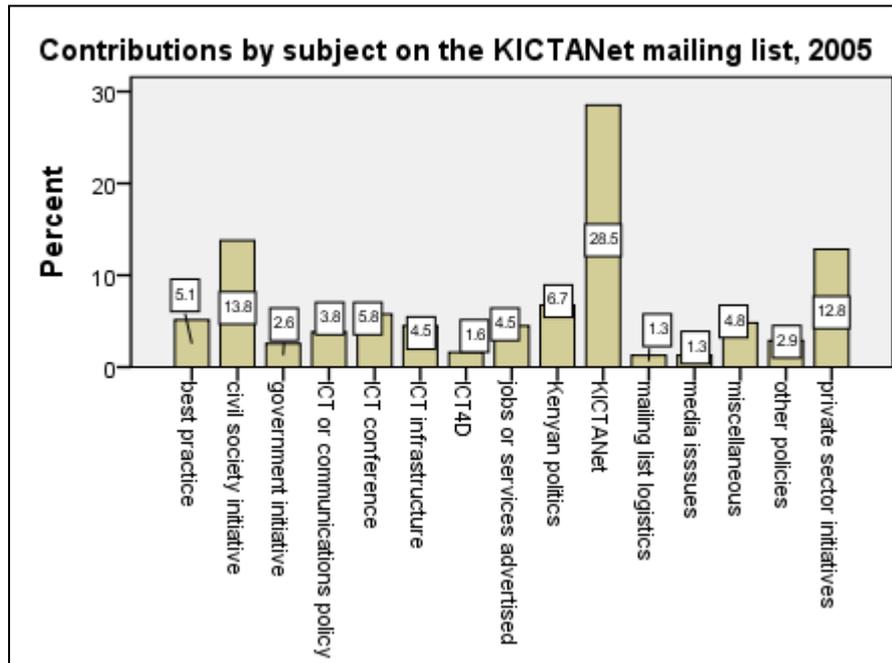
Figure 12: Subject category contribution on the KICTANet mailing list in 2005

Across the two years 2005 and 2006, civil society dominated the discussions with 78.6% (N=577) of the emails sent, while the government and academic sectors were at about the same frequency as the media with only 2.3% and 2.2% respectively. The private sector fared slightly better than these other sectors with 12.3%, but still had not reached anywhere near the amount of emails sent by civil society over these two years. Of the emails sent by media practitioners in these two years, none related to the NICTP or any communications policy or regulation. Most of the emails related to civil society initiatives and specifically to ICANN and its workings. Over a course of two years only two emails were sent by media practitioners which related to media issues. Of these two emails, the first is a comment on the press statement issued by KICTANet in response to the closing down of *The Standard* newspaper (Kenya ICT Action Network Condemns, 2006), and the second (I am told the radio station is now back on air..., 2005) is regarding a radio station which was shut down by the government for allegedly promoting

violence as well as broadcasting beyond its licence agreement.
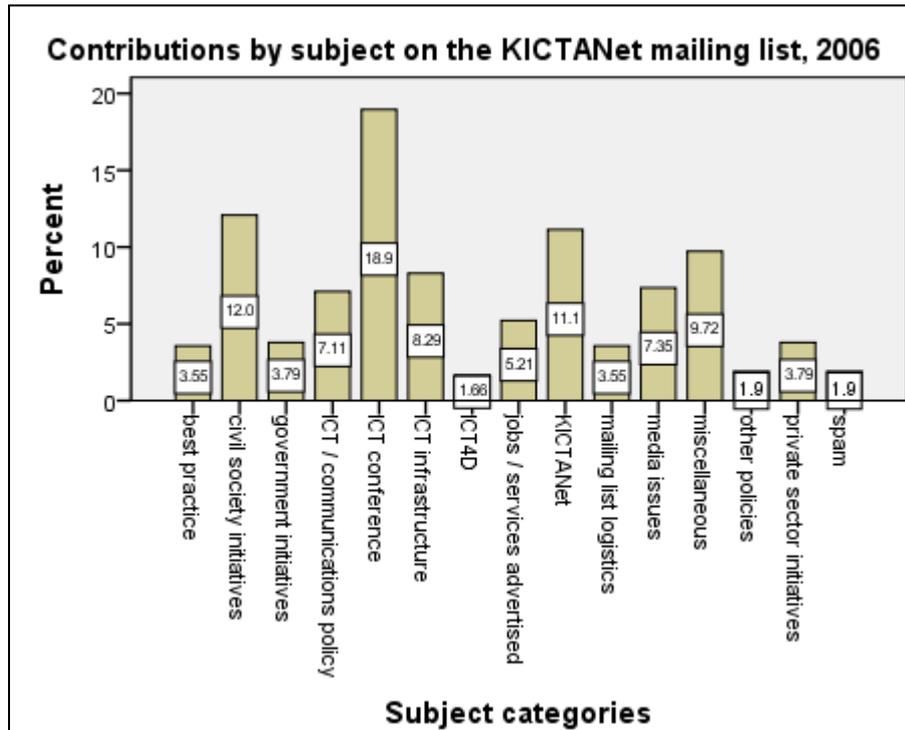
Figure 13: Subject category contribution on the KICTANet mailing list in 2006

Other categories which were written about with some frequency in 2006 include emails about civil society initiatives – which included any projects or meetings organised by a civil society organisation (51=12.1%); the workings or initiatives of KICTANet (N47=11.1%); and ICT infrastructure (35=8.3%). There is no doubt that the mailing list was used to discuss a wide range of different topics, but the fact that ICT conferences is the largest category in 2006 (18.5%) illustrates the nature of the discussions and the fact that the online forum is a space for generating interst in offline activities.

6.3 The next step: The context of the development of the Kenya Communications Amendment Act (KCAA)

The Kenya Communications Act (KCA) was published in 1998 and aimed to guide the government in the process of ICT implementation in Kenya. The aim of the Act was to unbundle the Kenya Postal and Telecommunications Corporation (KPTC) into five seperate entities: the Communications Commission of Kenya (CCK), the

National Communications Secretariat (NCS), Telkom Kenya, Postal Corporation of Kenya (POSTA) and a Communications Appeal Tribunal – each with their own regulatory and infrastructure mandate (Waema, 2005). As discussed previously, the regulation of the sector (especially the broadcasting sector) came after the liberalisation of the airwaves which meant that the CCK was established with the mandate to regulate broadcasting licences after many FM radio stations had already been established. Sections of the KCA aimed to put on paper the key directive and powers of the CCK so that they were then legislated to regulate the sector. Although the Kenya Communications Act of 1998 was passed and published, it was regarded as a tentative first step in the process of regulating and addressing ICT, telecoms and communications issues which had plagued the country. Part of the reason for this is that the KCA focused almost exclusively on broadcasting communications and had no scope for addressing new communications such as the Internet and other communications made possible by ICTs. For this reason, almost as soon as it was published, the process of amending the KCA began (Wanjiku, 2009). This was aimed at addressing its inadequacies with regards to broadcasting, but also addressing the issues being raised by the growth and development of the ICT sector.

As a result of the fact that the KCA was regarded as an initial advancement in a long process, the Kenya Communications Amendment Bill[27] was put forward in July 2008 in order to make amendments, additions and alterations to the original KCA. In order to regulate the information and communications industries in a more structured manner, the Bill focused on four explicit areas: Broadcasting and media, information technology, telecommunications and radio, and postal service. In addition to this, the Bill aimed to create a stronger regulatory environment across the ICT sector by:

-     Creating regulatory, advisory and dispute resolution bodies to support the NICTP
-     Provide a regulatory framework for braodcasting in Kenya
-     Provide a licencing of country code top-level domain administrators
-     Provide a framework for dealing with cyber crime and mobile phone regulation

What follows is an examination of the manner in which the media were able to influence the policy process as it developed between 2008 and 2009 and the

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[27] Which will from here forth be referred to as 'the Bill'

media's relationship with the government and other stakeholders in that process.
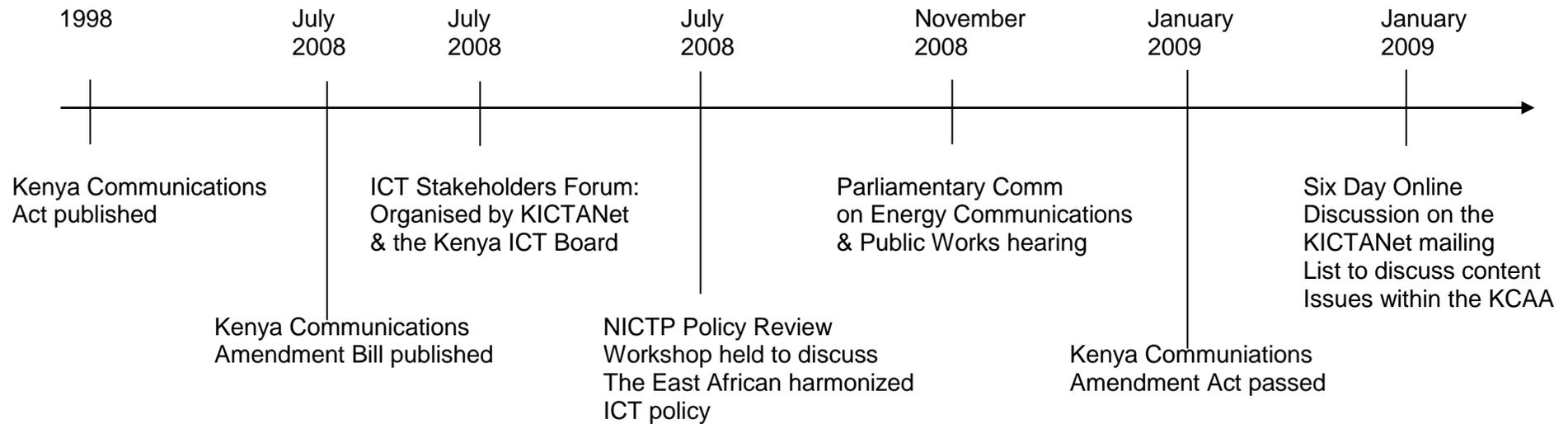
6.3.1 Stakeholder participation

As with the NICTP, the KCAA was a milestone in the ICT sector because it was addressing new technologies and establishing precedents in the sector. E-commerce for example, had never been addressed in any Kenyan legislation prior to the KCAA. Likewise, it makes provision for the first time in Kenyan legislative history for electronic documents, electronic signatures and electronic evidence. The process of developing the KCAA was also regarded as taking advantage of the multi-stakeholder approach by bringing together actors from the government, private sector and civil society to debate and formulate the policy. As Wanjiku notes in her paper, "following several sessions between government, the private sector, civil society and academia in 2006, on 18 July 2008, the minister for information and communications published the Kenya Communications Amendment Bill (2007)" (Wanjiku, 2009).

During interviews conducted with stakeholders in the ICT sector, at least one interviewee from every sector (civil society, government, academia, media and the private sector) stated that they had some involvement in the drafting and development of the KCAA. Dr Peter Mbeke stated that he was asked to review the draft policy by the government and present his findings. Chairman of the Kenya Internet Federation (KIF), Marcel Werner, was forthright in his involvement noting "we [KIF] did almost everything, we analysed the existing draft, we made technical notes, we promoted, we went to parliamentary hearings...it was quite a campaign". This was reiterated by an email sent on the KICTANet mailing list which stated that "KIF has studied drafts currently circulating in the public domain, the Information and Communications Bill, 2008, and the Electronic Transactions Bill, 2007..." (8 July 2008, Anonymous: Legislation and Regulation for e-Commerce in Kenya) which indicates that the Bill was being circulated and commented on by stakeholders at some stages of its drafting process. Charles Njoroge (Director General of the Communications Commission of Kenya) discussed the interaction between stakeholders who were affected by the policy, pointing out that "through our interaction with stakeholders, with our licencees, we did note a number of challenges and it was in the process of addressing those challenges that we were able to offer admendments and to bring also the private sector and licencees to discuss those amendments". This sense of multi-stakeholder engagement is

substantiated by media journalist Grace Githaira who added that the stakeholders were called to review the draft policy, to add comments and to object to questionable clauses. John Kariuki (who is a member of parliament and head of the committee tasked with gathering stakeholder comments for the NICTP) makes mention of "stakeholder consultations" of which he was 'team leader', though does not go into further detail about which stakeholders were invited to such consultations. Law reporter and ICT legal expert Michael Murungi Murungi made a presentation, on behalf of KIF to provide comments and feedback on the KCAA, to the Parliament of Kenya's House Committee on Energy, Public Works and Communications in September 2008 (Murungi, 2008).

The media, therefore, had the opportunity to participate at the agenda-setting stage of the policy process which would have allowed them to raise concerns or comment on issues which influenced them. Interviewees have pointed to the fact that the process was open for consultation and that there were formal events held to gather stakeholder participation. It is clear therefore that the process of drafting the policy included the participation of a number of stakeholders beyond the government. These interviewees have provided evidence of their own involvement and contribution to the drafting process. While it is evident that different stakeholders were influential and had the opportunity to engage with the government and each other in the policy process, the question is whether the media engaged in the policy making process or had any role in influencing the policy outcome.

TIMELINE OF EVENTS SURROUNDING THE KENYA COMMUNICATIONS AMENDMENT ACT

1998	July 2008	July 2008	July 2008	November 2008	January 2009	January 2009

Kenya Communications
Act published

ICT Stakeholders Forum:
Organised by KICTANet
& the Kenya ICT Board

Parliamentary Comm
on Energy Communications
& Public Works hearing

Six Day Online
Discussion on the
KICTANet mailing
List to discuss content
Issues within the KCAA

Kenya Communications
Amendment Bill published

NICTP Policy Review
Workshop held to discuss
The East African harmonized
ICT policy

Kenya Communiations
Amendment Act passed

6.3.2 Engagement between the media and policy stakeholders

Through the course of interviewing stakeholders from different sectors, the perception by those who were asked about the media's involvement in the policy was generally negative. Although many interviewees pointed to the fact that things had changed in the country since the 2007 elections, they pointed to the fact that the relationship between the media and the government continued to be strained. In her interview, Alice Munyua regarded the relationship between the government and other stakeholders in the early stages of the policy drafting process as "tense", but once the stakeholders (civil society and the private sector from the ICT industry) felt the KCAA was necessary in order to ensure the growth of the ICT sector, they began to regard the media as an outsider because of its continued opposition to the policy. She adds that "the government told the media that they'd had enough and we need to regulate content, and civil society and the private sector agreed with the government, and the media was standing on its own".

In total 21 interviewees were asked what kind of role they thought the media played during the process of developing the KCAA and the debating of The Bill. The largest proportion of respondents stated that they felt the media influenced the process of developing this policy through biased or negative reporting. Of the 21 respondents who were asked this question, 11 responded that they media influence the process through biased coverage (52%). Six respondents felt that the media participated through lobbying or protesting against the Bill (28%), four respondents regarded the media's role in the policy development as through objective reporting and information dissemination (19%), and only two respondents felt that the media played no direct role in the process of developing the KCAA (9%). What is striking from this categorisation of the interview responses is that none stated that the media influenced the process of developing the policy as stakeholders or through direct participation with other stakeholders. The media were clearly regarded as outsiders who were reacting against the policy rather than as stakeholders who were sharing their concerns.

Respondent	Sector	Position & Organisation	Response
Bitange Ndemo	Government	PS – Ministry of Information & Communications	Negative or biased reporting
Paul Kukubo	Government	CEO – Kenya ICT Board	Negative or biased reporting
Bitange Ndemo	Government	PS – Ministry of Information & Communications	Lobbying or protesting
Charles Njoroge	Government	DG – CCK	Lobbying or protesting
Charles Njoroge	Government	DG – CCK	Informing / objective reporting
John Kariuki	Government	Telecommunications expert – NCS	No role / influence
Brian Llongwe	Civil Society	Chairman – KICTANet	Negative or biased reporting
Marcel Werner	Civil Society	Chairman – KIF	Negative or biased reporting
Peter Mbeke	Academic	Lecturer – School of Journalism	Negative or biased reporting
James Ratemo	Media	Print Journalist – The Standard	Negative or biased reporting
Larry Madowo	Media	TV Reporter – The Standard Group	Negative or biased reporting
Michael Murungi	Media	Freelance reporter (print & online)	Negative or biased reporting
Michael Ouma	Media	Print journalist – East African	Negative or biased reporting
Rebecca Wanjiku	Media	Freelance reporter (print & online)	Negative or biased reporting
David Matende	Media	Chairman – Kenya Union of Journalists	Lobbying or protesting
Linus Gitahi	Media	CEO – Nation Media Group, Chairman - MOA	Lobbying or protesting
Solomon Kamau	Media	Freelance reporter (print & online)	Lobbying or protesting
Rose Nzioka	Media	Editor – *The Standard*	Lobbying or protesting

Esther Kamweru	Media	Exec Dir – Media Council of Kenya	Informing / objective reporting
Linus Gitahi	Media	CEO – Nation Media Group, Chairman - MOA	Informing / objective reporting
Solomon Kamau	Media	Freelance reporter (print & online)	Informing / objective reporting
Grace Githaiga	Media	Radio journalist	No role / influence

Table 5: Interview responses to the kind of influence or role the media played during the process of developing the KCAA

It is difficult to understand why the media didn't react with other stakeholders to ensure their concerns were addressed at the initial stages of the drafting process, but their lack of engagement was unmistakable.

> I have to give the government credit for the way they handled the whole process. Several times they called the key players in the media, the media owners and the media editors to consultative sessions...and what happened each time was that the media houses sent junior journalists to sit in these sessions and it was like most of the guys who went for these sessions didn't have a clear brief, they thought they were just going there to cover and report what was happening as opposed to acutally participate in a consultative process – Brian Longwe

Brian illustrates the fact that although the media were invited to participate, they lacked real engagement in the process because they sent junior journalists who were ill-equipped and ill-prepared to fully engage in the policy-making process.

Muruiki Mureithi, who has long been an advocate for ICT policy and growth in the ICT sector in Kenya remembers the conduct of the media in relation to the Bill, stating that "I have not seen the media engaging themselves with the other stakeholders...they don't reach out to leverage other stakeholders to support them". He went on to use the telecommunications sector as an example of a stakeholder group which may have felt "under attack" from certain aspects of the Bill, but rather than act defensively, "they always came out to work with others" and in doing so won their support on the issues which were important to them – something the media failed to do in his opinion. The position of civil society in relation to the media engaging in policy dialogue is clear from the views expressed by these interviewees, but the question is why? If the media were invited to participate in

discussions on aspects of a Bill which they were opposed to, why didn't they bring forward their views?

In examining the remarks made by media practitioners regarding the media's engagement in the policy process (in the early stages of drafting), one might garner some insight into the problems encountered. James Ratemo, an ICT reporter for one of the two biggest media houses in Kenya (*The Standard*) felt the media participated well in policy discussions, that the media were well represented through organisations such as the Media Council of Kenya, the Editors Guild, the MOA and the Kenya Union of Journalists. He felt that the problem was with parliamentariants who went agains the comments and "input" made by the media and instead "for their own selfish interests" amended the policy to their own favour and then passed it onto the next stage of the process. In direct contrast to this, Joyce Lukwiya noted in her interview that "the MOA were not represented and when the Bill went through [was passed], they reacted". These two opposing views may contradict each other, but they point to the fact that working journalists were not fully aware of what direct negotiations and engagment took place between the media fraternity as a stakeholder in the policy and the government and other stakeholders.

What became very clear during the process of passing the Bill was that by the time it was ready to be passed, the media were strongly opposed to it. This will be examined further in the analysis of the press coverage of the KCAA, but another important question to ask is why the media found the KCAA such a contentious change to the original Act? Media practitioners (journalists, managers and members of associations) who were interviewed (David Matende, Joyce Lukwiya, Larry Madowo, Linus Gitahi and Michael Ouma) for this research regarded sections of the KCAA as attempts to control media content and regulate media ownership. In a research paper written to provide an overview of the KCAA, Rebecca Wanjiku (who was also interviewed for this research) notes a number of 'contentious' clauses within the Bill which were causing the negative reaction by the media.

- Section 88:
This section of the Bill, which had been unchanged from the original KCA (and which had been included from policy which dated back to colonial days) gave the government certain powers to restrict media coverage during a state of emergency. These include: allowing an authorised officer the power to temporarily take posession of any apartus of communication within Kenya; and that any signal within Kenya can be intercepted and disclosed as required.

- Section 46J

This section allows the Communications Commission of Kenya the power to revoke a broadcasters licence in one of three cases:

1. If the broadcaster is in breach of provision of the KCA

2. if the broadcaster is in brach of conditions of its licence

3. if the broadcaster does not use its allocated frequencies within one year of being assigned them.

- Other parts of Section 46, including Section C & Section H which addressed local content and programming, Section I which addressed responsibility, and Section R which addressed cross-media ownership.

The government deliberately included a section on media content regulation as a result of the failures it saw from the media - especially during the post-election violence in 2007 (Wanjiku, 2009). Despite what the government regarded as democratic reasoning for the regulation of media and its content – based on the ideals of the developed world, where media content is regulated – the media in Kenya strongly opposed particular parts of the Bill and were able to eventually lead to its further amendment and the withdrawl of certain sections. In his interview, Eng James Kariuki (Communications Technology expert at the National Communications Secretariat) clearly states that "...the media did not wish to be regulated and this is understandable. However, all democracies in the world do regulate broadcasting and we saw little reason why Kenya should be different".

Interviewees agree that the media not only failed to engage during the process of developing and debating the policy, but when they did respond to the policy – whether publicly through their coverage or in forums such as the KICTANet mailing list – that they failed to examine the Bill as a complete document which covered areas such as e-transactions and e-commerce, and focused almost entirely on the Bill as through it was aimed at the media. Marcel Werner, chairman of the KIF, felt that the media regarded the Bill as an attempt to censor the media and noted that the media then "just concentrated on that part, so what you see in the press in those months is only the media situation". Freelance journalist Michael Murungi also pointed to the fact that the media focused on the power awarded to government institutions to close down broadcasters and said that "this became the fulcrum of media's reporting about the Bill". Another journalist who works for the Standard

Group acknolwedged the fact that the media ignored sections of the Bill and conceded that "there are some good pieces of chapter or clauses of that Bill that were perfectly acceptable but it was completely wholesale condemnation [by the media] and a lot of Kenyans actually thought the government is trying to gag the media...there are also some thoughtful clauses in that, that were completely eclipsed in the brouhaha".

Paul Kukubo (CEO of the ICT Board) adds that "the media looked at it [the Bill] completely from a very inward looking, they looked at it as a media bill". This will be examined further in the discussion on the media's coverage of the Bill and this kind of attitude is clearly reflected in the headlines and reports by the media on the Bill. Rebecca Wanjiku, who tried to provide some insight into the reason for the media's lack of engagement in the process, argues that "there is a lack of depth of understanding about the media's own issues when it comes to policy...Generally understanding is poor. By the time the media came into the process to protest [against the KCAA] it was already too late".

I have identified the general elections in 2007 as a key milestone in the development of the second policy case study being examined because it significantly influenced and altered the relationship between the media and the government in Kenya from 2007. As a result of the clamp down on live reporting by the media during the releasing of the election results, the media have become defiantly opposed to any legislation or regulation which allows for its closure or banning by the government. The media's resentment of the government is made clear by Marcel Werner who pointed out that "it [the publishing of the KCAA] was also not long after the election fiasco where the same PS [permanent secretary Ndemo] ... had gagged the press for some time during the election violence, so that was a sore experience that the media had not forgiven. So we got still a hangover from that situation, so that is perhaps why their response was more vehement than would otherwise have been the case". Solomon Kamau clearly positions himself in opposition to the media regarding their role in the election violence, stating that "there are situations where the media and the government is at loggerheads, especially when it comes to matters which are perceived to be detrimental to national security" as a result of the media's role in the elections because "the media is considered as the main perpetrator of the violence".

The fine line between regulation and oppression was one of the biggest angles used by the media to oppose the KCAA as the policy continued to allow the government (as a result of Clause 88 in the KCAA) to shut down media broadcasting during a State of Emergency (a measure which had been in place in the original Communications Act published in 1998). This will be further elaborated below within the examination of the media's involvement in the KCAA through the mailing list and through reporting in their own newspapers (*Daily Nation* and *The Standard*).

6.3.3   Newspaper coverage of the KCAA

The content analysis to evaluate newspaper coverage within *The Standard* and *Daily Nation* of the KCAA took place over a two year period from January 2008 until December 2009. The newspaper coverage was evaluated by searching for articles which made mention to the KCA, the Media Bill or any other policy/event which related to the KCAA. In terms of the newspaper coverage of the Bill, December 2008 was the only month in that whole year which received any coverage from either newspaper. Within that month, 71 newspaper articles from the two newspapers were coded as having some relation to the Bill. The fact that the document had been in the public domain for more than 4 months without any press coverage brings into question why the press were only now reporting on the Bill.

Articles which were coded were examined for the tone of the report in relation to a number of sub-categories: the Bill itself, media regulation, the policy process, the media's involvement in the policy, government processes within policy making, and NGO and other stakeholder involvement in the policy making process. These were all categorised on a scale between slightly positive, mostly positive, neutral, slightly negative and mostly negative. Of the newspaper articles coded which related directly to the policy, 79.3% were slightly or mostly negative towards the policy. Those articles which related the Bill to media regulation were slightly or mostly negative 92.3% of the time. This generally shows a tendancy towards negative writing and negative portrayal of the policy and it implications (especially towards the media). The press clearly regarded the Bill as an attempt to control the media and perceived and portrayed media regulation in a negative light. As a result of the printed press' attitude towards the policy and previous tensions between the media and the government, all topics which related to the government or the policy process itself leaned heavily in the slightly and mostly negative tone. Those which related generally to the policy process, or the process of developing the policy were

either slightly negative or mostly negative in 87.5% of the stories, and those stories which related to the process put in place by the government in relation to the policy had no positive, but were negative (slightly or mostly) in 94% of the stories with the remainder being neutral. Those stories which resulted in a positive tone in relation to the policy were those that mentioned the media's involvement in the story, which were positive 61.1% of the time with the remainder being either neutral (11.1%) or slightly and mostly negative (27.8%). 71.5% of the stories which mentioned NGO or other stakeholder involvement were also either mostly or slightly positive, with the remainder being neutral (no negative tone was noted in relation to other stakeholders beyond government).

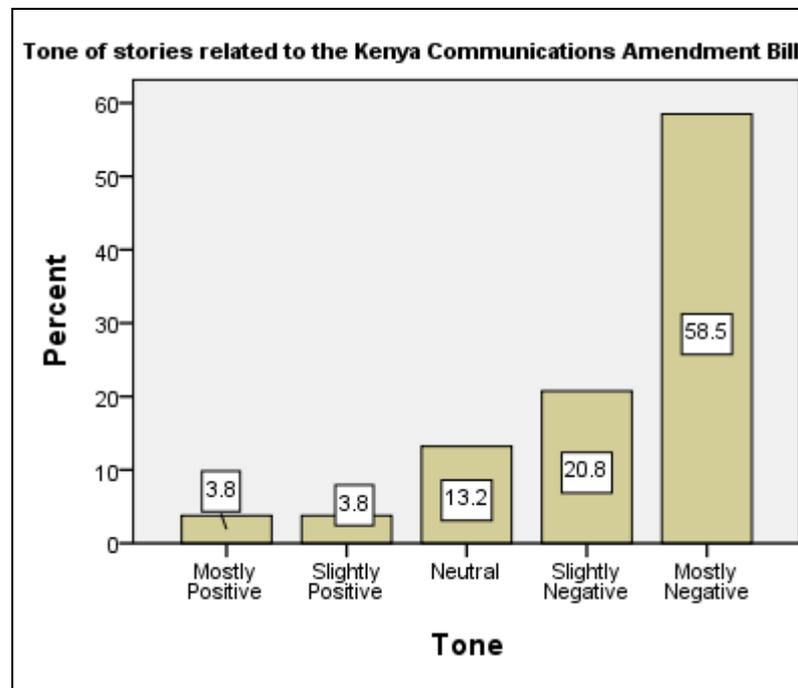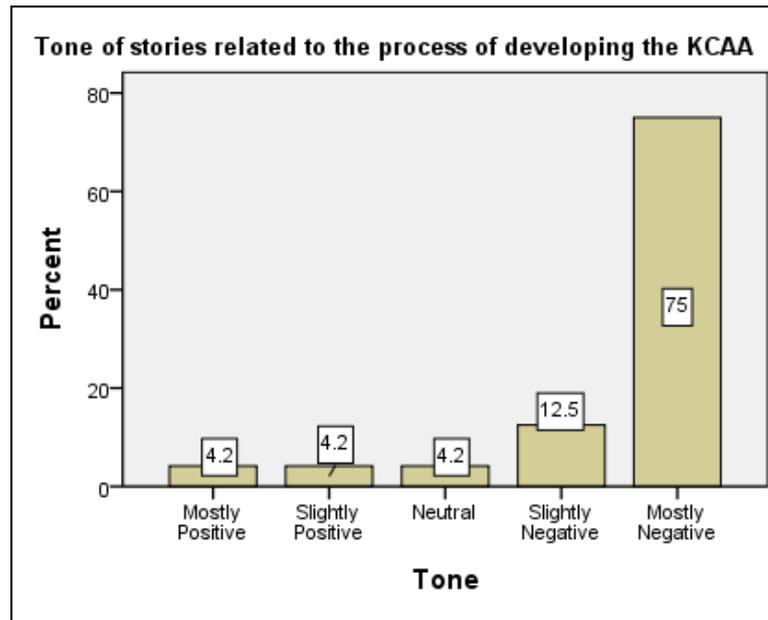**Figure 14: Tone of newspaper stories in relation to the policy**

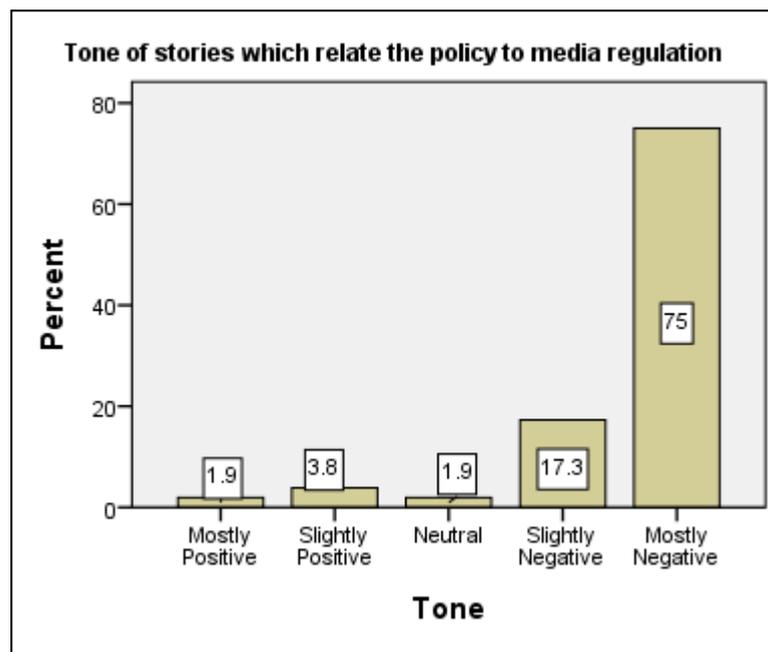**Figure 15: Tone of newspaper stories in relation to the policy process**

Figure 16: Tone of newspaper stories in relation to media regulation
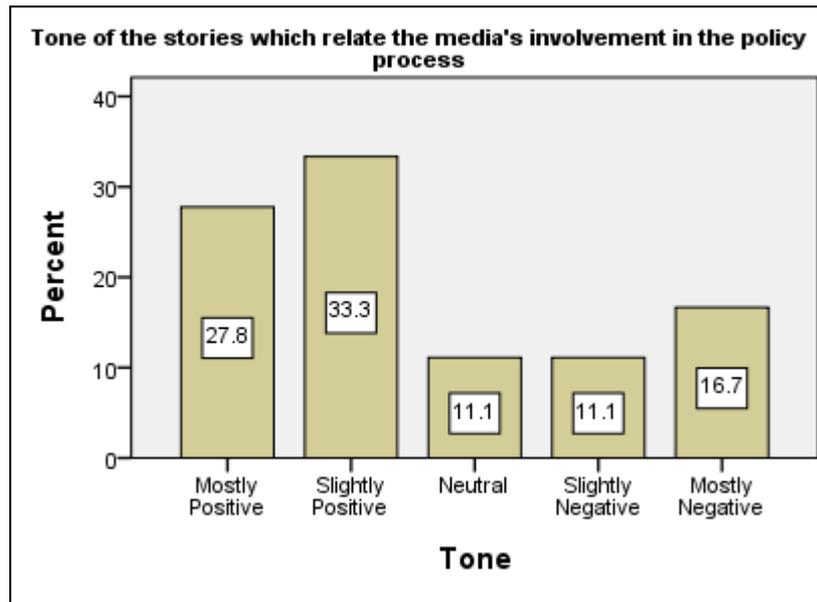
Figure 17: Tone of newspaper stories in relation to the media's involvement in the policy process
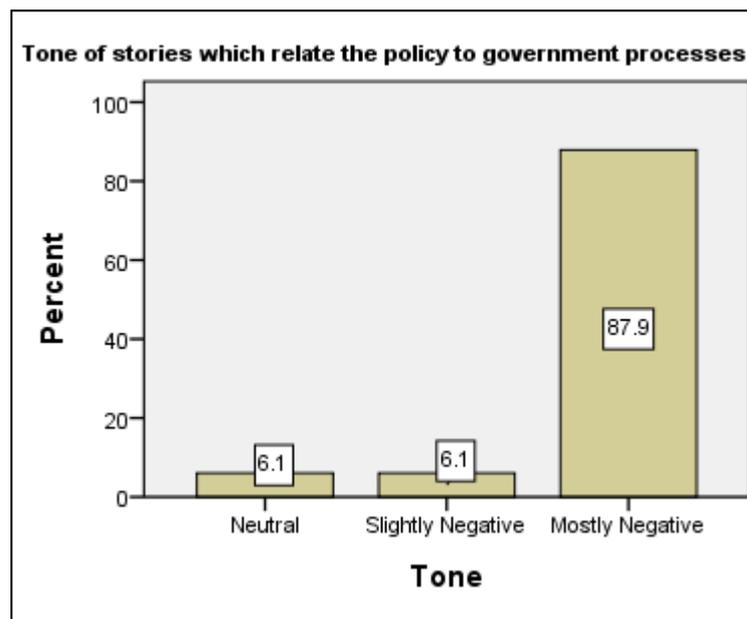
Figure 18: Tone of newspaper stories in relation to government processes
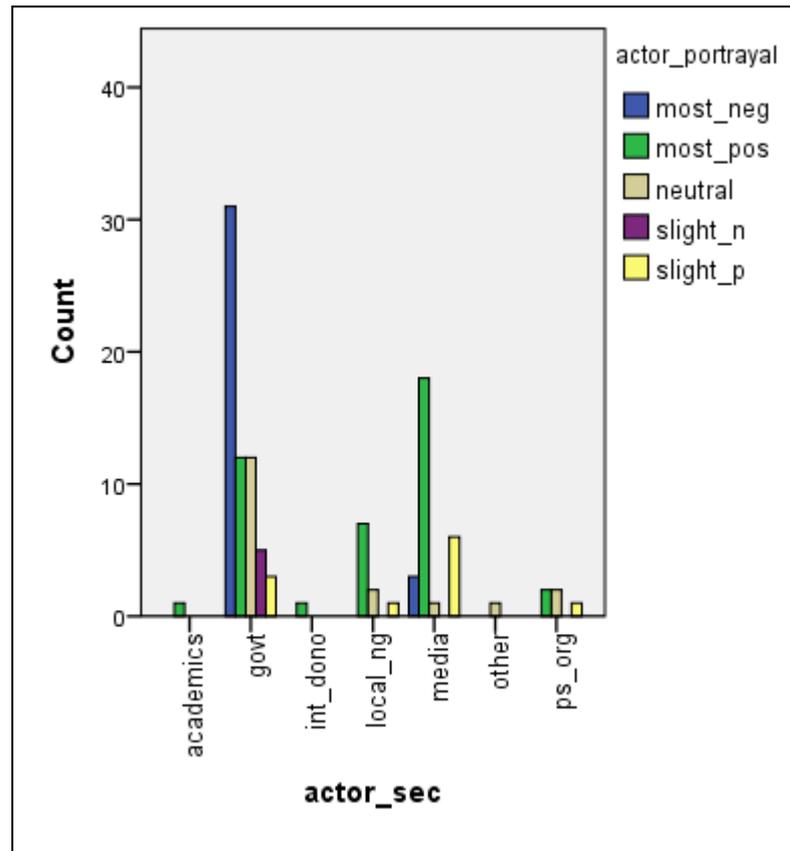
Figure 19: Overview of tone towards different sectors within newspaper stories
(govt = government, int_dono = international donors, local_ng = local NGO, ps_org = private sector organisation).

Interviewees concur with this assessment of a generally negative perception and portrayal of the Bill by the press. Michael Murungi argues that "reports about the positive aspects of the Bill were few and far between, if any, and the negative reports were often exaggerated and inaccurate". Chairman of the Kenya Union of Journalists, David Matende, who one would expect to have a favourable opinion of the printed media's actions was clear in his views stating that "the media can be petty and parochial in protecting their interests...when their bottom line is threatend they become selfish and forget the public's interest". This provides some insight into why the press reacted the way they did, they felt that their 'bottom line' was in danger and therefore portrayed the Bill in an almost entirely negative light.
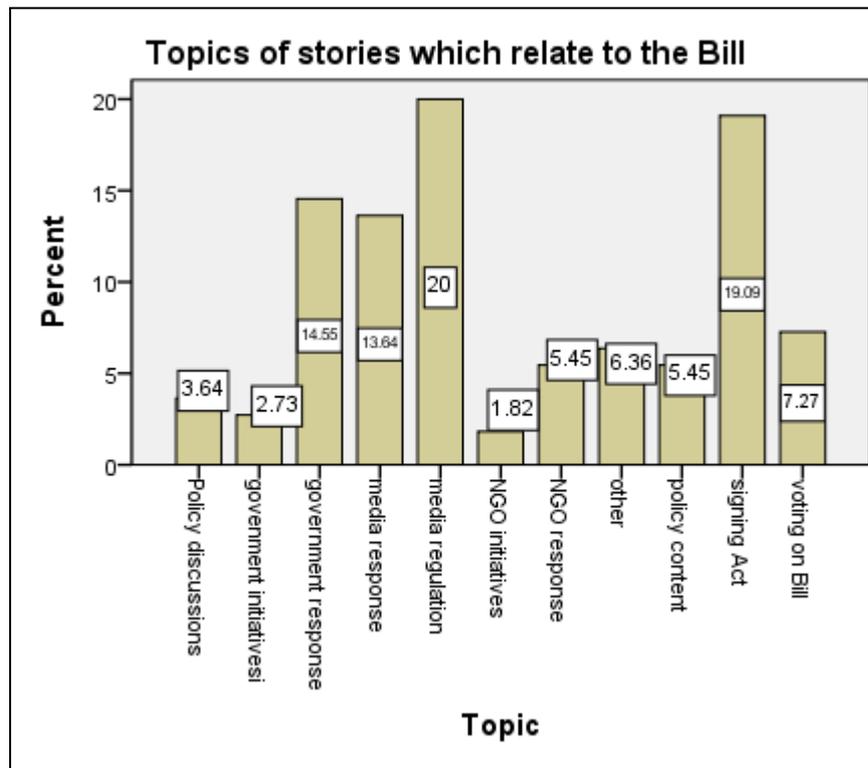
Figure 20: Newspaper story topic categories for 2008 and 2009

It is clear from the tone in which the stories were published by the press in relation to the Bill that they felt it was a restraint on media freedom and would be a negative step in terms of their ability to perform their duty. One aspect of the way the newspapers reported on the issue was the fact that, as Paul Kukubo (Director of the CCK) pointed out in his interview, the media regarded the KCAA as a policy which focused only on the media sector and not on the broader ICT sector in Kenya. If one looks at the categories of stories coded, the largest category was 'media regulation' which accounted for 20% of the stories. This indicates that the press wrote about the KCAA in relation to its influence on the media, while ICT issues were not coded at all because they did not emerge as a story category (because the KCAA was never written about in relation to the wider ICT sector). Paul Kukubo (Director of the Kenya ICT Board) noted in his interview that the press "looked at it as a media bill", and headlines such as the following illustrate the way in which the media portrayed the Bill (note emphasis in these headlines is my own):

- Of 'Pontius Pirate' Poghiso and the bitter pill in the *Media Bill* (*The Standard* on Sunday, December 14 2008, pg14)
- President should exercise constitutional powers and reject the *Media Bill* (*The Standard* on Sunday, December 14, pg14)

- Government silent as national outrage rises over *Media Bill'* (*The Standard* on Sunday, December 14, pg14)
- Rights body urges Kibaki to dump *Media Bill'* (*The Standard* on Sunday, December 14, pg3) .

Michael Ouma, himself a journalists, points to the fact that

> while the other players or stakeholders in the ICT industry were lauding the document as being progressive as relates to other ICT matters, the media industry was not comfortable with the document's clauses on cross-media ownership, this lead the media to focus more on the issues that touched on the media industry itself and kind of ignored or glossed over those clauses that were being highlighted by the rest of the ICT industry as satisfactory. – Michael Ouma.

This shows that the headlines above were not simple editorial freedom which allowed the press to shorten the Bill's name or give it a nick-name, but rather a flaw in their coverage due to their focusing on the aspects of the Bill which touched on media issues.

In addition, some interviewees claimed that the newspapers carried out not only subjective and negative reporting, but of also 'blacking out' supporters of the Bill during this period. When asked whether the press did exclude supporters of the Bill in their coverage, Joyce Lukwiya notes that "it is true to a certain extent. The media gave a lot of airtime to say what they wanted to say...It was a powerful message though it might have affected the media's objectivity". Data from the interviews substantiates this sentiment and points to the fact that both journalists admitted to 'blacking out' supporters of the Bill and that those who consumed the printed media at the time noticed the distinct absence of balance in reporting on the Bill. The question of whether there was a media 'blackout' was posed to most of the media practitioners interviewed during the research. In total, 11 respondents were asked if they were aware of the practice and knew it had taken place, and of these 9 were journalists or in the media field. Of these 9 media practitioners, only one said that she had no knowledge of the practice occuring during the coverage of the development of the Bill. The other 8 all acknowledged that it had taken place or were involved in its occurance (88%). The other two interviewees asked whether they had knowledge of it occuring or had noticed its occurance both also concurred with the fact that the media had 'blacked out' supporters of the Bill.

Respondent	Sector	Position & Organisation	Response
David Makali	Media	Chairman – Kenya Union of Journalists	Yes, the media did blackout
Esther Kamweru	Media	Exec Dir – Media Council of Kenya	Yes, the media did blackout
James Ratemo	Media	Print journalist – *The Standard*	Yes, the media did blackout
Joyce Lukwiya	Media	Freelance journalist (print & online)	Yes, the media did blackout
Larry Madowo	Media	TV Reporter – The Standard Group	Yes, the media did blackout
Michael Murungi	Media	Freelance journalist (print & online)	Yes, the media did blackout
Michael Ouma	Media	Print journalist – *East Africa*	Yes, the media did blackout
Solomon Kamau	Media	Freelance journalist (print & online)	Yes, the media did blackout
Rose Nzioka	Media	Editor – *The Standard*	No, the media did not blackout
Peter Mbeke	Academic	Lecturer – School of Journalism	Yes, the media did blackout
John Kariuki	Government	Telecommunications expert – NCS	Yes, the media did blackout

Table 6: Interview responses to whether the media practiced a 'blackout' of supporters of the KCAA

Esther Kamau (who as the head of the Media Council of Kenya is responsible for monitoring the media's actions) reiterates by stating that "The media did black out people who supported the KCAA". Providing the most detail, as a working journalist for The Standard Group, Larry Madowo describes what he experienced during the coverage of the Bill:

> Part of the government and part of the MPs and ministers that were considered to be for the Bill didn't get any coverage in the electronic media and the print media apart form the national broadcaster of course. And I don't know if the media does that in other parts of the world, but it was a little curious. It did happen because mostly it was the government side of the

coalition that wasn't for the bill that much, the opposition tries to sympathise with the media when it suits their causes ... It was effective, not completely professional, but it worked. I remember going out on a story about the Minister of Information, but we can't air that story – it was completely unrelated to the Media Bill – because we blacklisted him – Larry Madowo.

Solomon Kamau provides an interesting economic perspective on the media's biased attitude towards the politicians who supported the Bill and agrees that they did in fact black out people who they felt were against the media. Beyond this, not only did they practice this subjective reporting, but in his estimation were effective in their methods. He argues that "the media did black out people who supported the KCAA, and while this tactic was effective, it was not the best option since the major media companies are owned by the politicians".

Of all the interviewees spoken to during this research, the only one to refute the claim that the media blacked out supporters of the Bill was Linus Gitahi who argued that "we reported normally...there were talks, discussion to the effect that because we were disagreeing with the politicians we were going to black them out, that was totally unfounded". However, practitioners interviewed began to regard their conduct as less than professional. Law reporter Murungi illustrates the problem by noting in his blog that "fewer pieces of legislation have enjoyed as much bad press as the Kenya Communications (Amendment) Bill...A lot of the material that was out there seemed to harp on one perceived shortcoming in the Act or the other" (Murungi, 2009). One Managing Director within the Nation Group noted his opinion of the media's coverage in a column sourced from the *Daily Nation* website. He writes that "the media's convulsive, strident reaction was too hysterical. We in the media have often been accused of not being balanced in our reactions to important national issues compared to our responses to media-specific issues. This was a good example. We had a right to be angry but more importantly, we needed to demonstrate the key journalistic principle of balance in reporting the news" (Mshindi, 2009).

Despite the almost entirely negative portayal of the government during the coverage of the Bill, the state did have opportunities to represent itself in the national newspapers examined. Although government and other stakeholders have less access to newspapers in terms of getting their views aired, there are avenues for

engagement through the press in Kenya. The government, for example, printed three advertisements during the period of analysis. They were in direct response to the printed media's reporting on the Bill and perhaps also in response to the fact that the media were actively not reporting on the government's opinions about the Bill. These advertisements show how strongly the government were affected by the press's coverage of the Bill that they had to resort to paying for coverage and had the perception that they had to 'set the record straight'. Dr Peter Mbeke relays the account by noting that "[the government] published leaflets...held press conferences...bought space [in the newspapers], that tells you how desperate the government was trying to find ways to get their views out after the media had blanked them out". Brian Longwe further illustrates the power that the press had at the time to react against other stakeholders and to use their mediums. He argued that the media "to a certain extent... pull the wool over the public's eyes by coming up with what I can only describe as mis-information. You know, interpreting certain sections of the draft Act and you know creating scenarios which were just totally ridiculous and claiming that ... we are being a police state". He acknowledges however that because of this reaction by the print media, the other stakeholders felt the need to also express their points of view, including the private sector, civil society and the government using press releases, press conference to hit "hard back at the media".

The first example of this by the government which came from the content analysis of the two newspapers was published on the 16 December 2008 in the *Daily Nation* newspaper. It was titled a 'Statement by the Ministry of Information and Communications on the Local Media's Reaction to the Kenya Communication (Amendment) Bill, 2008'. It states that "the government is appalled by the false and misleading impression created by sections of the media regarding the Kenya Communications (Amendment) Bill, 2008" and concludes by stating that "it is saddening to note that the media have gone ahead to publish personalized attacks on the Minister of Information and Communications and other Ministry officials..." (Ndemo, 2008).

REPUBLIC OF KENYA

MINISTRY OF INFORMATION AND COMMUNICATIONS

Monday, December 15, 2008

STATEMENT BY THE MINISTRY OF INFORMATION AND COMMUNICATIONS ON THE LOCAL MEDIA'S REACTION TO THE KENYA COMMUNICATIONS (AMENDMENT) BILL, 2008.

The Government is appalled by the false and misleading impression created by sections of the media regarding the *Kenya Communications (Amendment) Bill, 2008*, that is now awaiting Presidential Assent after it went through Parliament last week.

The Government wishes to take this early opportunity to set the record straight on this matter.

We wish to restate for the umpteenth time that the Government has no intention of gagging the media. Indeed, this Government has remained firmly committed to the freedom of the press and it will continue to be so. We want to assure the media and the general public that the Government has no intention either in the present or in the future of undermining press freedom.

We have always embraced the spirit of dialogue with the media in the understanding that a true democratic culture demands that we uphold the principles espoused in the art of compromise – not coercion.

It is, therefore, very disheartening to see that at a critical time like this, and on a debate concerning a matter of such importance as the regulation of the broadcasting industry, the media have decided to give a lopsided debate and kill any dissenting views. Indeed, since the Bill went through Parliament last Thursday, the media have decided to black out most of the views in favour of the Bill, giving prominence to sideshows.

We also wish to point out that Section 88 which has become subject of the current debate, is not among the amendments proposed by the Minister for Information and Communications. Rather, this clause is in the *Kenya Communications Act, 1998*, which has been in existence for 10 years.

Further, the Bill has been wrongly dubbed the Media Bill. It is in fact a Communications Bill whose intention is to harmonise the converged information and communications sectors.

With the convergence of technologies, it has become necessary to amend the *Kenya Communications Act, 1998*, to embrace the new and emerging media. It is important for everyone concerned to know that liberalisation of the media was not accompanied by commensurate policy and legal framework, including guidelines on such issues as broadcast programme content. The proposed amendments are intended to streamline and introduce regulatory provisions in electronic transactions and broadcasting.

The Amendment Bill seeks to address the following policy objectives among others:
- a) Create regulatory, advisory and dispute resolution bodies to support the implementatioon of the national information and communication technologies policy.
- b) Provide new regulatory framework for broadcasting stations and services.
- c) Provide for the licensing of certification service providers and country top level domain administrators; and
- d) Provide for electronic transaction-related offences including cybercrime and re-programming of mobile telephones.

In broadcasting, the Bill, *inter alia*, proposes to empower the Communications Commission of Kenya (CCK) to license and regulate broadcasting service as well as promote the development of local content in addition to allocating frequencies. The Bill further seeks to enable CCK to set broadcasting standards, and sets up a mechanism for handling complaints by the public.

In Electronic Transactions, the Bill provides a legal framework for e-commerce through legal recognition of electronic records and signatures. It also creates offences with respect to electronic records and transactions including cybercrime, destruction of electronic records and re-programming of mobile telephones.

The Bill also proposes the establishment of the Universal Service Fund to be financed by, among others, levies from licensees. The Fund will be used to promote information and communication technologies services in rural and other under-served areas.

The Bill also has provisions seeking to empower CCK to ensure fair competition in the sector.

Kenyans will agree that due to the lack of a broadcasting regulatory framework, we have witnessed an unprecedented broadcast of unsuitable content including, I dare say, pornographic content.

The Government has embraced the spirit of dialogue with the media and all stakeholders in this matter and we are dismayed by the lopsided and misleading impression being created by the media, suggesting that the Government has ill motive in publishing this Bill. Indeed, the debate right now is not about media freedom. The agenda being created by the media is clearly a tactic to divert public attention from the salient issues of broadcast regulation by introducing issues such as the taxation of Members of Parliament and the food crisis in the country to demonise this country's leadership.

We wish to inform the public that the Ministry encouraged and maintained a spirit of dialogue and negotiation with media stakeholders since July when we published the *Kenya Communications (Amendment) Bill, 2008*.

The current heat is obviously intended by its chief proponents to throw away the baby with the bathwater. Today, Kenya is presented with an opportunity to make a vital decision to enact a law that will regulate the electronic media, by promoting ethical standards and enhancing our moral values.

While press freedom is a cardinal pillar of democracy, an unethical and unprofessional media is a threat to peace and can cause great harm as evidenced during the Rwanda genocide of 1994.

Kenya came to the brink of a similar crisis early this year partly due to the airing of hate speeches by some FM radio stations.

That the country is in dire need of a legal framework for the regulation of the electronic media is not in dispute. The responsibility of ensuring that there are appropriate broadcasting policies that promote the national good is our sacred duty.

We must not, as a country, allow the heat of the moment to define our terms of social engagement. Kenyans must be called upon to reject the whipping up of emotions that deny them the fuller view of the issues that are pertinent to their lives.

It is my sincere hope that the media will digest this particular criticism in good faith so that in future they can promote dialogue.

The Government would like to restate that we mean well and remain committed to media freedom.

In addition to this statement, and to further set the record straight, the Ministry hereby reproduces the following:

(i)   The broadcasting portion of the Bill

(ii)   Section 88 of the *Kenya Communication Act, 1998* (this section is not part of the Kenya Communications (Amendment) Bill 2008).

In conclusion, it is saddening to note that the media have gone ahead to publish personalized attacks on the Minister for Information and Communications and other Ministry officials. This negates the genuine and open engagement that the Ministry and the Government have had with the media in the past.

Dr. Bitange Ndemo
Permanent Secretary
Ministry of Information and Communications

Figure 21: Statement by the Ministry of Information and Communications on the Local Media's Reaction to the Kenya Communications (Amendment) Bill, published in the *Daily Nation*, 16 December 2008

On the 3rd January 2009 the newspapers published another advertisement from the govenrment, this time from the President himself which explains why he assented to the Bill despite protests from the media as "there is wide consensus among the stakeholers that the Kenya Communications Amendment Bill, 2008 addresses issues of critical importance to this country's economic development especially in regard to regulation of electronic transactions...".

PRESS-MEDIA BILL'08 **NATION** Ō3 JAN 2009

REPUBLIC OF KENYA

STATEMENT BY H.E. PRESIDENT MWAI KIBAKI ON THE KENYA COMMUNICATIONS (AMENDMENT) ACT, 2008

Fellow Kenyans, following the passage of the Communications Amendment Bill, 2008 by Parliament on December 10 this year, I have received numerous appeals from the media industry stakeholders that I should not assent to this Bill. I have carefully considered the concerns that were raised by the media which mainly relate to Section 88 of the Kenya Communications Act, 1998 which gives the Government power to restrict media operations during a state of emergency.

I have taken note of the fact that Section 88 is not part of the Kenya Communications Amendment Bill, 2008. This section is in fact contained in a separate Act, the Kenya Communications Act, 1998. Therefore, by refusing to assent to this Bill, I will not have addressed this concern of the media. Accordingly, I urge the stakeholders to address this issue separately.

I have also considered the fact that there is wide consensus among the stakeholders that the Kenya Communications Amendment Bill, 2008 addresses issues of critical importance to this country's economic development especially in regard to regulation of electronic transactions such as the M-PESA which has so far employed over 12,000 Kenyans within one year of its operations.

Furthermore, the Business Processing and Outsourcing (BPO) sub sector has created over 5,000 jobs so far and the enactment of the new law would enhance investor confidence and lead to more jobs and economic benefits especially for our youth.

Indeed, by and large, the regulation of the electronic transactions in Kenya creates room for the pursuit of the ideals of Vision 2030 while regulating the electronic media would promote and safeguard our culture, moral values and nationhood.

In view of the above, and in consideration of the fact that this Bill is of great benefit to the country, I have assented to the Bill.

In conclusion, I wish to reiterate the commitment of my Government to the ideals of Press Freedom and democracy and assure the media and the public in general that we shall not roll back on the gains we have made in this regard. I however wish to appeal to the media to recognize that freedom must go hand in hand with responsibility.

While Press Freedom is a cardinal pillar of democracy, this is a right that carries with it special duties and responsibilities. Press freedom must therefore be counterbalanced with other freedoms and must at all times take into account the overriding interest and the safety of Kenyans.

January 2, 2009

Figure 22: Statement by H.E. President Mwai Kibaki on the Kenya Communications (Amendment) Act, 2008, published in the *Daily Nation*, 3 January 2009.

The government then again felt the need to share their point of view in a public forum by publishing a further advertisement on the 4th January titled 'The real truth about the Communication Amendment Act, 2009 (dubbed Media Bill).' In which it states that

> there has been a lot of misleading information on the Communication Amendment Act (including calling it a Media Bill) by the Media fraternity. Some people were commenting on the Bill and others were demonstrating against it even before they had read the Bill and were in opposition of clauses that WERE NOT in the Bill. (Mutua, 2009).

REPUBLIC OF KENYA

THE REAL TRUTH ABOUT THE COMMUNICATION AMENDMENT ACT, 2008 (DUBBED MEDIA BILL)

There has been a lot of misleading information on the Communication Amendment Act (including calling it a Media Bill) by the Media fraternity. Some people were commenting on the bill and others demonstrating against it even before they had read the Bill and were in opposition of clauses that WERE NOT in the Bill.

The Media Owners Association wrote a petition to President Mwai Kibaki urging him NOT to assent to the then BILL. However, as shown below, their arguments were unsustainable in the face of facts and reality.

The reality is that the new ACT is in keeping with similar provisions in developed democracies such as the United States, the United Kingdom, Australia and others and contrary to previous reports, does not impede Journalists from doing their work but actually supports the growth of the ICT sector (creating 100,000 jobs) and PRESS FREEDOM, and stop the spread of pornography, hate and violence.

PETITION ARGUMENTS BY MEDIA OWNERS	CCK AMENDMENT ACT'S REALITY
1. The Bill is a serious assault on Press Freedom. If assented to, it will reverse most of the democratic gains made since the 1990's on Press Freedom.	1. This is a general conclusion at the outset of the memorandum and is NOT based on any evidence from the new ACT. There is already a Media Act that protects Press freedom. This new Communication Amendment ACT does not contradict the MEDIA ACT and is NOT a MEDIA LAW. It is important to note that the ACT mostly deals with Information and Communication Technology (ICT) issues and broadcasting is only a small part of it. The Act does not deal with newspapers, magazines, duties of reporters, what stories should be published etc.
2. The Bill confers on CCK and by extension, the Minister for Information the power to control content i.e. what Kenyans will watch on television, what they will read in the newspapers and what they will listen to on Radio stations. This control will be via the power to "issue guidelines for programming codes" and the wide powers given to the Minister under Sec. 5A to issue to the Commission "policy guidelines of a general nature …."Ambiguities and generalities such as "good taste and standards" in section 46 I, can be used to further control the media. The Bill confers on the Minister excessive powers to grant, refuse or cancel Broadcasting Licences on the basis inter-alia, of non fulfillment of "such other conditions as may be prescribed" by the Minister.	2. Basically in section 46H, The Commission shall have the power to set standards for the manner, time and type of programmes to be broadcast by licensees under this act. a) Prescribe programming code b) Review the programming code at least once every two years c) Prescribe a watershed period programming when large numbers of children are likely to be watching programmes …. Provided that the programming code referred to herein shall not apply where a licensee is a member of a body which has proved to the satisfaction of the commission that its members subscribe and adhere to a programming code enforced by that body by means of its own mechanisms… THE BILL EMPOWERS CCK TO ESTABLISH STANDARDS (GUIDELINES) FOR CONTENT REGULATION ONLY IN THE ABSENCE OF THE MEDIA DOING SO THROUGH A CREDIBLE MEDIA SELF-REGULATION. IT IS A FALLBACK PROVISION WHICH SHOULD BE READ WITH THE MEDIA ACT. THE ACT DOES NOT EMPOWER THE CCK TO TELL MEDIA WHAT TO AIR BUT WHAT STANDARDS TO BE ADHERED TO – e.g standards on the airing of PORNOGRAPHY, Obscenity etc. This is similar to the regulations in the USA, UK, CANADA and many other democratic nations. THE BILL DOES NOT EMPOWER CCK TO CENSOR OR INTERFERE WITH THE CONTENT OF NEWS, SHOWS ETC BUT TO SET STANDARDS FOR THE WHOLE INDUSTRY. THE BILL COVERS ONLY BROADCASTING AND NOT NEWSPAPERS and does NOT regulate reporters, photographers etc, nor interfere with journalism practices. In the USA, the Federal Communication Commission (FCC) has the power to license, short-license, withhold licence, fine, revoke, renew broadcast licenses and issue construction permits. On the issue of Good Taste and Standards, in the USA, the Federal Communication Commission (FCC) sets standards including language to be used on air, timing of programmes (Programming code). The American FCC Bars individuals from uttering obscene or indecent language over a broadcast station.
3. The Commission lacks independence. The trend is to require Parliamentary vetting/approval of Commissioners of important Public Institutions. All the Commissioners will be appointees of the President and the Minister.	3. In the ACT, Board members (Commissioners) are appointed by the Minister while the Chairman is appointed by the President as per the Kenyan constitution, where, as per the Constitution and regulations, all board appointments are by the President and Ministers and are then gazetted. In the USA, Federal Communication Commission's five commissioners are appointed by the President. The chairman is also appointed by the President and all choices approved by the Senate. However in the UK, the Minister appoints all Commissioners with no reference to Parliament.
4. Although the Bill is styled as an Amendment to the CCK Act, the Bill is in truth 100% a new Statute. In terms of design, it should have acknowledged that it is a new Statute which should have been enacted as such and repealed the CCK Act by way of its replacement. Further, the Bill converges and regulate (controls!) under one statute diverse matters of telecommunications, postal services, broadcasting, information technologies and cyber-crimes. This makes the law clumsy and convoluted.	4. This does not challenge the content of the new statute but is a general argument to stop the bill from becoming law. In the USA's FCC and the UK's OFCOM, all the telecommunications, postal services, ICT, broadcasting are brought under one law and regulatory agency. This is the trend worldwide. In actual fact, in France and Germany, even the railway is included. In the USA, the FCC requires broadcasters to afford equal opportunity to candidates seeking political offices, and includes provisions for rebuttal of

Figure 23: Advertisement published by Kenyan government entitled 'The Real Truth about the Communication Amendment Act, 2008 (Dubbed Media Bill), published in *The Standard*, 4 January 2008.

Regardless of these public displays, the printed media continued to portray the Bill as an injustice to its work and a restraint on democracy in Kenya. The press began to draw on support from other civil society groups in order to illustrate national support for its outcry against the act. Reports gathered as part of the content anylsis study such as these illustate the way the newspapers were able to rally support: 'Coast women fault Government over new Act' (6 January 2009, *The Standard*), Teachers express fury over media gag' (6 January 2009, *The Standard*), and 'Religious leaders fault Kibaki over new anti-media Act' (6 Janaury 2009, *The Standard*). These stories were also just a few of the many which made up a special feature in *The Standard* newspaper on the 6th January 2009 titled 'Media Law' and included other headlines such as 'Media Law: State now turns to propoganda', 'President ignored Raila advice on media Bill' and 'Shame of Dr Alfred Mutua's propoganda'. These highlight not only the bias in the kind of headlines, but reiterate the issue covered previously regarding the media's misinterpretation and complete one sided approach to the Bill which they regarded as The Media Bill.

The negative and nonobjective press coverage continued in this vein through 2009 when the Bill was assented to by the President on the 2nd January – the final stage before being published and passed. Of the 39 stories coded in 2009, 33 were written in January of that year and by the 7th of January 2009 the President sent the KCAA back to the Attourney General and the Minister of Informaiton and Communication to make ammendments and review the contentious clauses. The newpapers then began to publish stories about meetings and engagement between the government and media organisations which would allow the media to present their comments on the Bill. The headlines began to reflect the changes brought about by the government and the media's response to that: 'Top media bosses to meet AG' (13 January 2009, *Daily Nation*), 'Wako receives media view on way forward' (14 January 2009, *The Standard*), 'Victory for media as law set to change' (9 May 2009, *Daily Nation*).

During the interviews conducted a portion of the interviewees were asked where they felt the media's greatest power in influencing policy lay – either in the press's coverage of policy processes or as a stakeholder in direct dialogue in policy debates. It is interesting to note that those which felt the media's greatest power lay in coverage of the policy process were all media practitioners (Rose Nzioka, editor at *The Standard* newspaper; Michael Ouma, journalist; and Esther Kamweru,

Director of the Media council of Kenya). This provides some insight into the power that those who work in and with the media feel that they have in working outside of policy processes through their coverage of events, rather than as stakeholders in policy events. Those interviewees which responded that the media's greatest power lay in acting as stakeholders' in policy were largely from the government (Paul Kukubo, CEO of the Kenya ICT Board; and Charles Njoroge, Director General of the Communications Commission of Kenya). Only one other respondent felt that the media acted more powerfully as a stakeholder rather than through its coverage (Solomon Mburu, freelance journalist and researcher). Of the three other respondents who were asked this same question, they all answered that they felt the media's power lay as both stakeholders and through its coverage of policy events and debates.

Respondent	Sector	Position & Organisation	Response
Marcel Werner	Civil Society	Chairman – KIF	Greatest influence through as both stakeholder and through coverage
Paul Kukubo	Government	CEO – Kenya ICT Board	Greatest influence as stakeholder
Charles Njoroge	Government	Director General – CCK	Greatest influence as stakeholder
John Kariuki	Government	Telecommunications expert – NCS	Greatest influence through as both stakeholder and through coverage
Grace Githaiga	Media	Radio journalist	Greatest influence through as both stakeholder and through coverage
Rose Nzioka	Media	Editor – *The Standard*	Greatest influence through coverage
Michael Ouma	Media	Print journalist – *East African*	Greatest influence through coverage
Esther Kamweru	Media	Exec Dir – Media Council of Kenya	Greatest influence through coverage
Solomon Kamau	Media	Freelance journalist (print & online)	Greatest influence as stakeholder

Table 7: Interview responses to whether where the media's greatest power lies in influencing the policy process

6.3.4   Role of the KICTANet mailing list in the KCAA

It is clear from the discussions above that there was no constructive engagement between stakeholders through the newspapers studied and that the press engaged in a process of negative agenda-setting in order to influence the policy process. The question is then whether despite the lack of coverage in newspapers in 2008 and the negative coverage in 2009, was the KICTANet mailing list used as an avenue for engagement and discussion? The following discussion will provide details of the emails sent on the mailing list between 2007 and 2009 in an attempt to uncover who engaged in discussion on the mailing list and what kinds of topics were being discussed. In an attempt to ensure the reliability of the data and to gauge the policy process in its entirety, a content analysis of the emails sent during 2007 was also conducted. This allowed the researcher the opportunity to refute or substantiate the trends which emerged in 2007, 2008 and 2009 by providing a more extensive data set.

The data gathered in 2007 follows the same trend as the previous years examined with regards to the contributors on the mailing list. The overwhelming majority of emails were sent by members of civil society, with 59.2% of all emails sent during the period examined being sent by them (N= 577). This is followed by the private sector who contributed 20% of emails (N=195). Despite the fact that much of social, cultural, political and economic landscape in Kenya was significantly affected by the 2007 elections and the post-election violence which shook the country (and the media's role in that), both the government and the media were limited in their contributions to the mailing list. Government sector members who contributed made up only 4.3% of all emails sent, while the media were marginally higher with 7.6% of emails sent by them (N=74).
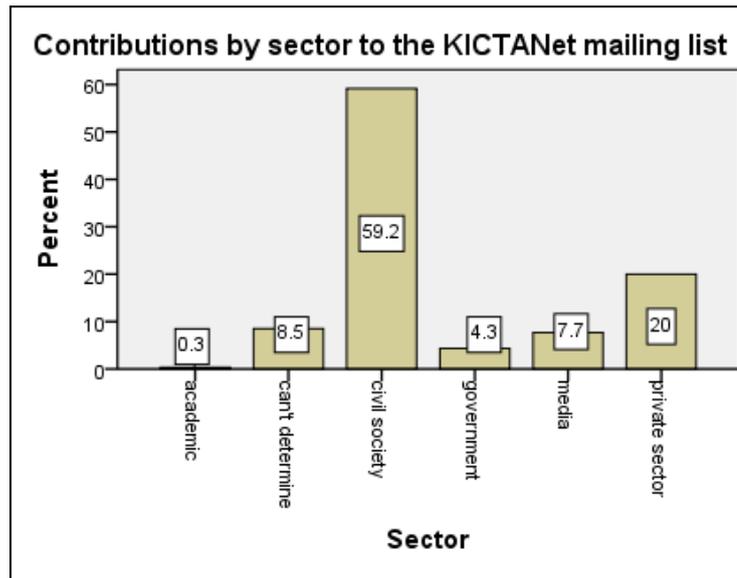
Figure 24: Sector contributions to the KICTANet mailing list for 2007

It is not surprising, considering the political landscape at the time (the midst and aftermath of the general elections) and the manner in which this influenced all sectors of society that the largest subject category coded during 2007 was 'government issues' or issues which related to the government or raised by the government. This category accounted for 25.3% of all the email sent, while the second largest subject category was 'private sector issues or initiatives' which made up 18.6% of emails sent. It follows the fact that this is an ICT-related mailing list that 'ICT infrastructure' and 'ICT conferences' are the next two highest subject categories accounting for 14.3% and 11.3% of the emails sent respectively. More surprisingly (because of the timing of the Bill and the fact that this is an ICT-related mailing list and regarded as a place for discussing ICT policy and regulation), 'ICT policy' only made up 7.5% of the emails sent during 2007. This is surprising because a number of workshops and formal processes were put in place in 2007 around the Bill, but this did not make the emails about the policy significantly more than others.
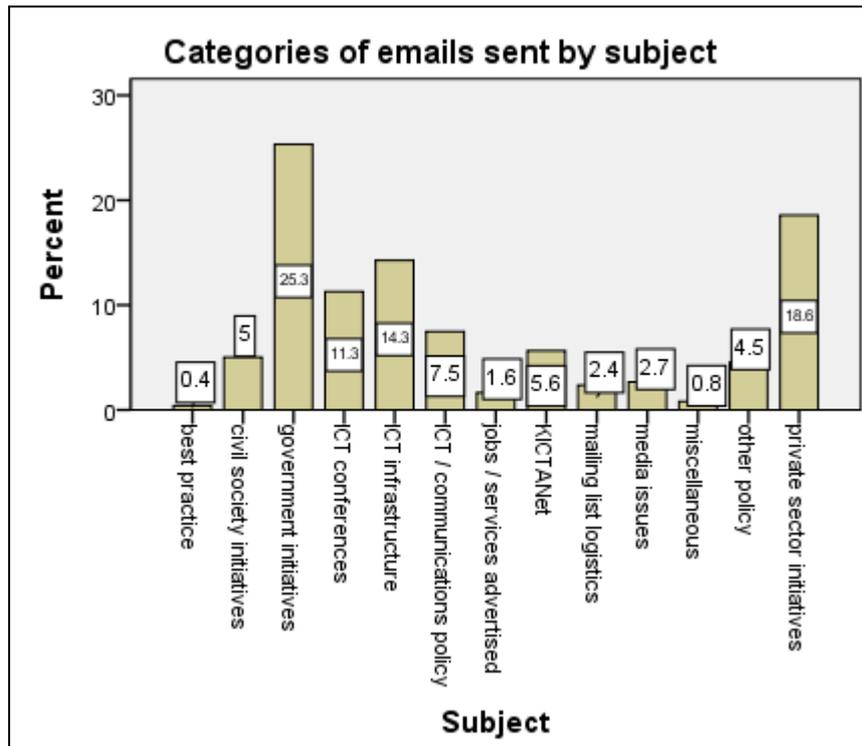
Figure 25: Subject categories for contributions to KICTANet mailing list in 2007

In 2008 a total of 1167 emails were sent to the main KICTANet mailing list which were then coded according to who sent the email, when it was sent and the subject of the email (based on the subject line of each email and coded according to 15 categories – see the methodologies chapter for more detail). Within this year two subjects stand out as the most written about well above any other, with ICT or Communications policy as the biggest subject written about with 23.2% of all emails related to this category. The second biggest subject category is private sector initiatives with 15.4% (N=179) of all emails for 2008. What is significant about the ICT or Communications policy category is that although it contains 270 emails, not all of them relate directly to the drafting of the KCAA. Some relate, for example, to issues around e-governance regulation or intellectual property regulation, as well as an ICT stakeholders forum which was held to debate the current regulatory and legistlative issues within the ICT sector. However, it is significant that the largest amount of emails for this year do relate to ICT policies because many of the issues being discussed in this category relate to aspects of the KCA and the process of drafting the KCAA such as e-transactions and e-commerce.

As with the emails sent in 2005 and 2006, the largest sector to contribute to the mailing list in 2008 was civil society with 54.8% of contributions. The private sector did contribute in a larger proportion than in previous years analysed with 30.4% of contributions, while the other stakeholder groups continued to fair poorly in their contributions. The media accounted for only 3.2% of contributions, the government for only 3.9% and academics for only 1.5%. Unsurprisingly, the contributions per sector for the emails coded within the ICT or Communications Policy category follow the general trend with both civil society (52.2%) and the private sector (35.6%) as the two biggest contributors. The media (3.0%), government (4.1%) and academia (2.2%) contributed similarly small amounts to this topic which one would have expected to generate more debate amongst these key stakeholders.
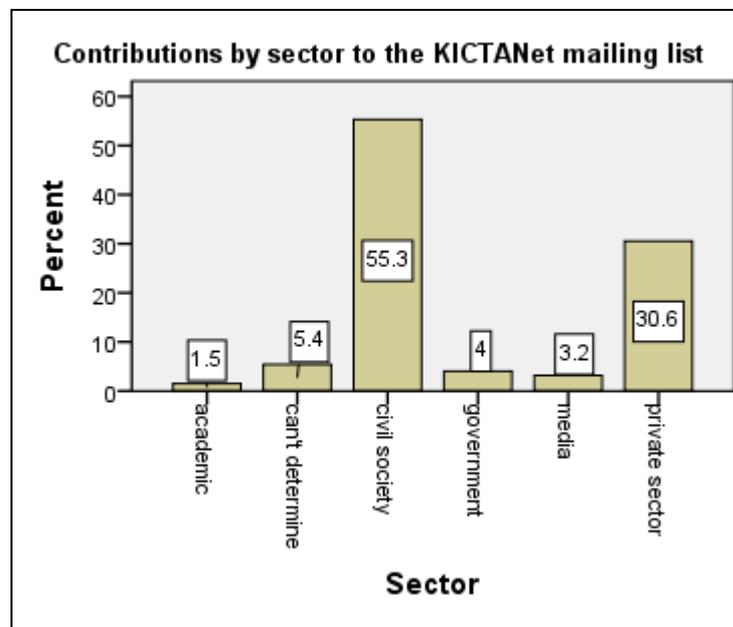
Figure 26: Sector contributions to the KICTANet mailing list in 2008

The high volume of emails related to ICT or communications policy continued into 2009. In 2009 the second most written about subject for the emails in the mailing list was ICT or communications policy. This illustrates the volume of content that was generated on this online platform which related to the the Bill itself. Although not all the emails coded in this category related to this one policy, the vast majority did (of the emails coded according to the category only 26 of 165 were not related to the Bill or the passing of the Bill into an Act and its implications). Through a structured 6 day online forum focussed entirely on the Amendment Bill, the mailing list was used as a means through which to debate and discuss specific content issues related to the Bill.

The six days of discussion included the following topics:

- Day 1: Broadcast/Media section: what are the good aspects?(Number of emails = 5)
- Day 2: Broadcasting – The bad (number of emails = 5)
- Day 3: Broadcasting – The recommendations (number of emails = 12)
- Day 4: IT Section – The good (number of emails = 3)
- Day 5: IT section – The bad and recommendations (number of emails = 8)
- Day 6: Tuendelee ama tusiendelee (Translated as 'Should we go or should we not?') (number of emails = 10)
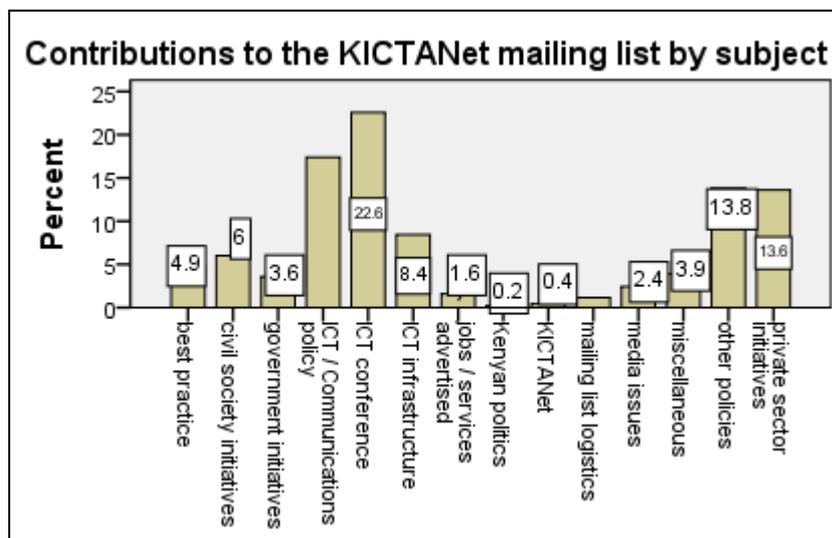
Figure 27: Subject categories for KICTANet mailing list in 2009

The theme of subjective reporting by the media was strongly picked up by the KICTANet members and written about in relation to the KCAA. This was a strong point of contention amongst listers, many of whom are more directly active in the ICT sector than the media and were therefore focused on the IT elements of the Act. They regarded the press's one-sided and media-heavy reporting on the Act as unjustified. Here one subscriber notes the reason for the structured discussion in his email to the mailing list

> Kictanet could try and contribute <u>soberly</u> to this issue by running a structured online discussion on the <u>whole</u> Act but with special emphasis on areas of improvement. Will do that from next Monday 15th and members should read through the Act in preparation...the Media must by all means stay responsible in their approach for further amendments- we do not want to

burn the whole house in order to flush out the rat. Burning the house (nation) seems to be the only angle the Media has resorted to by trying to drive the knife between our fragile coalition in order to retain our (their?) freedom of expression. This is counter-productive because it confirms to the so-called 'Government-hawks' that indeed the contentious issues should remain. And as usual when the elephants fight we all know who suffers (Kibaki signs Bill into law-Online Discussion-Mon 15th -Fri 19th Jan 2009, 6 January 2009).

The following email is another example of the perspective on the media's role in the policy process during the drafting of the KCAA. This mailing list subscriber notes

I have been involved in the policy making process in the ICT sector both locally and within the WSIS process. So, allow me to make some observations. I was at the forum on Tuesday and agreed with the deputy speaker that the media is bullying Parliamentarians and expecting Parliament to pass the law in their favour. During the meeting, it became clear the media did not perhaps do what other sectors did in terms of lobbying in the process. Section 88 has been there since 1998, is this the time the media has just realized that? During the drafting process, various sectors are asked to amend or draft clauses that do not suit them and present what they would want the clauses to read. Was the media involved in the drafting process? I think it is wrong for the media to assume that the government or the other sectors should have understood the issues or implications while they were not there (Why bullying won't help, 15 January 2009).

Another lister points out that the media should not be 'fighting' against other policy stakeholders and argues "You [the media] are equally responsible for the problem and yet you seek to engage on our fine ICT Bill we toiled for 10 years to get signed into law. In other words, the ICT chaps supporting the Act...ARE NOT THE ENEMY" (Makali's response to brian longwe: KCA 2008- Broadcasting – The Recommendations, 14 January 2009). Some of the other comments which were sent during January 2009 related to the passing of the KCAA and the media's reaction include: First, it would be nice of the MOA et. al. to let go of the negative "Media Bill" campaign and engage constructively with other players" (Kibaki signs Bill into law, 4 January, 2009);

> I agree and for Pete's/Jane's sake could media drop the "media bill" reference. It is the Kenya Communications (Amendment) bill 2008, which covers much much more than broadcasting issues. and much more importantly it finally deals with issues of convergence from a technological, content, regulatory, as well as economic perspective (Kibaki signs Bill into law, 5 January, 2009).

While this kind of negative perpective on the media's coverage of the Bill finally resulted in the six day online forum on aspects of the KCAA in order to present findings to the government, it is interesting to note that of the emails coded as related to an ICT or communications policy in 2009, the majority of which were sent in 2009 and the vast majority of which related to the KCAA, the contributions were still strongly dominated by civil society members (57.6%). Although the contributions by the media were much larger than general contributions across the year, with 9.1% of emails sent by a media practitioner, it is still a vastly smaller proportion than civil society, and even the private sector who contributed 21.8% of emails related to the ICT or communications policy. Of the 15 emails sent by media practitioners, 12 of these were sent by one person, while the other three emails were sent by three other people who each contributed only one email. This provides some insight into the fact that although there was an increase in the number of emails by media practioners debating the KCAA, it was only one member of the media fraternity who felt strongly enough to contribute the vast majority of emails related to this topic.

Despite its reluctance to withdraw certain clauses of the Act before it was published, the government conceded to the pressure from the media and other stakeholders, and on the 7th January 2009 the President sent the Kenya Communications Amendment Act back to the Attourney General and Minister of Information and Communications to make ammendments. This resulted in the publishing of the Miscellaneous Amendments Bill which removed the contentious Clause 88 from the KCA. The very fact that the government opted for an amendment to the KCAA was as a result of the media's coverage, which was extremely influential. Interviewees agree that, as Rebecca Wanjiku argues "the reason why the government issued a gazette notice [with the Amendment] was because it was reacting to media coverage".

6.4 Influence of global and regional events on policy processes in Kenya

The research conducted in this thesis has been conducted with the intention of finding out, amongst other things, whether globalization had an influence on the policy processes which have been researched. In order to evaluate this, not only has the development of policy participation been examined and the manner in which the policies have proceeded been evaluated, but a brief examination of specific interviews will reveal the perception of some respondents with regards to global and regional impacts on policy-making in Kenya. A small number of interviewees were asked whether they felt global or regional policy processes and events had an influence on policy-making in Kenya. The aim was to establish whether these interviewees were aware of specific global and regional policies and processes which would illustrate some influence on the way that policy is made and the kinds of policy being made in Kenya. While only a small number of interviewees (five in total) were asked about the influence of global or regional events or bodies on policy-making in Kenya, it does provide some insight into the kinds of perceptions which are prevalent amongst policy elites. The five interviewees[28] asked this question are senior level directors within their organisations and therefore well-placed to provide insight into the way policy-making is influenced.

The overall response amongst the interviewees is that global and regional events, bodies and policies do influence the policies being created in Kenya and integrally influence the work of the organisations they represent. All five respondents agreed that either global or regional forces have influenced the work they do and the policy environment in Kenya. Bitange Ndemo, for example, notes that the "ITU impacts everybody in terms of policy" and added that he had visited the United States and United Kingdom to benchmark "best practice" within those countries in broadcasting policy. 'Benchmarking' was a term frequently used by another interview, Paul Kukubo, who noted that "generally we benchmark best practice...mainly with Singapore and the World Bank", but added that while regional ICT related events do impact on the Kenyan context, "we [the Kenyan ICT Board] don't benchmark regionally... because regionally we do not really have many competitors who would

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[28] These are: Dr Bitange Ndemo (Permanent Secretary of the Ministry of Information and Communications), Paul Kukubo (CEO of the Kenya ICT Board), Charles Njoroge (Director General of the Kenya Communications Commission), Dr Moses Ikiara (Executive Director of the Kenya Institute for Public Policy Research and Analysis), and Brian Longwe (Chairman of the Kenya ICT Action Network).

raise the bar for Kenya". Charles Njoroge also noted the impact of the ITU on the Kenyan context and pointed out that Kenya "continue[s] supporting ITU initiatives in terms of access, in terms of affordability, in terms of frequency coordination and in terms of broadcasting issues...so we feel that whatever we do at the local level emanates from that". It is clear from these responses that the Kenyan ICT and communications context is a key area of development and that the need to ensure progressive policies which are aligned with the developed world is a priority for the Kenyan government.

Moses Ikiara pointed out the connection between economic processes and its effects on policy by noting that COMESA (The Common Market for Eastern and Southern Africa – a body tasked with promoting regional economic cooperation) is a key trading market for Kenya and that this influences the policy made in Kenya. He also noted that international influences are key to the policy-making context in Kenya noting that "if you look at other global institutions like the IMF and all that, definitely they have a lot of influence on public policy – sometimes more than people appreciate from quick glance". Rather than point specifically to organisations at the international and regional level which have influenced policy, Brian Longwe noted that international organisations such as the IDRC, the Open Society and SIDA (Swedish International Development Cooperation Agency) have influenced policy through their funding and in that way sharing their "view that there is a need for growth or development of a culture of debate on policy issues. I think one of the most significant things that I would say has happened has been the development of what I can describe as a culture of ownership by stakeholders." This relates more to the ideas around MSPs and the way policy is debated and how these organisations have influenced the Kenyan context in this way.

6.5 Conclusion

What has been illustrated here is that the process of developing these two case study policies have been deeply entrenched in the political, economic and social environment within Kenya. The historical precursor to each policy – namely the 2002 elections and the 2007 elections – resulted in the kinds of negotiations and processes which permeated the policy process in each case.

As a result of the optimism of the 2002 elections, and the need to ensure economic

growth through the ICT sector, the NICTP was developed in a process of engagement and participation by most stakeholders. Despite a lack of engagement by the media, policy makers and stakeholders regard the process as a success and a positive experience. While data points to the fact that the media distanced themselves from the process as a result of an already liberalised media environment, other stakeholders engaged in some workshops and consultative practices. The KICTANet mailing list cannot be regarded as an avenue for engagement by different stakeholders, rather as a forum for civil society in the ICT sector to engage with themselves. Perhaps the biggest lesson learnt from the process of developing the NICTP was that those stakeholders who are active online through the mailing list, for example, are those who are active offline – engaged in other bodies, and members of organisations which actively lobby government on policy issues. I am not arguing that the process of developing the NICTP Kenya was not a multi-stakeholder partnership between different sectors and an inclusive process. I am stating that the mailing list acted less as an avenue for that engagement than believed, but perhaps allowed for engagement in other places – such as face-to-face meetings, workshops and conferences. The sending of electronic mail to develop a nationally significant policy was one small part of the entire process that developed the NICTP and in the case of the mailing list was an avenue for particular sectors and particular people to engage in discussions. The mailing list was established with the express aim of facilitating debate and discussion with multiple stakeholders in order to influence policy processes. Unfortunately, the mailing list failed to achieve these aims and uphold the ideals of the MSP.

As a whole, the media failed to engage in the process of developing the NICTP, either through formal engagement, through the KICTANet mailing list or by reporting on the policy process. Their lack of influence and engagement was regarded by other stakeholders as not only a sign of their disregard for how the policy would influence them (the media), but also a lack of understanding of ICTs and their newsworthy nature. The media did not feel as though they would be negatively impacted by the policy itself and thus did not feel the need to engage in formal processes, but also failed to regard the policy itself and its influence on Kenyan society as worthy of newspaper coverage.

The media's role and influence on the KCAA was very different in that it felt

threathened by the policy and chose to actively voice its dissatisfaction with the policy. The manner in which the media engaged in the policy making process was strongly influenced by the 2007 elections and the violent aftermath of those events. As a result of the strained relationship between the media and the government due to the perception by the government of the media's role in the violence and the media's perception of the government's clamp down on media expression, engagement in policy debates were compromised. Beyond this, the unique political landscape, the control of media owners over editors and journalists and the way journalists are viewed in the public, all influenced their relationship with government, civil society and other policy stakeholders during the process of developing the KCAA. It is not as simple as saying the media refused to sit down and debate the policy, but what the results are illustrating is that while other stakeholders (especially civil society) used avenues for engaging with the government on the policy, the media ignored invitations to participate and instead acted as activists against the policy through their mediums. A public survey conducted in 2008 showed that the media were the most trusted institution in Kenyan society. The Kenyan media are extremely powerful in their ability to influence public opinion and in the case of KCAA they tried to take absolute advantage of that. Perhaps beyond simply agenda-setting, the interviews and the content analysis of both the mailing list and the newspapers point to the Kenyan media's ability to directly influence policy-makers and policy processes through their negative lobbying. Their reporting of the policy cannot be called a journalist's reflection on society and they were hardly acting in the public's interest. Rather they were acting as lobbyists, reporting a particular perspective in order to change the policy outcome for their own gains. As the journalists noted, it was not professional, but it was effective.

7 Chapter 7: Analysis and discussion

7.1 Introduction

This chapter provides in-depth discussion of the data and findings revealed in the previous chapter. It aims to bring together the data gathered during the interviews and content analysis which form the basis of the empirical research as well as the theoretical grounding on which this research is founded. The general themes which emerged from the findings will be brought together and examined from a theoretical perspective in order to provide new understandings of the role of the media in communications policy by using Kenya as a case study. This will mean drawing on the foundations established in the theoretical chapters where discussions focused on agenda setting, globalization, policy making, policy networks and communities, and the emergence of multi-stakeholder partnerships. In order to contextualise these theoretical strands into this research, they will be used to examine the data which emerged from the interviews and content analysis and in this way better understand the media's relationship with these concepts.

The value of this thesis is that it provides an extensive data set from which to understand the role of the media in communications policy. By undertaking interviews with different stakeholders, a content analysis of the biggest daily newspapers and a content analysis of the most relevant mailing list within the ICT sector, this research is able to use data which emerges from each of these methodologies to compare and contrast each policy case study. It also allows the researcher to triangulate the data in order to achieve reliability and to substantiate the findings which emerge from the different data sets. Not only will this data be examined in the light of the theories which have been highlighted as foregrounding this research, but will have to be examined within the context of the political landscape in Kenya during each of the case studies and how this will influence the comparable data from each policy process. Throughout this thesis, the importance of the Kenyan context has been at the centre of the research and provides an important eye through which the data and theories need to analysed.

The discussion to follow will use the figures and facts presented in the previous chapter to highlight three key themes which have emerged throughout this research.

These are, firstly, globalization and the emergence of MSPs. Here the data will be used to gain an understanding of whether the policy processes in Kenya were inclusive of MSPs and whether a diverse range of stakeholders were able to engage in policy debates and practices in order to influence policy. At the heart of this question is an examination of whether the media emerged as a stakeholder in the policy process as part of an MSP or whether, if at all, it operated as a stakeholder outside of policy networks, communities or partnerships. Secondly, the use of the KICTANet mailing list as an avenue for participation and a tool for debate and discussion within the policy processes will be examined. The use of ICTs have been regarded as a means through which global and local policy can be and the research conducted here will provide an opportunity to examine this more closely within the Kenyan context. Thirdly, the press will be examined more closely in relation to its coverage and representation of the policy and whether and how this influenced the policy processes. In order to do this, Robinson's policy-interaction model will be used to examine the nature of the policy case studies in Kenya within the local context and the role of the press within these. Theories of agenda-setting and an examination of the coverage by the media will provide an understanding of the print media's role as an external force on the policy processes, but also its impact on other stakeholders through its reporting of the policy issues.

7.2 Globalization, MSPs and the media in Kenya: Opportunities for engagement

7.2.1 Globalization

Theories of globalization have been used in this thesis to provide a starting point from which to examine the way in which local policy processes played out in the Kenyan case studies and whether global processes and structures had any influence on this. The World Summit on the Information Society (WSIS) was used as an example of a key global communications policy event which had the potential to play a globalizing influence on local communications and Information Society policy because of its structure, its unique processes and the manner in which it targeted local policy development. The WSIS not only provided some avenues for new means of participating in policy through the use of MSPs (which will be discussed further below), but the very fact that it was targeting Information Society policy made it a global event with local consequences. It strongly promoted the

development of local ICT and Information Society policy (especially within developing countries) and established the Digital Solidarity Fund, which "would be a mechanism to address issues commonly known as the "digital divide" by transferring wealth from rich countries to poor" (Klein, 2004, pg10).

The question which then arises is whether the WSIS or any of its globalizing processes influenced the policy case studies examined in Kenya. The MSP nature of the policy processes will be examined in further detail below, but whether the WSIS had any direct impact on the policy processes was posed to interviewees to determine whether the global event had infiltrated local processes. This was especially true of the NCITP, which not only occurred chronologically in close proximity to the WSIS, but the policy itself was more aligned with the Information Society than the KCAA. Of the interviewees who were asked whether they felt the WSIS directly impacted on the NICTP, all responded positively and stated that it had in some way impacted on the processes of developing this local policy. All interviewees which were asked or mentioned the WSIS in some way (whether in relation to the NICTP or not) responded positively to the event and that it had had some positive impact on either their work or the wider Kenyan ICT context.

I would not however overstate the influence of the WSIS on local policy processes because although the data does provide a positive correlation between the two, the data set was not extensive and it was not a primary question asked in the interviews conducted with all respondents. However, no interviewees dismissed the importance of the WSIS on the local policy process, and I would argue that it did have some influence on the development of the NICTP. The importance placed on the development of ICT and Information Society policies by the UN and other international organisations such as the ITU led to the kinds of projects which were instrumental in promoting the need for an ICT policy in Kenya. Projects such as the CATIA project and the IDRC funded-projects were established with the aim of developing an ICT policy in Kenya at a time when ICT policy was at the forefront of development issues as a result of the WSIS. Not only has the development of ICT policy become a local issue in Kenya through globalization and the global forces of the WSIS, but the use of ICTs for the discussion and debate of ICT policy was also a resultant effect. This will be discussed further later in this chapter.

7.2.2 MSPs and the opportunity to engage

Both the process of developing the National ICT Policy (NICTP) and the process of developing the Kenya Communications Amendment Act (KCAA) have included many opportunities for engagement by policy stakeholders. This is substantiated not only by external documentation identifying workshops and formal meetings, but also by the evidence provided by interviews with all the stakeholders. The range of stakeholders, from academics, civil society, the government, the media and the private sector who were asked about attending events or workshops mostly confirmed that there were processes available for their participation. The vast majority of interviewees confirmed either attending or knowing about a formal stakeholders meeting at which these policies (within their own timeframe) were discussed.

The process of developing the NICTP included a number of workshops and conventions including the 2003 National conference to discuss the draft policy (though this was only attended by government officials), the First National ICT Convention held in March 2004 to discuss the policy and its implementation strategy, the National ICT visioning workshop held in November 2004 and the Second National ICT Convention held in March 2005 – all of which debated the policy contents and implementation at different levels and included stakeholders from different sectors (except where stated). The process of developing the KCAA was a longer process and also included stakeholder workshops or forums organised to discuss and debate the Kenya Communications Amendment Bill which was first published in 2008. These included an ICT stakeholders Forum held in July 2008, organised by KICTANet and the Kenya ICT Board (a governmental organisation) which was aimed at all interested stakeholders to discuss content of the Bill. Over and above the readings in parliament which the Bill went through (which are discussed in Chapter X), the Parliamentary Committee on Energy, Communications and Public Words held a public hearing in November 2008 to allow for stakeholders to make comments on the Bill.

While the content analysis and interviews provide evidence of the actual meetings themselves (along with desktop research of sources which provide details of these meetings), what emerged from the interviews themselves was the lack of representation within both of these case studies by the media as stakeholders. Despite open calls for all stakeholders to participate and even a workshop devoted

to the media's engagement with the NICTP, the journalists, managers, editors and associations failed to participate and make a significant influence on the policy through these public stakeholder forums. I would argue that the media's role in these policy processes was certainly not as stakeholders in public forums or meetings. They lacked representation and were regarded by the other stakeholders as a missing part of the multi-stakeholder partnership. While the other stakeholders from civil society, the government and the private sector felt adequately represented and part of the forums to discuss these two policies, both they and the media reported a lack of the media's participation and presence.

The reason for their lack of engagement, I would argue, is closely related to the period in which each of these policies was developed. The NICTP was created at a time when there was very little general knowledge about ICTs and only those in the sector or with specialised knowledge would have been following regulatory and policy processes within the communications and ICT sectors. ICT was only just beginning to be part of the news agenda, but was not very newsworthy at the time. In contrast, by 2008 and 2009 when the Kenya Communications Amendment Bill was being debated and discussed, ICTs would have grown significantly in Kenya and would have formed a bigger focus within both the ICT sector and the communications sector as well as with the general public. The media's response to the Bill was vastly different to the NICTP. While the media failed to engage in both case studies as stakeholders, their response through their coverage of the Bill was vastly different to that during the NICTP. Whereas during the process of developing the KCAA the two newspapers examined were awash with a significant amount of reporting, mostly negative and extremely bias, the NICTP lacked any kind of coverage and was generally under-reported.

One reason the media may have been reluctant to engage with stakeholders in these two case studies is because of the country's recent political history. Tension between the media and the government has been evident in Kenya, as with any young democracy in which the media are regarded as a tool for nation building, but also capitalist enterprises with demands to make a profit. This tension between the media and the government came to a head during the campaigning and results of the 2007 General Elections in Kenya. Commentators on the events of the 2007 General Elections have noted that the media played a key role in the manner in which the elections played out. The media face an immense responsibility in a

country like Kenya where they can play an important role in democratic growth and have been regarded as a force in the transition to multi-party democracy in the country's post-colonial history. Ismail and Deane contend that

> the media has been seen nationally and internationally as a principal indicator of the democratic vitality of Kenya. The media has been at the forefront of moves to transform Kenya from a one-party state to a multiparty democracy, it has gained a reputation for exposing corruption and acting as a vigorous forum for public debate, and it is seen as a guardian of the public interest again state power (2008).

Therefore, their positioning in relation to the government and within society during the elections and its aftermath was a critical factor in how events played out and how they were portrayed.

I would argue, therefore, that while the other stakeholders did engage in forums which allowed for participation and engagement by a diverse sector of policy-actors, the media were certainly not part of these multi-stakeholder processes. The ICT sector within Kenya were able to openly debate the legislation being studied and felt that they were able to contribute to the process. The interviews revealed that most stakeholders from the different sectors (except the media) felt as though they were part of the process and made some influence on the process. The media however, despite being invited to the same forums, were not represented, did not feel represented and failed to make any significant influence through these processes.

7.3   The use of new technology as a tool for MSPs

The KICTANet mailing list was created as a forum for debate and discussion on issues within the ICT sector, and regarding ICT regulation and policy. As discussed above, the media failed to engage in face-to-face forums which were organised by different stakeholders for all the policy stakeholders (including those which were organised purely for the media). The advent of new technology has certainly played a role in the development of MSPs and the ability for different stakeholders to participate in global communications policy processes – through online forums, webinars, video conferencing, blogs and the use of social networking to generate support. This influence of globalization has also been carried to the local level, where tools such as mailing lists, websites, social networking sites, blogs and e-governance have made a space for multiple stakeholders to engage in policy processes.

Within the Kenyan context, the development of an online mailing list used to debate policy, regulation and the ICT sector in general was an innovation at the time. Not in terms of the technology, but in terms of the fact that Kenya had only just begun to consider ICTs as a growing sector. It had very little regulatory and legislative frameworks in place and was a relatively small sector. What the data from the interviews and the content analysis of the mailing list have shown is that although the mailing list was a forum for debating a range of issues, events, policies and processes within the ICT and communications sector (and within Kenya generally), it was mostly used by civil society members, with mild engagement by the private sector and limited engagement from other stakeholders (government, media and academia).

In terms of comparison between the first case study and the second, there was very little difference in the contributors across the years that were studied. As stated above, civil society were overwhelmingly the largest contributors in each year analysed. Across the five years that were used as a sample for analysis, the trend was consistent in the fact that civil society contributed the most, followed by the private sector, with little engagement from the other sectors. The subjects which were coded the most did differ for each year, but followed the trends within the ICT sector and the broad society. The subjects which were most written about for each year were:

2005 – KICTANet (28.5%)

2006 – ICT conferences (19%)

2007 – Government issues (25.3%)

2008 – ICT or Communications Policies (23.2%)

2009 – ICT conferences (22.5%)

There is nothing unusual about the fact that these were the most written about subjects for each year. It is to be expected that the year of its inception, the most written about topic would be issues to do with KICTANet, especially considering it held almost monthly meetings to discuss its formation and make up. The volume of emails which related to ICT conferences in both 2006 and 2009 is also not unusual considering that 2006 saw a number of ICANN conferences take place across the world which would have been topical issues within the ICT sector in Kenya, and in 2009 there were some major ICT related conference which took place such as the East Africa Fibre Summit, the East Africa Internet Governance Forum which took

place in Nairobi, the International Governance Forum meeting and the announcement of the fact that Nairobi would be the venue for one of the ICANN meetings in 2010. 2007 was the year of the general elections and although not directly related to the ICT sector, the election results and the aftermath would have permeated all sectors of society and was therefore the biggest subject written about on the KICTANet mailing list for that year. There were a number of ICT related bills and policies being discussed during 2008, the biggest of which (on the mailing list) was the KCA Bill and this subject was therefore the most written about on the list for that year.

Civil society members of the KICTANet mailing list took advantage of the potential of the tool as a means for debate and discussion and used the mailing list to engage in debates about a range of diverse topics. While announcements about conferences, jobs and services did make up a large proportion of the emails sent over the five years examined, the level of debate about other issues which related to the ICT context and the wider Kenyan political, social and economic contexts was evident. Civil society was by far the largest contributor to the mailing list and the most active participant in all the online discussions. It was often civil society members which initiated debate about particular ICT policy issues and which initiated the establishment of structured online discussions. As a policy community, the civil society members of the KICTANet mailing list were active participants in the policy debates. Within the policy network which emerged during the process of developing the case study policies, they used the mailing list most actively and could be said to be at the core of the system. As Atkinson & Coleman (1992) have noted in their work, and which has been illustrated here, there will never be an equal balance of power. In the case of the mailing list, civil society yielded the most power because of their activity, while the media and the government were certainly on the periphery.

While there was a diverse range of topics being discussed on the mailing list and the subjects being discussed followed the trends in both the ICT sector and the Kenyan political landscape, the mailing list failed to fulfil its function with regards to acting as a space for the engagement by multiple stakeholders. The data points to the fact that although the mailing list may have been an excellent tool for engagement and participation of civil society, the lack of diversity of other stakeholders meant it failed to bring together a diversity of voices from other

sectors. The media in particular failed to engage on a number of topics which were directly related to the media sector, and as discussed in the data chapter failed to engage on a platform which was created specifically to debate issues about the media (the KICTANet media mailing list).

The question then, is why did the media (and the other stakeholders who were limited in their use of the mailing list i.e. the government and academics) fail to engage on the KICTANet mailing list to debate and discuss not only issues which related directly to them such as the KCA Bill and the NICTP, but also wider issues which related to newsworthy events such as the general elections? Here I will employ the work of Cammaerts who argues that

> it has to be noted that the use of the internet for interactive debate and the construction of a transnational public sphere is burdened with many constraints. The degree of interactivity or real debate is often rather weak. The forums and mailing lists are also used to inform or to mobilise. Further more, often only a limited number of (male) participants really discuss issues with each other. (Cammaerts, 2005: pg88)

More revealing, he adds that the contribution of those on forums such as mailing lists mirrors the contribution off-line or in face-to-face interactions. This goes a long way to explaining the media's lack of interaction the mailing list because as illustrated in the data chapter, and above, they failed to engage in face-to-face debates and events with other stakeholders. If they failed to show interest in issues which influence them such as the KCA Bill and were not represented at workshops and meeting which took place with other stakeholders, their interest in the same topics would not be represented in online forums where they could debate the issues. Although Cammaerts is discussing transnational communities and therefore some of the conclusions he reaches do not apply to the Kenyan context (such as the fact that language and culture will play a role in the engagement by participants online), his general findings that the lack of engagement is reflective of the dynamics of face-to-face participation are relevant for this research and help in understanding the media's lack of engagement.

Despite an uneven distribution of emails from the different sectors, it is important to note some positivity about the fact that civil society and the private sector to some extent are able to engage in a virtual space in order to discuss issues of common interest. Although there is a glaring lack of contributions from the government and

other stakeholders, it may not be a complete loss to the multi-stakeholder process as these emails are still received by government and other stakeholders (even if they do not always respond). The data gathered around the KCAA specifically illustrate that the KICTANet mailing list was an active avenue for lobbying the government and engagement by the government on content issues. This was done through a structured six day online forum around specific policy content issues which were debated by the contributors.

7.4 Press coverage as an influence on the policy case studies

In contrast to the results from the content analysis of the mailing list, which were consistent across the years of study, the results from the content analysis of the newspapers varies widely between the two case studies. Coverage of the NICTP was limited, and what was written was either written in a positive or neutral tone. Of the 8 articles which were written in the two years analysed, three were advertisements by the government and the other 5 were mostly factual accounts of events or workshops. In contrast, coverage of the Kenya Communications Amendment Bill saw a much higher response in terms of reporting by the press, but also a much more negative response in their tone and perception of the Bill. During the period of analysis 71 articles were coded and as the results discussed in the previous chapter illustrate, they portrayed both the policy and the government in a negative light. The print media took an almost entirely negative perception of the Bill in their newspaper coverage and as illustrated by the interviews and the content analysis went a step further by not only engaging in bias reporting, but by actively blacking out supporters of the Bill in order to avoid having to balance stories with any positive perceptions. Although this was said to only last a few days, the negative coverage of the Bill was consistent throughout the period of study and the content analysis revealed strongly misleading coverage of the content and events of the Bill.

The question then is what, if any, influence this kind of coverage had on the policy process and whether the press were able to impact on the policy through their newspapers. It would be difficult to analyse the print media's coverage in terms of its agenda setting role because this would have had to include a study on public perception. What has been gathered is the perception of policy makers and other stakeholders on the influence of the coverage and in this way an understanding of whether the newspapers were able to set the agenda in any way for the policy and

the processes which created it. Across all the categories of interviewees (government, media, civil society and academics) the perception of the press is that their coverage of events and issues did influence policy processes. Interviewees gave responses which portray the media as a powerful, even feared institution, within Kenyan society which is influential enough to change and influence policy processes through their coverage. David Matende (Chairman of the Kenya Union of Journalists) noted that "the media are very powerful, sometimes for public good. Once an issue is picked up by the media, the government listens". This kind of perception was not unique to the media respondents interviewed, but shared by the other sectors who regarded the media as a powerful institution, and their influence through their coverage of events as extremely strong.

The manner in which the press framed the policy as impacting negatively on media freedom and portraying it as a 'Media Bill' caused a strong enough reaction that the policy-makers were forced to revise certain clauses within the KCAA. Here I will use Robinson's theory of the policy-interaction model which states that the media promote the views of a particular elite group in society in order to force the government to follow the media's agenda. In the case of this research, the media were using themselves as that elite group, knowing the power they have within Kenyan society in order to ensure action by the government. Although the government tried to balance the print media's negative coverage with their own adverts and opinion columns in the same newspapers, they were not able to lower the critical nature of the newspaper's coverage. Robinson also argues that the government may use their power as a news source to counter the negative perceptions by the media, but this did not work in Kenya because the media blacked out supporters of the policy and were able to continue their biased coverage. He notes in writing about the media coverage of Vietnam that "media coverage, having passively reflected elite consensus prior to 1968, became an active participant in elite debate by adopting the side of those opposed to the war and, in the presence of executive policy uncertainty, influencing key policy-makers to move to withdrawal" (Robinson, 2001, pg538).

7.5   General Observations

What is evident from the discussion above is that the media were able to leverage their power as a publicly trusted and publicly accessible voice to make enough 'noise' to change the course of the KCAA. Both Esther Kamweru (Executive Director

of the Media Council of Kenya) and Larry Madowo (journalist for the Standard Group) specifically mentioned in their interviews that the media had been voted as the most trusted institution by the public in Kenya. This acknowledgement made it easy for the media to ignore opportunities to lobby the government and other stakeholders in networking circles, but rather use their publications to rally public support and generate public interest. However, the manner in which the press went about securing this was through noise-making and negative agenda setting rather than objective reporting. James Ratemo (reporter for *The Standard*) for example notes that "some laws were passed...that's when there was a lot of *noise* from the media, the government had to withdraw call for a stakeholders meeting, order the Minister to meet with stakeholders and ensure that all the issues are resolved". Providing a perspective from the private sector, Marcel Werner (chairman of the Kenya ICT Federation) reiterates by stating that "that's how media operate, the media are a *noise* industry so they cannot have quiet diplomacy...they were not very effective in lobbying, it was very antagonistic". While not professional, it was certainly effective and did result in a policy change.

Perhaps it is not surprising that the media did not engage with other stakeholders in lobbying networks in order to change the course of the Bill, because they were so effective at creating negative perceptions of the Bill through their reporting. Despite sharing common interests on particular aspects of the Bill and the need to lobby government for change, the media failed to engage in the policy community which was established for that very purpose. If one uses Wilks and Wright's understanding of a policy community as "all actors or potential actors who share either an interest in a policy area or a common "policy focus" and who, over time, succeed in shaping policy" (Atkinson & Coleman, 1992) it is clear that the media acted outside this community. Although they were able to shape the policy outcome, they did so not within a network or partnership, but as outsiders of the process. One can argue that rather than act within the civil society community, the media created its own community which was able to eventually influence the policy decisions made – even if not in the traditional manner. This conforms to Sabatier's notion of 'policy coalitions' which each have their own belief system and which are dominant at different levels, playing into 'policy subsystems'. Sabatier argues that these subsystems "should be broadened from traditional notions of 'iron triangles' – limited to administrative agencies, legislative committees, and interst groups at a single level of government – to include actors at various levels of government active in

policy formulation and implementation, as well as journalists, researchers, and policy analysts who play important roles in the generation, dissemination, and evaluation of policy ideas" (Sabatier, 1988, pg131).
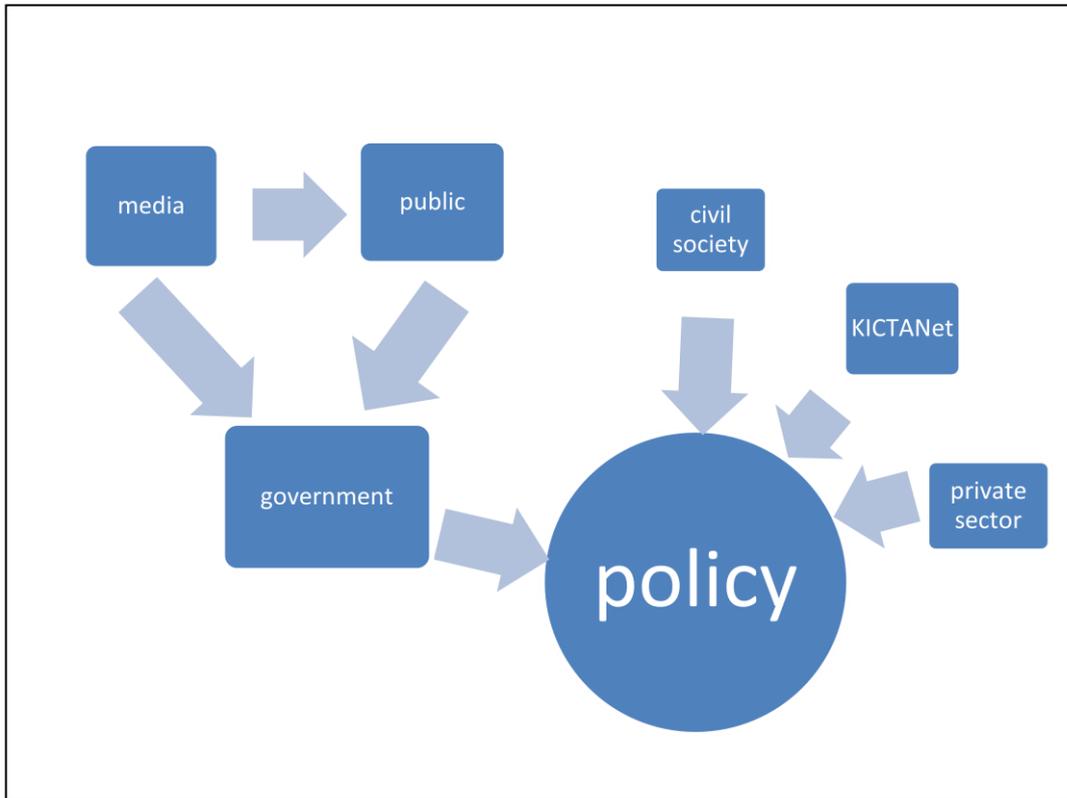

Figure 29: Visual representation of the policy coalitions which were engaged during policy debates in Kenya

While the media themselves were hardly participatory in the networks that were available to them for lobbying the government and other stakeholders in order to perpetuate change, the networks themselves were hardly the multi-stakeholder forums they purported to be. KICTANet has been shown to be an avenue largely for civil society organisations and individuals to discuss some content, but mostly as a platform to organise face to face meetings, conferences, workshops and forums for engagement. Most of the contributors are from civil society and often it is the same people who make those contributions. Although there is some engagement by other groups (most notably the private sector), the limited number of contributions from the government, academia and the media in relation to the topics is significant in the fact that it is so small. It does illustrate the challenges of both multi-stakeholderism and of ensuring engagement at the virtual level. In a study on a number of mailing lists and the use of online platforms for activism, Cammaerts illustrated that there

often seems to be more challenges than real benefits from mailing list discussions. His study found that rather than being a platform for active debate, they are often quite weak and used to inform subscribers of events, conferences, news and other offline activities. Some of the common features among the mailing lists he examined were that those who contributed tended to be people who were active in the offline world and that face to face interactions were still a vital part of debate amongst participants. Another common trend was the fact that often it was the same participants that were discussing issues with each other (Cammaerts, 2005). This study supports the evidence which emerged from the content analysis of the KICTANet mailing list. It was often the same participants who posted emails, those who are generally active offline lobbyists or activists. In a study of the 2006 emails sent from civil society, one subscriber contributed 29.6% of all the civil society emails coded.

7.6 Conclusion

If one looks back at the definition created for the purpose of this research of multi-stakeholder partnerships as 'the partnership between stakeholders...where all partners are equally responsible for ensuring effective policy through participation', then it is clear that the process of developing both the NICTP and the KCAA cannot be regarded in their entirety as MSPs. Although some stakeholders were able to participate in all stages of the policy process and through the different forums available, there was not equal participation by all the stakeholders involved in the policy. The print media were able to influence the policy through the use of their platforms, but not in an equal or responsible manner.

I would argue that the media in Kenya will not be able to play a role in communications policy as stakeholders until they are able to objectively view policy which impacts on them and therefore engage with other stakeholders to ensure effective policy which is good for Kenyan society rather than just good for the Kenyan media. In the case of the NICTP, the media did not engage as stakeholders because they were lacking the understanding of how ICTs would influence them and therefore how the policy would impact on them. In the case of the KCAA, they regarded the policy as infringing on their ability to act as they had traditionally done and were threatened by the possibility of over-regulation. This meant that they also failed to act as stakeholders, but rather impacted on the policy through negative coverage and biased reporting. Although this did impact on the policy outcome in

that the final KCAA was amended to take into consideration the views of the media, this was not done during the policy process itself but as a reaction to the publishing of the KCAA.

Although there was clearly a space for multi-stakeholderism in the Kenyan policy processes examined and there were forums created for the participation of different stakeholders, these forums were not taken advantage of by all the stakeholders. The challenges of maintaining an equal and balanced relationship between stakeholders was not possible, although some stakeholders were active in different forums and participated in both online and offline processes around both policies. The media, however, were not one such stakeholder group. Despite engagement by particular members of the media sector, most notable Rebecca Wanjiku who was active on the KICTANet mailing list, provided coverage of the event and represented the media at workshops, their overall engagement was limited and their influence within these forums was zero. The media instead acted almost to galvanise the other stakeholders to find common ground and areas within the policy which were positive in order to ensure it was passed. They rallied against the media, who were disregarding any positive aspects of the policy, in order to ensure that 'the baby wasn't thrown out with the bath water' – that the whole Bill wasn't discarded because although the clauses which impacted on the media were contentious, there were some innovative and important areas of the policy which needed to be passed.

8 Conclusion

This thesis has investigated the potential for the media in Kenya to play a more direct role in policy-making by acting as stakeholders in policy discussions rather than just as agenda setting agents in their coverage of policy events. The aim was to use the Kenyan policy-making context to find out whether globalising forces such as the World Summit on the Information Society have influenced the manner in which policy is made at the local level and whether this change has resulted in a more participatory role for the media in communications policy processes. The overall question being asked is 'what is the role of the media in communications policy processes in Kenya in 2002 - 2009', but from this question, a number of sub-questions emerged which informed the research, the theoretical underpinnings and the methodologies which were used to gather data. These questions have been answered through the analysis of the data gathered and summarised as follows:

1) *Was the process for developing the two policies a multi-stakeholder process?* The data as discussed in Chapter 7 points towards an attempt to ensure that different stakeholders were allowed the opportunity to engage in policy debates during the process of developing both the National ICT Policy (NICTP) and the Kenya Communications Amendment Act (KCAA). What is evident from both the content analysis of the KICTANet mailing list and the interviews conducted is that certain stakeholders were more active in their participations than others and that the perception of participation was greater than the reality which emerged from the data. While certain active members of the different sectors, namely civil society and the government noted positive engagement by multiple stakeholders, others (such as journalists) felt under-represented and alienated from the process. As with the findings of other research investigating the participation by different stakeholders in policy processes (such as that discussed regarding the WSIS), my thesis provides further evidence that those policy-stakeholders who are active online are active in face to face discussions as was evident from the findings that civil society were particularly active on the KICTANet mailing list, and some members of this group were more active than others and were those who engaged and participated most in face to face forums.

   Much like the situation which emerged from the WSIS, although there were avenues for participation by stakeholders outside the government such as

civil society, the reality was that there were obstacles to their real participation and input in the processes and final outcomes of the Summit. While the influence of international organisations and donors had tried to instil the groundwork for MSPs within Kenya through training, funding and the development of tools such as the KICTANet mailing list, much of it was done at a superficial level which meant that participation was limited to those who were already active participants without creating real avenues for engagement by diverse stakeholders and policy-makers.

2) *Were the media active stakeholders within the multi-stakeholder process?* It is clear from the data and the discussions provided in Chapters 6 and 7 that the media failed to engage as active stakeholders in either the NCITP or the KCAA. Despite the attempts to engage the media in policy discussions and debate, such as through workshops, meetings and the KICTANet Media mailing list, there was little engagement and discussion from those within the media fraternity (be it the press or broadcast media). While some discussion occurred between the government and media organisations (especially the Media Owners Association), journalists felt under-represented and excluded from the process and were also not willing to put themselves forward to participate meaningfully.

3) *Were the media given the space and opportunity to engage with other stakeholders to express their views about the policy?* As noted above, the groundwork for a multi-stakeholder process was established through the use of the mailing list, and face to face forums, but without a real understanding of the challenges of ensuring participation by stakeholders such as the media, and particularly the press which is a partisan and commercial industry with its own challenges and conventions. The ability of print journalists to engage in policy processes is hampered by their affiliation with their newspaper and its affiliations with politicians, political parties and businesses, and these kinds of limitations were not taken into consideration when the policies were being debated. The political context during which the KCAA was developed also made it difficult for the press to engage in direct discussion with the government, who had recently accused it of inciting violence and who it regarded as attempting to restrict media freedom. The NICTP was developed during a period in which the development of ICTs was new to Kenya and thus more needed to be done to educate and

      engender a sense of importance about ICTs within the journalists in order to ensure their participation.

4) *How, if any, did the media influence the process of developing and drafting these two policies?* In the first case study which looked at the development of the NICTP, the press played no role in influencing the debates or discussions which were conducted around the policy and no role in influencing the agenda or direction the policy took through their coverage of the policy. The second case study was greatly affected by the context in which it was developed, as discussed above, which strongly influenced the manner in which the media responded to the policy and the discussions which took place during the policy-making process. While the press failed to engage in discussions and debates around content of the media in any meaningful way, they did influence the policy itself, as a result of the coverage provided in Kenya's two biggest daily newspapers. Not only was the tone of newspaper coverage largely negative towards the Bill, but the media employed the tactic of 'blacking out' supporters of the Bill which resulted in biased, subjective and misleading reporting. The government felt the need to respond to the media's coverage through paid advertisements and the end result is that soon after publishing the KCAA, the government sent the policy back to parliament to make amendments to the clauses which the media felt were contentious.

Perhaps in an ideal situation the context in Kenya would have allowed for a more successful MSP, where stakeholders from diverse sectors engage equally in policy discussions and are equally influential in guiding policy-makers. This ideal however also requires equal commitment from all stakeholders and a shared responsibility during difficult periods of debate and discussion. This was the biggest failing during the development of the policies examined, a lack of responsibility and commitment from stakeholders from diverse groups, but instead a sense of entitlement and ownership without the hard work which this demands.

The main contribution of this thesis is in examining the possibility of a global phenomenon, namely multi-stakeholder partnerships, within a local context. Examining globalisation and the development of MSPs at the global level in a detailed manner, provided extensive knowledge about the shortcomings, challenges

and potential for MSPs to work at the local level. This, coupled with the detailed political, social and economic context of Kenya and the extensive interviews and data gathered, allowed this thesis to successfully analyse the extent of multi-stakeholderism within a local context. Despite the failure of the multi-stakeholder process in the case studies, this thesis has provided data which can be used by other African contexts to enable a more diverse and participatory process in policy-making. By highlighting the shortcomings and failures of the Kenyan policy development processes, this thesis has contributed to the gap in knowledge about multi-stakeholder partnerships in communications policy and how to work towards their success.

While the experience of global, transnational civil society organisations has been documented by authors such as O'Siochru, Sreberny, Carpentier and Thomas, what research in this field has lacked is an examination of multi-stakeholder partnerships at the local level. The studies examined within this thesis which looked at the WSIS, the experience of the CRIS campaign and other civil society organisations at the global level were used to provide a basis from which to examine the Kenyan example. What this has done however is also highlight the limitations of these global examples in filtering down to the local level and impacting significantly at the local level. Expectations about the possibilities of MSPs at the global level have been high, but this research has pointed to the fact that policy-making is a contextual process where policy makers have to be keenly aware of the context in which they are working. Part of the reason why the model created on page 17 (Figure 4) uses broad terms such as 'interest groups' and 'civil society' is that it allows for specific contexts to be inclusive of relevant stakeholders rather than being dogmatic about who should be included in MSPs. Malena, for example, argues that "the identification of relevant stakeholders and an "optimal" level of inclusion must…derive directly from the specific purpose and goals of the partnership" (2004, pg7).

What is significant in the data which emerged from the research and the lack of media engagement in the policy processes is the need for a greater sense of media 'ownership' of the tools which were being used as methods for debate and discussion. As a result of the fact that both the mailing list and the face-to-face interactions were strongly dominated by civil society and particularly by KICTANet, the media perhaps sense a lack of ownership of these spaces and were reluctant to engage in the debating process. If, perhaps, the mailing list had been established

with a greater sense of media ownership and responsibility for its continued growth, the participation by the media may have been greater. This has implications for future multi-stakeholder engagements which require a greater understanding of the different stakeholders, the spaces in which they work, and what they require to fully engage and participate in partnership for policy development.

An equally important contribution of this thesis is the insight it provides into understanding the role of the media in communications policy development within the Kenyan context. Although the media failed to engage as stakeholders in both online and face to face discussions regarding either of the policy case studies, this thesis does provide further evidence of the strong influence of media coverage on policy-makers and the policy-making process. It has also further supported the notion that the press are strongly influenced by context and at the local level by political and economic affiliations. As a result of Kenya's unique context, the media failed to engage in policy debates at a meaningful level, and it was these contexts that policy-makers should have taken into consideration in their effort to engage the media in policy debates.

8.1 Reflection and limitations

While I am confident of the contribution of this thesis to the knowledge about the role of the media in communications policy, I am also aware of its limitations and its shortcomings. This has been addressed previously in Chapter 5 where the pragmatic nature of fieldwork, especially in a developing country where internet and telephone access is erratic, was detailed. If different time constraints (i.e. more time) had been allocated to fieldwork and the opportunity to interview more respondents from different sectors had been available, the data would have been richer and more detailed. The ability to interview more respondents was also hampered by financial constraints which meant that I was not able to spend more than three weeks in Nairobi to conduct all my interviews. If I was able to spend more time in Kenya or make two trips, I believe I would have been able to conduct follow-up interviews after I had conducted my content analysis which would have allowed me the opportunity to use that data to gather perceptions and information from my respondents. If I had unlimited funds with which to undertake my research, I would have returned to Kenya after having carried out the content analysis on both the newspapers and KICTANet mailing lists in order to use that data to question perceptions about the multi-stakeholder nature of the policy processes. I believe this

would have generated useful and rich data which would have added greatly to the analysis of the media's role in communications policy in Kenya.

Another limitation which this thesis has is not looking broadly at the media, but looking quite specifically at the press in Kenya. As mentioned in Chapter 5, the nature of fieldwork meant that I was not able to interview many broadcast journalists and time constraints meant not being able to conduct a content analysis of television stories broadcast about the two case studies (if indeed there were any). While this thesis has successfully examined the role of the press in communications policy in Kenya, it would have been interesting to include more broadcast journalists and to investigate whether the broadcast sector had the same kind of negative reaction to the KCAA as the printed press.

8.2   Looking to the future: the potential for further research

This research provides insight into the potential for changing the way communications policy is debated and developed, particularly within the African context where political and economic influences are unique. By illustrating the shortcomings of the Kenyan media to engage as meaningful stakeholders within the policy-making processes, lessons can be learnt by both the media and policy stakeholders in other African countries which can ensure a successful MSP. If the media had engaged during the debating of the policies, they would perhaps have avoided having to use the press in a negative and biased manner to influence the final outcome. In the same way that, if the other policy stakeholders had considered the context within which the press operate in Kenya and engaged with media practitioners at different levels (organisations, trade unions, managers, editors and journalists), they may have been more successful in ensuring the participation of the press at pertinent points within the policy-making process.

Avenues for future research which emerge from this thesis include the opportunity to investigate the broader media sector's engagement within policy-making processes, by including the broadcasting media in research on their role in policy development. The nature of the printed press and the fact that it is a partisan industry which is strongly influenced by political and commercial interests means that the findings of content analysis within this thesis are particular to the printed press and although the general findings do not exclude the online and broadcasting

media, they have not been specifically researched in this case. It would provide useful and interesting data to be able to conduct a content analysis of both the national broadcaster as well as a commercial broadcaster in Kenya in order to understand whether the broadcasting sector did react differently to the policies being examined, and within this sector if there were differences based on funding (i.e. public funding and private funding).

8.3 Concluding remarks

I had started this thesis with the notion that the policy-making processes in Kenya were very different to what emerged from the findings of this thesis. Having worked with policy stakeholders during the process of developing the NICTP, I was certain that multi-stakeholderism was at the centre of communications policy development in the country. What the data has revealed is that although there is some engagement by policy stakeholders other than government in the policy-making processes, it is of a superficial nature and fails to ensure real diversity and participation by multiple stakeholders from different sectors. Although certain members of diverse sectors are active during the policy development phases, little real engagement takes place by a diversity of stakeholders from different sectors.

What has emerged is that the media are a powerful influence on policy processes in Kenya, but rather than influencing policy through engagement with other stakeholders in MSPs, they used their newspapers, as was the case with the KCAA, to reflect a biased position which then ultimately influenced the policy itself once it had been passed. While this may seem a counter-productive means through which to play a role in policy development, one has to consider the context in which the press work and the value placed on policy engagement by all stakeholders in order to fully grasp the manner in which the press reacted to the Kenya Communications Amendment Bill. I would not regard this reaction by the media as a failure on their part to engage in effective policy-making, but a failure on the part of all stakeholders (including the media, government, civil society and the private sector) to take into consideration the political context and the context in which the media work. Although many stakeholders had perceived the processes of developing both policies as multi-stakeholder processes, the reality was that they failed to learn from the lessons learnt at the WSIS and failed to ensure real commitment, engagement and participation by those who would be affected by the policies examined.

This does not mean that the media do not have a role to play within communications policy in both Kenya and within other African countries. The lesson learnt here is that context has to be considered and that responsibility for a policy-making process has to be reached by stakeholders before the process begins otherwise there is a lack of ownership and commitment to the policy being made. One cannot simply say that a process is multi-stakeholder and hope that it will become so, instead, stakeholders have to use the tools available to them (both online and in face to face interactions) to engage all stakeholders and avoid problems which will emerge when stakeholders feel unrepresented and forced to react negatively – as the press did in the case of the KCAA in Kenya. Despite changes in the political context over the last fifty years, little had changed in the way communications policy was developed over the period of investigation in this thesis, but even this knowledge is a step towards ensuring more participatory and diverse engagement in policy-making in the future.

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10 Appendix 1: List of Interviewees

Media:

- David Matende: Chairman Kenya Union of Journalists
- Esther Kamweru: Executive Director Media Council of Kenya
- Grace Githaiga: Journalist, media lobbyist, co-ordinator Kenya Community Media Network
- James Ratemo: ICT Reporter Standard Newspaper, President Kenya ICT Reporters Association
- Joyce Lukwiya: Freelance Journalist
- Larry Madowo: Business Reporter Standard Group
- Linus Gitahi: Group Chief Executive Nation Media Group, Chairman Media Owners Association
- Macharia Gaitho: Managing Editor of Special Projects at the Nation Media Group, Chairman Kenya Editors Guild
- Michael Ouma: Print Journalist: East African
- Michael Murungi – ICT reporter and ICT expert
- Rebecca Wanjiku: Freelance Journalist
- Rose Nzioka: Standard Group Online Editor
- Solomon Mburu: Freelance Journalist and researcher

Government:

- Alice Munyua: Director Kenya Communications Commission, Founder Kictanet
- Dr Bitange Ndemo: Permanent Secretary Ministry of Information and Communication
- Charles Njoroge: Director General Kenya Communications Commission
- Eng. John Kariuki: National Communications Secretariat, Telecommunications Consultant
- Dr Moses Ikiara: Executive Director Kenya Institute for Public Policy Research and Analysis
- Paul Kukubo: CEO Kenya ICT Board

Civil Society:

- Brian Longwe: Chairman Kenya ICT Action Network
- Marcel Werner: Chairman Kenya ICT Federation
- Muriuki Mureithi: Chief Executive Officer Summit Strategies
- Willie Currie: Communications and Information Policy Manager Association for Progressive Communication
- Victor Gathara: DFID East Africa

Academic

- Dr Peter Mbeke: Lecturer School of Journalism, University of Nairobi
- Prof Tim Waema: Associate Professor School of Computing and Informatics

11 Appendix 2: Newspaper content analysis coding sheet

<u>Newspaper Coding Sheet</u>

1. Newspaper
   01: The Standard
   02: Daily Nation

2. Story Date: _____

3. Story Title: _____

4. Page Number: _____

5. Article Size:
   01: Full Page (or more)
   02: Half Page
   03: Quarter Page
   04: Less than quarter page

6. Author:
   01: Internal Reporter
   02: Editor / Newspaper Management
   03: Owner
   04: Government Representative
   05: Press Agency
   06: Columnist
   07: External Individual
   08: Can't Determine

7. Newspaper Section:
   01: Front Page
   02: National News
   03: Provincial News
   04: International news
   05: Business
   06: Opinion
   07: Sports
   08: Arts & Culture
   09: Science and IT News
   10: Special Feature
   11: Cant Determine

8. Story Genre:
    01: News story
    02: Feature story
    03: Historical Account
    04: Profile
    05: Interview
    06: Editorial
    07: Opinion Column
    08: Letter to the Editor
    09: Advertisement / Advertorial
    10: Other _____

9. Story subject / topic:
    01: Voting on policy
    02: Signing policy into legislation
    03: Policy content
    04: Workshop or forum on policy
    05: Formal discussions around policy issues
    06: NGO driven initiative/project
    07: Government driving initiative / project
    08: Private sector initiative / project
    09: Media response to policy
    10: Government response to policy
    11: Infrastructure development
    12: Media Ownership
    13: Media Regulation
    14: Other _____
    15. NGO Response

10. Tone of Report -

Mostly Pos	Slightly Pos	Neutral	Slightly Neg	Mostly Neg
1	2	3	4	5

    01: ICT Policy
    02: Policy Process
    03: Media Regulation
    04: Media Involvement
    05: Government Processes
    06: Non-Govt Policy stakeholders

11. Main Actor sector:
    01: Government
    02: Media
    03: International Donor Organisation
    04: Local NGO
    05: Private Sector organisation
    06: Academia
    07: Other

12. Is the Main Actor the Author:
    01: Yes
    02: No

13. Actor category:
    01: Ministry Official
    02: Parliamentarian/s
    03: CCK
    04: Media Council
    05: President
    06: Prime Minister
    07: Kenya ICT Board
    08: Media Associations / organisations
    09: Journalist
    10: Donor organisation
    11: NGO organisation
    12: Private Company
    13: Professor / Academic
    14: Other
    15. Press
    16. Government

14. Portrayal of main news actor:
    01: Mostly positive
    02: slightly positive
    03: Neutral
    04: Slightly negative
    05: Mostly negative

15. Where main actor appears first:
    01: Headline
    02: 1st / last paragraph
    03: rest of story

16. Attitude towards Policy:

Mostly Pos	Slightly Pos	Neutral	Slightly Neg	Mostly Neg
1	2	3	4	5

01: ICT Policy
02: Policy Process
03: Media Regulation
04: Media Involvement
05: Government Processes
06: Non-Govt Policy stakeholders

12 Appendix 3: KICTANet mailing list content analysis coding sheet

Mailing List Coding Sheet

Author Sector:

1- Media
2- Government
3- Civil society
4- Private sector
5- Academic
6- Cant determine

Subject:

1- Kictanet initiative/issues
2- ICT / Communications policies
3- Other policies
4- ICT4D
5- Media / Press issues
6- Kenyan politics
7- Job or services advertising
8- ICT infrastructure
9- ICT conferences/events/training
10- Mailing list logistics
11- Private sector initiatives/issues
12- Government ICT sector initiative/issues
13- Best practice / comparison to other countries
14- Miscellaneous
15- CS initiatives / issues
16- Spam